

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – SECOND SESSION - 2014

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

ON

INSPECTION VISIT TO THE NETHERLANDS

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

JULY, 2014



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1.0 INTRODUCTION

Mr. Speaker Sir,

The Departmental Committee on Lands was constituted on 16th May 2013, pursuant to provisions of the Standing Order 216 (1) and (5) of the National Assembly which stipulates that;-

- 1) There shall be select committees to be known as Departmental Committees the members of which shall be nominated by the Committee on Selection in consultation with the parliamentary parties at the commencement of every Parliament.
- 2) Unless the House otherwise directs, the Departmental Committees and the subject matter assigned to them shall be set out in the Second Schedule
- 3) Further, in the Standing Order 216 (5) the functions of the Departmental Committees shall be to:-
 - a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
 - b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
 - c) Study and review all legislation referred to it;
 - d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
 - e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
 - f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204(Committee on Appointments); and
 - g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on matters related to lands and settlement.

Mr. Speaker Sir,

During the 2013/2014 financial year, the Committee resolved to visit the House of Representatives in the Netherlands to appraise itself on the following:

- a) the role of political parties in operation and constitution of Committees;
- b) operation of committees in the parliament, particularly, departmental/sectoral committees
- c) implementation mechanisms of the reports of such Committees; and
- d) role of committees with similar mandates in the Netherlands in ensuring the success in the government departments they oversight
- e) to learn the advances made in ensuring high standards in the management of public lands and resettlement of persons.
- f) to learn about the advances made in zoning their respective lands and maintenance of Geospatial data network and securing land ownership documentation

Mr. Speaker Sir,

During the visit, the Committee was able to hold discussions with Hon. Vooeziller De Rowe, Chairperson, Hon. Van De Linde Member, Joint Committee on Infrastructure&Environment, and Committee on Housing & Central Government Sector. The Committee also held discussions with the following:-

- 1) The Chief Executive, Kadaster International, Mr/ Kees De Zeew, a state corporation dealing with land management;
- 2) Dr. Rowe of ABC Westland logistics, Business Park, dealing with food and agriculture sector;
- 3) Mr. Remco Rolvink, Founder, Dutch Alliance for Sustainable Development in Africa (DASUDA);
- 4) Mr. Erik Pasveer, Director, Urban Development Department, The Hague

The following Members of the Committee undertook the visit:

- 1) The Hon. Moses Ole Sakuda, M.P.- **Vice Chairperson/ Delegation Leader**
- 2) The Hon. Francis W. Nderitu, M.P.
- 3) The Hon. Eusilah J. Ngeny, M.P.
- 4) The Hon. Hellen Chepkwony, M.P.

- 5) The Hon. Benson Mbai, M.P.
- 6) The Hon. Mathew L. Lempurkel, M.P.
- 7) The Hon. Joseph Magwanga, M.P.
- 8) The Hon. Ali A. Shariff, M.P.

Mr. Speaker Sir,

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to undertake the visit to The Hague. During the visit, the Members were able to appreciate the workings of an e - land Information/management system that processes land queries within seconds and which was a repository of all land developments in the Netherlands, in addition to its accessibility worldwide.

Mr. Speaker Sir,

On behalf of the Departmental Committee on Lands, I now have the honour to present the Report to the House.

Thank You,

SIGNED

(HON. ALEX MWIRU, MP)

CHAIRMAN

DEPARTMENTAL COMMITTEE ON LANDS

DATE.....

