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PARLIAMENT OF KENYA

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NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON DISPUTE OVER THE OWNERSHIP OF LAND BETWEEN KAMAE RESETTLEMENT SCHEME RESIDENTS AND KENYATTA UNIVERSITY

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

NOVEMBER, 2015

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ACRONYMS

C.I.D -Criminal Investigation Department

D.O - District Officer

D.O.D – Department of Defense

ELC - Environment and Land Court

KU - Kenyatta University

NLC – National Land Commission

PC -Provincial Commissioner

PIC - Public Investment Committee

TOR's -Terms of Reference

ANNEXES

i. Adoption List
ii. Minutes of the Departmental Committee on Lands
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1.0 PREFACE

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 216(1) and (5) of the National Assembly, it is my pleasant duty and honor to present to this House the Report on the dispute over the ownership of Land LR No's 11026/R and 11026/2 between Kamae Resettlement scheme residents and Kenyatta University.

The Report arose out of concerns raised by the Member of Parliament for Roysambu Constituency the Hon. Isaac Waihenya, M.P., who appeared before the Committee On 27th January 2015, the area Member of Parliament informed the Committee as follows, that:-

i. There exists a conflict between Kenyatta University and Kamae resettlement scheme residents;
ii. The University has been trying to evict Kamae residents even though they possess allotment letters to the land;
iii. Previous University administrations had no conflict with Kamae residents although the current university administration intends to evict the Kamae residents to pave way for the construction of a Children's Hospital;
iv. The university has incited students through the Students Union against Kamae residents;

The member requested the Committee to intervene in the dispute with a view to establishing the bonafide owners of the disputed land, LR No 11026/R and LR11026/2.

1.1 MANDATE OF THE COMMITTEE

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

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.

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

1.2 COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:

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

1.3 MEETINGS AND VISIT TO KAMAE SETTLEMENT SCHEME

1.3.1 The Committee resolved to undertake an inspection visit to Kamae Resettlement Scheme. The Committee thereafter visited the area on Thursday 29th January 2015 to appraise itself with the matters on the ground and received evidence from the residents

of Kamae Resettlement Scheme; where the Member of County Assembly and Chairman, John Waweru Njuguna presented evidence on behalf of the area residents;

1.3.2 On March 2015 the Committee held a meeting with Kenyatta University Administration where Prof. Olive M. Mugenda – Vice Chancellor, accompanied by Prof. Ratemo Michieka-Chairman of the University Council, , Dr. Nelson Karagu - Registrar, Mr. Njoroge Regeru - Advocate, Mr. Wilson Mwihuri - Advocate Mr. Thuo Paul - Legal Assistant, Feksi Mkasiaki - Legal Assistant, Aaron Tanui - S. Legal Officer appeared before the committee and submitted their evidence;

1.3.3 On Thursday 5th march 2015, the Committee held a meeting with the Ministry of Lands, Housing & Urban Development where Mrs. Mariamu El-Maawy, Principal Secretary accompanied by Mr Peter Kahuho, Ag. Lands Secretary appeared before the committee and submitted the Ministry's evidence;

1.3.4 On Thursday 5th March 2015 the Committee held a meeting with the National Land Commission where Chief Executive Officer Mr. Tom Aziz Chavangi accompanied by Mrs. Edith S.L. Olando -Deputy Director Land Administration appeared before the Committee and also submitted evidence;

1.4 COMMITTEE OBSERVATIONS

Having held meetings, undertaken the fact finding visit and considered the submissions presented, the Committee made the following general observations:-

1.4.1 COMMITTEE OBSERVATIONS

The Committee makes the following observations:-

1. The matter is active before the Courts and therefore sub-judice;
2. That Kenyatta University has a genuine title deed to the land occupied by Kamae squatters;
3. The total area encroached into is 135 acres and 40 acres is occupied by the original squatters whereas the rest of the area is occupied by squatters who have erected permanent storey buildings;
4. The squatters have occupied riparian land which is approximately 10 acres. Although the university agreed to increase the land occupied by squatters by 10 acres so that they could forgo the riparian land;
5. There exists a continuous negotiation at different levels of government whereby the prison department agreed to set aside 25 acres to be divided between the university and the squatters who will receive 17 acres. The remaining 6 acres will be surrendered to

the University and the squatters shall release 17 acres to the university to build hostels, Doctors plaza and other supporting buildings for the Children hospital;

6. There has been earlier ruling to the effect that Kamae squatters were trespassing on the land by Justice Rimita;
7. The University has a genuine title deed issued in 1977 to the land although it surrendered the same to the Ministry of Lands, Housing and Urban Development for the excision of the 40 acres donated to the squatters and by 2002 the land was private Land;
8. The presence of squatters has inhibited the University from carrying out its Mandate i.e developing facilities to aid in education and research.

1.4.2 FURTHER OBSERVATIONS

1 The Committee further observed that the matter had been subject of scrutiny by the Public Investments Committee (PIC) which recommended for a formation of an Inter-Ministerial Committee to look into the matter with the following Terms of Reference (TOR's);

i. Identify the Bona fide original squatters or their heirs in terms of households;
ii. Plan for their settlement on a piece of land to be agreed on by Kenyatta University;
iii. Identify the illegal squatters and deal with them according to the law;
iv. Get the original letters of allotment to confirm their validity;
v. Withdrawal of existing letters of allotment in order to re-examine the allocation;
vi. Any other issue incidental on the above.

2. The select Inter-Ministerial Committee thereafter dealt with the matter and recommended as follows, that;

i. The genuine squatters occupying Kenyatta University land at old Kamae village be moved to a new site which had been agreed on, as soon as is practicable;
ii. Letters of allotment issued to genuine squatters be formalized;
iii. Those letter of allotment irregularly issued to illegal squatters including those for Riparian Reserve be cancelled;
iv. Plots that has discrepancies in terms of ground ownership and name confusion be cancelled and reissued as appropriate; and,
v. Kenyatta University be advised to fence off their land to stop further encroachment.

1.4.3 COMMITTEE RECOMMENDATION

The Committee makes the following recommendation, that;-

The Government should implement the recommendations of the Public Investments Committee (PIC) and the select Inter-Ministerial Committee.

1.5 ADOPTION OF THE REPORT

The Members of the Departmental Committee on Lands have pursuant to Standing Order 199 adopted this Report on dispute over the ownership of land between Kamae Resettlement Scheme Residents and Kenyatta University as affirmed by the attached Annex I on Friday 29th May 2015.

1.6 ACKNOWLEDGEMENT

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

I take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and hard work which enabled us to complete the tasks within the stipulated period.

The Committee is also grateful to all the witnesses/general public who made submissions and presentations before the Committee during the fact finding visit. Their Contributions gave the Committee the much needed insights into the issues under investigations and possible solutions.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this Report on dispute over the ownership of land between Kamae Resettlement Scheme Residents and Kenyatta University to the House pursuant to the provisions of Standing order 199.

SIGNED ..... DATE 11.11.2015

THE HON. ALEX M. MWIRU, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON LANDS

2.0 BACKGROUND

2.1 The conflict between Kenyatta University and Kamae resettlement scheme residents over the property started sometime in 1963/64;

2.2 Kamae residents claim that their parents requested President Jomo Kenyatta to settle them on the land they were occupying. The President agreed to their request and told them to stay in the land and cultivate it;

2.3 Kenyatta University claims that it is a registered Proprietor of the property known as LR NO. 11026/2; and the squatter problem on the property started sometime in 1963/64, when some people working in Njiru Quarry settled on the property which then belonged to the then Temple Barracks;

2.4 The University has tried to resolve the squatter problem by excising 30.82 Acres and allocating the same to the squatters. However, the same squatters have made more demands on the remaining University's Land and the presence of the squatters has enormously inhibited the University from carrying out part of its core mandate, namely, developing facilities to aid in education and research.

2.5 Kamae Settlement Scheme residents claim that Kenyatta University has done all it could to evict them from the land they believe it is their ancestral land, first by digging trenches measuring 2 metres in depth posing as a risk to them, court cases and seeking the help of National Land Commission.

2.6 This dispute between Kenyatta University and Kamae Settlement Scheme residents has culminated into several court cases.

3.0 MEETING WITH THE KAMAE RESETTLEMENT SCHEME RESIDENTS

The Committee visited the area on Thursday 29th January 2015. The Member of County Assembly and Chairman, John Waweru Njuguna representing the area residents informed the Committee as follows that:-

Historical Background

3.1.1 In 1900s family group of herders and peasant farmers were occupying the whole stretch of land from Nanyuki railway line to Thika road (currently Thika super highway). This land borders Kamiti detention camp on the far west and former sukari ranch on the eastern side of Thika road. Their great grandfathers cultivated the vast land and also grazed their livestock on this land;

3.1.2 The place was bushy and infested with wild animals. The set ups of these families were homesteads whereby the whole family occupied large area with traditional huts and natural fences. Just but a few of these families were: Ambo wa Gitau, Kiringu wa Meru,

Maiiba wa Kamura, Buthii, Muthungururu, Silvester Ateku (baba Sera), Gituguru Kimani,Wachira wa Karitii, Muhia wa Kiromo amongst others;

3.1.3 Mr John Howard a white settler pushed them further to pave way for construction of Temple barracks, currently Kahawa Barracks. The local families provided cheap labour during the construction while still cultivating and herding on the farm;

3.1.4 Other white settlers had established a coffee plantation, quarry mines and ranches within the neighbourhood. These plantations included Kiu River Coffee Estate, Kwa Munene Coffee Estate, Sukari Ranch and Gwa Kenda. This led to an emerging need for cheap labour and some residents from the village were forced to provide cheap labour in these plantations;

3.1.5 Kamiti prison which border Kamae on the west side closed its detention camp after independence in 1963 which led to an influx of more than 300 former detainees who could not trace their areas of origin. This led to the expansion of the village. They made makeshift structures while still cultivating food crops on the expansive land which had no restriction. Railway workers and quarry workers also joined in the village;

3.1.6 The alienation of land after independence to various institutions commenced and the institutions fenced off their Land i.e. Kamiti Prison, Railways and Kahawa Barracks. The Temple barracks was converted to a constituent college of Nairobi University now (Kenyatta University);

3.1.7 Former detainees formed a traditional dancing group (Nyakinyua) which used to entertain at different forums. In 1974 while entertaining founding president Mzee Jomo Kenyatta at his Gatundu home, the group requested him to settle them on the land they were occupying. The president agreed to their request and told them to stay and utilise the land by growing food crops since the land was fertile and water was plenty. There was no follow up on this matter since the illiteracy level was so high in the group and also the level of trust they had in the president;

3.1.8 In 1978, Kenyatta College Council was granted title deed of 447.3 hectares of land known as LR No.11026/R disregarding the fact that there were people who did not know any other home apart from Kamae village. During this time, the population had grown tremendously since the provincial administration was also settling squatters there on deserving case basis. This was done through the area chiefs and headmen;

Efforts to resettle the squatters

3.1.9 In 1989, Kenyatta College administration petitioned the government to find alternative land for the squatters who were settled even before the granting of the title deed to the

Institution. The government responded by noting that it had not identified any land to settle the squatters, but requested Kenyatta College to settle them in the same land they were occupying;

3.1.10 In its effort to settle this matter, Kenyatta University came up with a proposal to settle the squatters on a piece of 30.8 acres. This resulted to several deaths when efforts to settle the squatters were carried out e.g. The late Wachera, the late Kamae Chairman Kimani. The number of squatters were so many and whoever came up with the offer ignored and overruled many underlying factors which included:-

a) The Kamae residents were, born, educated, married and bred in Kamae where they reside and had no other place to call home; hence have a right to be considered;

b) No input of the local community was sought during this offer and subsequent conducting of the census by the Kenyatta University students alone. Even the provincial administration was not involved. This had a negative effect to every effort tried by the provincial administration to settle the squatters since the data which they relied on did not reflect the population on the ground;

c) The population had expanded tremendously due to the development of the neighbouring estates and the only affordable place to live for the poor people who were depending on the construction industry which was flourishing was in Kamae;

d) Within one homestead there were more than three structures but the students who took the census were under clear instructions to pick only one house belonging to the head of the family. This resulted to omissions with University working with incorrect data;

e) After the decision of the 30.8 acres offer was reached at, it took more than 20 years before the 30.8 acres could be demarcated successfully thus still encouraging the expansion of the village. None among the beneficiaries agreed to construct on their respective plot. This was due to the fact that the plots were small in size (28x57ft) and only 670 people were to benefit out of more than 3000 deserving cases. Those who were left out in the allocation were more than 2000 deserving cases with structures. To compound the situation, there was no public utility land set aside in this planning;

f) The proposed excision was treated with skeptism by the Ministry of Lands who wondered how the infrastructure would be catered for and the rationale of 30.8 acres accommodating 670 people who had families. The Ministry observation

was the total number of beneficiaries should be 3350 people. The Ministry proposed further discussion for a practical solution to be found. The Lands Ministrys advice was ignored and they went ahead and allocated 670 people leaving more than 2000 people unsettled;

3.1.11 On 22nd November 2000 during a presidential public rally at Korogocho in Kasarani, after conceding to a request by the area Member of Parliament, former President Daniel Arap Moi ordered the Nairobi Provincial Commissioner - Mr. Cyrus Maina to settle landless families living on government land in Kamae and Korogocho slums in Nairobi;

3.1.12 On the same day, the president instructed the Nairobi Provincial Commissioner - Mr. Cyrus Maina to ensure that the appropriate subdivision of the land is done in those two slums and individual title deeds given to those occupying the plots. The president further directed that the 573 people be settled in Kamae by the founding President of Kenya be given additional land. In addition, he ordered that land measuring 70 acres near Kenyatta University be used settle to the descendants of the squatters;

3.1.13 On 4th July 2001 after the president's directive, the Nairobi Provincial Administration conducted a balloting exercise for the descendants of Kamae settlers. The aforesaid ballot papers bore the details of the resettlement plots on the fronts and were signed and stamped at the back by the District Officer Kasarani;

3.1.14 A ballot list was compiled by the National Provincial Administration for the Kamae Settlers and their descendants were issued with ownership certificates known as Kamae Project Phase two. Savannah Land Surveyors was appointed to subdivide the government land;

3.1.15 On 29th July 2002 the Commissioner of lands issued letters of allotment marked Ref No. 44495/V titled unsurveyed plots nos xxxx- Kamae resettlement scheme phase.

3.1.16 The letters of allotment were delivered to the squatters through the office of Nairobi Provincial Commissioner and these letters were handed over to the appointed surveyors for delivery to the allottees upon paying an initial fee of KShs. 1,560.00. By then Kamae residents were poor and illiterate, so they were easily convinced by Kenyatta University administration agents that the letters were fake and what was important was the certificates they had received;

3.1.17 Most of Kamae residents did not find any need to get their certificates and the Kenyatta University had achieved its intended purpose the squatters not writing back to the Commissioner of Lands accepting the offer and paying the required fee of Kshs. 1,560. However, a few people did accept the offer and paid the required amount but most of the squatters went ahead to take possession of the allotted plots and put up structures;

3.1.18 Kenyatta University instituted a civil suit claiming that there was a group of people who had invaded University land and were subdividing it and selling it to unsuspecting members of the public;

3.1.19 On 24th February 2006, the University administration placed caveat emptor on the local papers warning members of the public against buying university land;

3.1.20 The allotment letters clearly indicated the area allotted was approximately 0.020 hectares with a term of 99 years with effect from 1st August 2002. Nothing in the allotment letters prevented the original allottees from entering into a willing seller willing buyer arrangement with any member of the public. Indeed a few original allottees entered into such arrangements;

3.1.21 The letters did not also specify the types of structures to be erected on the plots. Both permanent and semi-permanent structures have been erected on the plots;

3.1.22 On 14th August 2007, Kenyatta University administration without any right sent its agents to Kamae Settlement Scheme who dug trenches measuring 2 metres in depth posing a risk to residents of Kamae;

3.1.23 Kenyatta University was awaiting the outcome of civil suit HCCC No.1460 of 2002 which was expected to sail through without any opposition so that they could demolish structures on what they refer to as University, land thereby evicting all resettled squatters;

3.1.24 In January 2015, the Chairman, National Land Commission Dr. Mohammad Swazuri accompanied by the University Vice Chancellor Professor Olive Mugenda visited Kamae village and gave a directive for the residents to vacate within a month disregarding the historical background of the residents;

3.1.25 Kamae residents believe that the land in question is their ancestral land and evicting them from the land is dispossessing them of what rightfully belongs to them and the efforts to deliberately evict them and deny them title deeds amount to a historical injustices.

