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REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Paper laid by the
Chairperson
Committee on
Lands on 4/5/2016
(pm) [Signature]

ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

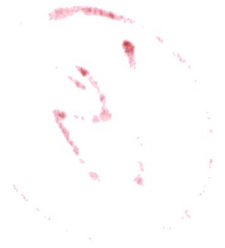
REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

THE REPORT ON THE PETITION BY MAVOKO CONSTITUENCY, REGARDING
THE ALLEGED COMPULSORY ACQUISITION OF LAND IN MAVOKO LR
NO.10029/2;

Published By:-

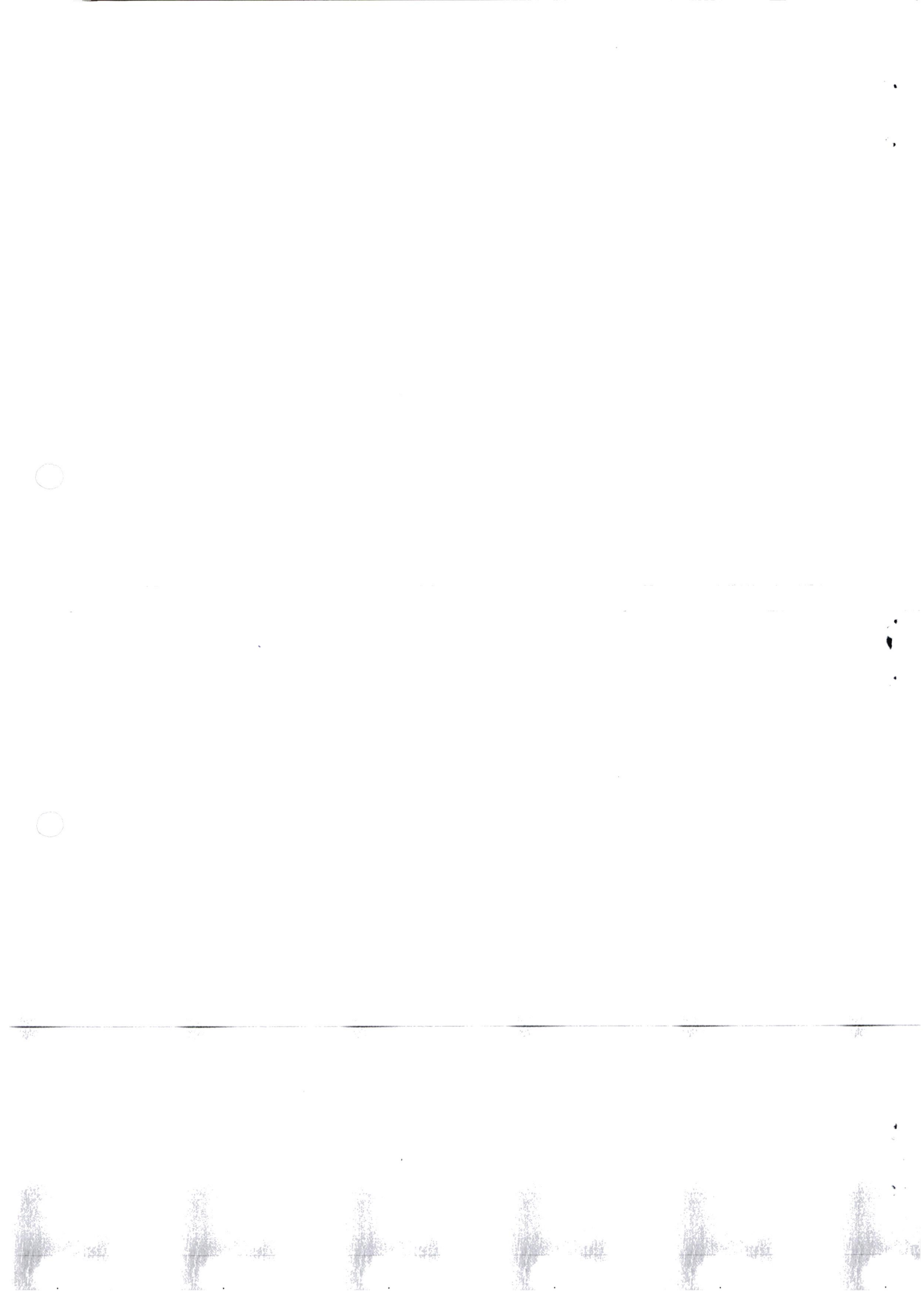
CLERK'S CHAMBERS,
DIRECTORATE OF COMMITTEE SERVICES
KENYA NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS,
NAIROBI

MAY, 2016



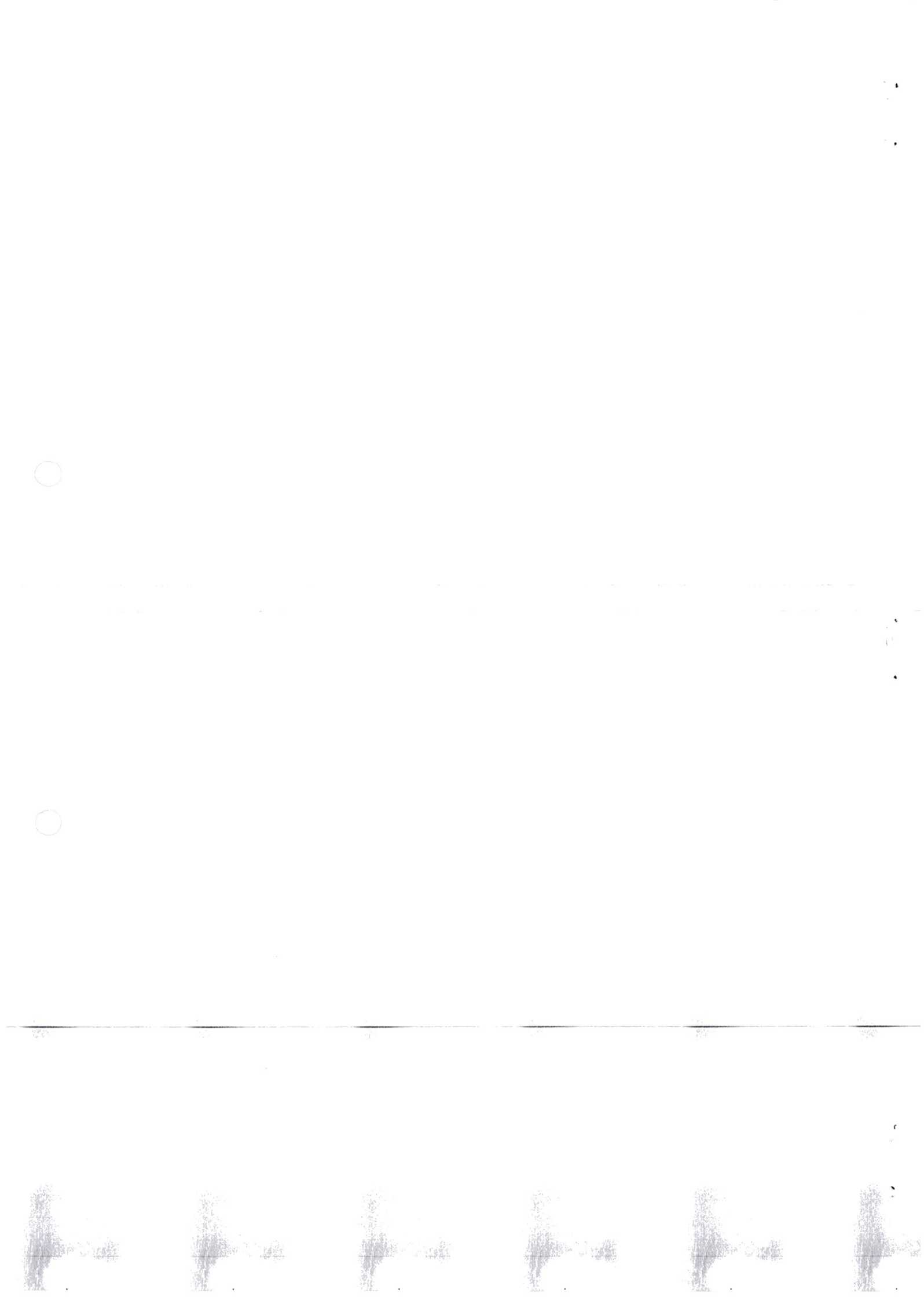
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2. ANNEXES

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- B. Submission from the Ministry of Lands, Housing and Urban Development
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- D. Submission from Ministry of Agriculture, Livestock and Fisheries
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3. CHAIRMAN'S FOREWORD

The Committee in considering the petition conducted an inquiry in order to determine the pertinent issues. It held meetings with the member for Mavoko Constituency, Hon. Patrick Makau, M.P, who presented the petition. In addition, Dr. Fred Matiang'i, Acting Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by his Principal Secretary Ms. Mariam El. Maawy, Prof. Fred Segor, Principal Secretary for Livestock, Ms. Abigail Mbagaya, Vice Chairperson, National Land Commission, Dr. David Nkedianye Governor, Kajiado County, Sen. Peter Mositet , Senator, Kajiado County, Hon. Peris Tobiko – M.P Kajiado East Constituency and Hon. Janet Teyiaa , Nominated MP., briefed the Committee. The Committee further received representations from the petitioners.

In addition, the Committee undertook a fact finding visit to Mavoko Constituency on 15th July 2015, in order to assess the situation on the ground and collect views of the residents of Mavoko Constituency.

On my own behalf, I wish to commend Members of the Committee for their patience, endurance and hard work during the long sitting hours under tight schedules, which enabled us to complete the tasks within the stipulated period. Furthermore, the assistance received from the offices of the Speaker and the Clerk of the National Assembly was invaluable. The Committee acknowledges the contribution of witnesses in the preparation of this report by way of submissions and presentations.

Finally, it is my pleasant duty, on behalf of the Departmental Committee on Lands, to present this report in accordance with the provisions of Standing Order 227 which requires that the committee responds to a petition within sixty days through a report addressed to the petitioner(s) and Laid on the Table of the House.

THE HON. ALEX MWIRU, MP

CHAIRPERSON



4. EXECUTIVE SUMMARY

The purpose of this report was to investigate the issues surrounding the land referred to as Sheep and Goat, situated in Athi River and Kitengela area. After a series of Meetings with all the parties involved, the Committee found that the said land was compulsory acquired from the Kaptei Community who are from Kajiado County for the purpose of holding ground for sheep and goats waiting to be slaughtered at the Kenya Meat Commission.

The Committee further learnt that there are cases of alleged irregular allocations and issuance of title deeds to private individuals, and that this is what made the Kaptei Community to declare that their land has been allegedly used for other purposes contrary to the original plans.

The report concludes that the Government through the State Department of Lands and the National Land Commission should survey the land to establish the actual acreage of the public land in question and consider reverting the land to the community since the land was not used for the original intended purpose and investigate all illegal subdivisions with a view of revoking the title deed issued;

The report further recommends that the Criminal Investigation Department and the Ethics and Anti-corruption Commission (EACC) should conduct a forensic investigation on the title deeds in possession by people with a view to recommending prosecution of both public officers and private individuals culpable of forgery.



5. MANDATE OF THE COMMITTEE

The Departmental Committee No. K on Lands 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);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.



5.1 Oversight

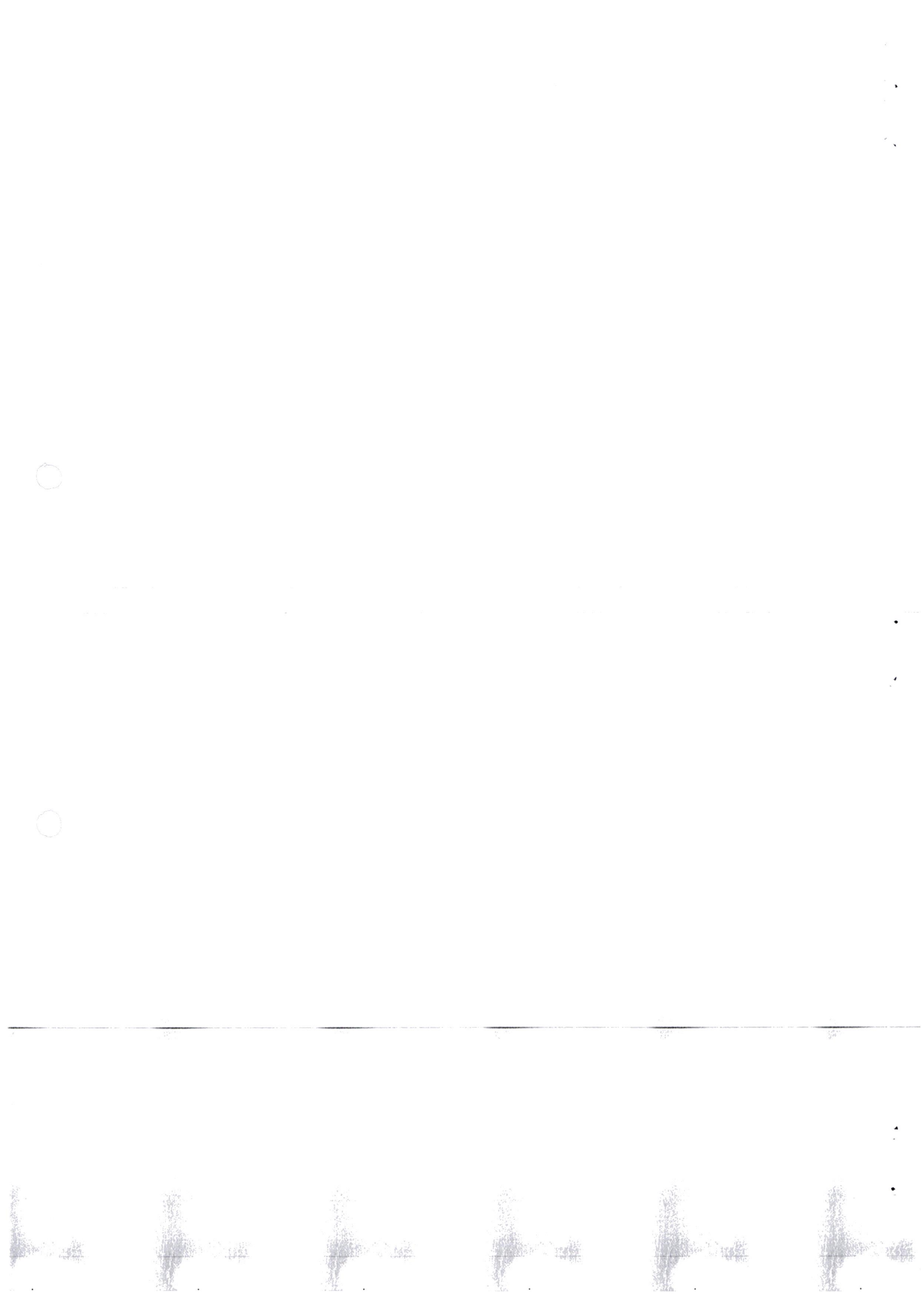
In executing its Mandate, The Committee oversees the following Government Departments, Namely:-

- i. The State Department for Lands
- ii. The National Lands Commission



5.2 Members of the Committee

Chairperson	The Hon. Alex Mwiru, M.P.
Vice Chairperson	The Hon. Moses Ole Sakuda, M.P.
Members	The Hon. Mutava Musyimi, M.P.
	The Hon. John Kihagi, M.P.
	The Hon. Francis W. Nderitu, M.P.
	The Hon. Kipruto Moi, M.P.
	The Hon. Hellen Chepkwony, M.P.
	The Hon. Sarah Korere, M.P.
	The Hon. Benson Mbai, M.P.
	The Hon. Suleiman Dori, M.P.
	The Hon. George Oner, M.P.
	The Hon. Mathew L. Lempurkel, M.P.
	The Hon. Shakila Abdallah, M.P.
	The Hon. Dr. Paul Otuoma, M.P.
	The Hon. Thomas Mwadeghu, M.P.
	The Hon. Joseph Magwanga, M.P.
	The Hon. Ali Shariff Athman, M.P.
	The Hon. Francis Njenga, M.P.
	The Hon. Hezron Awiti Bollo, M.P.
	The Hon. Benard Bett, M.P.
	The Hon. Esther Murugi, M.P.
	The Hon. Oscar Sudi, M.P.
	The Hon. Onesmus Ngunjiri, M.P.
	The Hon. Julius Ndegwa, M.P.
	The Hon. Patrick Kingola, M.P.
	The Hon. Kanini Kega, M.P.
	The Hon. Eusilah Ngeny, M.P.
	The Hon. Lawrence Aburi, M.P.