1st July 2014

2.0 MEETING WITH KADASTER INTERNATIONAL AT THE KENYA EMBASSY BOARDROOM, THE HAGUE

The Members had a presentation from Mr. Kees de Zeew, Director of Kadaster International, which generated lengthy discussions with the members on matters pertaining to land registration, management, particularly spatial data infrastructure and the use of modern technological advances in management of land. He informed the Members as follows:-

- a) Kadaster International is a public/statutory body which collects and registers administrative and spatial data of property and the rights involved. It is also responsible for national mapping and maintenance of the national reference coordinate system.
- b) It is an advisory body for land use matters and national spatial data infrastructure. Information within its database include information on energy labels of houses and underground cables and pipelines. For effective management of data, the Company has established contractual arrangements with civil law notaries, local authorities, financial institutions and government ministries, which access confidential information on matters pertinent to their various mandates. Members of the public are also able to access information from the Company.
- c) The company falls under the Ministry of Housing, Spatial Planning and the Environment. As a public body, it is responsible for contributing towards a better society by performing its tasks in an efficient and effective manner by making use of appropriate technologies and adopting innovative approaches. It has also undertaken to avail its expertise and knowledge to international parties who may require their support. An international consultancy department was therefore created in the nineties to meet the need.
- d) Kadaster International has a wealth of knowledge on issues ranging from designing and developing land policies to implementing land administration systems. It offers services in three levels:
 - i. tactical level-determining methods, systems and technologies necessary to realize defined goals, preparing laws
 - ii. strategic level-defining policy objectives, business targets and institutional changes;
 - iii. operational level- realizing and implementing the proposed methods, information systems and technology

- e) Kadaster International provides services in such areas as;
- i. Use of Information Technology -This involves conversion of an analogue set-up into a digital one and requires redefining all internal steps along which information input becomes product output. It also involves mapping out of both the existing and desired situation, designing, developing and implementing the means for realizing new work processes such as data model, work flow, infrastructure, legal changes, IT-organization and quality assurance organization.
 - ii. Training- the corporation offers training both locally and abroad(organizes projects, workshops or conferences). Tailor-made programmes are organized as required.
 - iii. Spatial data infrastructures- This is a basis for a well operating e-government. Creation of infrastructure involves creation of guidelines, content, harmonization, availability and distribution. The corporation has established inventories of existing spatial data, infrastructures, standards and responsible organizations. A well designed data infrastructure streamlines the exchange of data between the users involved, resulting in improved information provision and lower costs.
 - iv. Establishment of administration systems - the corporation is involved in consultancy projects in such areas as photogrammetry, field visits, establishment of registers and cadastral maps and systems set up
 - v. Maintenance and updating- This involves collection, management and distribution of geo-information which is shared at national and international levels. Large scale topographic datasets are built and maintained using aerial photography, satellite imagery and sensor information.
 - vi. Digitizing archives -citizens are able to access up-to-date fast, low cost information, which has been digitized for the whole country. This means higher efficiency as storage space required is negligible while offering sustainability in storage. To this end, support has been extended to Lesotho in the Land Administration Reform Project, and Namibia in the Rural Poverty Reduction Programme. In the Netherlands, the corporation has digitized 5.2million field sketches and 3.3 million parcel maps. The documents have been indexed by their archive number and parcel numbers. Cables and pipelines -the corporation provides accurate data on cables and pipelines throughout the country and

combines it for dissemination to excavators to avoid excavation damage. This involves making inventories of existing data owners, data formats and used standards. The data is then integrated within the national geo-spatial data infrastructure. The Committee was further informed that about 1,200 companies own pipes and cables and information is collected by the corporation for use in planning. Optimizing land use- land use is limited by the spread and size and fragmentation of land ownership limits the scale of farm enterprise and obstructs efficient access to land. The corporation therefore creates inventories of existing and desired situation of ownership, use and state-land availability. It is also involved in defining rural development policies, incorporating economic and nature objectives and enabling stakeholder participation. The land laws require data emanating from the corporation to be completely reliable, comprehensive and up-to-date.

- f) The Committee was further informed that the corporation had established a web service, Kadaster-on-line where an average of 19 million information products was processed per annum. The systems are able to automatically process deeds that were conveyed electronically. It also participates in the European Land Information Service thereby making it possible for European land registries to inquire into each other's registries.
- g) The Members noted the efficiency with which land matters were handled in Holland and raised issues to which clarifications were given as follows:
 - i. The mode of land ownership is either public or private and that no leases are granted. The Government can however purchase private property if it is required for a public utility;
 - ii. Land use is clearly defined in the law and remains as originally planned;
 - iii. The system developed for land management is able to respond to a query within ten seconds. The corporation has entered into contracts with banks, notaries, municipalities and national tax agencies, who access their data on a regular basis, and who have to abide with the terms of the contract as the information is restricted/ confidential.