3.2 MEETING WITH THE KENYATTA UNIVERSITY ADMINISTRATION

Prof. Olive M. Mugenda – Vice Chancellor, accompanied by Prof. Ratemo Micheka-Chairman of the University Council, Dr. Nelson Karagu-Registrar, Mr. Njoroge Regeru-Advoate, Mr. Wilson Mwihuri-Advocate Mr. Thuo Paul-Legal Assistant, Feksi Mkasiaki-Legal Assistant, Aaron Tanui-S. Legal Officer informed the Committee as understated:-

3.2.1 Kenyatta University is the registered Proprietor of the property known as known as LR NO. 11026/2 – Kahawa – Kenyatta Univesity, situated at Kahawa Nairobi. Pursuant to

Grant IR 33404 issued on 1st October, 1977. By the said Grant, Kenyatta university is recognized in law as the sole, absolute and exclusive owner of the property;

3.2.2 The squatter problem on the property started sometime in 1963/64, when some people working in Njiru Quarry settled on the property which then belonged to the then Temple Barracks. In 1984, a list of the squatters totaling 670 was prepared by the Provincial Administration and a copy of this list was given to the University;

3.2.3 In 1986, the Provincial Administration started the process of settling the Squatters. The University requested Undugu Society to assist in the settlement exercise by demarcating the plots;

3.2.4 At its 7th Special meeting held on 30th September 1988, the University Council considered the squatter problem and approved the excision of 30.8 Acres for settlement of the squatters, whose excision was conditional to the Chancellor's approval.

3.2.5 According to the Minutes of a meeting held on 30th June 1990 between the University Administration, the Provincial Commissioner and the Ministry of Lands and Settlement where, it was agreed that while the provincial Commissioner was still searching for alternative land to settle the squatters permanently, the squatters would be moved to a portion of the College's land marked B – consisting of 30.82 Acres;

3.2.6 The Director of Surveys in the Ministry of Lands and Housing and Urban Development provided a Surveyor to excise the 30.82 acres. This excision was completed in November 1992;

3.2.7 There were several meetings between 1993 and 1996 during which the University expected the provincial Administration to act and settle squatters on the surveyed land;

3.2.8 On 26th November 1996, Kamae Squatters wrote to the University requesting the University to take over the sub-division of the plots while alleging the following, that:-

i. The provincial Administration was unable to sub-divide the already excised land.

ii. They paid survey fees and yet they were not being rendered services.

iii. They could pay a second time to the Kenyatta University if it was going to resolve the issue.

3.2.9 Further consultations took place and the City Council Surveyors were requested to Sub-divide the excised plot, which exercise generated into eight hundred and seventy eight (878) plots, rather than the initial six hundred and seventy (670) which was the number of squatters initially identified;

3.2.10 in May 1997, the Provincial Commissioner's Office tried to allocate the sub-divided plots but this resulted into a riot as reported in the Daily Nation of 8th May 1997;

3.2.11 In a letter dated 26th June, 1997 the District Officer, Kasarani submitted a list of four hundred and seventy (470) persons, alleging that a further two hundred and twenty seven (227) cases were deserving to be allotted land and that ninety (90) plots were water-logged. This complicated the matter as the University was being asked to give more land beyond the approved 30.82 Acres;

3.2.12 Kamae Squatters wrote a complaint letter on 30th July, 1997 alleging that:

i. The 30.82 acres initially allocated to them was sub-divided into eight hundred and seventy (878) plots, rather than the six hundred and seventy (670) plots as earlier agreed;
ii. Their adult children deserved to be allotted land;
iii. The land lacked public facilities;
iv. Roads measured 40ft instead of 20ft, thus reducing the sizes and plot numbers;
v. They were objecting to illegal selling of the plots by the administration; and
vi. They were asking for revocation of this allocation and a re-allocation be done.

3.2.13 This letter was copied to Permanent Secretary, Office of President, Provincial Commissioner Nairobi, Vice-Chancellor Kenyatta University and Director of CID;

3.2.14 In a meeting held on 23rd June 1997 chaired by the District Officer, Kasarani, during a visit to the site resolved that:-

i. The Squatters formalization be completed and the 208 plots which were reportedly sold illegally be revoked and re-allocated fairly.
ii. The Provincial Administration through the District Officer, Kasarani be requested to give a list of those Kamae members who have been allocated plots.

3.2.15 The Public Investment Committee (PIC) of the National Assembly deliberated on the matter and directed that only the genuine original squatters were to be settled;

3.2.16 The PIC recommended for a formation of an Inter-Ministerial Committee to look into the matter with the following Terms of Reference (TOR's)

i. Identify Bona fide original squatters or their heirs in terms of households.
ii. Plan for their settlement on a piece of land to be agreed on by Kenyatta University;
iii. Identify the illegal squatters and deal with them according to the law.
iv. Get the original letters of allotment to confirm their validity.
v. Withdrawal the existing letters of allotment in order to re-examine the allocation.
vi. Any other issue incidental on the above.

3.2.17 The select Inter-Ministerial Committee recommended as follows, that:

i. The genuine squatters occupying Kenyatta University land at old Kamae village be moved to a new side which had been agreed on, as soon as is practicable;

ii. Letters of allotment issued to genuine squatters be formalized;

iii. Those letter of allotment irregularly issued to illegal squatters including those for Riparian Reserve be cancelled;

iv. Plots that has discrepancies in terms of ground ownership and name confusion be cancelled and reissued as appropriate; and,

v. Kenyatta University be advised to fence off their land to stop further encroachment.

3.2.18 Pursuant to the PIC advice, the University requested the Provincial Administrator to provide security around the area. Erection of standard temporary security GSIU huts was found necessary in order to cater for Administration Police Officers camp;

3.2.19 As the University was preparing to cede 30.82 acres, some new squatters were moving in and occupying land outside the agreed 30.82 acres;

3.2.20 On realization of increased encroachment into the land, the University went to court to seek for immediate eviction of the new illegal squatters. Court orders were issued but the Squatters ignored the same;

3.2.21 Pursuant to the PIC recommendations, the University dug a trench measuring 1500 x 1500mm to mark the boundary. This was done since the earlier chain link fence had been vandalized;

3.2.22 On realizing that the University had dug the trench, the squatters sued the University to compel the University to stop further action;

3.2.23 On 6th February 2003, Justice Rimita issued orders barring the Defendants from trespassing on the property and further restrained the squatters from continuing with construction on the property, or interfering with the University's possession and quiet enjoyment of the property;

3.2.24 A further consent order was issued on 29th July 2008 between the University and the squatters, where the squatters were ordered to stop construction on the disputed property pending the hearing and determination of the dispute. However, the squatters have to date, been in contempt of the aforementioned court orders;

3.2.25 The University has tried to resolve the squatter problem by excising 30.82 Acres and allocating the same to the squatters. However, the same squatters have made more demands on the rest of the University's property;

3.2.26 Ten (10) more acres of land was allocated to the initial squatters who had been allotted land on the riparian land. The initial squatters were supposed to give up their plots to the University on the riparian land. (Only 30.82 were given to the squatters and 40.82 acres);

3.2.27 The University submitted its title deed to the Ministry of Land on 14th February 2008 for excision of the land and issuance of proper Title Deeds. This includes the ten (10) acres of land lying on riparian land on which nobody should develop and the 138 acres for the DOD;

3.2.28 The Provincial Administrator has been reluctant in removing trespassers on University land even when the University has requested for assistance. The University has resorted to going to Court to protect its interests over the property;

3.2.29 The University has published numerous public notices in the local dailies to warn the general public against dealings with the University Land, namely.

a) Public Notice in the Standard Newspaper of 1st October 2002.
b) Public Notice in the Daily Nation of Friday 24th February 2006.
c) Public Notices in the Daily Nation, Standard and Star Newspapers of Friday, 28th March 2014.

3.2.30 The pending cases involving the University's land are as follows:

a) Nairobi HCCC No. 1460 of 2002 (Consolidated with ELC No. 2088 of 2007 and HCCC No. 922 of 2007) Kenyatta University –vs- Kimani Mbugua and others.
b) Nairobi HCCC Number 1038 of 2012 (OS) Gabriel Ndereba & 1698 others –vs- Kenyatta University.
c) HCCC 1460 of 2002 consolidated with ELC No. 2088 of 2007 and HCCC No. 922 of 2007 as all these three cases involved the same piece of property. The latter case, HCCC Number 1038 of 2012 (OS), was filed in 2012 and it was thereafter consolidated and all the matters will be heard together;

3.2.31 According to the University's advocates, the university has reasonable chances of success bearing in mind that it holds title to the suit land which Title was issued way back in 1977. This is in contrast with the letters of Allotment which were issued to the Defendants in Nairobi HCCC No. 1460 of 2002 many years later, 2002. It would also make a compelling argument that as at 2002, the Suit Property was private land and was therefore not available for allotment to the Defendants in that Suit or to any other person;

3.2.32 Previously, the University's advocates had faced challenges in fast-tracking Nairobi HCCC No. 1460 of 2002 in view of the pending interlocutory orders which the Defendants had filed against for allegedly being in contempt by digging the aforementioned trench. However, after considering all the facts of the matter, Lady Justice Gitumbi directed that the main suit proceed for hearing and the matter has now been set down for hearing 2nd June 2015;

3.2.33 Under the Land Act, act No. 6 of 2012, it is clear offence to invade, occupy or transact in Public (government) and or aid in the invasion of the same. The squatters have invited a substantial portion of the University's land. Regardless of the Court Orders which are still in force, the squatters have continued to build massive development on the University's property;

3.2.34 The University presented the Memorandum in order to request for the Committee's assistance in relocating the squatters from the University's land onto another parcel of land. The University believes it is the most feasible option in order to avoid the conflict that would inevitably ensue should the Court finds that the University indeed owns the land, and where the University takes measures to reclaim the property from the squatters;

3.2.35 Further, despite the Order of the Court issued by Lady Justice Angawa on 29th July 2008 stopping development on the disputed portion of the property, the squatters have continued to build massive developments on the land, thereby not only showing utter disregard of the Court Order, but also raising doubts as to their purported "squatter" status;

3.2.36 The presence of the squatters has enormously inhibited the University from carrying out part of its core mandate, namely, developing facilities to aid in education and research. Presently, the University's plans to build an ultra-modern hospital on the property have been severely hindered due to the presence of the squatters;

3.2.37 Should the situation remain as it is, the plans by the University to develop the said hospital, among other projects which are still at their infancy, risk being severely jeopardized and may even fail to materialize.

3.2.38 The Committee noted a letter dated 15th June 2015 reference no. KU/R/AD/23, the Vice Chancellor to the Chairman of the National Land commissions which in brief stated as follows, that:

a) The Vice chancellor made reference to a letter from the NLC to the Hon. Waihenya and copied to her citing a conversation where the Chairman and Hon Waihenya agreed that Kenyatta University should use the 17 acres which were not occupied

to construct a Children's Hospital and accommodation for Doctors and students for the Children's Hospital. The sentiments however were denied by Hon. Ndirangu Waihenya and the University could not move because of the hostility from the people forcibly occupying the land;

b) The Vice Chancellor sought the following from the Chairman National Land Commission:

   (i). What the Hon. Member of Parliament wishes to do with the 17 acres which were found to be free and unoccupied by the surveyor from the National Land Commission and the Kamae Surveyor;

   (ii). Why the letter asks Hon. Ndirangu Waihenya to allow Kenyatta University to utilize the 17 acres yet Kenyatta University is the rightful owner with a title deed to the land;

   (iii). Why the Member of parliament is being treated as the owner of the land yet Kenyatta University is the owner;

   (iv). As the University awaits the decision regarding the 118 acres which had been grabbed by unauthorized people, why couldn't the Commission be firm on Kenyatta University utilizing the free 17 acres for the important national project and also provide security?

c) The Issue has taken too long to be resolved and therefore requested Chairman's NLC office to summon all those involved and be instructed to ensure Kenyatta University utilizes the free 17 acres as the longer solution to the rest of the land is sought;

d) The 17 acres were currently vacant and the University seeks to fence it and construct the hospital awaiting resolution on the disputed sections which is illegally occupied. The Vice-Chancellor asserted that most of the squatters are not genuine but are landlords who bought the land illegally as the real squatters were already settled by the University on the 30 acre piece of land. She urged the government to firmly resolve the issue as it touched on public land.

3.3 MEETING WITH THE PRINCIPAL SECRETARY MINISTRY OF LANDS, HOUSING AND URBAN DEVEOLPMENT

The Principal Secretary, Ministry of Lands, Housing and urban Development Ms. Mariam El Maawy, accompanied by Mr. Peter Kahuho -Ag. -Lands Secretary appeared before the Committee on Thursday 5th March 2015 and informed the Committee as follows that:-

3.3.1 The scheme is situated on LR No.11026 and measures approximately 447.3 Ha; The

land is owned by Kenyatta University for a term of 99 years from 1st October 1977;

3.3.2 In 1984, through a Presidential directive, the University Council approved excision of 30.82 acres to settle 670 squatters that had informally occupied the land. The land was surveyed as LR no.11026/4;

3.3.3 A deed plan for it was prepared by the Director of surveys and issued to the Commissioner of Lands. However before the titling process could begin the University Council resolved to add another 10 acres to be surrendered together with L.R No.11026/4 to make a total of 40.82 acres. The extra 10 acres was added to compensate those whose plots had fallen on the riparian reserve;

3.3.4 A plan based on the surrendered land was prepared and produced 736 plots ranging from parcel no.1404 to 2139;

3.3.5 It is alleged there was a further presidential directive in November 2000 to Kenyatta University to surrender a further 70 acres. There is however no record to proof the year 2000 directive neither does the Ministry have anything in its records to show that Kenyatta University was in agreement with the referred directive. Letters of allotment were however prepared labeled Kamae Resettlement Scheme phase two;

3.3.6 The authority to allocate land in phase two was based on a recommendation by the Provincial Commissioner, Nairobi. A total of 1,737 letters of allotment were issued to individual beneficiaries even though the process of Kenyatta University surrendering the land to the government had not been done;

3.3.7 As a result of the allocation, a dispute arose between Kenyatta University and the squatters and cases no.1460 of 2002,922 of 2007 and 2088 of 2007 were filed in the High Court.

3.4 MEETING WITH THE CHIEF EXECUTIVE OFFICER NATIONAL LAND COMMISSION

The Commission's Chief Executive Officer Mr. Tom Aziz Chavangi accompanied by Mrs. Edith S.L. Olando -Deputy Director Land Administration appeared before the Committee on Thursday 5th March 2015 and informed the Committee as follows; that:

3.4.1 Kamae settlement scheme is situated on LR. NO. 11026 which measures approximately 447.3 Hectares and currently owned by Kenyatta University. The term is 99 years with effect from 1st October, 1977;

3.4.2 Physically the land stretches from Thika rood on the East to Kamiti Prison to the west. To the North is the Northern bypass and Kahawa West Estate to the South;

3.4.3 In the year 1984, a presidential directive was issued to the University Council to excise 30.82acres for the purposes of resettling six hundred and seventy (670) squatters that

had informally occupied the land. This parcel was then surveyed as LR. NO. 11026/4 and deed plan for title preparation issued;

3.4.4 However, before the Commissioner of Lands finalized the title preparation, the University Council resolved to excise a further 10 acres and add to LR 11026/4 totaling to 40.82 acres. This was to compensate those whose plots had encroached on the riparian reserve. A sub division scheme plan was prepared and 736 plots were realized ranging from parcels 1404-2139;

3.4.5 In November 2000, there was an allegation of another presidential directive to further excise 70 acres. Despite the lack of documentation to validate the directive the Provincial Commissioner facilitated issuance of letters of allotment labeled Kamae resettlement scheme Phase ll. A total of 1.737 letters of allotment were issued to beneficiaries;

3.4.6 As the issuance of letters of allotment was going on, the University Council had not surrendered the land or title to the government. Minutes of the excision plan approval by the University Council are not available in the Commissions record;

3.4.7 A dispute between the University and the squatters arose and this culminated in several cases in court. The court proceeding and outcome had not yet been availed to the Commission.