5.3 Secretariat

First Clerk Assistant: - Mr. James Ginono

Third Clerk Assistant: - Ms. Ruth Mwihaki

Third Clerk Assistant: - Mr. Emmanuel Muyodi



5.4 List of Recommendations

1. The Ministry of Lands, Housing and Urban Development and the National Land Commission should carry out a survey to establish the actual acreages of the land LR No.10029/2 that are still available;
2. The National Land Commission should investigate all illegal subdivisions with a view of revoking the title deed issued;
3. The Criminal Investigation Department and the Ethics and Anti-corruption Commission (EACC) should conduct a forensic investigation on the title deeds in possession by people with a view to recommending prosecution of both public officers and private individuals culpable of the forgery;
4. The Government through the State Department of Lands and the National Land Commission should survey the land to establish the actual acreage of the said public land and consider reverting the land to the community since the land was not used for the original intended purpose.



6. INTRODUCTION

6.1 On Tuesday 30th, June 2015 a Petition was tabled before the House pursuant to Article 119 (1) of the Constitution of Kenya 2010 and Standing Order 219; by Hon. Patrick Makau, MP on behalf of Mavoko residents regarding the alleged compulsory acquisition of land in Mavoko LR. No.10029/2;

6.2 The House pursuant to Standing Order 227 referred the Petition to the Departmental Committee on Lands for preparation of the Report.

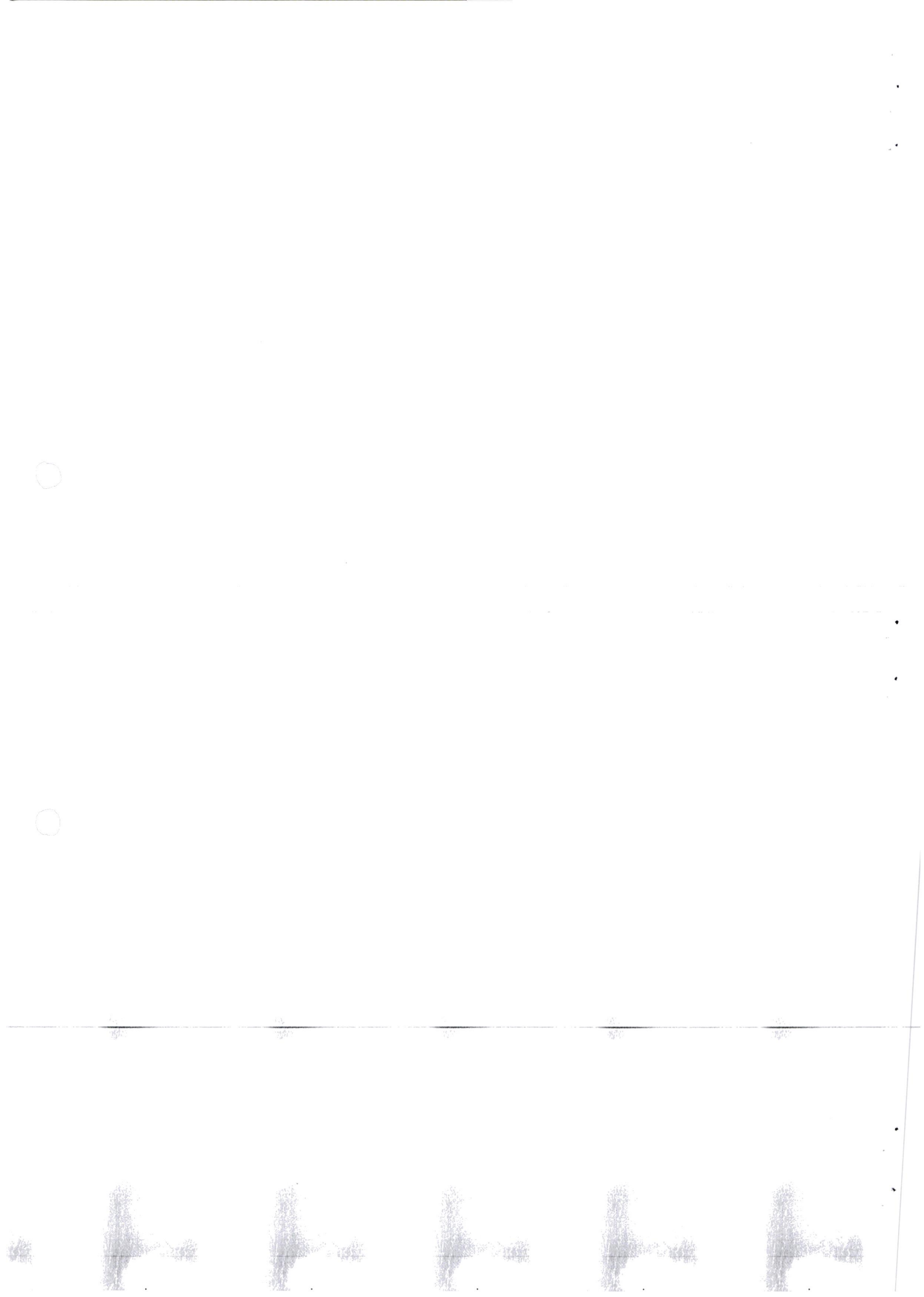
6.3 The Committee received the Petition on Thursday 2nd , July 2015 and set out a procedure for the consideration and to report to the House within 60 days as set out in Standing order no 227(2);

6.4 The Petitioners wished to draw to the attention of the House on the following, that:-

- i. Residents of Mavoko Constituency are the original and communal owners of land referred to as Sheep and Goat situated in Athi River and Kitengela area;
- ii. The land was compulsory acquired from the right owners(petitioners) for the purpose of holding ground for sheep and goats awaiting to be slaughtered at the Kenya Meat Commission;
- iii. The land has never been used for the stated purposes and there is no evidence that the said land will ever be used for the said holding of sheep and goats;
- iv. The land has been allegedly used for other purposes contrary to the original plans;
- v. Efforts to resolve this matter with the relevant Government agencies have been futile; and
- vi. The matter presented in this petition is not pending before any tribunal or court of law.

6.5 The petitioners pray that the National Assembly, through the Departmental Committee on Land:-

1. Recommends immediate investigations into the alleged irregular allocations and determine the validity of the current allocations and ensure corrective action is taken;
2. Ensures that the Petitioners' plight is addressed; and
3. Makes any other order or direction that it deems fit in the circumstances of the case



6.1 Evidence

6.1.1 Evidence Hon. Patrick Makau, Member of Parliament, Mavoko Constituency

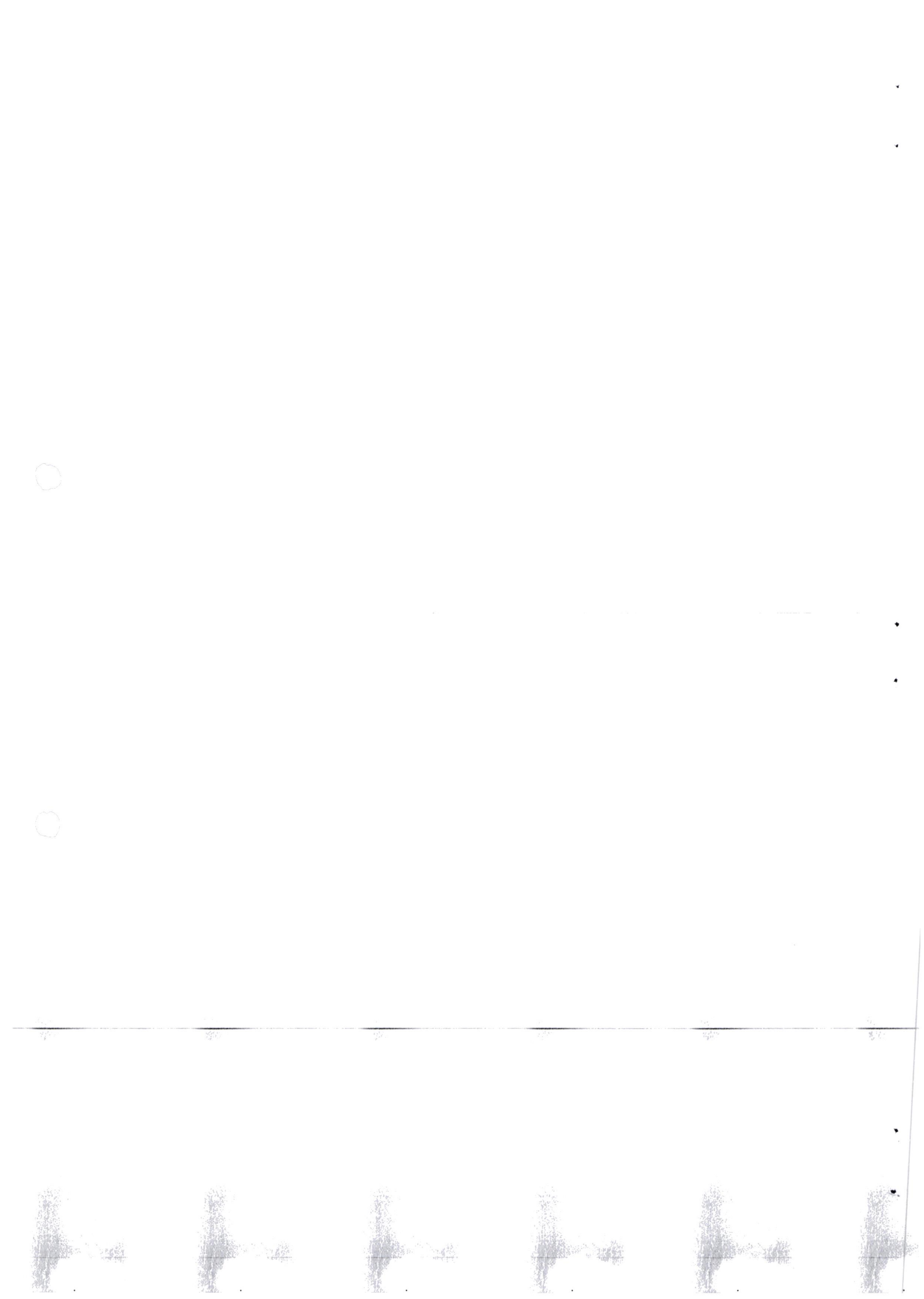
He informed the Committee as follows:-

- i. The residents of Mavoko Constituency are the original and communal owners of land referred to as Sheep and Goat situated in Athi River and Kitengela Area;
- ii. The land was compulsory acquired from the right owners(Petitioners) for the purpose of holding ground for sheep and goats awaiting to be slaughtered at the Kenya Meat Commission;
- iii. The land has never been used for the stated purposes and there is no evidence that the said land will ever be used for the said holding of sheep and goats;
- iv. The land has been allegedly used for other purposes contrary to the original plans;
- v. Efforts to resolve this matter with the relevant Government agencies have been futile; and
- vi. The matter presented in this petition is not pending before any tribunal or court of law.

6.1.2 Evidence from Petitioners

Mr. James Ole Turerei – Chairman, Mr. Wilson Kisemei - Secretary and Mr. Samwel Olputa - Treasurer from Mavoko Constituency informed the Committee as follows :-

- a) LR No. 10029/2 measuring 2,912 acres was originally part of a 10,000 acre piece of land alienated by the Colonial Government from the Maasai Native Reserve in 1936;
- b) The land was used as a holding ground for livestock slaughtered when a factory for meat processing was constructed by the Liebig Company of Rhodesia;
- c) The lease, which was for 20 years however ended in 1951 when the land, was given to the Kenya Meat Commission which took over the meat company factory;
- d) By 1960s, the Maasai Community had reverted back to the land with their livestock;
- e) The Empakasi Primary School and several cattle dips were also built and used by the local Maasai;



- f) In 1978, Kenya Meat Commission surrendered the land (measuring 2,912 acres) to the Government for re-allocation to the Ministry of Livestock to establish a Sheep and Goat Multiplication Centre;
- g) In the process, police evicted thousands of Maasai living and grazing livestock on the land and they set bomas on fire. Several families were left homeless and their property destroyed;
- h) However, a compromise was reached partially on the Government's area measuring 6,000 acres was left for the community while the rest (2,912 acres) was set aside for the Sheep and Goat Multiplication Centre;
- i) The Sheep and Goat Multiplication Centre failed in the late 1980s;
- j) The first fraudulent allocation of the land involved an unofficial adjustment of administrative boundary between Kajiado District of Rift Valley Province and Machakos District of Eastern Province;
- k) The said land from the first time was set aside for a public purpose in 1936 had been administratively located in Kajiado District;
- l) During that time, the public as well as private companies located in the area such as the Kenya Meat Commission and the Portland Cement Company paid their rates and other taxes to the Ol-kejuado County Council;
- m) But between 1975 and 1978, the boundary was adjusted such that the land, along with the people and their property were relocated to Machakos District;
- n) This adjustment was neither procedural nor legal as there were no gazette notices to that effect or a parliamentary Motion.

Name	Position	Amount
R.K Langat	Former Head of Range Management	4 acres
C.M Gichohi	Former Director- Livestock Production	3 acres
J.K Wanjayia	Former Assistant Director-Livestock Production	3 acres
A.E Chabeda	Former Assistant Director-Livestock Production	3 acres
D. Mule	Permanent Secretary – Ministry of Livestock	1 acres
P.M. Kyungu	Permanent Secretary in-charge of Defence	1 acres
DR. K. Bengat	(institution is unknown)	2 acres
F.H Mayieka	Former Deputy. Secretary, Ministry of Agriculture	



- o) However, the net effect was to deprive the Maasai of their land by making them wards of another district trusteeship where they do not have representation;
- p) The second part of the fraud begun after the failure of the Sheep and Goat Multiplication Centre. The Permanent Secretary to the Ministry of Livestock in 1996 wrote a letter to the Commissioner of Lands surrendering the land “ for re-allocation” since the Ministry no longer needed it;
- q) In the same letter, he enclosed 99 names of applicants from his Ministry, including many senior officials who were allocated each between 0.5 and 20 acres;
- r) Tabulated below are some of the beneficiaries and the amount of land allocated to them;
- s) Another 250 acres was allocated to Maasai Land Impex Company whose directors are four Maasai politicians from Kajiado District and they included among others:-
 1. Mr. D.K. Ole Muyaa: former Chairman of Olkejuado County Council.
 2. The Late Mr. Ole Pertet: former Director Kenya Re-Insurance Company.
 3. Mr.D.L Ole Sankori: former MP Kajiado Central.
 4. Mr. P. Ole Sing’ aru: former MPKajiado South.
 5. Later, they sold the land to the Mavoko West Company Ltd.
- t) All these allocations were done in spite of the constant warnings by the community against the land grabbing;
- u) On 19th July, 2003, the Maasai moved into the land so as to ensure that no grabber settled on it. However, the police were sent to brutally evict and harass them;
- v) The fracas that ensued led to Mr. Siteyia Oloipurkoi being shot and seriously wounded while several other people were injured;
- w) The powerful individuals within the Government were using their influence to protect their private interest in the land;
- x) The alienation of the land from the Maasai of Kitengela through the pretext of public purpose is an insidious way of depriving them of their right of ownership of the land guaranteed by the Constitution and the Maasai Agreement of 1911;
- y) The decision to ~~allocate~~ the land to ~~individuals~~ from ~~other~~ ~~communities~~ who ~~own~~ land elsewhere is a case of fraud;



- z) There was no justification for alienating the land from the owners without their informed consent; and the Maasai Community have pitched tent on the land to ensure that no grabbers gains access to the land.