2.1 MARKETING AND CUSTOMER ORIENTATION

- a) Use of data provided by land administration organizations is useful for administrative and mapping purposes such as parcels, property borders, mortgage price, legal ownership and rights of use. Increasing improvements in digital data management

creates new types of information to a wider group of users/customer groups, such as average mortgage prices for banks, average purchase prices and price developments for municipalities, insurance companies and private persons.

- b) The Director also informed the delegation that Kadaster International works closely with other bodies with similar mandates worldwide including the Regional Centre for Mapping of Resources for Development, which operated in Kenya under the auspices of the United Nations Economic Commission for Africa and whose mandate was the provision of Geo-Information services.

2.2 VISIT TO ABC WESTLAND BUSINESS PARK, POELDJK

Members held a meeting with Dr. R. Herwi the Chief Executive of ABC Westland Beheer at the ABC Business Park premises. The delegation was informed that:-

- a) The company comprises a group of firms which combined forces in 1999 to produce and sell fruits and vegetables. The company was a centre for the world where 85 firms work together in production as well as export to the rest of Europe. Kenya also formed one of the sources of their imports, which were mainly consumed in the region in winter as the Dutch produce crops from March to October.
- b) The company has a turnover of Euro 0.9billion and operates in an area of 55 hectares. Some of the space is rented out to small producers and others to exporters who build their own structures. The company receives 1,750 trucks daily which translates to half a million tonnes per annum. Packaging of their produces adheres to modern technological standards. On receipt, the produce is sorted, packed and sold to the rest of the world. Furthermore bananas undergo ripening at the company using a special process.
- c) The company accounts for 25% of fruit and vegetable imports in the country. To cut on costs, the company employs key personnel for maintenance and sub contracts special skills. The company produces and uses green energy through solar energy and windmills which costs about Euros 2.4million to produce 2.4 megawatts.
- d) The products imported must have a certificate of origin from the respective government agency, to ensure quality control. The genetically modified produce was not allowed in Holland and the mode of seed improvement involved multiplication and selective breeding.

Thereafter, the Members were taken on a tour of the expansive facility where they observed application of modern packaging methods. Sorting was done manually while the packaging was done using specialized machines. Labeling of the produce was also done for quick dispatch to

the supermarkets. The label had electronic information of the farm of origin to enable tracking of the produce.

2.3 MEETING WITH THE DUTCH ALLIANCE FOR SUSTAINABLE DEVELOPMENT IN AFRICA(DASUDA)

The delegation held discussions with Mr. Remco Rolvink, Founder of DASUDA. The meeting was held in Heerhugowaard where the company was involved in urban planning development. The Members were informed that:-

- a) The company was formed through a merger of 14 companies and institutes in the fields of urban development and integrated land use and had such professionals as designers, planners and architects, which skills are combined for various projects the company undertakes. It is a public commercial entity, which operates with endorsement from the Dutch government. It is a non-profit foundation and urban solutions platform which offers knowledge and expertise in the promotion of integrated, holistic and multidisciplinary approach to sustainable urban development. It aims at the achievement of better quality urban environment through efficient utilization of resources, inclusive processes as well as synergies between different urban systems.
- b) Dasuda has specialized in turning housing projects into living spaces and has been involved in construction of affordable housing for all categories of home owners. One of the major projects undertaken was the City of Sun/Park of Luna Heerhugowaard Project which encompasses an area of 300Ha. The master plan for the area was drawn twenty years ago and involved local municipalities, technical advisors and private developers. Additionally, forty different commissions were set up during the implementation of the project .
- c) The project is situated in an area which was formerly a lake, which was dried up in the year 1700 to make room for living space/land. A unique feature of the project was the creation of a 50ha. water mass around the project to offer recreational facilities to the residents. The project is energy efficient and photovoltaic cells for each house have been provided along with windmills to supplement energy supply. During winter, hot water is pumped up from the earth to warm the houses and then pumped back again. The area has access to clean water for both recreational and domestic purposes. It is also isolated from the polder system and water is pumped around the artificial island and is pumped out when too much water collects due to heavy rainfall. An integrated recreational park has been constructed along with a natural water cleaning labyrinth.
- d) Three municipalities which were involved in the project bought all the ground recreational areas to ensure their access to residents while the housing units were sold to the public.