3.4.8 On the same land is a portion occupied by the DOD that needs to be excised.

4.0 COMMITTEE OBSERVATIONS

The Committee makes the following observations:-

1. The matter is active before the Courts and therefore sub-judice;
2. That Kenyatta University has a genuine title deed to the land occupied by Kamae squatters;
3. The total area encroached into is 135 acres and 40 acres is occupied by the original squatters whereas the rest of the area is occupied by squatters who have erected permanent storey buildings
4. The illegal squatters have occupied riparian land which is approximately 10 acres. Although the University agreed to increase the land occupied by squatters by 10 acres so that they can forgo the riparian land;
5. There exists a continuous negotiation at different levels of government whereby the prison department agreed to set aside 25 acres to be divided between the university and the squatters who will receive 17 acres. The remaining 6 acres will be surrendered to the University and the squatters shall release 17 acres to the university to build hostels,

Doctors plaza and other supporting buildings for the Children hospital.

6. There has been earlier ruling to the effect that Kamae squatters were trespassing on the land by Justice Rimita.
7. The University has a genuine title deed issued in 1977 to the land although it surrendered the same to the Ministry of Lands, Housing and Urban Development for the excision of the 40 acres donated to the squatters and by 2002 the land was private Land;
8. The presence of squatters has inhibited the University from carrying out its Mandate i.e developing facilities to aid in education and research.

4.1 FURTHER OBSERVATIONS

1. The Committee further observed that the matter had been subject of scrutiny by the Public Investments Committee (PIC) which recommended for a formation of an Inter-Ministerial Committee to look into the matter with the following Terms of Reference (TOR's);
   i. Identify the Bona fide original squatters or their heirs in terms of households;
   ii. Plan for their settlement on a piece of land to be agreed on by Kenyatta University;
   iii. Identify the illegal squatters and deal with them according to the law;
   iv. Get the original letters of allotment to confirm their validity;
   v. Withdrawal of existing letters of allotment in order to re-examine the allocation;
   vi. Any other issue incidental on the above.
2. The select Inter-Ministerial Committee thereafter dealt with the matter and recommended as follows, that;
   i. The genuine squatters occupying Kenyatta University land at old Kamae village be moved to a new site which had been agreed on, as soon as is practicable;
   ii. Letters of allotment issued to genuine squatters be formalized;
   iii. Those letter of allotment irregularly issued to illegal squatters including those for Riparian Reserve be cancelled;
   iv. Plots that has discrepancies in terms of ground ownership and name confusion be cancelled and reissued as appropriate; and,
   v. Kenyatta University be advised to fence off their land to stop further encroachment.

5.0 COMMITTEE RECOMMENDATION

The Committee makes the following recommendation, that;-

The Government should implement the recommendation of the Public Investments Committee (PIC) and the select Inter-Ministerial Committee.

ANNEX I

ADOPTION LIST

ATTENDANCE LIST

DEPARTMENTAL COMMITTEE ON LANDS RETREAT

SERENA BEACH RESORT & SPA, MOMBASA 27TH – 31ST MAY, 2015

DATE: 29th May 2015

AGENDA: ADOPTION OF THE REPORT ON THE DISPUTE OVER THE OWNERSHIP OF LR NO.S 11026R AND 11026/2 BETWEEN KAMAE RESETTLEMENT SCHEME RESIDENTS AND KENYATTA UNIVERSITY

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chman	
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)	V/chair	
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.	Member	
8.	The Hon. A. Shariff, M.P.	Member	
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	
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.		
15.	The Hon. Julius Ndegwa, M.P.	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.		
19.	The Hon. Gideon M. Mung'aro, M.P.	Member	
20.	The Hon. Hezron Awiti Bollo, M.P.	Member	
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.		
23.	The Hon. Lekidime Lempurkel Mathew, M.P.	Member.	
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	M.	
26.	The Hon. Thomas Mwadeghu, M.P.	Member	
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.	Member	

ANNEX II

MINUTES OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS

MINUTES OF THE 108TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 29TH JANUARY 2015, AT KAMAE RESSETLMENT SCHEME AT 2.30 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Hellen Chepkwony, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Julius Ndegwa, M.P.
8. The Hon. Kanini Kega, M.P.
9. The Hon. Patrick Makau, M.P.

APOLOGIES

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Thomas Mwadeghu, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. Esther Murugi, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Mathew L. Lempurkel, M.P.
9. The Hon. Mpuru Aburi, M.P.
10. The Hon. Francis W. Nderitu, M.P.
11. The Hon. Dr. Paul Otuoma, M.P.
12. The Hon. Francis Njenga Kigo,
13. The Hon. A. Shariff, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Sarah Korere, M.P.
16. The Hon. Joseph Oyugi Magwanga, M.P.
17. The Hon. Suleiman Dori, M.P
18. The Hon. Gideon Mung'aro, M.P.
19. The Hon. George Oner, M.P.
20. The Hon. Mpuru Aburi, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE
KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono	Clerk Assistant I
2. Ms. Ruth Mwihaki	Clerk Assistant III
3. Mr. Noah Arap Too	Research and Policy Analyst I
4. Mr. Muyodi Meldaki	Clerk Assistant III
5. Mr. Elijah Ichuara	Audio officer

MINUTE NO. DCK/LN/2015/296 PRELIMINARIES

The Chairman called the meeting to order at 2.30 p.m.

MINUTE NO. DCK/LN/2015/297 SUBMISSIONS FROM KAMAE RESSETLEMENT SCHEME RESIDENTS

Member of County Assembly and Chairman, John Waweru Njuguna representing the area residents informed the Committee as follows, that;

1. After independence, there were families who lived within the Kahawa Barracks lands;
2. Kenya Army ordered these families to leave since they needed to fence their compound. The families were told to go to the place currently known as Kamae Old Village;
3. In 1975 - 76, the founding father of the Republic of Kenya His Excellency the Late Mzee Jomo Kenyatta ordered that these people be settled on Government land;
4. In 1977, the presidents granted Kenyatta University Council 447.3 Hectares of Land Known as L.R 11026/R. This is the same land that these squatters lived on and had not been formerly settled;
5. Kenyatta University was tasked with the responsibility of finding an alternative land to settle the squatters who had occupied the alleged University land, finding difficult to get the alternative the University wrote to the office of the President recommending that the squatters be settled on a 30.82 Hectares, office of the president approved it;
6. The Chancellor approved the excision of 30.8 acres of land to settle 670 original squatters, later additional 10 acres were allocated to cater for allotees whose plots fell on riparian reserve;
7. On November 2000 during a presidential public rally at Korogocho in Kasarani President Daniel Arap Moi ordered the Nairobi Provincial Commissioner - Mr. Cyrus Maina that the 573 people be settled in Kamae as per the 1975-76 instructions of the founding President of Kenya. In addition, he ordered that land measuring 70 acres near Kenyatta University be settle to the descendants of the squatters;
8. On July 2001 the Nairobi Provincial Administration conducted a balloting exercise for the descendants of Kamae settlers. The aforesaid ballot papers bore the details of the resettlement plots on the fronts and were signed and stamped at the back by the District Officer Kasarani.
9. A ballot list was compiled by the National Provincial Administration for the Kamae Settlers and their descendants were issued with ownership certificates known as Kamae Project Phase two;

10. Savanna Land Surveyors was appointed to subdivide the government land;
11. On July 2002 the Commissioner of lands issued letters of allotment marked Ref No. 44495/V titled UNSERVEYED PLOTS for KAMAE RESETTLMENT SCHEME PHASE TWO NAIROBI and Ref No. 44495/V and titled UNSERVED PLOTS for KAMAE RESETTLEMENT SCHEME PHASE ONE NAIROBI;
12. The letters of allotment were delivered to the settlers through the office of Nairobi Provincial Commissioner and these letters were handed to the appointed surveyors for delivery to the allottees upon paying an initial fee of Shs. 1,000.00;
13. By then Kamae residents were poor and also illiterate, so they were easily convinced by Kenyatta University administration agents that the letters were fake and what were important were the certificates they had gotten;
14. Most of Kamae residents didn't find any need to get their certificates and the Kenyatta University had achieved their intended purpose, so they instituted a civil suit that there were a group of people who had invaded University land and were subdividing it and selling it to unsuspecting members of the public
15. The University sent its agents to Kamae Resettlement Scheme who initiated acts of trespass by digging trenches for the purpose of erecting a stone wall.

The Committee observed:

1. The children of the original squatters have constructed permanent, multi-storied buildings and modern bungalows in the land that they are told to vacate.
2. Since 2001 Kamae settlers have had ownership certificates titled as Kamae Project Phase Two.
3. Kamae settlers are also in possession of allotment letters titled KAMAE RESETTLEMENT SCHEME PHASE ONE AND TWO, which were issued by the Commissioner of Lands in 2002.
4. The administration that took over from President Daniel Moi and the current administration seems to be a great hindrance in resettling the squatters.
5. Parents of the squatters were poor and illiterates and were convinced by university agents not to write back to the Commissioner of lands accepting the offer and paying the required amount of money.

The Committee resolved:

1. The Ministry of Lands should issue title deeds to all Public Schools as directed by the President of Kenya with a time frame of one year.
2. The National Land Commission should establish all the public land in Githurai, Kiwanja and Zimmerman and with the aim of repossessing for the purpose of building the Public Schools.
3. The current residents of Kamae resettlement scheme should not be evicted until this matter is resolved - since they are descendants of the squatters who settled in Kamae on instructions from the founding President of Kenya.
4. The Ministry of lands should issue titled deeds for the allotted plots at Kamae Resettlement Scheme for both phase one and two.

5. The Cabinet Minister of Lands to allow the squatters to formalize their letters of offer and to formally settle this matter to rest.

MINUTE NO. DCK/LN/2015/298 **ADJOURNMENT**

And the time being four O'clock, the Chairperson adjourned the Sitting.

SIGNED .....

(CHAIRPERSON)

DATE 28th July 2015

MINUTES OF THE 130TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 5TH MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT BUILDINGS, AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Dr. Paul Otuoma, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Hellen Chepkwony, M.P.
2. The Hon. Shakila Abdallah, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Patrick Makau, M.P.

ABSENT WITHOUT APOLOGY

1.The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1.Ms. Mariamu El Maawy Principal Secretary, State Department of Lands
2.Mr. Peter Kahuho Ag. Secretary-Lands

NATIONAL LAND COMMISSION

1. Mr. Tom Aziz Chavangi — Chief Executive Officer
2. Mrs. Edith S.L. Olando — Deputy Director Land Administration

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III
3. Mr. Muyodi Emmanuel - Clerk Assistant III
4. Mr. Noah Arap Too - Research and Policy Analyst
5. Mr. Lynnette Atieno - Legal Counsel
6. Mr. Ahmed Yakub - Media Officer

MINUTE NO. DCL/LN/2015/402 PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

MINUTE NO.DCL/LN/2015/403 SUBMISSIONS FROM THE PRINCIPAL SECRETARY, MINISTRY LANDS ON VARIOUS OUTSTANDING ISSUES BEFORE THE COMMITTEE.

1. **Kamae Resettlement Scheme(LR No.11026R and LR no.11026/2**

The Committee was informed as follows, that:-

a) The scheme is situated on LR No.11026 which measures approximately 447.3 Ha;
b) The land is owned by Kenyatta University for a term of 99 years from 1st October 1977;
c) In 1984, through a Presidential directive, the University council approved excision of 30.82 acres to settle 670 squatters that had informally occupied the land. The land was surveyed as LR no.11026/4;
d) A deed plan for it was prepared by the Director of surveys and issued to the Commissioner for lands. However before the titling process could begin the University Council resolved to add another 10 acres to be surrendered together with L.R No.11026/4 to make a total of 40.82 acres. The extra 10 acres was added to compensate those whose plots had fallen on the riparian reserve;
e) A plan based on the surrendered land was prepared and produced 736 plots ranging from parcel no.1404 to 2139.
f) It is alleged there was a further presidential directive in November 2000 to Kenyatta University to surrender further 70 acres. There is however no record to proof the year 2000 directive neither does the Ministry have anything in the records to show that Kenyatta University was in agreement with the referred directive. Letters of allotment were however prepared labeled Kamae Resettlement Scheme phase two;
g) The authority to allocate land in phase two was based on a recommendation by the Provincial Commissioner, Nairobi. A total of 1,737 letters of allotment were issued to individual beneficiaries even though the process of Kenyatta university surrendering the land to the government had not been done;
h) As a result of the allocation, a dispute arose between Kenyatta University and the squatters and cases no.1460 of 2002,922 of 2007 and 2088 of 2007 were filed in the High Court.

The Committee Resolved:

That the Ministry provides the following information:

i. Communication from the Provincial Commissioner communicating the presidential directive for the award of the 30 acres and the letter from Kenyatta University accepting the presidential directive for the said allotment;

ii. Communication from the Provincial Commissioner communicating the presidential directive for the award of an additional 70 acres and the letter from Kenyatta University contesting the presidential directive;

MINUTE NO. DCL/LN/2015/404 **SUBMISSIONS FROM THE CHIEF EXECUTIVE OFFICER NATIONAL LAND COMMISSION ON VARIOUS UTSTANDING ISSUES BEFORE THE COMMITEE**

3) Kamae Resettlement Scheme

The Committee was informed as follows, that:-

a) Kamae settlement scheme is situated on LR. NO. 11026 which measures approximately 447.3 Ha and currently owned by Kenyatta University. The term is 99 years with effect from 1st October, 1977;

b) Physically the land stretches from Thika rood on the East to Kamiti Prison to the west. To the North is the Northern bypass and Kahawa West Estate to the South;

c) In the year 1984, there was a presidential directive to the University Council to excise 30.82acres for the purposes of resettling six hundred and seventy (670) squatters that had informally occupied the land. This parcel was then surveyed as LR. NO. 11026/4 and deed plan for title preparation issued;

d) However, before the Commissioner of Lands finalized the title preparation, the University Council resolved to excise a further 10 acres and add to LR 11026/4 totaling to 40.82 acres. This was to compensate those whose plots had encroached on the riparian reserve. A sub division scheme plan was done and 736 plots were realized ranging from parcels 1404-2139;

e) In November 2000, there was an allegation of another presidential directive to further excise 70 acres. There is no recorded proof, however with the backing of the Provincial Commissioner, letters of allotment labeled Kamae resettlement scheme Phase ll were prepared. A total of 1.737 letters of allotment were issued to beneficiaries;

f) As the issuance of letters of allotment was going on. the university council had not surrendered the land or title to the government. Minutes of the excision plan approval by the University Council are not in our records;

g) A dispute between the University and the squatters arose and this culminated in several cases in court. The court proceeding and outcome is not known to this office. (Kindly confirm cases 1460 of 2002, 922 of 2007 and 2008 of 2007 in the High Court). Let the two parties provide more information on the same;

h) On the same land there is a portion occupied by the DOD that needs to be excised.

MINUTE NO. DCL/LN/2015/405 **ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being thirty six Minutes past one O'clock, the Chairperson adjourned the Sitting to Friday 6th March 2015.

SIGNED .....