6.1.3 Evidence from the Governor, Senator and Members of Parliament from Kajiado County

Dr. David Nkedianye – Governor, Kajiado County, Sen. Peter Mositet – Senator, Kajiado County, Hon. Peris Tobiko – MP Kajiado East Constituency, Hon. Janet Teyiaa - Nominated MP., informed the Committee as follows:-

- a) The land belongs to Kaptei Community who are from Kajiado County;
- b) The Maasai Community suffered under the Colonial Government and the successive government administration;
- c) Illegal land allocations were done in spite of the constant warnings by the community against land grabbing;
- d) The boundary was adjusted between 1975 and 1978 such that the land, along with the people and their property were relocated to Machakos District; the adjustment was neither procedural nor legal as there were no gazette notices to that effect or a parliamentary motion.
- e) The community feels that the reason for this adjustment was to deprive them of their land by making their ward under another district trusteeship where they do not have representation;
- f) The Empakasi Primary School was built in 1981, and teachers were posted from Kajiado County and several cattle dips that were also built and used by the local Maasai clearly indicate that the land belongs to Kaptiei Community under Kajiado County;
- g) The reason the Maasais moved into the land on 19th July 2003, was to ensure that no grabbers settled on it; but instead the police were sent to evict them, a fracas ensued and as a result, one person was shot and seriously wounded and several other people were injured;
- h) The alienation of this land from the Maasai of Kitengela through a pretext of a public purpose is an insidious way of depriving them of their right of ownership of the land guaranteed by the Constitution and the Maasai Agreement of 1911;

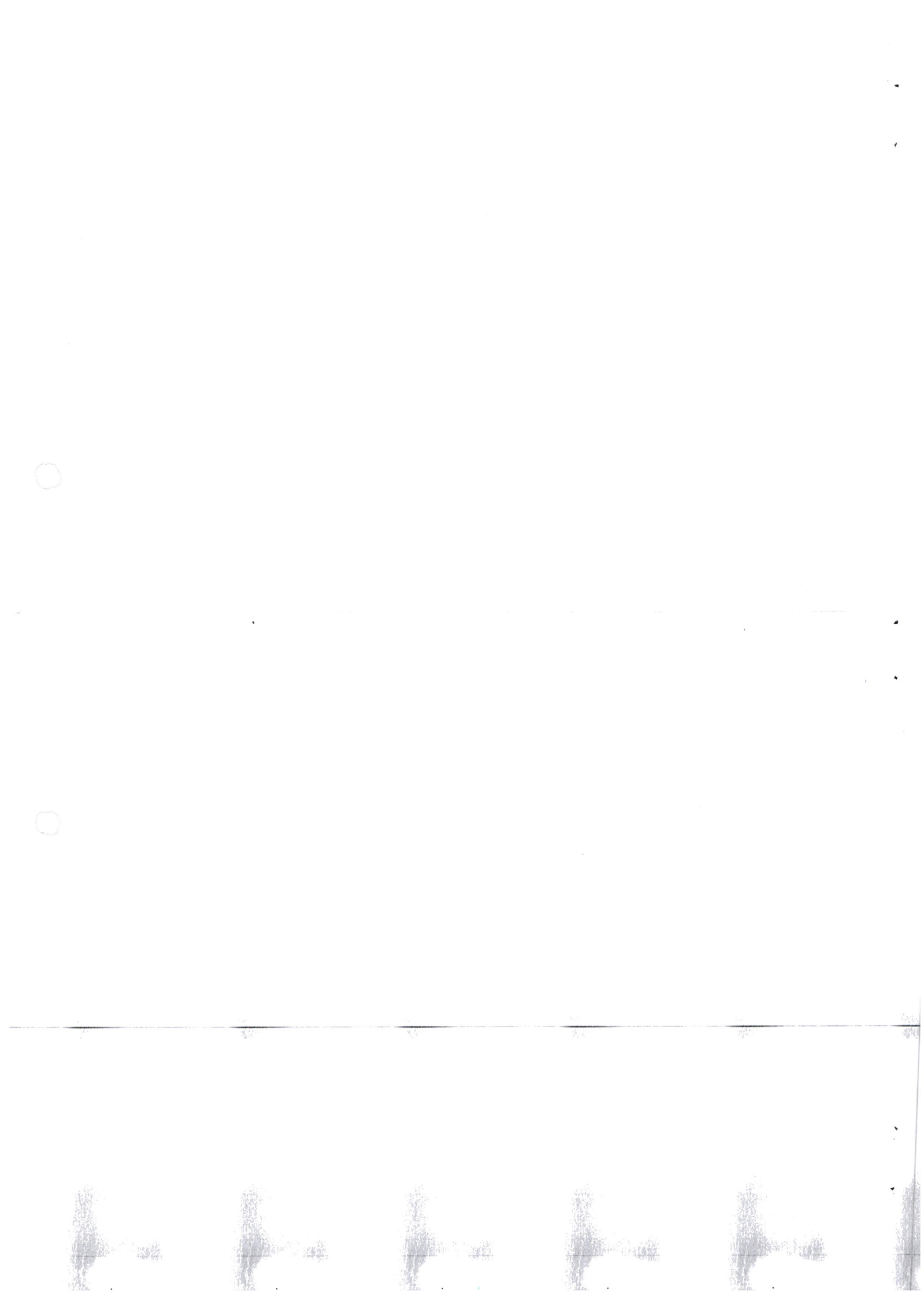


- i) There was no justification for alienating the land from the owners without their informed consent;
- j) Since the Sheep and Goat Multiplication Centre Project failed in the late 1980s and the land is no longer used for the intended purpose, it should instead be returned to the Kaptei Community.

6.1.4 Evidence from Residents of Mavoko Constituency

Mr. James Ole Turerei, Chairman, Mr. Wilson Kisemei, Secretary and Mr. Samwel Olputa, Treasurer, Mr. Parmesa Olesemei, Elder, Mr. Daniel Kanchai, Member of County Assembly, Mr. Nick Matiko, area resident, representing the petitioners informed the Committee as follows:-

- a) LR No. 10029/2 measuring 2,912 acres was originally part of a 10,000 acre piece of land alienated by the colonial government from the Maasai Native Reserve in 1936;
- b) The land was used as a holding ground for livestock slaughtered when a factory for meat processing was constructed by the Liebig Company of Rhodesia;
- c) The Kenya Meat Commission was given the land and took over the meat company factory when the lease ended in 1951;
- d) In 1978, Government made plans to establish Sheep and Goat Multiplication Centre, therefore the Kenya Meat Commission surrendered 2,912 acres for re-allocation to the Ministry of Livestock for the project;
- e) In the process, police evicted the residents and their houses were set on fire; several families were left homeless and property destroyed.
- f) The Sheep and Goat Multiplication Centre failed in the late 1980s;
- g) The said land from the first time was set aside for a public purpose in 1936 and it had been administratively located in Kajiado District. However, In 1975 and 1978, the boundary was adjusted such that the land, along with the people and their property were relocated to Machakos District;
- h) After the failure of the Sheep and Goat Multiplication project, the Permanent Secretary, Ministry of Livestock in 1996 wrote a letter to the Commissioner of Lands surrendering the land "for re-allocation";
- i) In the same letter, he enclosed 99 names of applicants from his Ministry, including many senior officials who were allocated each between 0.5 and 20 acres;



- j) Another 250 acres was allocated to Masai land Impex Company whose directors are four Maasai politicians from Kajiado District;
- k) In spite of the constant warnings by the community against the land grabbing, these allocations were done;

On 19th of July 2003, the police were sent to evict Maasais who had moved into the land so as to ensure that no grabber settled on it; a fracas ensued and several people were injured, including Mr. Siteyia Ololpurkoi who was shot and seriously wounded.

6.1.5 Evidence from the Cabinet Secretary Ministry of Lands Housing and Urban Development

Dr. Fred Matiang'i, Acting Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by Ms. Mariam El. Maawy, Principal Secretary, Mr. Peter Kahuho, Acting Secretary Lands, Mr. Augustine Masinde, Director Physical Planning, Mr. Cesare N. Mbaria, Director of Surveys, Ms. Terry Gathagu, Head of Legal Services, Mr. Francis K. Orioki, PLRO- Registry and Mr. Paul Mwangi, informed the Committee as follows, that:-

- a) The residents of Mavoko Constituency allege that the whole or part of LR No. 10029 (8912 acres) has been acquired by private developers contrary to the 1970's terms of agreement allocating the land to the Kenya Meat Commission as a Livestock Holding Ground. They are requesting that all illegal allocations be nullified and the land reverts to the local community as was the case before 1936;
- b) This parcel of land resulted from a sub-division of LR 10029. It falls on land adjoining Mavoko Township to the west and borders Athi River to the north and Kitengela River to the south. Athi River marks the northern border between the land and Nairobi National Park;
- c) In 1938, the Colonial Government excised it from the Maasai Reserve vide Ordinance No.28 of 1938 of the Native Trust. An agreement was reached between the Maasai and interested persons and compensation paid by Messrs. Liebig's (Kenya) Limited, the then lessees. The agreement stated that the land would not revert to the Maasai Community at any later date. (See a copy of a letter written by former Commissioner of Land - J. A. O'loughlin, in 1964 while responding to the Maasai request to have the land revert to the community);
- d) Between 1938 and 1951, the land was held by Liebig's (Kenya) Limited until it was surrendered to the Government in 1949. It was then allocated to the Kenya Meat Commission in 1951 vide leasehold Grant LR No. 17781 for a term of 99 years with



effect from 1st March, 1951. The land measured 8,912 acres and attracted an annual rent of Ksh.4,456/=. The land was to be used as a holding ground for cattle, sheep and goat pending delivery to the KMC Factory.

- e) The intended development including fencing, boreholes, paddocks, et cetera, would have the effect of interfering with wildlife migration into Nairobi National Park. The development was therefore held in abeyance;
- f) On 31st May 1978, the KMC officially surrendered the land to the Government vide a surrender Registered as IR No.17781/3. The Commissioner of Land subsequently transferred the land to the Ministry of Agriculture. However, in 1963, people started settling in that area and constructed permanent homes, schools, cattle dips, et cetera. In 1981, the Government decided that LR No.10029 should be subdivided into two portions as illustrated on F/R 157/27 (attached). One portion, LR No.10029/2 (2912 acres) was to be reserved to the Ministry of Agriculture while the other one, LR No. 10029/1, measuring 6000 acres, was to be allocated to the Maasai Community Group Ranch. LR No.10029/1 was therefore subdivided and allocated as per the list and map attached;
- g) This land measures 2912 acres (approx.) out of which 2500 acres were allocated to KMC vide letter of allotment ref: 64408/233 of 9th July 1998 (copy attached). Messrs.' Maasai land Impex Company Ltd was allocated LR No.22139 (250 acres) vide allotment letter ref. 64408/230 of 25th June 1996 at a stand premium of kshs.3.6 million and annual rent of Kshs. 720,000. This land is now being subdivided and sold to private developers by a society known as Mission Sacco;
- h) A Mr. Francis Muyaka was allowed to do horticultural farming on 125 acres of land on temporary basis by the Ministry of Agriculture Development;
- i) There is reason to believe that irregularities may have been committed in some of the land allocations. The Ministry is therefore actively interrogating all land allocations relating to this land with a view of repossessing any plots that may have been allocated irregularly;

LR No. 10029/2 is a wildlife corridor. The Government intends to retain it on behalf of the Kenya Wildlife Services to be utilized as wildlife migration corridor. The land cannot be reverted to the local community as they were compensated in 1930s.



6.1.6 Evidence from the Vice Chairperson, National Land Commission

Ms. Abigail Mbagaya, Vice Chairperson, National Land Commission accompanied by Mr. S.K. Mburugu informed the Committee as follows, that:

- a) LR No. 10029/2 was formally part of the original LR No.10029 which measured 8912 acres and was registered in 1951 to the Kenya meat Commission for a term of 99 years;
- b) On 31st December, 1970, LR No.10029 was surrendered back to the Government by KMC with a view of reserving the same to the Ministry of Agriculture and Livestock Development for a holding ground;
- c) In 1982, LR No.10029 was subdivided by the Government into parts, LR No. 10029/1 measuring 6000 acres, which was allocated to the squatters who were occupying the land and LR No. 10092 measuring 2912 acres, a portion which was reserved to the Ministry of Agriculture and Livestock for sheep and goat rearing;
- d) In 1996, Ministry of Agriculture and Livestock relinquished 2500 acres,(Part of LR No. 10029/2) for allocation to KMC, thus leaving a balance of 412 acres;
- e) The Ministry further released 250 Acres for allocation to Masaailand Impex Company Limited leaving a balance of 162 Acres to the Ministry of Agriculture;
LR No. 10029 has been Government land from 1949 when it was surrendered to Government by Liebigs (Kenya) Limited to subplot No. 10029/ and has never been subject to compulsory acquisition;
- f) LR No. 10029/2 is situated on a path, which is considered by the Kenya Wildlife Service as a corridor for wild animals moving to and from Nairobi National Park. Hence, they have been opposed to any allocation/development, which could hinder free movement of wildlife in the area.

6.1.7 Evidence from the Principal Secretary for Agriculture, Livestock and Fisheries

Prof. Fred Segor, Principal Secretary –Livestock, accompanied by Ms. Margaret Riungu, Legal Officer, Mr. Thomas E. Nyongesa, Mr. George K. Njihia, Mr. Boniface Walunjwa, Mr. Phillip Ole Kiok, Manager, Ngong Veretinary Farm and Mr. James Charo informed the Committee as follows,

- a) Kitengela sheep and goats farm was started in 1978 due to the need for conservation and multiplication of superior genetics of dorper and the red Maasai sheep. A total of 8,912 acres was transferred from the Kenya Meat Commission as LR 10029 for setting up the sheep and goats project under the Livestock Development section of the then Ministry of Agriculture;



- b) In 1981, as a result of pressure from squatters who had settled on the farm from the early 1970s, it was decided that the Government surrenders 6000 acres as LR No.10029/1 for their settlement leaving the balance of 2912 acres under LR No.10029 for sheep and goats development;
- c) The Government obtained consent from Land Control Board of Masaku County Council dated 31st May 1978. The land was allocated to the then Ministry of Agriculture;
- d) The Kitengela Sheep and Goats Farm is now left with only 162 acres after 250 acres (currently case in court) was irregularly acquired by private developers and subdivided into plots;
- e) Kitengela Sheep and Goats is currently conserving genetic materials in the form of 170 dopers and Red Maasai sheep, 497 quails and 42 guinea fowls;
- f) The station is the only facility in the country conserving the red Maasai sheep for protecting the superior genetic qualities and to supply farmers who multiply the animals. The red Maasai sheep have unique characteristics of being worm tolerant and perform well in diverse environment under different management practices;
- g) The land is also meant for pasture development to feed the sheep and goats;
- h) Article 69 of the Constitution mandates the state to protect genetic resources and biological diversity. Kitengela Sheep and Goats Farm has been retained by the state department of livestock for protection of genetic resources that may face the danger of extinction;
- i) The station has deteriorating infrastructure as no development can be done due to the hostile community who cannot allow any development to take place;
- j) The squatter problem poses a threat to the animal's safety and vandalism of infrastructure. In 2012, for instance, 78 breeding dopers were stolen never to be recovered and in 2013, 34 dopers sheep were stolen and one watchman killed while three youths were caught with some of the animals. The case is still in court awaiting hearing;
- k) The animals are at a risk of contracting diseases from the illegal grazed animal and also lack feeds due to competition from them. This can be prevented by fencing and padlocking the station land to secure the forage and keep at bay disease causing pathogens;
- l) Breeding of the red Maasai and doper sheep is also interfered with by outside animals resulting to types which can only be slaughtered since they are not quality for breeding;



- m) In the year 2001, there was a confrontation between the squatters and Afya Sacco who had been sold some 250 acres of the land by a very senior politician after illegally acquiring it and wanted to move in. The then Provincial Commissioner for Eastern province allowed them to move in so that they could help protect the land from grabbers. They built manyattas and moved hundreds of animals into the farm. They still move in and out and the numbers have increased;
- n) In 2007, the then Ministry of Livestock and Fisheries Development planned to fence the station to keep off the illegal grazers to no avail since the squatters uprooted the poles before installation of the barbed wire;
- o) On another side of the farm, some slum dwellers were settled in 1997 so that they could be used as landless people to get the land;
- p) The local people have never been content with the 6000 acres they were given. Even after subdividing the 6000 acres into parcels, some squatters did not move out of the sheep and goats land. They instead started destroying Government property;
- q) KETRACO has been unable to complete the construction of high voltage pylons through the land despite Ministry's discussion and agreement with the community's representatives.
- r) The Ministry is still using the land for sheep and goats multiplication and conservation as established during a recent visit. The KMC intends to use the land as a holding ground;
- s) It is not possible to establish who the squatters are as there are hostilities on the ground neither is it possible to separate new and old squatters since some squatters have settled in from outside;
- t) There is a primary school positioned as part of the 2512 acres.