Dasuda has also extended their professional support to international arena where their services are required. They have been involved in Kaloleni Urban Centre planning where the Nairobi City Urban Planning Department in conjunction with the University of Nairobi's School of Built Environment were working towards an integrated development approach to the estate. The Members were taken on a guided tour of the project where they observed meticulous planning of the area and the order in which various land was put into use, be it agricultural, recreational and housing/residential.

2.4 MEETING WITH THE CHAIRMAN, COMMITTEE ON HOUSING OF THE DUTCH PARLIAMENT

The Chairman of the Committee on Housing Hon. Voorziller De Rowe, accompanied by Hon. Van Der Linde held discussions with the Members on matters pertaining to housing and land matters in the Netherlands. Members were informed that;

- a) The **House of Representatives** is the lower house of the bicameral parliament of the Netherlands, the State's General, the other one being the Senate. It has 150 seats which are filled through elections using a party-list proportional representation. It sits in the Binnenhof in the Hague.

Functions

The House of Representatives is the main chamber of Parliament, where discussion of proposed legislation and review of the actions of the cabinet takes place. Both the Cabinet and the House of Representatives itself have the right to propose legislation; the House of Representatives discusses it and, if adopted by a majority, sends it on to the Senate. Review of the actions of the cabinet takes the form of formal interrogations, which may result in motions urging the cabinet to take, or refrain from, certain actions. No individual may be a member of both parliament and cabinet, except in a caretaker cabinet that has not yet been succeeded when a new House is sworn in.

The House of Representatives is also responsible for the first round of selection for judges to the Supreme Court of the Netherlands. It submits a list of three names for every vacant position to the Government and elects the Dutch Ombudsman and his subsidiaries.

- b) **Elections**

The maximum term of the House of Representatives is four years. Anybody eligible to vote in the Netherlands also has the right to establish a political party and contest

elections for the House of Representatives. Elections are called when the government loses Parliament's confidence, the governing coalition breaks down, the term of the House of Representatives expires or when no governing coalition can be formed. Citizens of the Netherlands aged 18 and above have the right to vote with the exception of prisoners serving a term of more than one year, and persons declared incapable by Court because of insanity.

Once the election results are known, the seats are allocated to the parties. The number of valid national votes cast is divided by 150, the number of seats available, to give a threshold for each seat. Each party's number of votes is divided by this threshold to give an initial number of seats. Any party that received fewer votes than the threshold (i.e., less than one in 150 of the total votes cast) fails to gain representation in the House of Representatives, thus the threshold is always at 0.67% of the total number of valid national votes (roughly one seat for every 50,000 votes).

c) **Form of Government**

Members were informed that the Netherlands had a devolved form of government where certain services on land and housing were devolved from the national government to the lower levels as follows:

- i. National government - Policies on general use of land were determined at this level
- ii. Provincial- Land use requirements are determined at this level
- iii. Councils - specific land use are determined at this level
- iv. Water Management Councils

Representatives of provincial, councils and Water Management Councils are elected by people directly.

The Chairman informed the Members that land use laws in the Netherlands were about fifteen ranging from special planning to environment and that they were being integrated into one law for efficient implementation.

2.5 MEETING WITH THE DIRECTOR OF URBAN PLANNING, AT THE HAGUE

The delegation held discussions with Mr. Erik Pasveer, the Director of Urban Planning at the City of the Hague where issues touching on the planning of the city were highlighted. Mr. Pasveer informed the delegation that:-

- a) There has been a shift from formal land use in Netherlands to less formal, more flexible planning. Currently, harmonization of laws and regulations on land planning was being

undertaken. Once completed, decision making process on land matters would be simplified and more participation in land at the local level would be realized such that the central government would only be involved where necessary.