(CHAIRPERSON)

DATE 6th March 2015

MINUTES OF THE 136TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY, 24TH MARCH, 2015 IN THE NATIONAL ASSEMBLY CHAMBER, PARLIAMENT BUILDINGS AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Kipruto Moi, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. George Oner, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Julius Ndegwa, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. Patrick Makau, M.P.
12. The Hon. Francis Kigo Njenga, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Thomas Mwadeghu, M.P.
15. The Hon. Eusilah Ngeny, M.P.
16. The Hon. Dr. Paul Otuoma, M.P.
17. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Onesmus Ngunjiri, M.P.
2. The Hon. John Kihagi, M.P.
3. The Hon. Athman Shariff, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Joseph Oyugi Magwanga, M.P.
7. The Hon. Mpuru Aburi, M.P.
8. The Hon. Kanini Kega, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Sarah Korere, M.P.
11. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITHOUT APOLOGY

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE
KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono	Clerk Assistant I
2. Mr. Muyodi Emmanuel	Clerk Assistant III
3. Mr. Noah Too	Research and Policy Analyst I
4. Ms. Christine Odhiambo	Legal Counsel II
5. Mr. Ahmed Yakub	Media Relation Officer
6. Mr. Richard Sang	Sergeant-at-Arm

IN ATTENDANCE
KENYATTA UNIVERSITY

1. Prof. Olive M. Mugenda	Vice Chancellor
2. Prof. Ratemo Micheka	Chairman of Council
3. Dr. Nelson Karagu	Registrar
4. Mr. Njoroge Regeru	Advocate
5. Mr. Wilson Mwihuri	Advocate
6. Aaron Tanui	Senior Legal Officer
7. Mr. Thuo Paul	Legal Assistant
8. Mr. Feksi Mkasiaki	Legal Assistant

MINUTE NO. DCL/LN/2015/432 PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

MINUTE NO. DCL/LN/2015/433 SUBMISSION FROM KENYATTA UNIVERSITY

Prof. Olive M. Mugenda – Vice Chancellor, Prof. Ratemo Micheka-Chairman of Coucil, Dr. Nelson Karagu-Registrar, Mr. Njoroge Regeru-Advoate, Mr. Wilson Mwihuri-Advocate Mr. Thuo Paul-Legal Assistant, Feksi Mkasiaki-Legal Assistant, Aaron Tanui-S. Legal Officer informed the Committee as understated:

1. Kenyatta University is the registered Proprietor of the property known as known as LR NO. 11026/2 – KAHAWA –KENYATTA UNIVESITY, situated at Kahawa Nairobi ("the property.") Pursuant to Grant IR 33404 issued on 1st October, 1977. By the said Grnat, Kenyatta is recognized in law as the sole, absolute and exclusive owner of the property.
2. The squatter problem on the property started sometime in 1963/64, when some people working in Njiru Quarry settled on the property which then belonged to the then Temple Barracks.
3. In 1984, a list of the squatters totaling 670 was prepared by Provincial Administration and a copy of this list was given to the University.
4. In 1986, the Provincial Administration started the process of settling the Squatters. The University requested Undungu Society to assist in the settlement exercise by demarcating the plots.

5. At its 7th Special meeting held on 30th September 1988, the University Council considered the squatter problem and approved the excision of 30.8 Acres for settlement of the squatters, which excision was conditional to the Chancellor's approval.
6. According to the Minutes of a meeting held on 30th June 1990 meeting between the University Administration, the Provincial Commissioner and the Ministry of Lands and Settlement in 1984, it was agreed that while the provincial Commissioner was still searching for alternative land to settle the squatters permanently, the squatters would be moved to a portion of the College's land marked B – consisting of 30.82 Acres.
7. The Director of Surveys in the Ministry of Lands and Housing provided a Surveyor to excise the 30.82 acres. This excision was done by November 1992.
8. There were several meetings between 1993 and 1996 during which time the University waited for the provincial Administration to act and settle the squatters on the surveyed land.
9. On 26th November 1996, the Kamae Squatters wrote to the University requesting the University to take over the sub-division of the plots while alleging the following:
    i. That the provincial Administration has been unable to sub-divide the already excised land.
    ii. That they had paid survey fees and yet nothing had happened.
    iii. That they were prepared to pay again to Kenyatta University if it was going to resolve the issue.
10. Further consultations took place and the City Council Surveyors were requested to Sub-divide the excised plot. It appears that this land was divided into eight hundred and seventy eight (878) plots, rather than the initial six hundred and seventy (670) which was the number of squatters initially indicated.
11. Sometime in May 1997, the Provincial Commissioner's Office tried to allocate the sub-divided plots but this resulted into a riot as reported in the Daily Nation of 8th May 1997.
12. In a letter dated 26th June, 1997 the District Officer, Kasarani submitted a list of four hundred and seenty (470) persons, alleging that a further two hundred and twenty seven (227) cases were deserving alloters and that ninety (90) plots were water-logged. This further complicated the matter as the University was being asked to give more land beyond the approved 30.82 Acres.
13. The Kamae Squatters wrote a letter of complaint on 30th July, 1997 alleging that:
    i. The 30.82 acres initially allocated to them was sub-divided into eight hundred and seventy (878) plots, rather than the six hundred and seventy (670) plots as earlier agreed.
    ii. Their adult children were also deserving.
    iii. The said land lacked common facilities.
    iv. Roads measured 40ft instead of 20ft, thus reducing the sizes and plot numbers.
    v. They were objecting to illegal selling of the plots by the administration; and
    vi. They were asking for revocation of this allocation and a re-allocation be done.

    This letter was copied to Permanent Secretary, Office of President, Provincial Commissioner Nairobi, Vice-Chancellor Kenyatta University and Director of CID.

14. In a meeting held on 23rd June 1997 chaired by the Dsitrict Officer, Kasarani, a visit to the site resolved that:-
    i. The Squatters formalization be complemented and the 208 plots which were reportedly sold illegally be revoked and re-allocated fairly.
    ii. The Provincial Administration through the District Officer, Kasarani be requested to give a list of those Kamae members who have been allocated plots. The Universities received no feedback thereon.
15. Meanwhile, the Public Investment Committee (PIC) of the National Assembly deliberated on the matter and directed that only the genuine original squatters were to be settled.
16. The PIC recommended for a formation of an Inter-Ministerial Committee to look into the matter with the following Terms of Reference (TOR's)
    i. Identify Bona fide original squatters or their heirs in terms of households.
    ii. Plan for their settlement on a piece of land to be agreed on by Kenyatta.
    iii. Identify the illegal squatters and deal with them according to the law.
    iv. Get the original letters of allotment to confirm their validity.
    v. Withdrawal the existing letters of allotment in order to re-examine the allocation.
    vi. Any other issue incidental on the above.
17. The select Inter-Ministerial Committee recommended that:
    i. The genuine squatters occupying Kenyatta University land at old Kamae village be moved to a new side which had been agreed on, as soon as is practicable;
    ii. Letter of allotment issued to genuine squatters be formalized;
    iii. Those letter of allotment irregularly issued to illegal squatters including those for Riparian Reserve be cancelled;
    iv. Plots that has discrepancies in terms of ground ownership and name (s) confusion to be cancelled and reissued as appropriate; and,
    v. Kenyatta University be advised to fence off their land to stop further encroachment.
18 Pursuant to the PIC advice, the University requested the Provincial Administrator to provide security around the area. Erection of standard temporary security GCI huts was found necessary in order to cater for Administration Police Officers camp.
19 As the University was preparing to cede 30.82 acres, some new squatters were moving in and occupying land outside the agreed 30.82 acres.
20 On realization of increased encroachment into the land, the University went to court to seek for immediate evection of the new illegal squatters. Court orders were issued but the Squatters ignored the same.
21 Pursuant to the PIC recommendations, the University dug a trench measuring 1500 x 1500mm to mark land. This was done since the earlier chain link fence had been vandalized.
22 On realizing that the University had dug the trench, the squatters sued the University to compel the University to stop further action.

23 On 6th February 2003, Justice Rimita issued orders barring the Defendants from trespassing on the property and further restrained the squatters from continuing with construction on the property, or interfering with the University's possession and quiet enjoyment of the property.

24 A further consent order was issued on 29th July 2008 between the University and the squatters, where the squatters were ordered to stop construction on the disputed property pending the hearing and determination of the dispute. However, the squatters have to date, been in contempt of the aforementioned court orders.

25 The University has tried to resolve the squatter problem by excising 30.82 Acres and allocating the same to the squatters. However, the same squatters have made more demands on the rest of the University's property.

26 Ten (10) more acres of land was allocated to the initial squatters who had been allotted land on the riparian land. The initial squatters were supposed to give up their plots to the University on the riparian land. (Only 30.82 were given to the squatters and 40.82 acres)

27 The University submitted its title deed to the Ministry of Land on 14th February 2008 for excision of the land and issuance of proper Title Deeds. This includes the ten (10) acres of land lying on riparian land on which nobody should develop and the 138 acres for the DOD.

28 The Provincial Administrator has been reluctant in removing trespassers on University land even when the University has requested for assistance. The University has resorted to going to Court to protect its interests over the property.

29 The University has published numerous public notices in the local dailies to warn the general public against dealings with the University Land, namely.

a) Public Notice in the Standard Newspaper of 1st October 2002.
b) Public Notice in the Daily Nation of Friday 24th February 2006.
c) Public Notices in the Daily Nation, Standard and Star Newspapers of Friday, 28th March 2014.

30 The pending cases involving the University's land are as follows:

a) Nairobi HCCC No. 1460 of 2002 (Consolidated with ELC No. 2088 of 2007 and HCCC No. 922 of 2007) Kenyatta University –vs- Kimani Mbugua and others.
b) Nairobi HCCC Number 1038 of 2012 (OS) Gabriel Ndereba & 1698 others –vs- Kenyatta University.

31 HCCC 1460 of 2002 consolidated with ELC No. 2088 of 2007 and HCCC No. 922 of 2007 as all these three cases involved the same piece of property. The latter case, HCCC Number 1038 of 2012 (OS), was filed in 2012 and it was thereafter consolidated and all the matters will be heard together.

32 According to the University's advocates, the university has reasonable chances of success bearing in mind that it holds title to the suit land which Title was issued way back in 1977. This is to be contrasted with the letters of Allotment which were issued to the Defendants in Nairobi HCCC No. 1460 of 2002 many years later, 2002. It would also make a compelling

argument that as at 2002, the Suit Property was private land and was therefore not available for allotment to the Defendants in that Suit or to any other person.

33 Previously, the University's advocates had faced challenges in fast-tracking Nairobi HCCC No. 1460 of 2002 in view of the pending interlocutory which the Defendants had filed against for allegedly being in contempt by digging the aforementioned trench. However, after considering all the facts of the matter, Lady Justice Gitumbi directed that the main suit proceed for hearing and the matter has now been set down for hearing 2nd June 2015.

34 Under the Land Act, act No. 6 of 2012, it is clear offence to invade, occupy or transact in Public (government) and or aid in the invasion of the same. The squatters have invited a substantial portion of the University's land. Regardless of the Court Orders which are still in force, the squatters have continued to build massive development on the University's property.

35 The University presented the Memorandum in order to request for the Committee's assistance in relocating the squatters from the University's land onto another parcel of land. The University believes it is the most feasible option in order to avoid the conflict that would inevitably ensue should the Court finds that the University indeed owns the land, and where the University takes measures to reclaim the property from the squatters.

36 Further, despite the Order of the Court issued by Lady Justice Angawa on 29th July 2008 stopping development on the disputed portion of the property, the squatters have continued to build massive developments on the land, thereby not only showing utter disregard of the Court Order, but also raising doubts as to their purported "squatter" status.

37 The presence of the squatters has enormously inhibited the University from carrying out part of its core mandate, namely, developing facilities to aid in education and research. Presently, the University's plans to build an ultra-modern hospital on the property have been severely hindered due to the presence of the squatters.

38 Should the situation remain as it is, the plans by the University to develop the said hospital, among other projects which are still at their infancy, risk being severely jeopardized and may even fail to materialize.

The Committee thereafter made the following observations:-

1. The land dispute between Kamae Squatters Resettlement Scheme and Kenyatta University case has taken inordinately long time to settle.
2. That, the University plans to develop ultra-modern hospital and other projects have been affected by ongoing land dispute.

The Committee thereafter resolved that:-

1. To avert any conflict between the Kenyatta University and Kamae residents and for the university to continue with its projects this matter be resolved expeditiously.

MINUTE NO. DCL/LN/2015/435 **ADJOURNMENT & DATE OF THE NEXT SITTING**

There being no any other business, and the time being 12:45 pm; The Meeting was adjourned until 26th, March 2015 at 10:00 am.

SIGNED .....

(CHAIRPERSON)

DATE 4th August 2015

ANNEX III

SUBMISSIONS FROM THE MINISTRY OF LANDS, HOUSING & URBAN DEVELOPMENT

DD/Committee

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MINISTRY OF LAND, HOUSING & URBAN DEVELOPMENT

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

ARDHI HOUSE
1st NGONG AVENUE
OFF NGONG ROAD
P.O. BOX 30450
NAIROBI

Ref: MOLHUD/ADM/56 **4th March 2015**

Justin Bundi, CBS
Clerk of the National Assembly
Parliament Chambers
NAIROBI.

DEPARTMENTAL COMMITTEE ON LANDS – SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITTEE

Please refer to your letter ref. KNA/DCL/CORR/2015(113) dated 20th February 2015 over the above mentioned subject.

Enclosed find the statements as requested.

A. A. Ombima
FOR: PRINCIPAL SECRETARY

2. Petitions by residents of Maanoni Dam, Makueni County

a. When will the Displaced Persons Maanoni Dam be resettled.
b. What plans does the government put in place to compensate the victims whose crops were destroyed.
c. Is the government setting aside funds or land to compensate the victims;
d. Any other information relevant to the subject matter.

Answers

Seventy Five farms were acquired from the residents of Maanoni for the construction of Manoni Dam. The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme

However they could not take up their farms due to the hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots.

The government will resettle the displaced people subject to availability of suitable alternative land and funds for the purpose.

This ministry does not have funds allocated for compensation of victims whose crops were destroyed. The matter can be channeled through the Ministry of Environment, Water and Natural Resources for compensation.

3. Kamae Resettlement Scheme

(a) Information regarding the ownership, allocation, subdivision or transfer of L.R. Nos. 11026/R and 11026/2;

(b) Any other information as may be relevant to the matter.

Answers

(a) Kamae Settlement Scheme is situated on L.R. No. 11026 which measures approximately 447.3 Ha.

The land is owned by Kenyatta University for a term of 99 years from 1st October 1977. The land stretches from Thika Road on the East to Kamiti Prison on the West. To the North and South it is bordered by the Northern Bypass and Kahawa West Estate respectively.

In 1984, through a Presidential directive the University Council approved excision of 30.82 acres to settle 670 squatters that had informally occupied the land. This parcel was surveyed as L.R. No. 11026/4.

A deed plan for it was prepared by the Director of Surveys and issued to the Commissioner of Lands for titling. However, before the titling process could begin the University Council resolved to add another 10 acres to be surrendered together with L.R. No. 11026/4 to make a total of 40.82 acres. The extra 10 acres was added to compensate those whose plots had fallen on the riparian reserve.

A plan based on the surrendered land was prepared and produced 736 plots ranging from parcel no. 1404 to 2139. It is alleged, there was a further Presidential directive in November 2000 to Kenyatta University to surrender further 70 acres. In our records there is no proof to support the year 2000 directive neither do we have anything in records to show that Kenyatta University were in agreement with the referred directive. However, letters of allotment were prepared labeled Kamae Resettlement Scheme Phase two.

The authority to allocate land in phase two was based on a recommendation from the Provincial Commissioner Nairobi. A total of 1,737 letters of allotment were issued to individual beneficiaries even though the process of Kenyatta University surrendering the land to the Government had not been done.

As a result of the above allocations a dispute arose between Kenyatta University and the squatters, and Cases No. 1460 of 2002, 922 of

2007 and 2088 of 2007 were filed in the High Court. Kenyatta University and Kamae Squatters can provide more information on the said court cases.

(b) We have no more extra information regarding this matter.

4. State House Crescent Land

a. Current status and ownership of the land known as LR no.209/5581 and LR. No.209/19473,
b. Information detailing any subdivision, transfers and or amalgamations on the land;
c. Acquisation of the land by the government of Kenya, Ministry of Foreign Affairs;
d. The tendering process was carried out in procuring the contractor putting up the perimeter wall;

Answers

(a) From available records land parcel No. 209/5581 was formerly owned by City Council of Nairobi for a term of 99 years from 1st February 1965 measuring 2.14 acres for children's playground.