7. FINDINGS

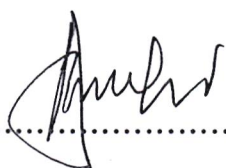
The Committee made the following observations from evidence adduced in meetings and the field visit, that:

1. The original intention and purposes which made the Government to compulsory acquire the Sheep and Goat Land is not being implemented and due to the current development, the original intended purpose of the land has been overtaken by events.
2. There are illegal subdivisions on the Sheep and Goat Land that have occurred between 1980 and now;
3. Several public utilities, for example, schools and cattle dips are in the same land and are benefiting the community.



8. LIST OF RECOMMENDATIONS

1. The Ministry of Lands, Housing and Urban Development and the National Land Commission should carry out a survey to establish the actual acreages of the land LR No.10029/2 that are still available;
2. The National Land Commission should investigate all illegal subdivisions with a view of revoking the title deed issued;
3. The Criminal Investigation Department and the Ethics and Anti-corruption Commission (EACC) should conduct a forensic investigation on the title deeds in possession by people with a view to recommending prosecution of both public officers and private individuals culpable of the forgery;
4. The Government through the State Department of Lands and the National Land Commission should survey the land to establish the actual acreage of the said public land and consider reverting the land to the community since the land was not used for the original intended purpose.

SIGNED: 

DATE: *4th May 2016*

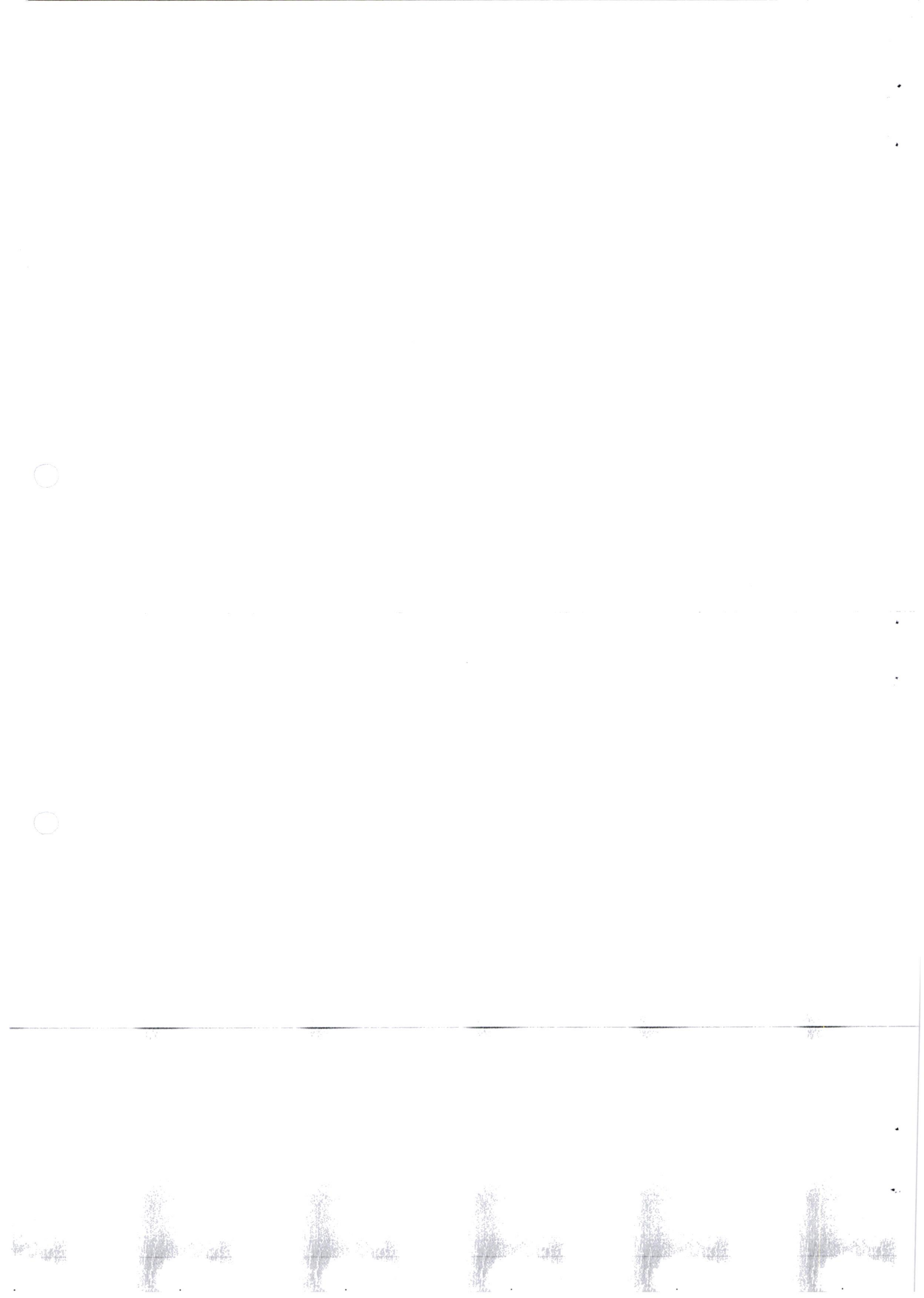
(HON. ALEX M. MWIRU, MP)

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON LANDS



MINUTES



MINUTES OF THE 8th SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 9th FEBRUARY 2016 IN 4th FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Kipruto Moi, M.P.
6. The Hon. Hellen Chepkwony, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Mpuru Aburi, M.P.
12. The Hon. Patrick Makau, M.P.
13. The Hon. Onesmus Ngunjiri, M.P.
14. The Hon. A. Shariff, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Joseph Oyugi Magwanga, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Oscar Sudi, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Gideon Mung'aro, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. Suleiman Dori, M.P.
8. The Hon. Eusilah Ngeny, M.P.
9. The Hon. Bernard Bett, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Hezron Awiti Bollo, M.P.
12. The Hon. Dr. Paul Otuoma, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

IN ATTENDANCE:

1. The Hon. Tiya Galgalo, M.P. Isiolo County

KENYA NATIONAL ASSEMBLY

1. Mr. Emmanuel Muyodi - Clerk Assistant III
2. Mr. Joshua Ondari - Clerk Assistant III

MINUTE NO. DCL/LN/2016/30 PRELIMINARIES

The Chairperson called the meeting to order at 10.17 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2016/31 AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Sarah Korere, M.P. and seconded by the Hon. Kimani Ngunjiri, M.P.

1. Prayers
2. Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. Bills
6. Petitions
7. Papers
8. Statements
9. Substantive Agenda
 - i. Brief by the Hon. Tiya Galgalo, MP on the Petition by Members of Okoa Jahazi Sacco on alleged land grabbing and illegal evictions in Isiolo County
 - ii. Consideration and adoption of the Report on the Petition of Mavoko Constituency regarding alleged compulsory acquisition of land L.R. 100292
10. Any other Business
11. Date of the Next Sitting.

MINUTE NO. DCL/LN/2016/32 COMMUNICATION FROM THE CHAIR

The meeting was informed that the Chair and the Vice Chair were invited by the Transition Authority to a meeting in Mombasa as from 11th to 14th February, 2016. The Chair requested the Committee to nominate one member to lead the delegation to Meru, Isiolo and Laikipia. The meeting agreed that the Hon. John Kihagi, MP to lead the delegation.

The Chair requested the Members who will participate in undertaking the field visit to Meru County, Isiolo County and Laikipia County to confirm. The following members confirmed:-

1. The Hon. John Kihagi, MP

2. The Hon. Raymond Moi, MP
3. The Hon. Sarah Korere, MP
4. The Hon. Julius Ndegwa, MP
5. The Hon. Patrick Makau, MP

MINUTE NO. DCL/LN/2016/33

CONSIDERATION OF THE REPORT ON THE PETITION
BY MAVOKO CONSTITUENCY REGARDING THE
ALLEGED COMPULSARY ACQUISITION OF LAND LR
NO.10029/2

The Committee considered the report and came up with the following observations and recommendations:

The Committee made the following observations, That:

1. The original intention and purposes which made the Government to compulsory acquire the Sheep and Goat Land is not being implemented and Due to the current development the original intended purpose of the land has been overtaken by events.
2. There are illegal subdivisions on the Sheep and Goat Land that have occurred between 1980 and now;
3. Several public utilities for example schools and cattle dip are in the same land and are benefiting the community; and

The Committee made the following recommendations, That,:

1. The Ministry of Lands, Housing and Urban Development and the National Land Commission should carry out a survey to establish the actual acreages of the land LR no.10029/2 that are still available;
2. National Land Commission should investigate all illegal subdivision with a view of revoking the title deed issued;
3. The Criminal Investigation Department and the Ethics and Anti-corruption Commission should conduct a forensic investigation on the title deeds in possession by people with a view to recommending prosecution of both public officers and private individuals culpable of the forgery;
4. The Government through the State Department of Lands and the National Lands Commission should survey the land establish the actual acreage of the said public land and consider reverting the land to the Community since the land is not used for the original intended purpose.

MINUTE NO. DCL/LN/2016/34

BRIEF BY HON. TIYA GALGALO, MP ON THE PETITION
BY MEMBERS OF OKOA JAHAZI SACCO ON ALLEGED
LAND GRABBING AND ILLEGAL EVICTIONS IN ISIOLO

The Hon. Tiya Galgalo, MP informed the Committee as follows: that

- i. She had called the Secretary of the County Land Management Board Mr. Khalif and informed him of the Committee's intended visit,
- ii. The petition was filed by one ethnic group against the other,
- iii. Anomalies in the balloting process used in distribution of land have resulted in disputes in the area,
- iv. People who are not residents of the area claim land that are already owned by the residents of that area,
- v. Chechelesi is inhabited by the Meru Community and this land has never been demarcated which has brought conflict because of the boundary issues, and
- vi. The land grabbers are preventing the owners of land from accessing it.

MINUTE NO. DCL/LN/2016/35

ADJOURNMENT & DATE OF THE NEXT

SITTING

There being no any other business, and the time being 12.30 p.m. the meeting was adjourned.

SIGNED

.....

(CHAIRPERSON)

DATE

.....

3/3/2016

MINUTES OF THE 174TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON MONDAY 13TH JULY 2015, AT THE 4TH FLOOR BOARD ROOM, PROTECTION HOUSE AT 2.30 PM

PRESENT:

- | | |
|---|-------------|
| 1. The Hon. Alex Mwiru, M.P. | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | Chairing |
| 3. The Hon. Dr. Paul Otuoma, M.P. | |
| 4. The Hon. Onesmus Ngunjiri, M.P. | |
| 5. The Hon. John Kihagi, M.P. | |
| 6. The Hon. Bernard Bett, M.P. | |
| 7. The Hon. Esther Murugi, M.P. | |
| 8. The Hon. Joseph Oyugi Magwanga, M.P. | |
| 9. The Hon. Eusilah Ngeny, M.P. | |
| 10. The Hon. A. Shariff, M.P. | |
| 11. The Hon. Hellen Chepkwony, M.P. | |
| 12. The Hon. Patrick Makau, M.P. | |
| 13. The Hon. Gideon Mung'aro, M.P. | |
| 14. The Hon. George Oner, M.P. | |
| 15. The Hon. Mathew L. Lempurkel, M.P. | |
| 16. The Hon. Julius Ndegwa, M.P. | |

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Thomas Mwadeghu, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Kanini Kega, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. Sarah Korere, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwiaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MINUTE NO. DCL/LN/2015/600 PRELIMINARIES

The Chairman called the meeting to order at 2.45 p. m with a word of prayer.

MINUTE NO. DCL/LN/2015/601 PETITION

Brief by Hon. Patrick Makau M.P on the Petition by the Residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency LR no. 10029/2

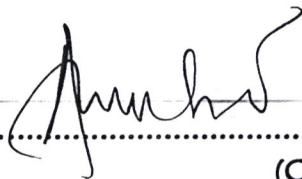
The Hon. Patrick Makau M.P informed the Committee as follows:

- I. Residents of Mavoko Constituency are the original and Communal owners of land referred to as Sheep and Goat situated in Athi River and Kitengela area;
- II. The land was compulsory acquired from the right owners(Petitioners) for the purpose of holding ground for sheep and goats awaiting slaughter at the Kenya Meat Commission;
- III. The Land has never been used for the stated purposes and there is no evidence that the said land will ever be used for the said holding of sheep and goats;
- IV. The land has been allegedly used for other purposes contrary to the original plans;
- V. Efforts to resolve this matter with the relevant government agencies have been futile; and
- VI. The matter presented in this petition is not pending before any tribunal or court of law.

MINUTE NO. DCL/LN/2015/ 602 ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 15.35 pm, the meeting was adjourned. The next meeting will be held on Tuesday 14th July 2015 at 10.00 a.m.

SIGNED



.....
(CHAIRPERSON)

DATE

2/5/2015

MINUTES OF THE 176TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 14TH JULY 2015, AT THE MAIN CHAMBERS, MAIN PARLIAMENT BUILDINGS AT 2.30 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P.
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Dr. Paul Otuoma, M.P.
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Mutava Musyimi, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
10. The Hon. Julius Ndegwa, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. The Hon. Joseph Manji, M.P. Kajiado North Constituency
2. Mr. James Ginono - Clerk Assistant I
3. Ruth Mwihaki - Clerk Assistant III
4. Mr. Emmanuel Muyodi - Clerk Assistant III

MINUTE NO. DCL/LN/2015/610 PRELIMINARIES

The Chairman called the meeting to order at 2.45 p. m with a word of prayer. He thereafter requested Members present and the petitioners to introduce themselves.

MINUTE NO. DCL/LN/2015/611 SUBMISSIONS FROM MAVOKO CONSTITUENCY PETITIONERS

Mr. James Ole Turerei – Chairman, Mr. Wilson Kisemei - Secretary and Mr. Samwel Olputa - Treasurer informed the Committee as follows:That

- i. L.R. No. 10029/2 measuring 2,912 acres was originally part of a 10,000 acre piece of land alienated by the colonial government from the Maasai Native Reserve in 1936;
- ii. The land was used as a holding ground for livestock slaughtered when a factory for meat processing was constructed by the Liebig Company of Rhodesia;
- iii. The lease, which was for 20 years however ended in 1951 when the land was given to the Kenya Meat Commission which took over the meat company factory;
- iv. By 1960's, the Maasai Community had reverted back to the land with their livestock;
- v. The Empakasi primary school and several cattle Dips were also built and used by the local Maasai;
- vi. In 1978, Kenya Meat Commission surrendered the land (measuring 2,912 acres) to the government for re-allocation to the ministry of livestock to establish a Sheep and Goat Multiplication centre;
- vii. In the process, thousands of Maasai living and grazing their livestock on the land were evicted by police and their Bomas set on fire. Several families were left homeless and their property destroyed;
- viii. However a compromise was reached partially on the government's area measuring 6,000 acres was left for the community's while the rest (2,912 acres) was set aside for the sheep and Goat

multiplication centre;

- ix. The sheep and goat multiplication centre failed in the late 1980s;
- x. The first fraudulent allocation of the land involved an unofficial adjustment of administrative boundary between Kajiado District of Rift-Valley Province and Machakos District of Eastern Province;
- xi. The said land from the first time was set aside for a public purpose in 1936 had been administratively located in Kajiado district;
- xii. During that time, public as well as private companies located in the area such as the Kenya Meat Commission and the Portland Cement Company paid their rates and other taxes to the Olkejuado County Council;
- xiii. But between 1975 and 1978 the boundary was adjusted such that the land, along with the people and their property were relocated to Machakos district;
- xiv. This adjustment was neither procedural nor legal as there were no gazette notice to that effect or a parliamentary motion.