- b) The National Spatial Strategy and matters of national concern do not interfere with the provincial and local land management as the services have been devolved
- c) The Dutch Government made a decision to modernize land use planning, which plans are reviewed every ten years;
- d) The government had an obligation to ensure that plans were digital, produced on internet and accessible throughout the world
- e) The Hague had evolved from the 19th Century as a sea side resort/city to an international city of Justice and peace in the 20th Century. From 1960 to date, the population declined due to development of villages, which saw only the old and unemployed remaining in the City. This in effect led to various programmes from 1990 to 2013 to re-urbanize the city. Investment programmes were put in place which ensured the provision of one job per household, and which has led to a growth in population to the current number of 511,000 inhabitants.
- f) The City management was also working closely with the city of Rotterdam to develop an area of 2.2million inhabitants and create one million jobs within the metropolis by the year 2040. For the programme to achieve the intended results there would be need to intensify land use in towns, construction of more houses, office space, maintenance of quality of life, investments and development of tourist attraction sites along the sea side as well as infrastructural facilities such as roads and terminals.
- g) The current crunch in financial markets necessitated new financial arrangements to be worked out as well as setting new priority areas. The current vision/mission for the city hinged on the following central areas:
 - i. economic strength- creation of more jobs
 - ii. City of differences-taking advantage of variety in population in terms cultural/ethnic/ language diversities
 - iii. Quality of life and
 - iv. Regional cooperation
- h) It is anticipated that the development of the four core areas would enable the City achieve the development of metropolis dream by the year 2040.

3.0 COMMITTEE'S OBSERVATIONS

3.1 LAND MANAGEMENT INFORMATION SYSTEM

- a) The Committee observed the seriousness with which land information was managed in the Netherlands and the key role the land sector played in the development of the country. A state corporation was established to manage data on all land, including development of cadaster and spatial data infrastructure (which includes collecting and registering administrative data of property and rights), maintenance and up dating of geo-information and the provision of cables and pipeline data countrywide.
- b) Furthermore the state corporation maintains efficient systems which are able to provide real time information on demand within seconds. The Committee noted the need for the National Land Commission to enhance its capacity to develop and manage the land information and management system in the country in line with its constitutional mandate.

3.2 MARKETING OF HORTICULTURAL PRODUCE

The Committee noted the availability of ready market for agricultural produce from Kenya to the Netherlands during the winter season when the latter does not undertake farming activities, a market that needed to be exploited fully. The Committee noted the opportunities for county governments to partner with such importers as ABC Westland Business Park for marketing of local agricultural produce.

3.3 URBAN PLANNING AND DEVELOPMENT

- a) The Committee observed the meticulous planning of towns and urban dwelling places, and the application of integrated approaches to housing developments and related plans. The Committee observed the ability of planners to create living spaces which were in consonance with the environment and which encompassed application of modern building concepts to nature. The outcome of such approaches was housing units/estates that resonated well with nature- where such features as water, vegetation/trees were incorporated in the building plans.
- b) The Committee also observed the disparity of population trends in the Kenyan towns and cities as opposed to the City of the Hague. While the Kenyan cities and towns are reeling with unprecedented upsurge in population growth, planners at the Hague were embarking on programmes to re-urbanize the city. What the Committee found striking however was the initiation of programmes on job creation, construction of more houses by the government, investments and development of infrastructure ahead of the envisioned population of 2.2million in the year 2040.

- c) The Committee further noted the widespread use of wind and solar energy in every house/home as a means to supplementing energy supply. Due to sustainability of wind and solar energy, the Committee observed the need for counties to exploit such alternative sources of energy to ensure efficiency in energy supply and distribution.