On 10th August 1992, this land was transferred by City Council of Nairobi to Bonventures Tours and Travel Limited.

Under unclear circumstances L.R. No. 5581 while being in the hands of Bonventures Tours and Travels Limited, it was subdivided into four (4) portions and got allocated to different individuals namely Rose Chebet and Robert Gichura, Linrose Investments and Interfarm Ltd and Archman Holdings Ltd in June 1996.

(b) The Beneficiaries mentioned under (a) above transferred their interest and titles to **Myta Development Ltd**. Myta Development

Ltd in year 2009 amalgamated the 4 titles into one parcel and became L.R. No. 209/19473 and got registered as I.R. No. 121298.

(c) We have no information regarding the acquisition of the said land by the Government of Kenya, Ministry of Foreign Affairs.

(d) We have no information regarding tendering process to procure the contractor to put up perimeter wall on parcel no. 209/19473.

5. Kilifi Land Matters

Plans by the Ministry to resettle squatters in Kilifi County and specifically the following:

6. Ihaleni Farmers Group

a. The current status of plot no.s 4236/4 5023 and plot no. 11.
b. The status of the lease and ownership of the aforementioned pieces of land.
c. Information relating to Mavueni Settlement Scheme.
d. Any other information as may be relevant to the Committee;

Answers

a. There is no information regarding plot no.s 4236/4 5023 and plot no.11.
b. Just as in (a) above, I am unable to give the required information.

c. Information Relating to Mavueni Settlement Scheme

There is Mavueni 'A' and Mavueni 'B' Settlement Schemes in Kilifi county. Mavueni A consist of 2,582 Ha with 1,109 beneficiaries. Allocation of plots was done in 1997. The scheme is yet to be registered to facilitate issuance of title deeds. Mavueni 'B' was initiated in 1986 to settle squatters

ANNEX III

SUBMISSIONS FROM THE NATIONAL LAND COMMISSION

NATIONAL LAND COMMISSION

DEPARTMENTAL COMMITTEE ON LANDS

SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE PARLIAMENTARY COMMITTEE ON LANDS

REPORT PREPARED BY:

CHIEF EXECUTIVE OFFICER
NATIONAL LAND COMMISSION

5TH MARCH 2015

2) Petition by Residents of Maanoni Dam, Makueni County

The farms of 75 residents were acquired for the construction of Maanoni Dam. The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme.

However they could not take up their farms due to hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots.

The displaced [persons can only be resettled as suitable land is sourced and funds availed to purchase it.

3) Kamae Resettlement Scheme

a) Information regarding the ownership, allocation, sub division or transfer on LR nos. 11026/R and 11026/2;

Kamae settlement scheme is situated on LR. NO. 11026 which measures approximately 4473 Ha and currently owned by Kenyatta University. The term is 99 years with effect from 1st October, 1977.

Physically the land stretches from Thika road on the East to Kamiti Prison to the West. To the North is the Northern bypass and Kahawa West Estate to the South.

In the year 1984, there was a presidential directive to the University Council to excise 30.82acres for the purposes of resettling six hundred and seventy (670) squatters that had informally occupied the land. This parcel was then surveyed as LR. NO. 11026/4 and deed plan for title preparation issued.

However, before the Commissioner of Lands finalized the title preparation, the University Council resolved to excise a further 10 acres and add to LR 11026/4 totaling to 40.82 acres. This was to compensate those whose plots had encroached on the riparian reserve. A sub division scheme plan was done and 736 plots were realized ranging from parcels 1404 – 2139.

In November 2000, there was an allegation of another presidential directive to further excise 70 acres. There is no recorded proof, however with the backing of the Provincial Commissioner, letters of allotment labeled Kamae resettlement scheme Phase II were prepared. A total of 1,737 letters of allotment were issued

ANNEX IV

SUBMISSIONS FROM KAMAE RESETTLEMENT SCHEME RESIDENTS

KAMAE RESETTLEMENT SCHEME

P.O. BOX 65837 (00607) KAMITI Mob: 0722 422407 / 0721 273670
KAMAE VILLAGE KAHAWA WEST

HISTORICAL BACKGROUND OF KAMAE

Way back in 1900s family group of herders and peasant farmers were occupying the whole stretch of land from Nanyuki railway line to Thika road currently [Thika super highway]. This land boarder's kamiti detention camp on the far west and former sukari ranch on the eastern side of Thika road. These great, great grandfathers cultivated the vast land and also grazed their livestock on this land. The place was bushy and infested with wild animals. The setups of these families were those homesteads whereby the whole families occupied with a large area with traditional huts and natural fences. Just but a few of this family were: Kambo wa Gitau ,Kiringu wa Meru,Maiiba wa Kamura,Buthii, Muthugururu,Nganga wa mbuuwa,juma wa Kiguta,Maina wa Gachunu,Mwangi Kiraiku,silvester Ateku[baba sera],gituguru kimani,wachira wa Karitii, muhia wa kiromo,and others

The white settler Mr. John Howard who had occupied. This land by then pushed them further to pave way for construction of Templar barracks, currently Kahawa Barracks. The local families provided cheap labour during the construction while still cultivating and herding their livestock.

Other white settlers had established coffee plantation, quarry mines, ranches within neighborhood .This plantations included kiu river coffee estate, kwa munene coffee estate, sukari ranch, gwa kenda .This led to emerging need for cheap labour. Some residents from the village were forced to provide labour in this plantation.

Kamiti prison which border kamae on the west side closed its detention camp after Independence in 1963 which led to influx of more than 300 former detainees who could not trace back their areas of origin. This led to the expansion of the village .They made make shift structures while still cultivating food crops on the expansive land which had no restriction. Railway workers and quarry mine workers also joined in the village.

The alienation of land after independence to various institutions started thus this institutions started fencing their land ie kamiti prison, railways and even kahawa barracks .The Templer barracks was converted to constituent college of Nairobi university [Kenyatta college]

The former detainees formed traditional dancing group [Nyakinyua] which used to entertain at different forums. In 1974 while entertaining founding president Mzee Jomo Kenyatta at his **Gatundu** home the group requested him to settle them on

the land they were occupying. The president acknowledged their request and told them to stay put and make sure they were utilizing the land maximumly by growing foodcrops since the land was fertile and water was plenty.There was no follow up on this matter since the illiteracy level was so high in the group, and also the level of trust they had on the president. In 1978 kenyatta college council was granted a tittle deed of **447.3** hectares of land known as **L.R.11026/R** disregarding the fact that there were people who do not Know anywhere else as home apart from kamae village. During this time the population had grown tremendously since the provincial administration was also settling squatter there on deserving cases approach. This was done through the area chiefs and headmen.

EFFORT TO SETTLE THE SQUATTERS

In 1989 Kenyatta college administration petitioned the government to find alternative land for the squatter who were settled even before the granting of the tittle deed on their land. The government responded by noting that it had not found any land to settle thus requesting Kenyatta college to settle us in same land we were occupying [attached copy of correspondence]

In its effort to settle this matter the Kenyatta university came up with the proposal to settle the squatter on a piece of 30.8 acres. This resulted to several **deaths** when efforts to settle the squatter were carried out, just to mention a few the late WACHERA and the late kamae chairman KIMANI .The numbers of squatter were so many and who ever came up with the offer ignore or overruled many underlying factor which included.

1] We as kamae resident have resided, borne ,educated ,married, bred in kamae and have no other place to call home and have a right to be considered.

2] No input of the local community was invited during this offer and subsequent conducting of the census by the K U students alone. Even the provincial Administration was not involved. This had a negative effect to every effort tried by the provincial administration to settle the squatters since the data which they relied on didn't reflect the the population on the ground.

2] The population had expanded tremendously due to the development of the of neighbouring estates and the only affordable place to live for the poor people who were depending on construction industry which started flourishing was in kamae.

3] Within one homestead there were more than three structures but the students who took the census were under clear instruction on to pick one house which was of the head of the family. This resulted to a lot of people being left out making Kenyatta University to work with incorrect data.

4] After the decision was arrived of the 30.8 acres offer it took more than 20 years before the 30.8 acreas could be demarcated successifully thus still encouraging the expansion of the village. But nobody among the beneficiariesagreed to construct on their

respectfulplot. This was due to the fact that the plots were small in size **28×57fts and only 670people were to benefit out of more than 3000 deserving cases**. Those who were left out in the whole allocation were more than **2000** people deserving cases with structures. To compound the situation there were no public utility land set aside in this planning.

5] The Proposed excision was treated with skeptism by ministry of lands who wonder how the infrastructure would be catered for and the rationale of 30.8acreas accommodating 670people who have families. The ministry observation was the total number of beneficially should be 3350people.[attached copy of correspondence].The ministry proposed further discussion for practical solution to be found.The lands ministryadvice was ignored and they went ahead and allocated the 670 people leaving more than 2000 people unsettled

On 22nd November 2000 during a presidential public rally at Korogocho in kasarani, after conceding to a request from the area member's parliament,

President Daniel ArapMoi ordered the Nairobi Provincial Commissioner –Mr CyrusMaina to resettle landless families living on Government land in kamaekorogocho slums in Nairobi.

On the same day, 22nd November 2000 President Daniel ArapMoi instructed the Nairobi provincial commission Mr.CyrusMaina to ensure that the appropriate Subdivision of the land is done in those two slums and individual title deeds given to those occupying the plots. The president further directed that the 573 people settled at kamae by the founding president of Kenya, President Jomo Kenyatta be given additional land measuring land in Kenyatta University to settle their descendants.

These descendants were now adults with their own families and knew nowhere else as home. President Moi noted with concern that those families had been living on this land for long and were yet to obtain title deeds.

On 4th July 2001 after the President's directives the Nairobi Provincial Administration conducted a balloting exercise for the all beneficiaries of Kamae at the Disrict Officers Kasarani office.

On 29th JULY 2002 the commissioner of lands issued letters of allotment marked Ref NO. 44495/V and titled UNSURVEYED PLOTS NOS. XXXX- KAMAE RESETTLEMENT SCHEME. The letters of allotment were delivered to the beneficiaries through the office of the Nairobi PROVINCIAL COMMISSIONER.

Kenyatta university administration by now had come up with ways to beat the whole purpose and using some of its agents convinced the Kamae people who were not only poor but also illiterate that these letters were fake and what were important were the certificates they had gotten.

Most of the people then didn't find any need to get their certificates and the Kenyatta University had achieved their intended purpose- the squatters not writing back to the commissioner of lands accepting the offer and paying the required figure of Shs. 1,560.00. However few did accept the offer and paid the required amount but most of the squatters went ahead to take possession of the allotted plots and put up structures.

When Kenyatta University realized they had achieved their goal, the instituted a civil suit that there were a group of people who had invaded University land and were subdividing it and selling it to unsuspecting members of the public.

In 24th February 2006, the University administration placed a caveat emptor on the local papers warning members of the public against buying university land.

The land allotment letters clearly indicated the land area allotted measure 0.020 hectares with a term of 99 YEARS with effect from 1st August 2002

Nothing stated in the allotment letters prevented any original allotee entering any willing seller-Willing buyer arrangement with any member of the public. Indeed a few original allotees entered into such arrangements.

That nothing whatsoever stated in the allotment letters prevented/specified the types of structures to be erected on the plots. Indeed the lease term of 99 YEARS was a clear indication any allotee or subsequent buyer were free to erect permanent structures. Indeed both semi-permanent and permanent structures had been erected on different plots.

On 14th August 2007 the Kenyatta University Administration without any right sent its agents to the Kamae Resettlement scheme whereas the said agents initiated acts of trespass by digging trenches measuring 2 metres in depth and width. These trenches were further deepened by the same agents posing great risk to children and adults alike.

Kenyatta University were awaiting the outcome of the civil suit HCCC No. 1460 of 2002 which they expected to sail through without any opposition in their favour and shortly to move intheir prime movers to demolish structures on what they refer to as university land thereby evicting all the Resettled squatters.

In January 2015 the the **National lands commission chairman** Dr. Mohammad swazuri accompanied by Kenyatta university VC Prof . Olive Mugenda visit kamae village and gave a directive for the residents to vacate the land within one month, disregarding the historical background of the resident.We believe this is our ancestral land and evicting us from this land is dispossessing what belongs rightfully to us. We believe all efforts and moves which have been made deliberately to evict us and to deny us the title deed is amounting to historical injustice.

OFFICE OF THE PRESIDENT

Telegraphic address: "Rais"
Telephone: Nairobi 27411
When replying please quote

PERMANENT SECRETARY, SECRETARY TO THE CABINET
AND HEAD OF PUBLIC SERVICE

P.O. Box 30
Nairobi

Ref. No PA/29/7A and date

27th September, 198

Prof. P. M. Githinji,
Vice-Chancellor,
Kenyatta University,
P. O. Box 43844,
NAIROBI.

CONFIDENTIAL

SQUATTERS ON THE KENYATTA UNIVERSITY LAND

Folio 4

Reference is made to your letter Ref.No.KU/R/AD/23/VOl.1/151 dated 1st September, 1989 on the above subject.

In view of the fact that it is difficult to find an alternative land elsewhere to settle the squatters His Excellency the President, in his capacity as the Chancellor of the University and in accordance with the Kenyatta University Act(1985), has approved the recommendation that 30.8 acres of the University land currently occupied by squatters should be excised for the purpose of settling them. It is expected that this measure will solve the problem of squatter once and for all.

Please therefore take the necessary action accordingly.

W. K. arap KENDUIWA
FOR: PERMANENT SECRETARY/
SECRETARY TO THE CABINET

c.c.

Mr. B. K. Kipkulei,
Permanent Secretary,
Ministry of Education,
NAIROBI.

KENYATTA UNIVERSITY

OFFICE OF THE UNIVERSITY SECRETARY

P.O. Box 43844
Nairobi, Kenya
Telephone: 810901

Our Ref. Conf. KU/R/AD/23/Vol.I/9

Your Ref.

Date 7th Feb. 1990

CONFIDENTIAL

The Commissioner of Lands,
PO Box 30450
NAIROBI

Dear Sir

RE: EXCISION OF 30.8 ACRES FROM KENYATTA UNIVERSITY LAND (L.R. 11026/R, GRANT NO. 33404 OF 447.3 HECTARES)

We write in pursuance of the letter Ref: No. PA/29/7A of 27 September, 1989 (copy attached) from office of the President on the issue of squatters on Kenyatta University land (L.R. 11026/R).

Owing to the fact that it has been difficult to find an alternative land elsewhere to settle the 670 squatters currently residing on University land, His Excellency the President, in His capacity as the Chancellor of the University and in accordance with the Kenyatta University Act (1985), has approved a recommendation that 30.8 acres of the University land be excised for the purposes of re-settling them. In order to implement this, we write to request you to effect this excision as marked in red in attached plan to enable the provincial administration to re-settle them.

DR. E. K. MARITIM
AG. UNIVERSITY SECRETARY

C.C. The Permanent Secretary/Secretary
To The Cabinent & Head of Civil Service,
PO Box 30150, NRB.

The Permanent Secretary,
Ministry of Education

The Provincial Commissioner,
Nairobi Area

PKK/mn

42

35

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744.

26th March, 90

The Vice Chancellor,
Kenyatta University,
P.O Box 43844,
NAIROBI

Attn. Dr. G.K. Martin.

RE: DECISION OF 30.8 ACRES FROM KENYATTA UNIVERSITY LAND
(L.R. 13026/2, 12.07 ha. [illegible] of 441.3 HECTARES)

I acknowledge the receipt of your letter ref.Conf.10/3/20/23/Vol.I/9 dated 7th February, 1990.

After consultations, this office was of the opinion that replanning of the site is required before the squatters are settled. This may be carried out with the existing.

The second point raised is who is to provide the infrastructure on the land intended of resettlement of the squatters.

The third point raised is that 30.8 acres is too small for resettlement of 670 squatters. I am of the opinion that each squatter has a family, therefore we expect a total of 3,350 people taking into account that an average family has 5 people.

It is clear that after provision of roads and other public utilities, that 30.8 acres will be reduced thus reducing the land for resettlement.