2. Name	3. Position	4. Amount
5. R.K Langat	6. Former Head of Range Management	7. 4 acres
8. C.M Gichohi	9. Former Director-livestock Production	10. 3 acres
11. J.K Wanjayia	12. Former Ass. Dir-Livestock Production	13. 3 acres
14. A.E Chabeda	15. Former Ass. Dir-Livestock Production	16. 3 acres
17. D. Mule	18. Permanent Secretary – Ministry of Livestock	19. 1 acres
20. P.M. Kyungu	21. Permanent Secretary in-charge of Defence	22. 1 acres
23. DR. K. Bengat	24.	25. 2 acres
26. F.H Mayieka	27. Former Dep. Sec. Min. of Agriculture	28.

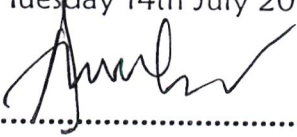
- i. However, the net effect was to deprive the Maasai of their land by making them wards of

- another district trusteeship where they do not have representation;
- ii. The second part of the fraud begun after the failure of the Sheep and Goat project. The Permanent Secretary to the ministry of Livestock in 1996 wrote a letter to the commissioner of lands surrendering the land “ for re-allocation” since the ministry no longer needed it;
 - iii. In the same letter, he enclosed 99 names of applicants from his ministry, including many senior officials who were allocated each between 0.5 and 20 acres
 - iv. Tabulated below are some of the beneficiaries and the amount of land allocate to them
 - v. Another 250 acres was allocated to Masailand Impex Company whose directors are four Maasai politicians from Kajiado District and they included among others:-
 1. Mr. D.K. Ole Muyaa: Former Olkejuado County Council Chairman.
 2. The Late Mr. Ole Pertet: Former Director Kenya Reinsurance Company.
 3. Mr.D.L Ole Sankori: Former M.P Kajiado Central.
 4. Mr. P. Ole Sing’ aru: Former M.P Kajiado South.
 5. Later, they sold the land to the Mavoko West Company Ltd.
 - vi. All these allocations were done in spite of the constant warnings by the community against the land grabbing;
 - vii. On 19th July,2003, the Maasai moved into the land so as to ensure that no grabber settled on it; the police were sent to brutally evict and harass them;
 - viii. The fracas that ensued led to Mr. Siteyia Ololpurkoi being shot and seriously wounded while several other people were injured;
 - ix. The powerful individuals within the government were using their influence to protect their private interest in the land;
 - x. The alienation of the land from the Maasai of Kitengela through the pretext of public purpose is an insidious way of depriving them of their right of ownership of the land guaranteed by the constitution and the Maasai Agreement of 1911;
 - xi. The decision to allocate the land to individuals from other communities who own land elsewhere is a case of fraud;
 - xii. There was no justification for alienating the land from the owners without their informed consent;
 - xiii. The Maasai Community have pitched tent on the land to ensure that no grabbers gains access to the land.

SITTING

There being no any other business, and the time being 15.35 pm, the meeting was adjourned. The next meeting will be held on Tuesday 14th July 2015 at 10.00 a.m.

SIGNED


.....

(CHAIRPERSON)

DATE

2/9/2015
.....



MINUTES OF THE 177TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS
HELD ON TUESDAY 14TH JULY 2015, AT THE MAIN CHAMBERS, MAIN PARLIAMENT
BUILDINGS AT 2.00 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P.
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'ao, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Dr. Paul Otuoma, M.P.
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Mutava Musyimi, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
10. The Hon. Julius Ndegwa, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ruth Mwiwaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III

MINUTE NO. DCL/LN/2015/612 PRELIMINARIES

The Chairman called the meeting to order at 2.46 p. m with a word of prayer. He thereafter requested Members present and the Ministry of Lands Officials present to introduce themselves.

**MINUTE NO. DCL/LN/2015/613 SUBMISSIONS FROM THE CABINET SECRETARY,
MINISTRY OF LANDS, HOUSING AND URBAN
DEVELOPEMT**

Dr. Fred Matiang'i, Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by Ms. Mariam El. Maawy, Permanent Secretary ,Mr. Peter Kahuho, Ag. Secretary Lands, Mr. Augustine Masinde, Director physical Planning, Mr.Cesare N. Mbaria, Director of Surveys, Ms. Terry Gathagu, Head of Legal Services, Mr. Francis K. Orioki, PLRO- Registry and Mr. Paul Mwangi, SDDLAS informed the Committee as follows:

Petition by Residents of Mavoko Constituency, regarding the alleged Compulsory Acquisition of Land In Mavoko LR no.10029/2;

1. The residents of Mavoko Constituency allege that the whole or part of LR No. 10029 (8912 acres) has been acquired by private developers contrary to the 1970s terms of agreement allocating the land to Kenya Meat Commission as a Livestock Holding Ground. They are requesting that all illegal allocations to be nullified and the land reverts to the local community as was the case before 1936;
2. This parcel of land resulted from a sub-division of LR 10029. It falls on land adjoining Mavoko Township to the West and borders Athi river to the North and Kitengela river to the South. Athi river marks the Northern border between the land and Nairobi National Park;
3. In 1938, the Colonial Government excised it from the Maasai Reserve vide ordinance No.28 of 1938 of the Native Trust. An agreement was reached between the Maasai and interested persons and compensation paid by Messrs. Liebig's (Kenya) Limited, the then lessees. The agreement stated that the land would not revert to the Maasai community at

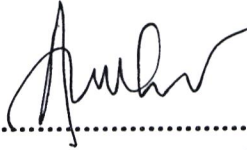
- any later date. (See a copy of a letter written by former Commissioner of Land-J. A. O'loughlin, in 1964 while responding to the Maasai request to have the land revert to the Community);
4. Between 1938 and 1951 the land was held by Liebig's (Kenya) Limited until it was surrendered to the Government in 1949. It was then allocated to the Kenya Meat Commission in 1951 vide leasehold Grant IR No. 17781 for a term of 99 years with effect from 1st March, 1951. The land measured 8,912 acres and attracted an annual rent of Ksh.4456/=. The land was to be used as a holding ground for cattle, sheep and goat pending delivery to the K.M.C. factory;
 5. The intended development including fencing, boreholes, paddocks etc, would have the effect of interfering with wildlife migration into Nairobi National Park. The development was therefore held in abeyance;
 6. On 31st May 1978 the KMC officially surrendered the land to the Government vide a surrender Registered as IR No.17781/3. The Commissioner of Land subsequently transfer the land to the Ministry of Agriculture. However, in 1963, people started settling in that area and constructed permanent homes, schools, cattle dips etc;
 7. In 1981, the Government decided that LR No 10029 should be subdivided into two portions as illustrated on F/R 157/27 (attached). One portion, LR No. 10029/2 (2912 acres) was to be reserved to the Ministry of Agriculture while the other one, LR No. 10029/1, measuring 6000 acres, was to be allocated to the Maasai Community Group Ranch. LR No.10029/1 was therefore subdivided and allocated as per the list and map attached;
 8. This land measures 2912 acres (approx.) out of which 2500 acres were allocated to KMC vide letter of allotment ref: 64408/233 of 9th July 1998 (copy attached). Messrs.' Maasai Impex Ltd was allocated LR No 22139 (250 acres) vide allotment letter ref. 64408/230 of 25th June 1996 at a stand premium of kshs.3.6 million and annual rent of Kshs. 720,000. This land is now being subdivided and sold to private developers by a society known as Mission Sacco;
 9. A Mr. Francis Muyaka was allowed to do horticultural farming on 125 acres of land on temporary basis by the Ministry of Agriculture Development;
 10. There is reason to believe that irregularities may have been committed in some of the land allocations. The Ministry is therefore actively interrogating all land allocations relating to this land with a view of repossessing any plots that may have been allocated irregularly;
 11. LR No. 10029/2 is a wildlife corridor. The government intends to retain it on behalf of

Kenya Wildlife Services to be utilized as Wildlife Migration Corridor. The land cannot be reverted to the local Community as they were compensated in 1930s.

MINUTE NO. DCL/LN/2015/614 ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being forty four Minutes past 5 Oclock, the meeting was adjourned.

SIGNED



.....
(CHAIRPERSON)

DATE

.....
2/9/2015

MINUTES OF THE 179TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 15TH JULY 2015, AT MAVOKO CONSTITUENCY AT 4.00 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. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.
19. The Hon. Dr. Paul Otuoma, M.P.
20. The Hon. Eusilah Ngeny, M.P.
21. The Hon. A. Shariff, M.P.
22. The Hon. Mutava Musyimi, M.P.
23. The Hon. Hezron Awiti Bollo, M.P.
24. The Hon. Julius Ndegwa, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Shakila Abdallah, M.P.
4. The Hon. Suleiman Dori, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ruth Mwhaki | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 4. Mr. Rodgers Kilunja | Audio Officer |

KAJIADO COUNTY

- | | |
|--------------------------|---------------------------------|
| 1. Dr. David Nkedianye | Governor, Kajiado County |
| 2. Sen. Peter Mositet | Senator Kajiado County |
| 3. The Hon. Joseph Manje | M.P. Kajiado North Constituency |
| 4. Hon. Peris Tobiko | M.P. Kajiado East Constituency |
| 5. The Hon. Janet Teyiaa | M.P. (Nominated) |

MINUTE NO. DCL/LN/2015/

PRELIMINARIES

The Chairman called the meeting to order at 4.15 p.m. with a word of prayer.

MINUTE NO. DCL/LN/2015/

**SUBMISSIONS FROM MAVOKO CONSTITUENCY
PETITIONERS**

Mr. James Ole Turerei – Chairman, Mr. Wilson Kisemei - Secretary and Mr. Samwel Olputa – Treasurer, Mr. Parmesa Olesemei – Elder, Mr. Daniel Kanchai – Member of County Assembly, Mr. Nick Matiko – area resident, representing the Petitioners informed the Committee as follows, that:-

- i. L.R. No. 10029/2 measuring 2,912 acres was originally part of a 10,000 acre piece of land alienated by the colonial government from the Maasai Native Reserve in 1936;
- ii. The land was used as a holding ground for livestock slaughtered when a factory for meat processing was constructed by the Liebig Company of Rhodesia;
- iii. Kenya Meat Commission was given the land and took over the meat company factory when the lease ended in 1951;
- iv. In 1978, government made plans to establish Sheep and Goat Multiplication centre, therefore Kenya Meat Commission surrendered 2,912 acres for re-allocation to the ministry of livestock for the project;
- v. In the process, the residents were evicted by police and their houses set on fire; several families were left homeless and property destroyed.

- vi. The sheep and goat multiplication centre failed in the late 1980s;
- vii. The said land from the first time was set aside for a public purpose in 1936 had been administratively located in Kajiado district; however In 1975 and 1978 the boundary was adjusted such that the land, along with the people and their property were relocated to Machakos district;
- viii. After the failure of the Sheep and Goat project. The Permanent Secretary Ministry of Livestock in 1996 wrote a letter to the commissioner of lands surrendering the land "for re-allocation";
- ix. In the same letter, he enclosed 99 names of applicants from his ministry, including many senior officials who were allocated each between 0.5 and 20 acres;
- x. Another 250 acres was allocated to Masailand Impex Company whose directors are four Maasai politicians from Kajiado District;
- xi. In spite of the constant warnings by the community against the land grabbing, these allocations were done;
- xii. On the 19th of July 2003, the police were sent to evict the Maasai who had moved into the land so as to ensure that no grabber settled on it; fracas ensued and several people were injured; Mr. Siteyia Ololpurkoi was shot and seriously wounded;

MINUTE NO. DCL/LN/2015/ SUBMISSIONS FROM – THE GOVERNOR, SENATOR -
KAJIADO COUNTY AND THE AREA MEMBERS OF
PARLIAMENT

Dr. David Nkedianye – Governor, Kajiado County, Sen. Peter Mositet - Senator Kajiado, Hon. Peris Tobiko - M.P Kajiado East Constituency, Hon. Janet Teyiaa - M.P. informed the Committee as follows, that:-

- i. Dr. David Nkedianye – Governor, Kajiado County, Sen. Peter Mositet – Senator, Kajiado County, Hon. Peris Tobiko - M.P Kajiado East Constituency, Hon. Janet Teyiaa - Nominated M.P., informed the Committee as follows, that:-
- ii. The Land belongs to Kaptei Community who are from Kajiado County;
- iii. The Maasai community suffered under the Colonial government and the successive government administration;
- iv. Illegal land allocations were done in spite of the constant warnings by the community against land grabbing;
- v. The boundary was adjusted between 1975 and 1978 such that the land, along with the people and their property were relocated to Machakos district; the adjustment was neither procedural

nor legal as there were no gazette notice to that effect or a parliamentary motion.

- vi. The community feels that the reason for this adjustment was to deprive the Maasai of their land by making their ward under another district trusteeship where they do not have representation;
- vii. The Empakasi primary school was built in 1981, and teachers were posted from Kajiado County and several cattle dips that were also built and used by the local Maasai clearly indicate that the land belongs to Kaptiei Community under Kajiado County;
- viii. The reason the Maasai's moved into the land on the 19th July 2003, was to so as to ensure that no grabbers settled on it; but instead the police were sent to evict them, fracas ensued and as a result one person was shot and seriously wounded and several other people were injured;
- ix. The alienation of this land from the Maasai of Kitengela through a pretext of a public purpose is an insidious way of depriving them of their right of ownership of the land guaranteed by the constitution and the Maasai Agreement of 1911;
- x. There was no justification for alienating the land from the owners without their informed consent;
- xi. Since the sheep and goat multiplication centre project failed in the late 1980s and the land is no longer used for the intended purpose, it should instead be returned to the Kaptei Community

The Committee makes the following Observations, that:-

- i. The sheep and goat multiplication centre failed in the late 1980s and the land was subdivided illegally to applicants from the Ministry of Livestock, including many senior officials;
- ii. The Empakasi primary school and several cattle Dips were also built and used by the local Maasai from the said land;
- iii. The land was not reverted to the Kaptei Community even after the government project failed;
- iv. The unofficial adjustment of administrative boundary between Kajiado District of Rift-Valley Province and Machakos District of Eastern Province was neither procedural nor legal as there were no gazette notice to that effect or a parliamentary motion.
- v. ~~During the eviction by the police, houses were destroyed, one person was shot and several other people were injured;~~
- vi. The land was alienated from the Maasai Kaptei Community without their consent

The Committee makes the following Recommendations, that:-

- i. Since the sheep and goat multiplication centre project failed in the late 1980s; the government of Kenya should return the land to the Maasai Kaptei Community;
- ii. The investigations be done as to why the land was sub-divided and allocated to individuals and institution even after the Permanent Secretary to the ministry of Livestock in 1996 wrote a letter to the Commissioner of lands surrendering the land “ for re-allocation” since the ministry no longer needed it;
- iii. The Ministry of Agriculture and Livestock and Fisheries, to appear before the Committee to provide information regarding land L.R. No. 10029/2;
- iv. Pursuant to article 188 of Kenya Constitution 2010, the area Member of Parliament should bring a motion to Parliament to move Kaptei ward from Mavoko Constituency to Kajiado County;

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

There being no any other business, and the time being 6.25 p.m., the meeting was adjourned.