4.0 RECOMMENDATIONS

- a) The National Land Commission should move with speed to enhance capacity in staffing and skill acquisition to enable it perform its constitutional mandate of development and management of land information system, which was currently being handled by the Ministry of Land, Housing and Urban Development.
- b) The National Land Commission should foster linkages with experts in Land Management Information Systems within the country and without, to fast track systems and skills development in the Commission.
- c) The Cabinet Secretary for Land, Housing and Urban Development should institute measures aimed at ensuring deliberate planning/forecasting for emerging needs in the towns and cities and seek partnerships with bilateral partners to put up decent houses for town populations and initiate opportunities for job creation to enhance high standards of living for inhabitants of Kenyan cities/towns.
- d) The Cabinet Secretary for Land, Housing and Urban Development should ensure an integrated approach to housing developments within the cities/towns, while ensuring that the developments put up are energy efficient.
- e) The Ministry of Agriculture, Livestock and Fisheries should initiate partnerships with importers of horticultural produce in the Netherlands to exploit opportunities for Kenyan horticultural exports, especially during the winter months when the demand is high.

MINUTES OF THE SIXTY EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LAND
HELD ON TUESDAY, 24TH JUNE 2014, IN THE 4TH FLOOR BOARDROOM, PROTECTION HOUSE
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. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis Kigo Njenga, M.P.
6. The Hon. A. Shariff, M.P.
7. The Hon. Eusilah Ngeny, M.P.
8. The Hon. Bernard Bett, M.P.
9. The Hon. Kipruto Moi, M.P.
10. The Hon. Hellen Chepkwony, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Esther Murugi, M.P.
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Suleiman Dori, M.P.
16. The Hon. Dr. Paul Otuoma, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Joseph Magwanga, M.P.
19. The Hon. Mpuru Aburi, M.P.
20. The Hon. Patrick Makau, M.P.
21. The Hon. Francis W. Nderitu, M.P.
22. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGY

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Oscar Sudi, M.P.
3. The Hon. Julius Ndegwa, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Sarah Korere, M.P.
6. The Hon. George Oner, M.P.
7. The Hon. Shakila Abdallah, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. The Hon. Augustino Neto, M.P.
2. The Hon. Simba Arati, M.P.
3. The Hon. Abdullahi Diriye M.P.

4. Mr. James Ginono
5. Ms. Ruth Mwihaki
6. Ms. Lynette Otieno

Clerk Assistant I
Clerk Assistant III
Legal Counsel II

MINUTE NO. DCL/LN/2014/84

PRELIMINARIES

The Chairman called the meeting to order at 10.25 a.m with a word of prayer.

MINUTE NO. DCL/LN/2014/85

ADOPTION OF THE AGENDA

The agenda was proposed by the Hon. Gideon Mung'aro, M.P and seconded by the Hon. Helle

Chepkwony, M.P.

MINUTE NO. DCL/LN/2014/86

CONFIRMATION OF MINUTES

The minutes of the 67th sitting held on 19th June 2014 were proposed by Hon. A. Sharrif, M.P and seconded by the Hon. Kipruto Moi, M.P as a true record of the proceedings and signed by the Chairman.

MINUTE NO. DCL/LN/2014/87

BRIEFING FROM HON AUGUSTINO NETO ON THE PETITION OF LAND TITLE DEEDS AND THE REMOVAL OF CAVEAT ON LAND TITLE DEEDS IN NAROK SOUTH

The Committee was informed THAT:

1. The petitioners comprising of over 15,000 families bought the land in Tendwet location area also known as 'Sierra Leone', Narok County from Enkaroni and Enekishoni group ranches on a willing buyer willing seller basis.
2. The Petitioners hold legitimate title deeds to the land but their Constitutional rights to the properties have been violated by the government through the non-recognition of their title deeds.
3. A Caveat was put on the Land considered to be part of the Mau Forest by the Former Minister for Lands, Hon. James Orengo from Nakuru, Narok, Londiani and Kipkerion, and that the Caveats on the Land have further curtailed the petitioners rights to the properties
4. That the petitioners are seeking assistance of the National Assembly to getting their land back, recognition of their title deed and a lifting of any caveats on their titles.