Please this may require further discussion between your office and this office.

CHESLYN O.F.C.
(Cheslyne O.F.C.)
FOR: COMMISSIONER OF LANDS.

c.c. The Permanent Secretary/Secretary
to the Cabinet & Head of Civil Service,
P.O Box 30510,
NAIROBI

The Permanent Secretary,
Ministry of Education,
P.O Box 30040,
NAIROBI

The Provincial Commissioner,
Nairobi Area,
NAIROBI

The Director of Surveys,
NAIROBI

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Nov 23 :

NU denies gs raided ir offices

/ TIMES Reporter

Headquarters yesterday dis-
eports that gangsters had
e party offices at Kenyatta
ional Conference Centre
at the weekend.

J acting Executive Officer,
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tor of KICC, Mr David
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SETTLE SQUATTERS — MOI

By PPS

PRESIDENT Daniel arap Moi yesterday ordered the resettlement of landless families living on Government land in Kamae and Korogocho slums in Nairobi and said they be issued with title deeds.

President Moi instructed the Nairobi Provincial Commissioner to ensure that appropriate sub-division of land was done in these two slum estates and individual title deeds given to those occupying the plots.

President Moi pointed out that all land in the two areas was Government land, vested to the city council on leasehold and no one should claim ownership.

President Moi was speaking at Korogocho in Kasarani constituency where he addressed a mammoth public rally.

President Moi further directed that the 573 people settle at Kamae in 1975-76 be given an additional 70 acres near Kenyatta University to settle their descendants.

Emphasising that only bona fide people should be resettled, President Moi noted with concern that these families who have been living on this land for the last 15 years were yet to obtain title deeds.

President Moi at the same time announced that the Government will set up a disaster fund with an initial capital of Sh1.5 million to assist those in distress in the two slums.

On the recent deaths which resulted from the consumption of illicit brews in parts of Nairobi, President Moi said the Government will take appropriate measures to curb the brewing and consumption of these brews.

He lamented the repeal of the Chiefs Authority Act which empowered chiefs to crackdown on those brewing and selling the brews saying it was the cause of the increase in illicit brews around the country.

The President sent his condolences to those who lost their loved ones in the tragedy and wished those hospitalised quick recovery.

President Moi once again hit out at the proponents of the Mageuzi movement saying they were anarchists.

Nairobi legislators Raila Odinga (Langata), Assistant Minister Fred Gumo (Westlands), David Mwenje (Embakasi) and Adolf Muchiri (Kasarani) decried the poor living conditions in slum areas.

Also present during the function was Nairobi Provincial Commissioner Cyrus Maina, Police Commissioner Philemon Abong'o and Nairobi KANU and National Development Party officials.

Meanwhile, President Moi yesterday at State House, Nairobi, bade farewell to a contingent of 1,038 Kenyan soldiers leaving for peace-keeping missions to Sierra Leone and East Timor.

The soldiers who were introduced to the President by Chief of General Staff designate General Joseph Kibwana will replace other Kenyan soldiers in the two regions.

Eight hundred and three soldiers (803), known as Kenbatt 6 will be deployed in Sierra Leone while 235 soldiers known as Kencet will be deployed in East Timor under the auspices of the United Nations.

Kenbatt 6 will join soldiers on the peace mission from other countries under Kenya's Lt Gen Daniel Opande, the force commander of the United Nations Mission in Sierra Leone.

Kenbatt 6 commanding officer is Lt Col Henry Kirwa Kogo while his counterpart in Kencet is Major Josephat Mutunga Muia.

President Moi presented Kenyan flags to the two contingents.

Also present were Ministers Julius Sunkuli, Joseph Kamotho and Assistant Ministers William Ruto, Mark Too, Fred Gumo, Army Commander Dan Abdullahi and Army Commander designate Lazarus Sumbeiywo and the Deputy Commander of the Kenya Airforce Brigadier Harold Mwakio Tangai.

At another function at State House, Nairobi, President Moi held talks with the Director of the United Nations Centre for Human Settlement, Mrs Ann Kajumbo Tibaijuka, who paid him a courtesy call.

Also present were the Permanent Secretary for Foreign Affairs Dr Sally Kosgei, the Chief of Protocol Rebecca Nabutola and her predecessor Frost Josiah.

Other reports say President Moi has conferred the Moran of the Burning Spear (MBS) award to Prof Allan Carlea of the University of Nairobi.

At another function at State House, Nairobi, President Moi received the newly-appointed chairman of the Constitution of Kenya Review Commission, Prof Yash Pal Ghai who paid him a courtesy call.

He was accompanied by the A-G, Mr Amos Wako.

Horror as matatu kills two, smashes several

ACTIVITIES in Kericho town came to a standstill with residents running in all directions for their dear lives when a mini-bus matatu, plying Kericho-Olengurone route crashed two pedestrians and damaged five vehicles parked in different places.

The Mitsubishi

the vehicle's brakes failed and its drive shaft disconnected as it approached Kericho town.

The driver lost control while the vehicle sped into the town centre sending residents scampering fo

As the vehicle veered from the highway, it rammed into a hair salon before hitting an electric power post and smashing two pickups.

A middle-aged man

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REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

Patrick Njuguna Njoroge,
c/o P. O. Box 30124,
NAIROBI

29 - 7 - 20 02

Ref. No. 44495/V

SIR(S)/MADAM, UNS. PLOT NO. 483 KAMAE RESETTLEMENT SCHEME PHASE TWO _ NAIROBI

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of _____ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. _____ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 0.020 hectares (approximately).

TERM: 99 years from the 1-8-2002

STAND PREMIUM: Sh. _____

ANNUAL RENT: Sh. 72 } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: *See* attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

		Sh.
Stand Premium		
Rent from 1/8/2002	to 31/12/2002	30
Conveyancing Fees		1,250
Registration Fees		250
Rates		
Stamp Duty		30
Survey Fees		
Road and Road Drains		
Others		
Receipt No. _____	*Less* Deposit _____	
	TOTAL Sh.	1,560/=

P.T.O

*Delete as appropriate.

Varsity land occupants ordered out

National Land Commission chairman Dr Muhammad Swazuri with Kenyatta University Vice-Chancellor Prof Olive Mugenda speak to the Press after a tour of the disputed land. [PHOTO: KAMAU MAICHUHIE/STANDARD]

KIAMBU COUNTY

By KAMAU MAICHUHIE

Some 2,000 families living on land belonging to Kenyatta University have been given a one-month notice to vacate and pave way for construction of a Sh3 billion children's hospital.

National Land Commission Chairman (NLC) Dr Muhammad Swazuri issued the orders yesterday when he toured the 250-acre land.

The piece of land has been at the centre of a dispute pitting the university against a group laying claim to 130 acres where they have even put up permanent rental houses.

Mr Swazuri said investigations have led the commission to conclude that the university is the land's rightful owner, adding that the law says it is illegal to occupy public or private land without permission.

"The Land Act is very clear. Anybody who occupies or prevents construction of a public utility on public land commits an offence and is liable to a jail term," he said.

The chairman told those in contention to produce documents of ownership of the said land to NLC so it can authenticate and determine whether they are genuine or forged.

He said the only people who should continue living on the land are 672 squatters who the university willingly allocated 30 acres.

PROTRACTED DISPUTE

Kenyatta University Vice-Chancellor Prof Olive Mugenda said they have been trying to remove the people from their land for the last 13 years without success.

She said the stalemate has delayed construction of the multi-billion children's hospital which has been earmarked to be built on the disputed piece of land.

"This is the university's land. We have the tittle deed to that effect. Many of the people currently on our land have forged documents of ownership," she said.

The vice chancellor said those occupying the land need to be moved quickly so that the project does not run behind schedule.

"This land matter needs to be resolved once and for all. We are finding it hard to initiate development projects since our land has been taken away," she said.

However, the land occupants dismissed Swazuri's and Prof Mugenda's assertions saying they have documents to prove ownership.

Led by chairman Francis Ng'ang'a, they vowed to stay put on the disputed piece of land saying their presence there is legal.

"We were given this land through a presidential decree by the former head of state. In fact it was a former Nairobi Provincial Commissioner who supervised demarcation of the land and we were subsequently issued with documents of ownership," Ng'ang'a said.

Joy as Kiambu gets third public university

NYERI COUNTY

By KAMAU MAICHUHIE

Residents of Gatundu are upbeat about plans by the Government to build a public university in the area, saying it will boost the economic status of locals.

town.

Moi University Vice-chancellor Prof Richard Mibey has already appointed Prof Njuguna Kimengi as the principal of the university college.

Speaking at Kimunyu shopping centre during a meet-the-people tour on yesterday, Gatundu South MP Mo-

KIAMBU COUNTY

Traders fail to block Finance Act implementation

Efforts by meat traders in Kiambu to have implementation of the county's Finance Act 2014 suspended by the court have flopped.

On Wednesday, Justice George Odunga said he will not issue the order and instead referred the matter to Justice Isaac Lenaola who will hear it today.

NYERI COUNTY

Man taken to court for attempted defilement

A man was on Wednesday arraigned in Nyeri for attempted defilement.

But Edward Ngunjiri could not take a plea as the police asked for more time to conclude investigations.

The charges presented before Nyeri Chief Magistrate Wilbroda Juma stated that the accused was accosted by the

PARLIAMENT | Law makers to summon land bosses

Ngilu, Swazuri unfit for office, says team

MPs accuse lands chiefs of sleeping on the job as grabbing 'goes on unabated'

BY DENNIS ODUNGA
@dennis_odunga
dodunga@ke.nationmedia.com

A Parliamentary committee wants Lands Cabinet Secretary Charity Ngilu and land commission boss Muhammad Swazuri sacked over increased cases of grabbing.

The lands committee says it is unhappy with the way the two are handling the issue and must now leave office.

Chairman Alex Muiru said his team will petition President Uhuru Kenyatta to remove them failure to which they will do so from Parliament.

"They have failed to deal with increased cases of land grabbing and are instead playing games with the issue," Mr Muiru said yesterday.

"As MPs, we shall crack the whip. The President should make them pack and go. They are encouraging land grabbing by keeping quiet over the cases," said Mr Muiru.

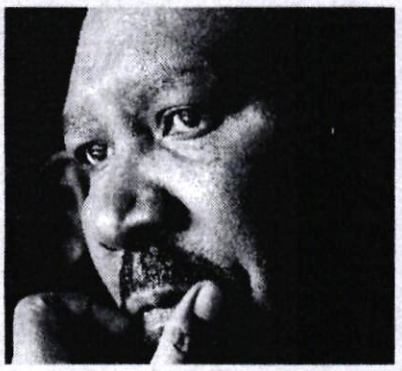
This came as the ownership dispute over a parcel of land in Kamae in Roy Sambu, Nairobi deepened after Mr Muiru told residents to stay put. Even though Kenyatta University is claiming the 110 acres, Mr Muiru told locals not to move an inch. "They are occupying the land legally and the university cannot evict them. In fact, they should be given titles to the land," he added.

Bahati MP Kimani Njunjiri warned that politicisation of land issues would incite Kenyans to violence.

Meanwhile, Mr Muiru said his team will not rest until Ms Ngilu and Dr Swazuri are out of office. "That is the direction we are likely to take because there are many Kenyans who can serve these offices diligently. We cannot employ an activism approach in land disputes the way these are doing. They must follow the law."

VERDICT

You've failed the country



"They have failed to deal with increased cases of land grabbing in Kenya and are instead playing games with this sensitive matter"

Alex Muiru, chairman, Lands Committee

Mr Muiru accused Ms Ngilu and Dr Swazuri of only pretending to work only when they realise members of the public are ahead of the game or when they have common selfish interests.

The MPs also poked hole in their supposed truce saying they only come together to dupe Kenyans.

Mr Muiru spoke when his team visited a piece of land near State House, Nairobi which is at the centre of ownership dispute. He questioned how the government identified a contractor who is currently putting up a wall round the two and a half acre land.

"They are putting the government in the public court when they don't talk. On cannot wake up and say land has been grabbed and decide to repossess it," said Mr Muiru.

A Mr Ismael Ibrahim, who said he was representing Mr Julius Kitur, said to be the genuine owner of the land told the committee that he (Kitur) was living in fear due to constant threats from people pushing him to surrender the original title deed.

He said unscrupulous business people claimed Mr Kitur was dead and faked a death certificate then sold the land to an Ethiopian in 2005.

"They also presented a fake hospital bill of Sh3.5 million in their efforts to convince the buyer that they had expressed permission to sell the land," said Mr Ibrahim.

ANNEX IV

SUBMISSIONS FROM KENYATTA UNIVERSITY

KENYATTA UNIVERSITY

OFFICE OF THE VICE-CHANCELLOR

Tel: (+254-20) 8710901-19
Fax: (+254-20) 8711575
Cell: 0734 766486
Website: www.ku.ac.ke

P.O. Box 43844-00100
Nairobi, Kenya
vc@ku.ac.ke

REF: KU/R/AD/23 **DATE:** 15TH JUNE, 2015

Dr. Muhammad A. Swazuri, Ph.D, OGW
Chairman
National Land Commission
Ardhi House, 1st Ngong Avenue
P.O. Box 44417
Nairobi

Dear Dr. Swazuri,

RE: KAMAE LAND

I received your letter to Hon. Waihenya and copied to me citing your conversation where you both agreed that Kenyatta University should use the 17 acres which are not occupied to construct the Children's hospital or accommodation for Doctors and students for the Children's hospital. When the County Commissioner contacted Hon. Waihenya to tell him of the intended fencing off of the 17 acres, he denied ever accepting that decision. With Hon. Waihenya refusing that he agreed with you, the University could not move because of the hostility of people there.

The questions I have are these Sir,

1. What does the Honourable Member of Parliament plan to do with the 17 acres which were found to be free and unoccupied by the Surveyor from your Commission and the Kamae Surveyor?
2. In your letter Sir, why is Hon. Waihenya being asked to "allow" Kenyatta University to utilize the 17 acres yet Kenyatta University is the rightful owner with a title deed for the land?
3. Why are we treating the Member of Parliament as the owner of the land yet Kenyatta University is the owner?
4. As we wait for the decision regarding the rest of the 118 acres which have been grabbed by unauthorized people, why can't the Commission be firm on Kenyatta University utilizing the free 17 acres for this important National Project and also provide security?

.../2

Sir, this issue has taken too long to be resolved and I am kindly asking the Government through your esteemed office to summon all those involved and be instructed to ensure Kenyatta University utilizes the free 17 acres as the longer solution for the rest of the land is sought regarding the rest of the grabbed land.

Please help us move in and start construction as soon as possible. It will be very sad and shameful if we delay the decision for Kenyatta University to occupy 17 acres which are free now and then it is grabbed. Just for record Sir, in these 17 acres, there are no structures and nobody will be moved. We just need to fence it and move in as the Government makes the decision on the rest of our land which is illegally occupied. Sir, I still maintain for record that most of the people who have taken our land at Kamae are not squatters. They are landlords who bought it illegally or just allocated themselves since the title is Kenyatta University's. The real squatters were already settled by the University on the 30 acre piece of land. The Government should firmly resolve this issue as it touches on public land.

Thank you Sir for your efforts to resolve this issue and I hope a solution will be found soon.

Yours sincerely,

Mugenda

PROF. OLIVE M. MUGENDA, Ph.D, MBA, EBS, CBS
VICE-CHANCELLOR

Encl: *Letter to Hon Waihenya Ndirangu*

Cc: Mr. Joseph Kinyua, CBS
Office of the President, State House

Cabinet Secretary, Ministry of Education

Commr. Emma Njogu - National Lands Commission

Mr. Njoroge Ndirangu - County Commissioner, Nairobi

Mr. Alex Mwiru - Chairman, Land Parliamentary Committee

Ms. Sabina Chege - Chair, Education Parliamentary Committee

Chancellor, Kenyatta University

Chairman of Council, Kenyatta University

OMM/jkm

NATIONAL LAND COMMISSION

Our Land, Our Wealth, Our Heritage

NATIONAL LAND COMMISSION

Tel.0202718050
Email.info@nlc.or.ke
Website:www.nlc.or.ke

ARDHI HOUSE
1st NGONG AVENUE
P.O. Box 44417
NAIROBI

REF: NLC/CHAIRMAN/VOL.XI/119

Date: 5th June, 2015

Hon. Waihenya Ndirangu
MP. Roysambu

KAMAE AND KENYATTA UNIVERSITY LAND DISPUTE

Reference is made to the telephone conversation we had with you yesterday the 4th of June, 2015.