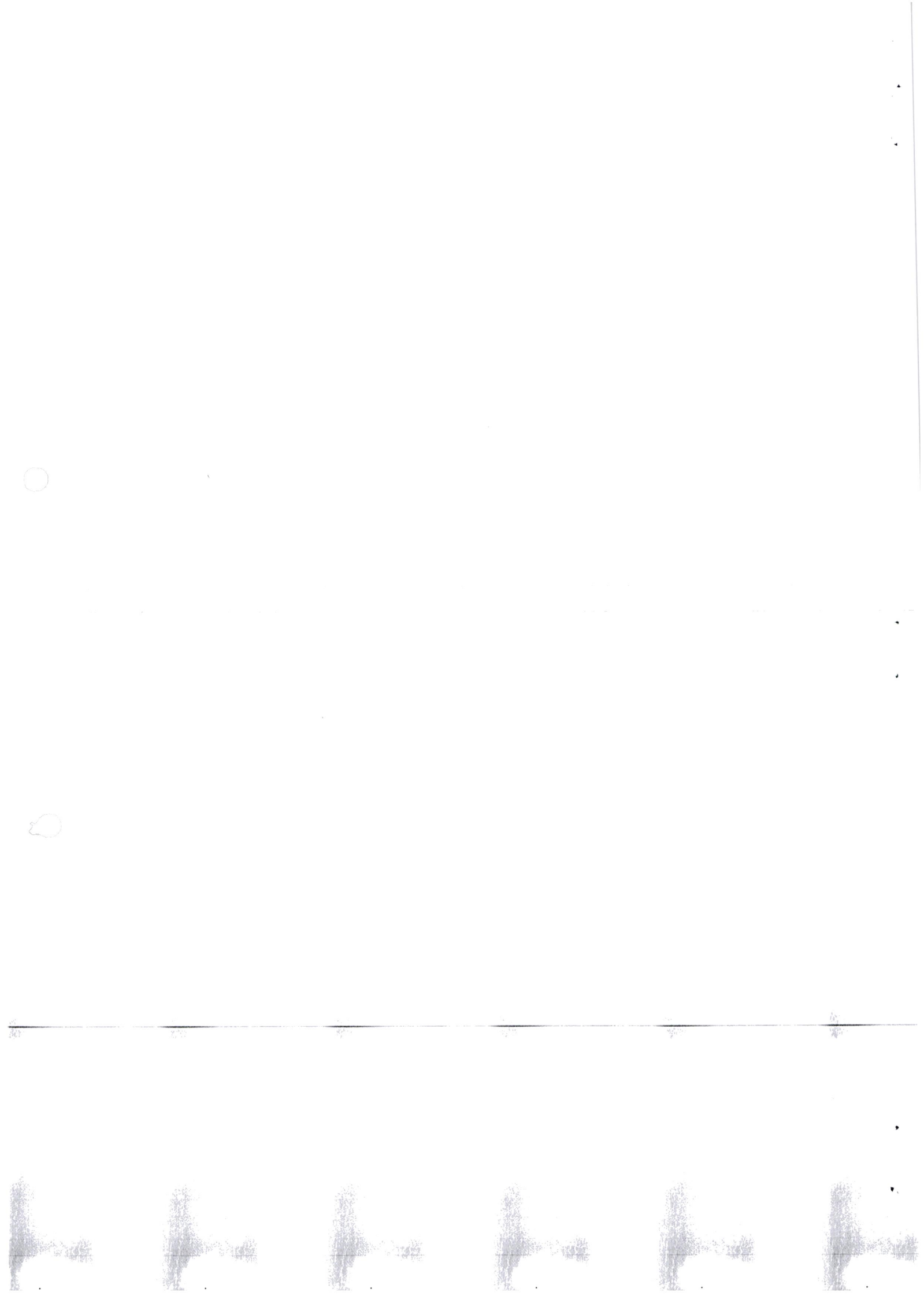
SIGNED



.....
(CHAIRPERSON)

DATE

3/9/2015
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MINUTES OF THE 188TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON WEDNESDAY 2ND SEPTEMBER, 2015, PROTECTION HOUSE, FOURTH FLOOR, BOARD ROOM, 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. Onesmus Ngunjiri, M.P
4. The Hon. Francis W. Nderitu, M.P
5. The Hon. Bernard Bett, M.P.
6. The Hon. John Kihagi, M.P.
7. The Hon. Patrick Makau, M.P
8. The Hon. A. Shariff, M.P
9. The Hon. Joseph Oyugi Magwanga, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Thomas Mwadeghu, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Benson Mbai, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Mpuru Aburi, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Mathew L. Lempurkel, M.P
2. The Hon. Hellen Chepkwony, M.P.
3. The Hon. Shakila Abdallah, M.P.
4. The Hon. Esther Murugi, M.P.
5. The Hon. Francis Njenga Kigo, M.P.
6. The Hon. Sarah Korere, M.P.
7. The Hon. Eusilah Ngeny, M.P.
8. The Hon. Suleiman Dori, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Gideon Mung'aro, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. Kanini Kega, M.P.
5. 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. Emmanuel Muyodi - Clerk Assistant III
- 4. Ms. Christine Odhiambo - Legal Counsel II
- 5. Mr. Noah Too - Research Analyst I
- 6. Mr. Yakub Ahmed - Media Relations Officer III

MINUTE NO. DCL/LN/2015/654

PRELIMINARIES

The Chairman called the meeting to order at 10.29 am with a word of prayer.

MINUTE NO. DCL/LN/2015/655

SUBMISSION FROM THE CABINET SECRETARY,
MINISTRY OF LANDS, HOUSING AND URBAN
DEVELOPMENT

While appearing before the Committee, Dr. Fred Mating'i, Ag. Cabinet Secretary, Ministry of Lands Housing and Urban Development, accompanied by Mrs. Mariam El Maawy, Principal Secretary, Mr. Peter Kahuho, Ag. Secretary Lands, Mr. Martin Oloo, Legal Advisor to the Cabinet Secretary, Mr. Augustine Masinde, Director, Physical Planning, Mr. Barasa Wahonjo, Parliamentary Liaison Officer, Mr. Francis Orioki, Mr. Steve Mokaya, Mr. Paul Ndung'u, Mr. Phillip Abong'o and Mr Owino Jacob informed the Committee as follows:

Petition by the residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency LR No 10029/2

The Cabinet Secretary informed the Committee as hereunder; THAT

- i. The residents of Mavoko Constituency allege that the whole or part of LR No. 10029 (8912 acres) has been acquired by private developers contrary to the 1970s terms of agreement allocating the land to Kenya Meat Commission as a Livestock Holding Ground. They are requesting that all illegal allocations to be nullified and the land reverts to the local community as was the case before 1936;
- ii. This parcel of land resulted from a sub-division of LR 10029. It falls on land adjoining Mavoko Township to the West and borders Athi river to the North and Kitengela river to the South. Athi river marks the Northern border between the land and Nairobi National Park;
- iii. In 1938, the Colonial Government excised it from the Maasai Reserve vide ordinance No.28 of 1938 of the Native Trust. An agreement was reached between the Maasai and interested persons and compensation paid by Messrs. Liebig's (Kenya) Limited, the then lessees. The agreement stated that the land would not revert to the Maasai community at any later date. (See a copy of a letter written by former Commissioner of Land-J. A. O'loughlin, in 1964 while responding to the Maasai request to have the land revert to the Community);

- iv. Between 1938 and 1951 the land was held by Liebig's (Kenya) Limited until it was surrendered to the Government in 1949. It was then allocated to the Kenya Meat Commission in 1951 vide leasehold Grant IR No. 17781 for a term of 99 years with effect from 1st March, 1951. The land measured 8,912 acres and attracted an annual rent of Ksh.4456/=. The land was to be used as a holding ground for cattle, sheep and goat pending delivery to the K.M.C. factory;
- v. The intended development including fencing, boreholes, paddocks etc, would have the effect of interfering with wildlife migration into Nairobi National Park. The development was therefore held in abeyance;
- vi. On 31st May 1978 the KMC officially surrendered the land to the Government vide a surrender Registered as IR No.17781/3. The Commissioner of Land subsequently transferred the land to the Ministry of Agriculture. However, in 1963, people started settling in that area and constructed permanent homes, schools, cattle dips etc;
- vii. In 1981, the Government decided that LR No 10029 should be subdivided into two portions as illustrated on F/R 157/27 (attached). One portion, LR No. 10029/2 (2912 acres) was to be reserved to the Ministry of Agriculture while the other one, LR No. 10029/1, measuring 6000 acres, was to be allocated to the Maasai Community Group Ranch. LR No.10029/1 was therefore subdivided and allocated as per the list and map attached;
- viii. This land measures 2912 acres (approx.) out of which 2500 acres were allocated to KMC vide letter of allotment ref: 64408/233 of 9th July 1998 (copy attached). Messrs.' Maasai Impex Ltd was allocated LR No 22139 (250 acres) vide allotment letter ref. 64408/230 of 25th June 1996 at a stand premium of kshs.3.6 million and annual rent of Kshs. 720,000. This land is now being subdivided and sold to private developers by a society known as Mission Sacco;
- ix. A Mr. Francis Muyaka was allowed to do horticultural farming on 125 acres of land on temporary basis by the Ministry of Agriculture Development;
- x. There is reason to believe that irregularities may have been committed in some of the land allocations. The Ministry is therefore actively interrogating all land allocations relating to this land with a view of repossessing any plots that may have been allocated irregularly;
- xi. LR No. 10029/2 is a wildlife corridor. The government intends to retain it on behalf of Kenya Wildlife Services to be utilized as Wildlife Migration Corridor. The land cannot be

reverted to the local Community as they were compensated in 1930s.

The Committee observed:

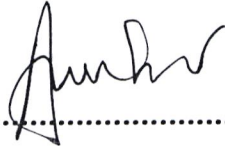
The Committee ascertained during a field visit that the land is between Athi River and Kitengela Towns. The land is therefore not a corridor as is alleged by the Ministry of Lands, Housing and Urban Development.

MINUTE NO. DCL/LN/2015/ 656

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 3.15 p.m. the meeting was adjourned.

SIGNED


.....
(CHAIRPERSON)

DATE

29/9/2015
.....

MINUTES OF THE 224TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 1ST DECEMBER 2015 IN THE MAIN CHAMBERS, MAIN PARLIAMENT BUILDINGS AT 11.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson (Chairing)
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Eusilah Ngeny, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Kipruto Moi, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Julius Ndegwa, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Esther Murugi, M.P.
13. The Hon. Hezron Awiti Bollo, M.P.
14. The Hon. Mathew L. Lempurkel, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Mpuru Aburi, M.P.
17. The Hon. Patrick Makau, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Onesmus Ngunjiri, M.P.
2. The Hon. A. Shariff, M.P.
3. The Hon. George Oner, M.P.
4. The Hon. Thomas Mwadeghu, M.P.
5. The Hon. Joseph Oyugi Magwanga, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Oscar Sudi, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Gideon Mung'aro, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. Suleiman Dori, M.P.

IN ATTENDANCE:

1. The Hon. Peris Tobiko, M.P. Kajiado East Constituency

MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES

1. Prof. Fred Sigor - Principal Secretary
2. Mr. Julius Kiptarus - Director/Livestock
3. Mr. Joseph Learamo - Managing Commissioner, Kenya Meat Commission
4. Dr. George K.Njihia - Deputy Director, Veterinary Services
5. Dr. Boniface Walunywa - Chief Veterinary Officer
6. Dr. Josphat Kiama - Chief Veterinary Officer

KENYA NATIONAL ASSEMBLY

7. Mr. James Ginono - Clerk Assistant I
8. Ms. Ruth Mwihaki - Clerk Assistant III
9. Mr. Emmanuel Muyodi - Clerk Assistant III
10. Ms. Christine Odhiambo - Legal Counsel II

MINUTE NO. DCL/LN/2015/816

PRELIMINARIES

The Chairperson called the meeting to order at 11.17 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2015/817

AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Hellen Chepkwony, M.P. and seconded by the Hon. Kipruto Moi, M.P.

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

Meeting with the Principal Secretary for Livestock on the petition by residents of Mavoko Constituency regarding the alleged compulsory acquisition of Land in Mavoko, LR no. 10029/2

10. Any other Business
11. Date of the Next Sitting.

The Principal Secretary, informed the Committee as follows:

1. Petition by the Residents Of Kajiado West Constituency, Kajiado County On The Inquiry Into The Compulsory Acquisition Of Land, Reference No.Ngong/Ngong/1959

Further to the submissions made by the Principal Secretary during a meeting with the Committee held on 10th November 2015, the Committee was informed as follows;

- a. All the parcels of land excised from Ngong/Ngong/1959 (Ngong Veterinary Farm) were irregularly done since there was no Cabinet approval for the same;
 - b. That on 8th October 2012, the then minister for livestock Development, Hon. Dr. Mohammed Kuti, wrote to the Commissioner of lands requesting for Cancellation of allocation of Government land under the custody of the Ministry of Livestock Development vide a letter Ref. MLD/LAND/1/1/VOL III/58 (Copy provided);
 - c. The parcel of land Ngong/ Ngong/21399 occupied by the police, was exercised from Ngong/Ngong/2627 in the year 1998. Notably, parcel No. 2627 was registered in 1975 under Government of Kenya as the proprietor and reserved for veterinary Farm. There is need for clarification on how (after excision), Parcel No. 21399 was registered under Ol'kejiado Council as the lessor. The ministry has tried to engage the Ministry of Interior and Coordination of National Government with a view to sorting out the issues of this land;
 - d. The Ministry had also planned for the survey on this farm to be carried out by the Director of Survey. Consequently, a total of Ksh 370,000 was paid to the Ministry of lands in the year 2013. Although the survey works commenced, the activity was not completed. The Ministry was following up the matter with the Ministry of lands, Housing and Urban Development.
2. Petition by Residents of Mavoko Constituency regarding alleged compulsory acquisition of Land, LR No 10029/2 also Known as Sheep and Goat
- a. Kitengela Sheep and Goats Farm was started in 1978 due to the need for conservation and multiplication of superior genetics of Dorper and the Red Masai sheep. A total of 8,912 acres was transferred from the Kenya Meat Commission as LR 10029 for setting up the sheep and goats farm under the livestock development section of the then Ministry of Agriculture;
 - b. In 1981, as a result of pressure from squatters who had settled on the farm from the early 1970s it was decided that the government surrenders 6000 acres as LR 10029/1 for their settlement leaving the balance of 2912 acres under LR 10029/2 for sheep and goats development;
 - c. In 1998 the Kenya Meat Commission was given back 2,500 acres of the sheep and goats land for purposes of establishing a holding facility for animals destined for slaughter. This land is still under KMC and is an important asset for the current plans to rehabilitate the meat factory;
 - d. The Government obtained consent from Land Control Board of Masaku County Council dated 31st May, 1978. The land was allocated to the then Ministry of Agriculture;
 - e. The Kitengela-sheep and goats-Farm is now left with only 162 acres after 250 acres (currently case in court) was irregularly acquired by private developers and subdivided into plots;

- f. Kitengela sheep and goats Farm is currently conserving genetic materials in the form of 170 Dorper and Red Masai sheep, 497 quails and 42 guinea fowls.