Resolution

1. The committee to conduct a field visit to the area from 17th – 20th July 2014.
2. The following to appear before the Committee in order to give evidence in regards to the petition:
 - a) Sen. James Orengo
 - b) Former Rift Valley PC, Mr. Hassan Nuh
 - c) Cabinet Secretary for Lands, Housing and Urban Development
 - d) Cabinet Secretary for Environment
 - e) Land Administrators, Foresters, Surveyors, in Narok
 - f) The Land Registrar
 - g) Chairman of the group ranches

MINUTE NO. DCL/LN/2014/ 88

CONSIDERATION OF MINISTERIAL STATEMENT REQUESTED BY HON. SIMBA ARATI ON THE STATUS OF KAWANGWARE, KILIMANI, LAVINGTON, MILIMANI AND KILELESHA PRIMARY SCHOOLS

The Committee considered the Ministerial statement and received a briefing by Hon. Simba Arati, on the same.

Upon deliberations it was resolved that Hon. Simba Arati should write to the Speaker informing him that the Ministerial Statement received is not satisfactory and requests that the Departmental Committee takes up the matter and reports to the House.

MINUTE NO. DCL/LN/2014/89

COMMITTEE RETREAT IN MOMBASA

The Committee considered an invitation by the National Land Commission to attend a workshop in Mombasa on the 26th-29th June 2014. The committee noted the short notice and resolved that the Commission is requested to reschedule the workshop to be from 4th-6th July 2014.

MINUTE NO. DCL/LN/2014/90

REPORT ON INSPECTION VISIT TO THE NETHERLANDS

The Committee considered and approved the Report on Inspection visit to the Netherlands as attached for tabling at the Floor of the House.

The following matters arose:

1. Memorandum on Amendments to the three Land Statutes.

The Committee was informed that the memorandum has been approved and the legal team working on the drafts.

2. Resettlements of Squatters in Lekiji Farm

The Committee was informed that that the Minister for lands has agreed to pay 40 million to resettle Lekiji Community squatters.

3. Scheduling of Committee Meetings:

Members noted that the timings for the lands and Implementation Committees are not favorable for members who sit in both Committees. It was resolved that the timings for the meeting be rescheduled.

4. Request to withdraw the Regulations to operationalise the NLC Act, 2012 by the Cabinet Secretary Ministry of Lands, Housing and Urban Development;

The Committee noted that during the Lands Stakeholders Retreat held in Flamingo Resort & Spa, Mombasa between May 28th-31st, 2014, it was observed that the Ministry of Lands, Housing and Urban Development and the National Lands Commission had failed to reach a consensus on developing the NLC Act 2012, regulations for onward transmission to Parliament in the last year. It was agreed that both the Ministry of Lands Housing and Urban Development and the National Land Commission should submit their different versions of the draft Regulations for consideration and harmonization by the Departmental Committee on Lands within 30 days in order to expedite the process with a view to bringing sanity in the Lands Sector.

The Committee further noted that the Ministry has not submitted their draft regulation as agreed in the retreat and therefore declined to withdraw the regulations from the NLC as requested by the Cabinet Secretary and resolved that the Ministry submit the said regulations on or before 1 July 2014.

5. Visit to Kilifi and Nyali

The Committee noted the various land disputes in the area and resolved to identify a date when to visit the area.

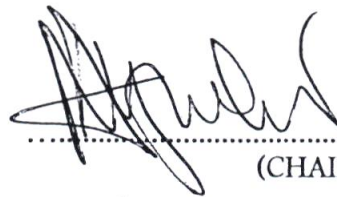
6. Foreign Visits

The Committee resolved to identify the destinations to visit during its next meeting.

MINUTE NO. DCL/LN/2014/92 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Fifty Minutes past twelve O'clock, the Chairperson adjourned the Sitting on Thursday 26th June 2014 at 10.00am in the Committee Room 9, Main Parliament Building.

SIGNED



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(CHAIRPERSON)

DATE