Let us allow Kenyatta University to utilize the earmarked 17 acres for staff quarters and hostels for the intended Children's Hospital while we pursue the 25 acres from the Prisons Department.

This should serve as a reasonable settlement for now. We suggest that the Kenyatta University embarks on utilizing the available 17 acres as indicated.

Thank you for your cooperation.

MUHAMMAD A. SWAZURI, PhD, OGW
CHAIRMAN, NATIONAL LAND COMMISSION

c.c.

Prof. Ratemo Michieka
Chairman
Kenyatta University Council
NAIROBI

Prof. Olive M. Mugenda, PhD, MBA, EBS, CBS
Vice-chancellor
Kenyatta University
NAIROBI

Dr. Evans Kidero
Governor
NAIROBI CITY GOVERNMENT

Commr.Emma Njogu - Incharge Nairobi County

A BRIEF ON ILLEGAL OCCUPATION ON PART OF KENYATTA UNIVERSITY LAND (L.R No. 11026/2)

BACKGROUND

Kenyatta University College Council was allotted the University land vide grant No. I.R 33004 and **Land Reference Number 11026/2,** on 1st October 1977 on a lease of **99 years** with effect from that date. **(Title Deed attached – DOC. A)**

Groups Occupying University Land at Kamae

There are two groups of people who are occupying the University land.

(a) The **first group** are the genuine squatters consisting of **670** persons who were identified and legally allocated **30.82** acres by the University Council and the Government in early 1980s **(see attached survey plan – DOC B).**

(b) The **second** group are the ILLEGAL OCCUPANTS **(not squatters)** who have occupied about **130 acres** of the University land outside the **30.82 acres**. These include people who bought land illegally and put up businesses. Others have put up semi-permanent and permanent structures.

A. LEGALLY SETTLED SQUATTERS

1. The squatter problem started around 1963/64 when some people working in Njiru Quarry settled on the land which then belonged to the Templer Barracks.

2. The Principal of Kenyatta University College in 1984 requested the Provincial Commissioner to evict the squatters. In the same year (1984) a list of the squatters totaling **670** was prepared by Provincial Administration and a copy given to the University.

3. The University Council on its 7th Special meeting held on 30th September, 1988 considered the squatter problem and approved the excision of **30.82 Acres** to settle the **670** genuine squatters. This was done.

4. The Director of Surveys in the Ministry of Lands and Housing provided a Surveyor to excise the **30.82** acres on the site. This was done by November 1992.

(b) ILLEGAL OCCUPANTS

i. **Who bought KU land illegally or**

ii. **Just allocated KU land to themselves**

As the University was preparing to cede **30.82 acres**, some people were illegally moving in and occupying land outside the agreed **30.82 acres.** Others started selling illegally.

On realization of increased encroachment into its land, the University went to court to seek for immediate eviction of these illegal occupants. Caveats were issued but they continued to build uncontrollably with current illegal occupation of over **130 acres** of University land. **(see attached Google Map -DOC C).**

Auditor General's Concern

In the course of the audits of the University's accounts, the Office of the Auditor General picked up the issue of illegal occupation of University land . A report of 1997/1998 Accounts of the University was forwarded to Public Investment Committee (PIC) of the Parliament for deliberation.

The PIC recommended for the formation of an **Inter-Ministerial Committee** to look into the matter. The committee recommended the following :

(i) Those letters of allotment irregularly issued to illegal squatters including those for Riparian Reserve be cancelled;

(ii) Kenyatta University be advised to fence off its land to stop further encroachment.

Efforts to Fence

Pursuant to the Public Investment Committee (PIC) recommendations the University dug a trench measuring 1500 x 1500 mm to mark its land. This was done since the earlier chain link fence had been vandalized. The illegal occupants defiantly backfilled the trench.

Discussion with Ministry of Lands

In 2008, the University Management visited the Minister for Lands then to discuss the matter of the illegal occupation of University land. The Minister advised the University Management to urge its lawyers to expedite the hearing of the case. In addition the Provincial Administration was urged to provide security to the University assets as a Public property.

Advice by the Government

In line with the recommendations of the Public Investment Committee (PIC), in the year 2010, the University Management consulted with the Permanent Secretary, Internal Security about the recovery of the grabbed land and the University was advised to put up standard temporary GCI units (uni-huts) to avoid encroachment.

The uni-huts were erected by 2012 to cater for the Administration Police officers who would camp at the site to prevent any further construction.

Meeting with the Cabinet Secretary Ministry of Lands

In mid 2014 the University Council held a meeting with Hon. Charity Ngilu who also visited the affected land and promised to take action to remove the illegal occupants.

National Land Commission

The Universithy wrote to the National Lands Commission to try to resolve the issue given the University's comprehensive master plan for the area. A team led by the Chairman of the National Land Commission visited the site on 14th January 2015 and requested the illegal occupants of University land at Kamae to forward to the Commission any documents that could prove their ownership of the land within seven days.

The Chairman of the National Land Commission, informed the illegal occupants that the Title deed for the land indicated clearly that the land belongs to the University and that he would issue an eviction order within a month for those illegally occupying University land.

Political Interference

Some politicians have joined hands in support of the illegal occupation of University land and thus misleading Kenyans. This is against the Government's stand on public land.

B. THE TRUTH

1. Most occupants of the land there are not squatters except the ones on **30.82 acres.** They allocated land to themselves illegally and even sold off to others. They have put up businesses, rental, and some semi permanent and permanent residential units, and are scattered randomly in the 130 acres with some free spaces in between.

B. **THE TRUTH**

1. Most occupants of the land there are not squatters except the ones on **30.82 acres.** They allocated land to themselves illegally and even sold off to others. They have put up businesses, rental, and some semi permanent and permanent residential units, and are scattered randomly in the **130 acres** with some free spaces in between.

2 There is an allegation that President Moi gave additional **70 acres** but this was rejected by parliament in 1998 because there was no evidence to support the allegation and the land already belonged to Kenyatta University. Even then, the President could not have given out land without consulting the University Council who were the custodian of the land.

PROF. OLIVE M. MUGENDA, Ph.D, MBA, CBS
VICE-CHANCELLOR

DOCUMENT A

KENYATTA UNIVERSITY TITLE DEED

Ref: 96865

REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT

(*Chapter* 281)

23 NOV 1979

843

5/=

GRANT NO. I.R. 33404

ANNUAL RENT: Peppercorn (if demanded)

TERM: 99 years from 1.10.1977

KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto KENYATTA UNIVERSITY COLLEGE COUNCIL a body corporate duly established under the KENYATTA UNIVERSITY COLLEGE ACT 1970 (Post Office Box Number 43844) NAIROBI

(hereinafter called "the Grantee") all that piece of land situate in the City of Nairobi in the Nairobi Area

~~XXXXX~~ containing by measurement four hundred forty seven decimal three (447.3) hectares

~~XXXX~~ or thereabouts that is to say Land Reference Number 11026/2

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 105555 deposited in the Survey Records Office at Nairobi TO HOLD for the term of Ninety nine (99) years

from the first day of October One thousand nine hundred and Seventy seven SUBJECT to (*a*) the payment in advance on the first day of January in each year of the annual rent of Shillings Peppercorn (if demanded)

(*b*) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):-

GFK 1456—300—7/71

Remainder

REPUBLIC OF KENYA

DISTRICT OF NAIROBI AREA

Locality City of Nairobi

Reference Map South A-37 / G.I.-b 9

Bearings °	′	″	Distances Metres
A-B 138	42	43	132.37
C-D 219	01	04	92.87
D-E 210	10	28	138.74
E-F 202	33	57	122.16
F-G 214	28	57	122.04
H-J 333	51	32	141.40
K-L 227	02	46	36.39
C = Boundary			181.00

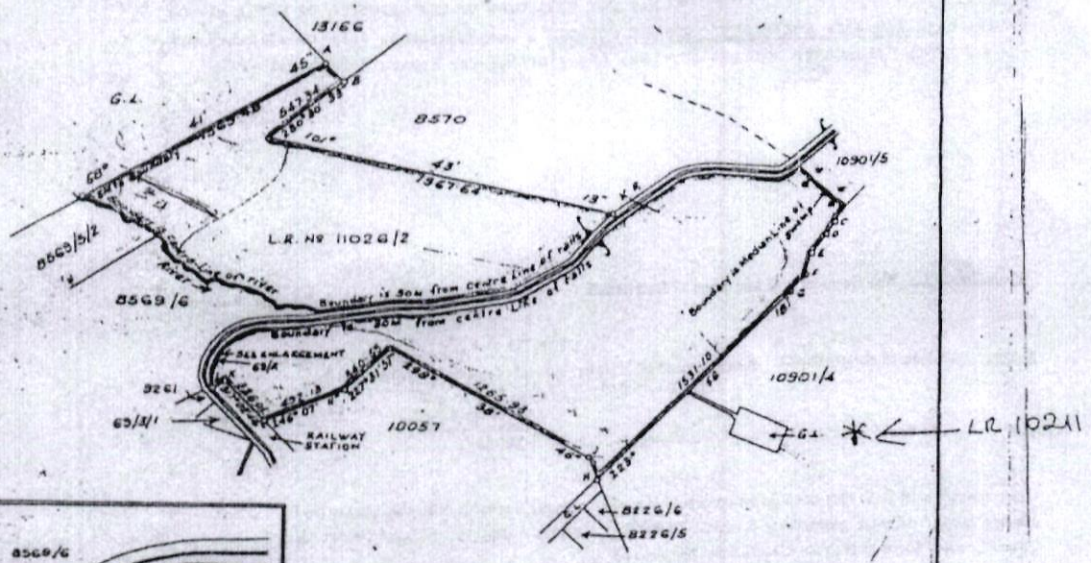
Land Reference No. 11026/2

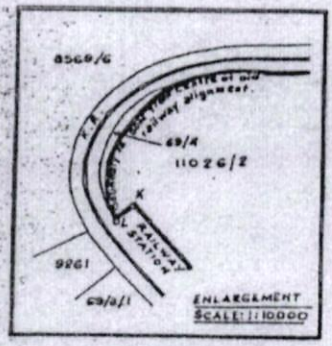
(Orig No. _____

Sub division No. _____ (Orig No. _____

of Section No. _____

Area = 447.3 HA. (Approx)





Scale 1 in 25,000

Traced by

Compared by

Hkwambua
for Director of Surveys

Nairobi 24th October 1978

DEED PLAN No. 105555

SPECIAL CONDITIONS

1. No further buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.

3. The land and buildings shall only be used for educational administrative and residential purposes for the students staff and workers of Kenyatta University College in connection with the Kenyatta University College Act 1970.

4. If the Kenyatta University College shall cease to function as such under the provisions of the said Act the term hereby created shall ipso facto also be determined and the land shall be deemed automatically to have reverted to the Government as from the date of such cessation without the necessity of any formal surrender thereof.

5. The grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.

6. The grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon without prior consent in writing of the Commissioner of Lands.

7. The grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner may estimate to be the proportionate cost of the constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay on demand or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

8. The grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.

9. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the grantee shall pay to the Commissioner on demand such proportion of the cost of such construction as the Commissioner may assess.

10. The grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.

11. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the grantee shall not erect any building in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

...../3

12. Notwithstanding anything to the contrary contained herein or implied by the said Government Lands Act the Grantee shall on receipt of twelve months notice in writing in that behalf surrender all or any part of the land required for public purposes without payment of any compensation save as hereinafter provided The grantee shall be paid compensation only in respect of any buildings or other capital development situated on or in land surrendered in accordance with the provisions of this condition and such compensation shall be assessed in all respects as if the buildings or capital development had been situated on or in land compulsorily acquired in accordance with the provisions of the land Acquisition Act (Cap.295 of the Laws of Kenya).

IN WITNESS WHEREOF I, JAMES RAYMOND NJENGA, the Commissioner of Lands have by Order of the President hereunto set my hand this 1st day of October One thousand nine hundred and Seventy-nine in the presence of :-

REGISTRAR OF TITLES

LAND TITLES REGISTRY- NAIROBI, KENYA
REGISTRATION OF TITLES ACT
REGISTERED AS No. I.R. 33404/1
Presented 23rd November 19 79
Time 11·25 a·m
Registrar of Titles

SURVEY PLAN – LEGALLY SETTLED SQUATTERS LAND

DOCUMENT B

Co-ordinates referred to EQUATOR & 37° EAST

Units FT & Met.

Form No. 2

Station	+Y (Eastings)	+X (Eastings)	Height	Class of Beacon	File No. 204/70
0C9	129 398.29	10 142.53		I.P.C.U. OLD	
0C1	120 150.16	9 740.45		" "	" "
0C3	129 424.03	9 929.80		" "	" "
0C4	129 445.86	9 796.76		" "	" "
T.Bm	129 506.96	9 856.38		A.I.C. OLD	" "
3C1	129 422.85	10 152.78		" "	" "
2X7	129 860.41	10 875.20		" "	" 98/110
VC1	129 708.83	10 556.52		I.P.C.U. NEW	
VC2	129 863.72	10 718.89		" "	
VC3	120 944.68	10 362.87		" "	
VC4	129 857.25	10 113.25		" "	
VC5	129 395.76	10 034.07		" "	
AK20	129 694.14	10 601.79		I.P.C. NEW	
AK30	130 012.85	10 256.36		" "	
AK40	130 180.10	10 322.90		" "	
AK10	129 745.10	10 687.23		Theodolite	

City	Boroughs	Districts

LAND ALLOCATED TO GENUINE SQUATTERS IN 1984

THIS SURVEY DONE IN 1993.

I certify that all the work done in the field and in the office by me approved assistant ..... has been carried out under my full direction and I take full responsibility for all the work so performed.

Licensed Surveyor

I hereby certify that I, in person, made, and on the ..... 20 ..... completed the survey represented by this plan, on which are written the bearings and the lengths of lines surveyed by me, and that the survey has been executed in accordance with the existing regulations and with the approved scheme.

Letter No. A/2161 - Directs. (cancelled)

(sgd) Z.K. Gitonga

Surveyor

Plot/Parcel No. L.R. No. 110264

Ref. Map/R.I.M. S.A. 37/6.11.6.9

Registration Block

Registration District CITY OF NAIROBI

Locality NAIROBI AREA

SCALE 1:2,500

File 95/110, 200/70

Registration	Transactions	Authentication	Date	Records	Date
Date Received 3.6.92	Provisional Approval	Examined by B. LUSENGA		Traced by	
File Reference No. CR/194/666	Final Approval	Approved by AMBENO S.S.		Compared by	
Computations 27265		Authenticated by J.N. Mbinaind	24.2.93	Cadastral Sheet	
Field Book No. WITH COVERS	Charted by	for Director of Surveys		R.I.M.	

Plan Redrawn by H. Mocharie 23.2.2011

Folio No. 224/57

GOOGLE MAP - SHOWING GRABBED UNIVERSITY LAND

GRABBED LAND
135 ACRES

KU MAP
DOCUMENT C

30.8 ACRES
ALLOCATED
TO GENUINE
SQUATTERS

ANNEX IV

VARIOUS CORRESPONDENCES

REPUBLIC OF KENYA

Telegraphic Address
"Bunge", Nairobi
Telephone 2221291/2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke
When replying please quote

National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI, Kenya

KNA/DCL/CORR/2015(125)

11th March 2015

Mr. Tom Aziz Chavangi
Chief Executive,
National Land Commission,
Ardhi House,
NAIROBI

Dear Dr. Swazuri

RE. DEPARTMENTAL COMMITTEE ON LANDS- SUBMISSIONS OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITTEE

Reference is made to a meeting between the Committee and the National Land Commission held on 5th March 2015. During the meeting it was agreed that you prepare a comprehensive brief on the outstanding land issues: -

1. Regarding the Petition by Residents of Maanoni Dam - the National Land Commission and the Ministry of Lands to address the issue of resettlement of the displaced residents of Maanoni dam and report back on progress by **26th March, 2015.**

2. Regarding Kamae resettlement Scheme - The NLC to Provide information regarding the Department of Defence claim on the 60 acres of the land;

3. Details of the land currently being used by Mombasa Cement (LR no.) including;
   a) Transfer documents and any subdivisions on the land;
   b) How the Company acquired the land;
   c) Provide a copy of the title deed to the land;
   d) Information regarding the aforementioned pieces of land specifically acquisition and transfer of plot no. 4391/MN/III;
   e) Any other information that may be relevant to the matter

   a) Regarding LR 1705/42 belonging to Mary Morril Lilly white - NLC to investigate the matter and subject the land to review of grants and dispositions to public land in order establish its legality with a view to making recommendations on the same.