Justification of the activities

- (i) For over a long time, the country has experienced the erosion of its genetic resources due to crossbreeding and inadequate conservation and multiplication. It is known that our indigenous genetic resources have superior genetic make-up that requires conservation through government supported gene banks. It is worth noting that the Red Masai sheep is such endangered livestock species that, unless conserved, may become extinct.
- (ii) Kitengela Sheep and Goats Station is the only facility in the county conserving the Red Masai sheep for protecting the superior genetic qualities, and to supply farmers who multiply the animals. Red Masai sheep have unique characteristics of being worm tolerant and perform very well in diverse environments and under different management practices. An action that deprives this country such a special farm will have adverse effect on our competitive advantage over others on livestock genetic resources and impact negatively on livestock development.
- (iii) Article 69 of the Constitution of Kenya mandates the State to protect genetic resources and biological diversity. Kitengela sheep and goats farm has been retained by the state Department of livestock for protection of genetic resources that may face danger of extinction.
- (iv) Kitengela sheep and goats Farm was set aside with the objective of breeding and multiplying sheep and goats for the whole country due to the importance of these animals in food and nutrition security. This objective has not been achieved and the need to conserve and multiply livestock for social and economic development of the country is more urgent today than in the past.
- (v) The land is also meant for pasture development to feed the animals (sheep and goats).
- g. The station has a deteriorating infrastructure as no development can be done due to the hostile community who cannot allow any development to take place. This was seen when they prevented fencing in 2007 and also in 2013 when the borehole was being sunk. The only thing that made the borehole to be sunk was the short time the machine did the work giving them no time to plan for the prevention;
- h. The squatter problem is also a challenge since they pose a threat to the animal's safety and vandalism of the infrastructure. This was witnessed in 2012 when 78 breeding Dorpers sheep were stolen never to be recovered, reducing the population of the animals in the station tremendously. Further in 2013, 34 Dorper sheep were stolen and one of the watchmen killed while three youths were caught with some of the animals and the case is still in court awaiting hearing;
- i. The animals are at risk of contracting diseases from the illegal grazed animals and also lack feeds due to competition from them. This can be prevented by fencing and padlocking the station land to secure the forage and keep at bay disease causing pathogens. Breeding of the Red Masai and Dorper sheep is also interfered with by outside animals, resulting to off types which can only be slaughtered since they are not quality for breeding;

- j. In the year 2001, there was a confrontation between the squatters and Afya Sacco who had been sold some 250 acres of the land by a very senior politician after illegally acquiring it and wanted to move in. The then Provincial Commissioner Eastern Province allowed the squatters to settle in the farm so that they could help protect the land from would be grabbers. They built Manyattas and moved hundreds of animals into the farm. They still move in and out and their numbers have increased. In October 2007 the then Ministry of Livestock and Fisheries Development planned to fence the station to keep off the illegal grazers to no avail since the squatters uprooted the poles before installation of the barbed wire. On another side of the farm, some slum dwellers were settled in 1997 so that they could be used as landless people to get the land;
- k. The local community has never been contented with the 6,000 acres they were given and have always been a source of problems making the management of the farm near impossible. Even after getting the 6,000 acres which they subdivided into individual parcels, some squatters did not move out of the sheep and goats land and started destroying the government property. Of late the squatters have assumed that the land automatically belongs to them;
- l. KETRACO has been unable to complete the construction of high voltage pylons through the land despite ministry's discussion and agreement with the community's representatives;
- m. The Ministry is still using the land for sheep and goats multiplication and conservation as established during a recent visit. KMC intends use the land as a holding ground.
- n. It is not possible to establish who the squatters are as there are hostilities on the ground neither is it possible to separate new and old squatters since some squatters have settled in from outside;
- o. There is a primary school positioned as part of the 2,512 acres.

The Ministry prayed that the Committee intervenes to:

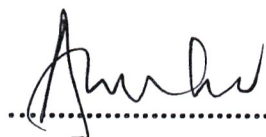
- (i) Investigate the irregular allocation of the 250 acres to Afya Sacco and NLC to cancel the titles
- (ii) Have the Ministry to continue undertaking its mandate on the said land;
- (iii) Ensure the KMC to proceeds in utilizing the farm as a holding ground.

MINUTE NO. DCL/LN/2015/819

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 13.21 p.m. the meeting was adjourned.

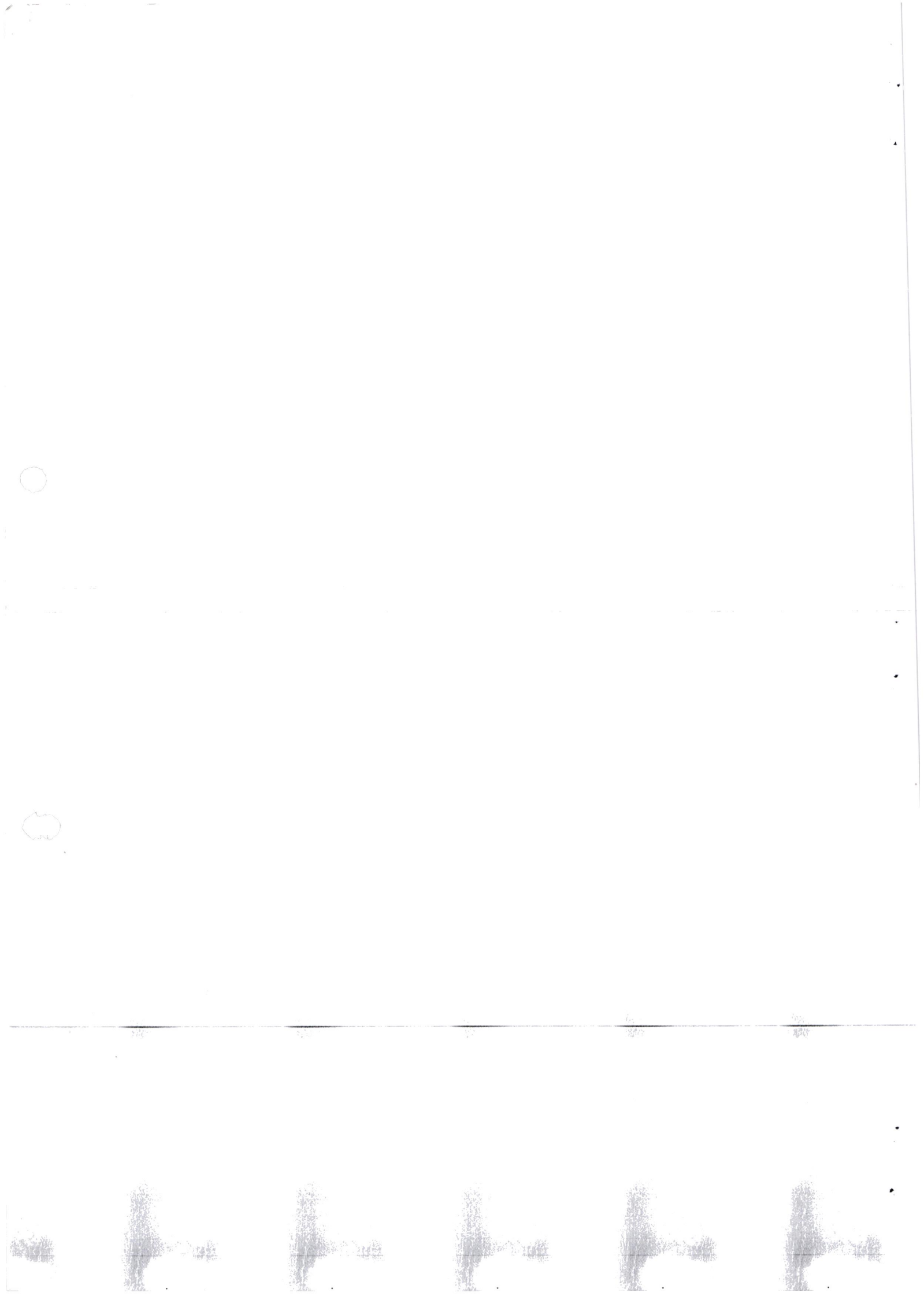
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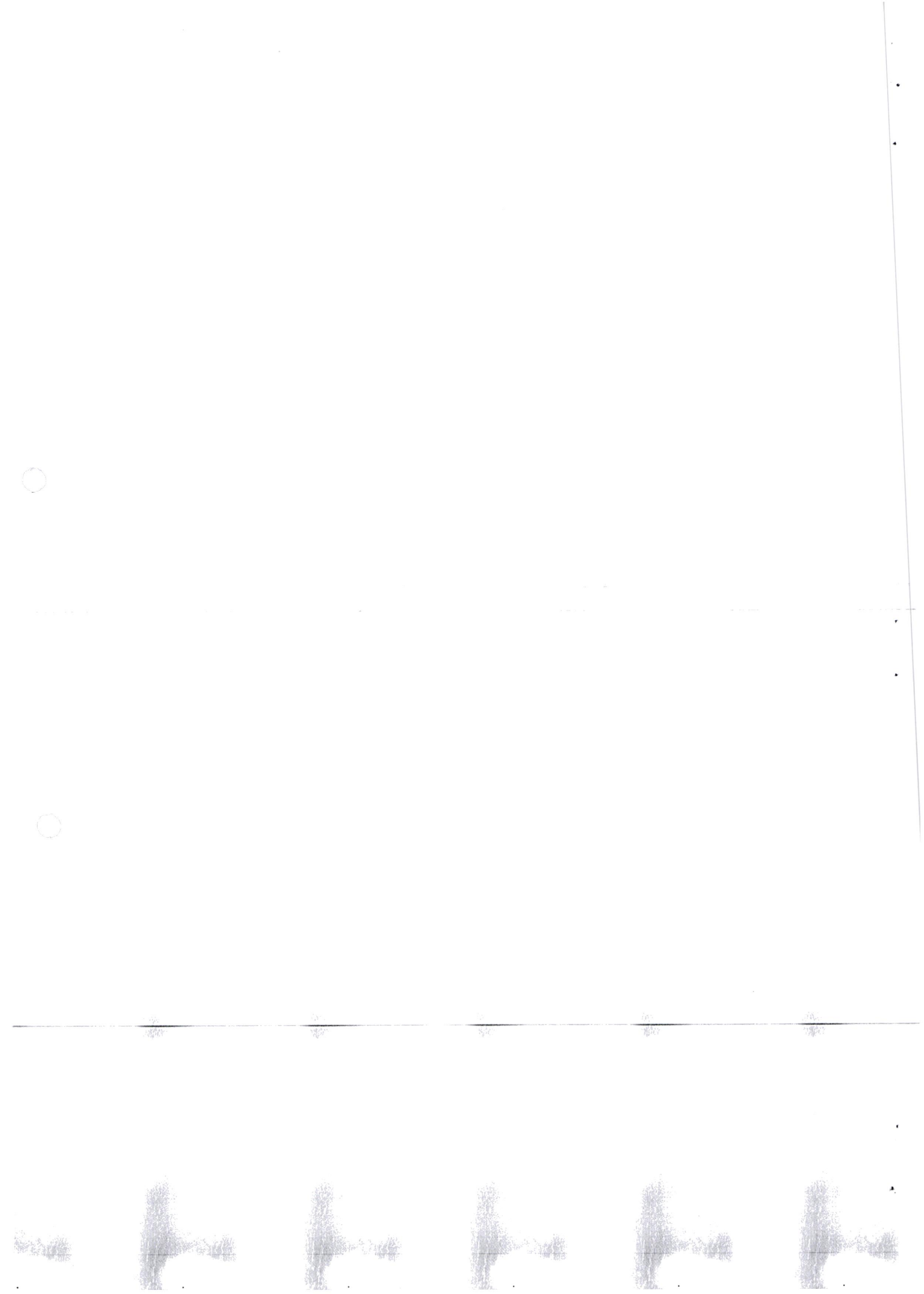
..... (CHAIRPERSON)

DATE

..... 18/2/2016



ADOPTION LIST

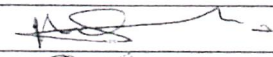



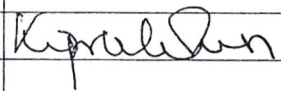

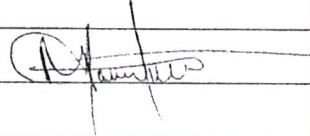



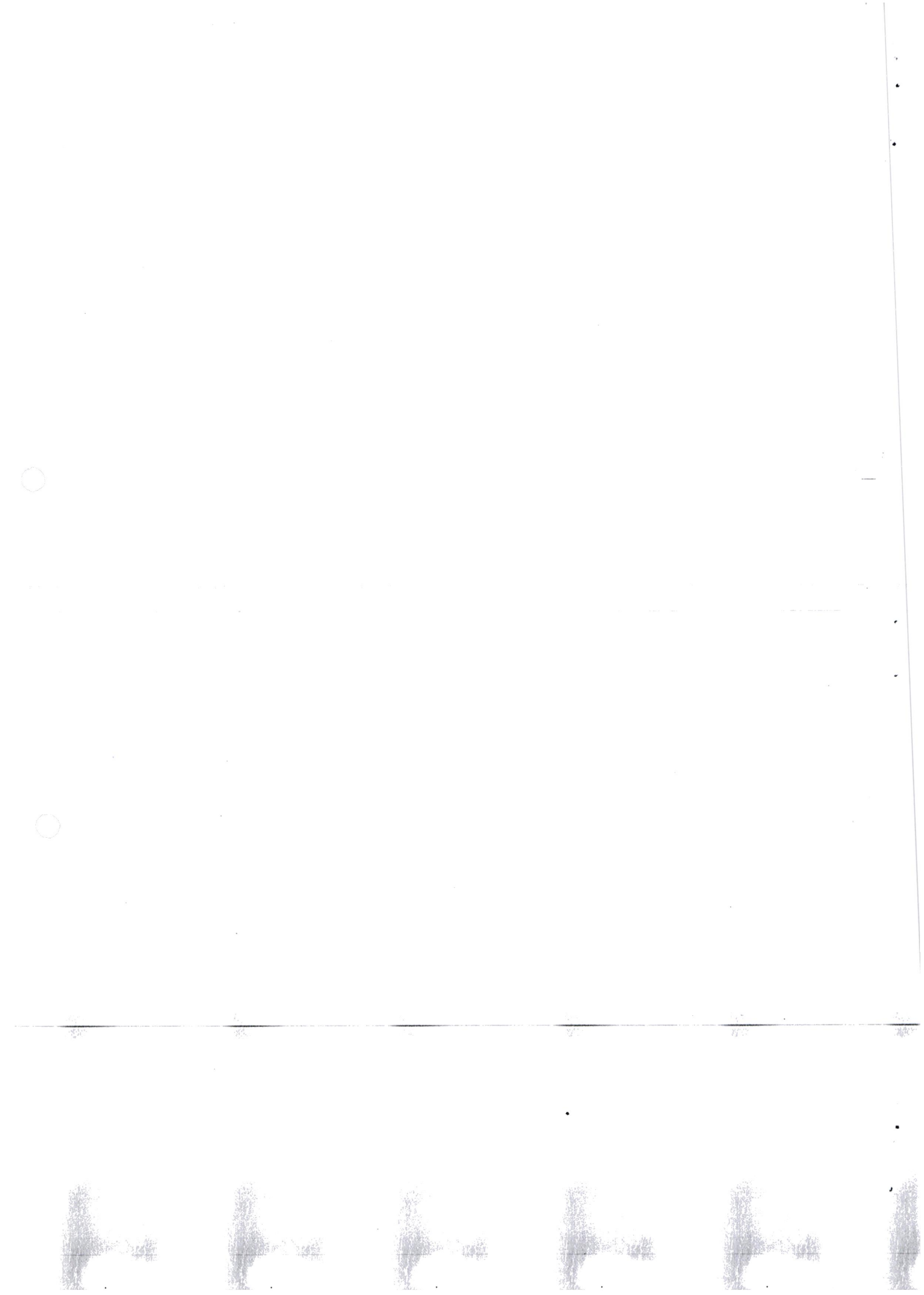
DEPARTMENTAL COMMITTEE ON LANDS
ATTENDANCE LIST

Date: February 9th, 2016

Venue: Fourth Floor, Protection House

Adoption of the Report on the Petition by Residents of Mavoko Constituency regarding alleged compulsory acquisition of land LR. 100292

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)		
2.	The Hon. Moses Ole Sakuda, M.P (Vice-Chairperson)	Member	
3.	The Hon. Onesmas Ngunjiri, M.P.	Member	
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.		
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.		
8.	The Hon. A. Shariff, M.P.	Member	
9.	The Hon. Eusilah Jepkosgei, M.P.		
10.	The Hon. Benard Bett, M.P.		
11.	The Hon. Kipruto Moi, M.P.	Member	
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.	Member	
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.	Member	
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.	Member	



SUBMISSIONS



REPUBLIC OF KENYA



**MINISTRY OF AGRICULTURE, LIVESTOCK
AND FISHERIES**

**REPORT TO THE NATIONAL ASSEMBLY DEPARTMENTAL ON
LANDS REGARDING FURTHER INFORMATION ON LAND
NGONG/NGONG/1959, ALLEGED COMPULSORY ACQUISITION OF
LAND, LR NO 10029/2 ALSO KNOWN AS SHEEP AND GOAT AND
CHEBORORWA AGRICULTURAL TRAINING CENTRE
PRESENTED ON 1ST DECEMBER, 2015
BY AG. CABINET SECRETARY
ADAN MOHAMED, CBS**

DECEMBER, 2015

QUESTION 1

FURTHER INFORMATION ON NGONG VETERINARY FARM

The State Department of Livestock gave a report on **10th November 2015**, to the National Assembly Departmental Committee on Lands in response to a Petition made by residents of Kajiado North. The thrust of this report is on the National importance of Ngong Veterinary Farm as a strategic Veterinary Farm useful for efficacy trials of Animal Health inputs (veterinary drugs, acaricides and vaccines), monitoring of animal and human diseases through the existing sentinel herds, training facility for animal health graduates in both public and private institutions, and a quarantine facility.