This is therefore to request you to submit the information requested **on or before Thursday 19th March 2015.**

Yours

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:-

Dr. Mohammed Swazuri
Chairman,
National Land Commission,
Ardhi House, Ngong Road
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
"Bunge", Nairobi
Telephone 2221291/2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke
When replying please quote

National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI, Kenya

KNA/DCL/CORR/2015(123)

10th March 2015

Ms. Mariam El Maawy
Principal Secretary,
State Department of Lands,
Ministry of Lands, Housing and Urban Development,
Ardhi House, Ngong Road,
NAIROBI

Dear Mariam

RE: DEPARTMENTAL COMMITTEE ON LANDS - SUBMISSIONS OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITTEE

Reference is made to a meeting between the Committee and the State Department of Lands held on 5th March 2015. During the meeting it was agreed that you prepare a comprehensive brief on the outstanding land issues raised in the Meeting as indicated below:

1. Regarding the Petition by Residents of Maanoni Dam - The Ministry together with the National Land Commission to address the issue of resettlement of the displaced residents of Maanoni dam and report back on progress by 26th March 2015.

2. Regarding Kamae resettlement Scheme -
   a) Provide communication from the Provincial Commissioner communicating the presidential directive for the award of the 30 acres;
   b) Provide the letter from Kenyatta University accepting the presidential directive for the said allotment;
   c) Provide communication from the Provincial Commissioner communicating the presidential directive for the award of an additional 70 acres;
   d) Provide the letter from Kenyatta University contesting the presidential directive; and
   e) Provide details of the Land within Kenyatta University (60 acres) being disputed by the Department of Defence.

3. Regarding State House Crescent land(LR 209/5581)-
   a) Provide a copy of the original title deed for the land;
   b) Confirm if there was a surrender of the original title after the subdivision of the land into four portions;
   c) Confirm whether grant No. IR 92916 relating to the land was issued by

the Ministry;

d) Provide information regarding the tendering process carried out in procuring the contractor putting up the perimeter wall on the land;

4. Regarding Mavueni Settlement Scheme(Kilifi)-
   a) Provide the list of beneficiaries of the 40 plots around the creek

   a) Regarding Mtaani/Kisumu Ndogo/Kibaoni Extension GTZ upgrading project - Confirm from the records if there was consent from the Ministry of Local Government and the then Ministry of Agriculture for the Kilifi Town Council to allocate public land (LR 5046/1 and LR 5024/1.

   a) Regarding LR 1705/42 belonging to Mary Morril Lilly white - Confirm if the original title deed was surrendered before the transfer to Kilifi Aircharters(LR 1705/44).

5. Regarding Kiwandani/ Kibaoni/Boyani/Kibarani-
   a) Ownership and current status of Plot no.LR 5054/1210
   b) Ownership and current status of Plots LR. Nos. 4391/MN/III ,MN/III/289,290and LR 5046/5
   c) Details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;

6. Regarding Ihaleni Farmers group -
   a) Ownership and current status of.LR 4236/4,LR 5023
   b) Details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;

7. Naivasha Land Issues(Ng'ati Farmers' Cooperative Society Land)
   a) Provide a history of the land known as LR 1380/LR 2662/1 and LR 8398;
   b) Provide details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;
   c) Provide details of the beneficiaries of and the current use of 5,000 acres surrendered to the government (LR 2661/1) in consideration of the approval of a subdivision scheme; and
   d) Any other information relevant to the matter.

8. Issues and details of the land currently being used by Mombasa Cement (LR no.) including -
   a) How the Company acquired the land;
   b) Transfer documents and any subdivisions on the land;
   c) Provide a copy of the title deed to the land;
   d) Information regarding the aforementioned pieces of land specifically acquisition and transfer of plot no. 4391/MN/III;
   e) Any other information that may be relevant to the matter

9. Provide the exemptionletter from Treasury to the Ministry allowing the Ministry to purchase vehicles as opposed to government policy of leasing.

10. Submit the Evictions and Resettlement Bill and amendments to the Physical Planning Act to Parliament for pre-publication scrutiny.

This is therefore to request you to submit the information requested **on or before Thursday 19th March 2015.**

Yours,

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:-

Hon. Charity Ngilu, EBS
Cabinet Secretary,
Ministry of Lands, Housing and Urban Development,
Ardhi House, Ngong Road,
NAIROBI

URGENT

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke

National Assembly
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 –00100
NAIROBI, Kenya

When replying please quote

KNA/DCL/CORR/2015(115)

February 20, 2015

Prof. Olive Mugenda, Ph.D, EBS, CBS
Vice-Chancellor
Kenyatta University
NAIROBI

Dear Madam,

RE: DEPARTMENTAL COMMITTEE ON LANDS - INVITATION TO APPEAR BEFORE THE COMMITEE

The Departmental Committee on Lands is constituted pursuant to the provisions of the Standing Order 216 (1) and (5) of the National Assembly and is mandated amongst other things;**"to 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"**

During its sitting held on 27th January 2015, the Committee deliberated on the dispute between Kenyatta University and residents of Kamae Resettlement Scheme.

The Committee visited the disputed land on 29th January 2015 and received views from Kamae resettlement Scheme residents. The Committee thereafter resolved to invite the Chancellor, Kenyatta University to appear before the Committee to shed light on the following issues:

1. The Details of the land (LR No's) and its current status;
2. Information regarding to the ownership, allocation or transfer of the said land to the University;
3. History of the disputed parcels of Land;
4. The current status of Kamae resettlement scheme;
5. Any other information that may be relevant to the subject matter

This is therefore to request you to inform the Vice Chancellor to attend the said meeting which will be held on **3rd March, 2015 in Committee Room on 4th Floor Protection House at 10.00 am.**

Yours faithfully,

LUCY WANJOHI (MRS)
FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:-

Benson Wairegi, BCom, MBA, CPA
Chancellor
Kenyatta University
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk@parliament.go.ke

National Assembly
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 –00100
NAIROBI, Kenya

When replying please quote

KNA/DCL/CORR/2015(113)

February 20, 2015

Ms. Mariam El Maawy,
Principal Secretary,
State Department of Lands,
Ministry of Lands,
Housing and Urban Development
Ardhi House, Ngong Road
NAIROBI

Dr. Kamau Thuge, EBS
Principal Secretary,
The National Treasury,
Treasury House,
NAIROBI.

Dear Madam,

RE: DEPARTMENTAL COMMITTEE ON LANDS- SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITEE

Our Letter ref KNA/DCL/CORR/2014(101) dated January 28th 2015 Refers.

The Committee is considering the various land matters and requests that the Ministry of Lands, Housing and Urban Development furnishes it information relating to the aforementioned land matters:

1. Petition by Twiga Farm Evictees regarding the alleged eviction of over six hundred families from their Land;
   a) The registered owners of LR No.9312, LR No.9313 and LR No.3760;
   b) Information relating to the ownership, sale and or transfer of the said land;
   c) Any other information as may be relevant to the matter.

2. Petition by residents of Maanoni Dam,Makueni County;
   a) When will the Displaced Persons Maanoni Dam be resettled:
   b) What plans does the government put in place to compensated the victims whose crops were destroyed;
   c) Is the government setting aside funds or land to compensate the victims;
   d) Any other information relevant to the subject matter.

3. KamaeResettlementscheme:
   a) Information regarding the ownership, allocation, subdivision or transfer of LR nos.11026/R and 11026/2;
   b) Any other information as may be relevant to the matter.

4. State House Crescent Land:
   a) Current status and ownership of the land Known as LR no.209/5581 and LR no.209/19473;
   b) Information detailing any subdivision, transfers and or amalgamations on the land;
   c) Acquisition of the land by the government of Kenya, Ministry of Foreign affairs;
   d) The tendering process was carried out in procuring the contractor putting up the perimeter wall;

5. Kilifi Land Matters
   The Cabinet secretary should inform the committee Plans by the Ministry to resettle squatters in KilifiCounty and specifically the following:

6. Ihaleni Farmers Group
   a) The Current Status of Plot no's 4236/4 5023 and plot no.11
   b) The Status of the lease and ownership of the aforementioned pieces of land
   c) Information relating to MAVUENI SETTLEMENT SCHEME
   d) Any other information as may be relevant to the Committee;

7. Mtaani/Kisumu Ndogo/Kibaoni Extension GTZ upgrading project
   a) The registered owner and current status of LR.No.5046/1 and LR 5024/1
   b) Any other information as it relates to the transfer and/or ownership of the said parcels of land.

8. Kiwandani/Kibaoni/Boyani/Kibarani
   a) Ownership and current status of Plot no1705/44 (CR 26743/2/3)
   b) Ownership and current status of Plot no.5054/1210 and LR no.1510/4
   c) Ownership and current status of plotno. MN/III/290,291/2/III/MN,MN/III/289 and 4391/MN/III
   d) Ownership and current status of plot no. L.R 5046/5
   e) Ownership and current status of MN/IV/150 (CR 13080 in Kikambala;
   f) Details regarding the acreage,allocation,charges,transfers and/or subdivisionson the aforementioned parcels of land;
   g) Any other information as it relates to the aforementioned parcels and as may be relevant to the Committee.

9. Naivasha Land Matters
   a) Details regarding the ownership of LR No.11192 and LR no.376 (also known as Longonot, Kijabe Block 2/Utheri was Lari to 7956 Nakuru;
   b) History of the land known as LR 1380/LR 2662/1 and LR 8398
   c) Details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;
   d) Beneficiaries/current use of 5000 acres surrendered to the government (2661/1) in consideration of the approval of a subdivision scheme;
   e) Any information as may be relevant to the committee in regard to the above matter.

10. Awendo Land Matters
   a) Information regarding the compulsory acquisition of land for the nucleus estate of South Nyanza Sugar Company Limited (SONY Sugar);
   b) Detailed list of beneficiaries and amounts paid for the compensations made for the Compulsory acquisition;
   c) Transfer and subsequent ownership of part of the compulsorily acquired land by Awendo Town Council;
   d) Any information as may be relevant to the committee in regard to the above matter.

11. Rangwe Adjudication Section
   a) When will the adjudication in Kagan South be carried out;
   b) When will the adjudication in Kochia East be completed;
   c) What constraints exists;
   d) What can the Committee do to assist in ensuring that the adjudication sections in the country are either completed or done urgently.

Further as you may be aware, the Budget Policy Statement was laid before the House on February 18th, 2015 and committed to relevant Departmental Committees pursuant to Section 25(2) of the Public Finance Management Act, 2012 and Standing order 235(2) of the National Assembly for consideration.

Consequently, the Committee requests the Cabinet Secretary for Lands, Housing and Urban Development to address matters related to the Budget Policy Statement including the following:

a) Breakdown of the total allocations to the State Department for Lands and Settlement (Recurrent and Development);
b) The itemised Budget for all Semi Autonomous Government Agencies in the State Department for Lands and Settlement;
c) Allocations to each capital project under the State Department for Lands and Settlement and the specific outputs of each project
d) Allocations in the State Department for Lands and Settlement versus requirement detailing shortfalls and the affected programmes
e) All pending bills and how the Ministry intends to pay them
f) Any other information as may be relevant to the Committee Mandate

This is therefore to request you to inform the Cabinet Secretary to attend a Sitting of the Committee, which will be held on **5th March 2015 in the Board Room of 4th Floor Protection House, Parliament Building at 10.00am.**

The Principal Secretary, National Treasury is requested to send a representative to the meeting.

The Cabinet Secretary may be accompanied by Officers who can assist him answer queries from members may accompany the Chairman.

Yours faithfully

LUCY WANJOHI (MRS)
FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Hon. Charity K. Ngilu EGH
Cabinet Secretary
Ministry of Lands,
Housing and Urban Development
Ardhi House, Ngong Road
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
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E-mail: clerk@parliament.go.ke

National Assembly
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 –00100
NAIROBI, Kenya

When replying please quote

KNA/DCL/CORR/2015(114)

February 20, 2015

Mr. Tom Aziz Chavangi
Chief Executive
National Land Commission
Ardhi House
NAIROBI

Dr. Kamau Thugge, EBS
Principal Secretary,
The National Treasury,
Treasury House,
NAIROBI.

Dear Sir,

RE: DEPARTMENTAL COMMITTEE ON LANDS- SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITTEE

The Departmental Committee on Lands is established under Standing Order No. 216 of the National Assembly and is mandated amongst others, **"to investigate and inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments"**

1. Petition by Twiga Farm Evictees regarding the alleged eviction of over six hundred families from their Land;
   a) The registered owners of LR No.9312, LR No.9313 and LR No.3760;
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   a) When will the Displaced Persons Maanoni Dam be resettled:
   b) What plans does the government put in place to compensated the victims whose crops were destroyed;
   c) Is the government setting aside funds or land to compensate the victims;
   d) Any other information relevant to the subject matter.

3. Kamae Resettlement scheme:
   a) Information regarding the ownership, allocation, subdivision or transfer of LR nos.11026/R and 11026/2;
   b) Any other information as may be relevant to the matter.

4. State House Crescent Land:
   a) Current status and ownership of the land Known as LR no.209/5581 and LR no.209/19473;
   b) Information detailing any subdivision, transfers and or amalgamations on the land;
   c) Acquisition of the land by the government of Kenya, Ministry of Foreign affairs;
   d) The tendering process was carried out in procuring the contractor putting up the perimeter wall;

5. Kilifi Land Matters
   - The Cabinet secretary should inform the committee Plans by the Ministry to resettle squatters in Kilifi County and specifically the following:

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   a) The registered owner and current status of LR.No.5046/1 and LR 5024/1
   b) Any other information as it relates to the transfer and/or ownership of the said parcels of land.

8. Kiwandani/ Kibaoni/Boyani/Kibarani
   a) Ownership and current status of Plot no1705/44 (CR 26743/2/3)
   b) Ownership and current status of Plot no.5054/1210 and LR no.1510/4
   c) Ownership and current status of plot no. MN/III/290,291/2/III/MN, MN/III/289 and 4391/MN/III
   d) Ownership and current status of plot no. L.R 5046/5
   e) Ownership and current status of MN/IV/150 (CR 13080 in Kikambala;
   f) Details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;
   g) Any other information as it relates to the aforementioned parcels and as may be relevant the Committee.

9. Naivasha Land Matters
   a) Details regarding the ownership of LR No.11192 and LR no.376 (also known as Longonot, Kijabe Block 2/Utheri was Lari to 7956 Nakuru;
   b) History of the land known as LR 1380/LR 2662/1 and LR 8398
   c) Details regarding the acreage, allocation, charges, transfers and/or subdivisions on the aforementioned parcels of land;
   d) Beneficiaries/current use of 5000 acres surrendered to the government (2661/1) in consideration of the approval of a subdivision scheme;
   e) Any information as may be relevant to the committee in regard to the above matter.

10. Awendo Land Matters
   a) Information regarding the compulsory acquisition of land for the nucleus estate of South Nyanza Sugar Company Limited (SONY Sugar);
   b) Detailed list of beneficiaries and amounts paid for the compensations made for the Compulsory acquisition;
   c) Transfer and subsequent ownership of part of the compulsorily acquired land by Awendo Town Council;
   d) Any information as may be relevant to the committee in regard to the above matter.