It is on this basis that the Ministry made an appeal to this Committee that **"The irregularly allocated land be repossessed and reverted back to be used for National Veterinary Activities as per the original intention"**.

I wish to reiterate that all the Parcels of land excised from Ngong/Ngong/1959 (Ngong Veterinary Farm) were irregularly done since there was no Cabinet Approval for the same.

It is in view of the above that on **8th October 2012**, the then Minister for Livestock Development, Hon. Dr. Mohammed Kuti, wrote to the Commissioner of Lands requesting for CANCELLATION OF ALLOCATION OF GOVERNMENT LAND UNDER THE CUSTODY OF THE MINISTRY OF LIVESTOCK DEVELOPMENT. This is well articulated through Ref: MLD/LAND/1/1/VOL III/58 (Copy attached).

As for the Parcel of Land **Ngong/Ngong/21399** occupied by the Police, it was excised from **Ngong/Ngong/2627** in the year 1998. It is imperative to note Parcel No. 2627 was registered in 1975 under Government of Kenya as the proprietor and reserved for Veterinary Farm **(Attached Annex 3)**. There is need for clarification on how (after excision), **Parcel No. 21399** was registered under Ol'Kejiado County Council as the Lessor **(Annex 6)**. We have tried to engage the **Ministry of Interior and Coordination of National Government** with a view to sorting out the issues of this land.

The Ministry had also planned for the Survey on this farm to be carried out by the Director of Survey. Consequently, a total of **Ksh 370,000** was paid to the Ministry of Lands in the year 2013 **(Annex 8)**. Although the survey works commenced, the activity was not completed. We are following up the matter with the Ministry of Lands, Housing and Urban Development.

QUESTION 2

PETITION BY RESIDENTS OF MAVOKO CONSTITUENCY REGARDING ALLEGED COMPULSORY ACQUISITION OF LAND, LR No 10029/2 ALSO KNOWN AS SHEEP AND GOAT

BACKGROUND ON THE KITENGELA SHEEP AND GOATS FARM

Kitengela Sheep and Goats Farm was started in **1978** due to the need for conservation and multiplication of superior genetics of Dorper and the Red Masai sheep. A total of **8,912 acres** was transferred from

the **Kenya Meat Commission** as **LR 10029** for setting up the Sheep and Goats Farm under the livestock development section of the then Ministry of Agriculture.

In **1981**, as a result of pressure from squatters who had settled on the farm from the early 1970's, it was decided that the government surrenders **6000 acres as LR 10029/1** for their settlement leaving the balance of **2912 acres under LR 10029/2** for sheep and goats development

In **1998** the Kenya Meat Commission was given back **2,500 acres** of the sheep and goats land for purposes of establishing a holding facility for animals destined for slaughter. This land is still under KMC and is an important asset for the current plans to rehabilitate the meat factory. **(Annex 1).**

The Government obtained consent from **Land Control Board of Masaku county council** dated **31st May, 1978**. The land was allocated to the then Ministry of Agriculture. **(Annex 2).**

The Kitengela sheep and Goats Farm is now left with only **162 acres** after **250 acres** (currently case in court) was irregularly acquired by private developers and subdivided into plots.

PETITION 1
The activities being conducted on LRNo.10029/2

Handwritten notes: 250/162/250
250
162/250
250
4/11

RESPONSE

Kitengela Sheep and Goats Farm is currently conserving genetic materials in the form of **170 Dorper** and **Red Masai sheep, 497 quails and 42 guinea fowls.**

Justification of the activities

- i. For over a long time, the country has experienced the erosion of its genetic resources due to crossbreeding and inadequate conservation and multiplication. It is known that our indigenous genetic resources have superior genetic make-up that requires conservation through government supported gene banks. It is worth noting that the Red Masai sheep is such endangered livestock species that, unless conserved, may become extinct.
- ii. Kitengela Sheep and Goats Station is the only facility in the country conserving the Red Masai sheep for protecting the superior genetic qualities, and to supply farmers who multiply the animals. Red Masai sheep have unique characteristics of being worm tolerant and perform very well in diverse environments and under different management practices. An action that deprives this country such a special farm will have adverse effect on our competitive advantage over others on livestock genetic resources and impact negatively on livestock development.
- iii. **Article 69** of the Constitution of Kenya mandates the State to protect genetic resources and biological diversity. Kitengela Sheep and Goats farm has been retained by the State Department of Livestock for protection of genetic resources that may face danger of extinction.
- iv. ~~Kitengela Sheep and Goats Farm was set aside with the objective of breeding and multiplying sheep and goats for the whole country due to the importance of these animals in food and nutrition security. This objective has not been achieved and~~

29/12

the need to conserve and multiply livestock for social and economic development of the country is more urgent today than in the past

- v. The land is also meant for pasture development to feed the animals (sheep and goats).

Challenges of carrying out the above activities

- i. The station has a deteriorating infrastructure as no development can be done due to the hostile community who cannot allow any development to take place. This was seen when they prevented fencing in **2007** and also in **2013** when the borehole was being sunk. The only thing that made the borehole to be sunk was the short time the machine did the work giving them no time to plan for the prevention.
- ii. The squatter problem is also a challenge since they pose a threat to the animals' safety and vandalism of the infrastructure. This was witnessed in **2012** when **78 breeding Dorpers** sheep were stolen never to be recovered, reducing the population of the animals in the station tremendously. Further in 2013, 34 Dorper sheep were stolen and one of the watchmen killed while three youths were caught with some of the animals and the case is still in court awaiting hearing.
- iii. The animals are at risk of contracting diseases from the illegal grazed animals and also lack feeds due to competition from them. This can be prevented by fencing and padlocking the station land to secure the forage and keep at bay disease causing pathogens. Breeding of the Red Maasai and Dorper sheep is also interfered with by outside animals, resulting to off types which can only be slaughtered since they are not quality for breeding.

- iv. In the **year 2001**, there was a confrontation between the **squatters** and **Afya Sacco** who had been sold some **250 acres** of the land by a very senior politician after illegally acquiring it and wanted to move in. The then Provincial Commissioner Eastern Province allowed the squatters to settle in the farm so that they could help protect the land from would be grabbers. They built Manyattas and moved hundreds of animals into the farm. They still move in and out and their numbers have increased. In **October 2007** the then Ministry of Livestock and Fisheries Development planned to fence the station to keep off the illegal grazers to no avail since the squatters uprooted the poles before installation of the barbed wire. On another side of the farm, some slum dwellers were settled in 1997 so that they could be used as landless people to get the land.
- v. The local community has never been contended with the **6,000 acres** they were given and have always been a source of problems making the management of the farm near impossible. Even after getting the **6,000 acres** which they subdivided into individual parcels, some squatters did not move out of the sheep and goats land and started destroying the government property. Of late the squatters have assumed that the land automatically belongs to them.
- vi. **KETRACO** has been unable to complete the construction of high voltage pylons through the land despite ministry's discussion and agreement with the community's representatives

PETITION 2

If the Government is still using the said land for the purposes for which it was compulsorily acquired and if not, the future plans for the said land.

RESPONSE:

The Ministry is still using the land for sheep and goats multiplication and conservation. KMC intends use the land as a holding ground.

Conclusion:

The Ministry prays that:

- i. Investigation into the irregular allocation of the 250 acres to **Afya Sacco** and **NLC** to cancel the titles;
- ii. The Ministry to be allowed to continue with its mandate on the said land;
- iii. **KMC** to proceed utilizing the farm as a holding.

QUESTION 3

REPORT TO THE NATIONAL ASSEMBLY DEPARTMENTAL ON LANDS REGARDING CHEBORORWA AGRICULTURAL TRAINING CENTRE

Background Information on Chebororwa Agricultural Training Centre

The centre was established in 1957 as a Livestock Improvement Centre (LIC) under the Veterinary Department.

In 1959 it was turned into a Farmers Training Centre (FTC) and renamed Agricultural Training Centre (ATC) in 2006.

1) Mandate/Purpose The Land Was Set Aside

The land was set aside by Government for the following purposes:

- i) To offer residential and non-residential training on relevant farming technologies backed with practical demonstrations for the

- surrounding catchment area of five counties (Uasin-Gishu, West Pokot, ElgeyoMarakwet,Trans-Nzoia and Turkana
- ii) To provide training facilities to farmers and other stakeholders involved in agriculture and national development;
 - iii) To maintain a model farm for training purposes and for demonstrations to stakeholders in agriculture
 - iv) To provide facilities for and participate in carrying out regional adaptive on-farm trials of relevant agricultural technologies;
 - v) To serve as bulking centre of plant materials and multiplication of livestock for farmers(provision of seeds and breeding stock);

2) Acreage In Use By Chebororwa Agricultural Training Centre

- The total area was initially **estimated** at **2,500 acres (1000 ha)**.
- However when the actual survey was done, the actual area was found to be as follows:

LR No.Moiben/Meibeki 2210	-	1232 acres
LR No.Moiben/Meibeki 3047	-	1229 acres
Public Roads	-	15 acres

Total - 2476acres

Land utilization

The land utilization is as follows:

1.	Area for seed crops	330 acres
2.	Natural pasture land	300 acres
3.	Other crops/demonstrations	20 acres

4.	Guard rows/marshy land	167 acres
5.	Rocky and mountainous	1450 acres
6.	Rocky and shallow soils	178 acres
7.	Farm roads	16 acres
8.	Public Roads	15 acres
	Total	2,476 acres

Management of the Institution

Before devolution in 2013, Chebara ATC was established to serve Elgeyo/Marakwet. This left the institution to serve four (4) counties under the administration of the Board of Governors drawn from the following counties and host Ward.

1.	UasinGishu	1
2.	Trans Nzoia	1
3.	West Pokot	1
4.	Turkana	1
5.	Chebororwa Ward	1
Total		5

3) Approvals by the Ministry to Hive 1,800 Acres for Settlement of Squatters, who had been evicted and issued with allocation letter.

The ministry has no records to support the above allegation. However, there is already a civil suit filed at Eldoret Environmental and Land Court, Case NO.199 of 2015 (copy attached) by;

PAILO CHEPKURGAT
ELIZABETH KIPKEMBOI

Versus

BOARD OF GOVERNORS
CHEBORORWA AGRICULTURAL TRAINING CENTRE,
MINISTRY OF AGRICULTURE,
ATTORNEY GENERAL

4) Ownership documents of the Land

The ministry has no title deeds of the above said parcels of land, however:

- The two parcels of land were described in Kenya (Designated Land) Regulation under the Legal Notice No. 751 of 1st June 1963.
- Land survey was done in 2011 by the then Elgeyo/Marakwet District Surveyor (Kapsowar).

In conclusion, the Agricultural Training Centres and their functions were devolved to their respective **County Governments** vide Kenya Gazette Supplement **No.116 of 9th August 2013** and actualized on **28th February 2014** vide Kenya Gazette Supplement No 30, Legal Notice No. **33 of 17th March 2014** (copies attached).

(i) Kenya Gazette Supplement No. 116, Legal Notice No.137

(ii) Kenya Gazette Supplement No. 30, Legal Notice No. 33

Signed  Date 





REPUBLIC OF KENYA

MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS, 14TH JULY 2015

Question

Q1. Petition by residents of Pongwe area in Lunga Lunga Constituency on imminent eviction from LR.1083 Shimoni Kwale

The Ministry is not aware of a petition by the residents of Pongwe area in Lunga Lunga constituency. The Ministry is also not informed of any imminent eviction of the said residents from LR.1083 Shimoni Kwale.

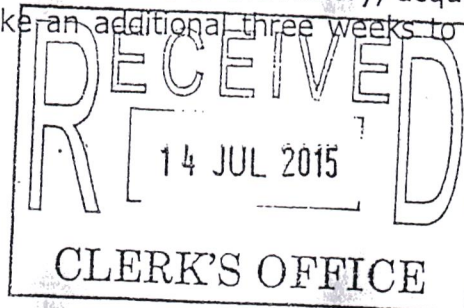
However, the available documents in the records points to an application to the Land Control Board for consent to sale forwarded to our offices by Ramesh Manek Advocates dated 3rd March 1988 (**Appendix I**)

(a) The acreage and registered owners of LR. No.1083, Shimoni, LungaLunga Constituency in Kwale.

- The acreage of the said land is 320.12 acres.
- The Registered owners as per the above records are Mr. Bhovanbha Hahji Gandhi and Maganlal Chakubhai Pattani.

(b) The history of the land relating to acquisition, sale and transfer

- The Ministry does not have conclusive details of the history, acquisition, sale and transfer in its records. It will take an additional three weeks to investigate the issues around this land.





Conclusion

From the foregoing it is clear that although the parcel of Ngong/Ngong/1959 with an Approximate Area of 1400 Acres had been set aside for Veterinary Farm and Training Centre, excision has been carried out by the Government of Kenya. Portions of land allocated to various entities both Government Entities such as Meteorological Department, Kenya Police Department, Kenya Defence Forces, and the County Government of Olkejuado and Private Entities such as Halal Meat Products and East Africa Motor Sports Club. From the records available a total of 459 Acres had been committed and 941 Acres remain uncommitted.

Q.8 Petition by the residents of Mavoko Constituency regarding alleged Compulsory acquisition of land in Mavoko Constituency LR no. 10029/2.

Background

On 23rd February 1987 a letter of allotment was issued to Nkapaapa Ole Nenkikua on a freehold basis. The total acreage was 73 Hectares. The total fees called for was Ksh 420. Which he paid on 25th August 1987.

On 6th April 1987 an acceptance letter written to the Director of surveys by the Commissioner of lands. In the meantime, supported by an affidavit, on 28th October 1987, the allottee swore that he is also known as Noah Ole Lemei Ololmelua that he was the same person as Nkapaapa Ole Nenkikua.

There appears to have been confusion between LR 14752 and LR 10029. According to the SPRO (Plan Record Office) in a memo dated 14th June 1994, LR 10029/2 which was the subject of allotment of 1987 has no relationship with LR 14752 with which the title deed no IR 69288 was issued.

The letter of allotment should have been in respect on an unsurveyed, plot, which upon survey became 14752. According our records plot no 10029/2 belongs to the Ministry of livestock development.

Facts

- a. On 17th April 1990 the Assistant Chief for Kitengela sub-location wrote a letter intimating that the allottee was deceased and recommended that the department issues title in the name of two persons who were the deceased's widows: 1) Tito Noah Nkapaapa ID No. 0792506/63 and 2) Phylis Noah Nkapaapa ID No. 0792451/63.



- b. On 25 February 1992, the High Court issued letters of administration confirming the two names as the administrators of the estate.
- c. A title IR 69288 was prepared and signed on 10th April 1996 in the names of Tito Ene Noah Nkapaapa and Phylis Noah Nkapaapa with acreage of 62.48 Hectares adopting LR No 14752.
- d. An application to subdivide the land was made on 23rd June 1993. Mavoko County Council through their letter Ref 15/Volxiii/61 recommended subdivision of the LR No 14752 into three portions measuring 20.24 Ha, 21.46 Ha and 21.46.
- e. Upon receipt of favourable comments from various authorities, final approval of the subdivision was granted on 22nd January 1997.
- f. The resultant sub plots are LR 14752/1, 14752/2 and 14752/3.

Conclusion

The records indicate some confusion over the numbering of the two plots 10029/2 and 14752. However, the current position is that the LR no. 14752 is still in private hands but the 10029/2 is public land.

Q.9 Naivasha Lake corridors are said to have been closed by private developers thereby denying fishermen and the general public access to the Lake.

The Ministry has not had sufficient time to investigate this matter given the short notice. However, the Ministry also believes that this is a matter that needs a multi agency approach to adequately address the issue at hand, to consult with the National Land Commission, the ministries responsible for fisheries and water resources, to get to the root of this matter and respond as appropriate.

Fred Matiang'i, PhD
Cabinet Secretary

14th July 2015





NATIONAL LAND COMMISSION

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

ARDHI HOUSE
NGONG ROAD
P.O. BOX 41777
NAIROBI

Ref: NLC/PARL/6

14th October, 2015

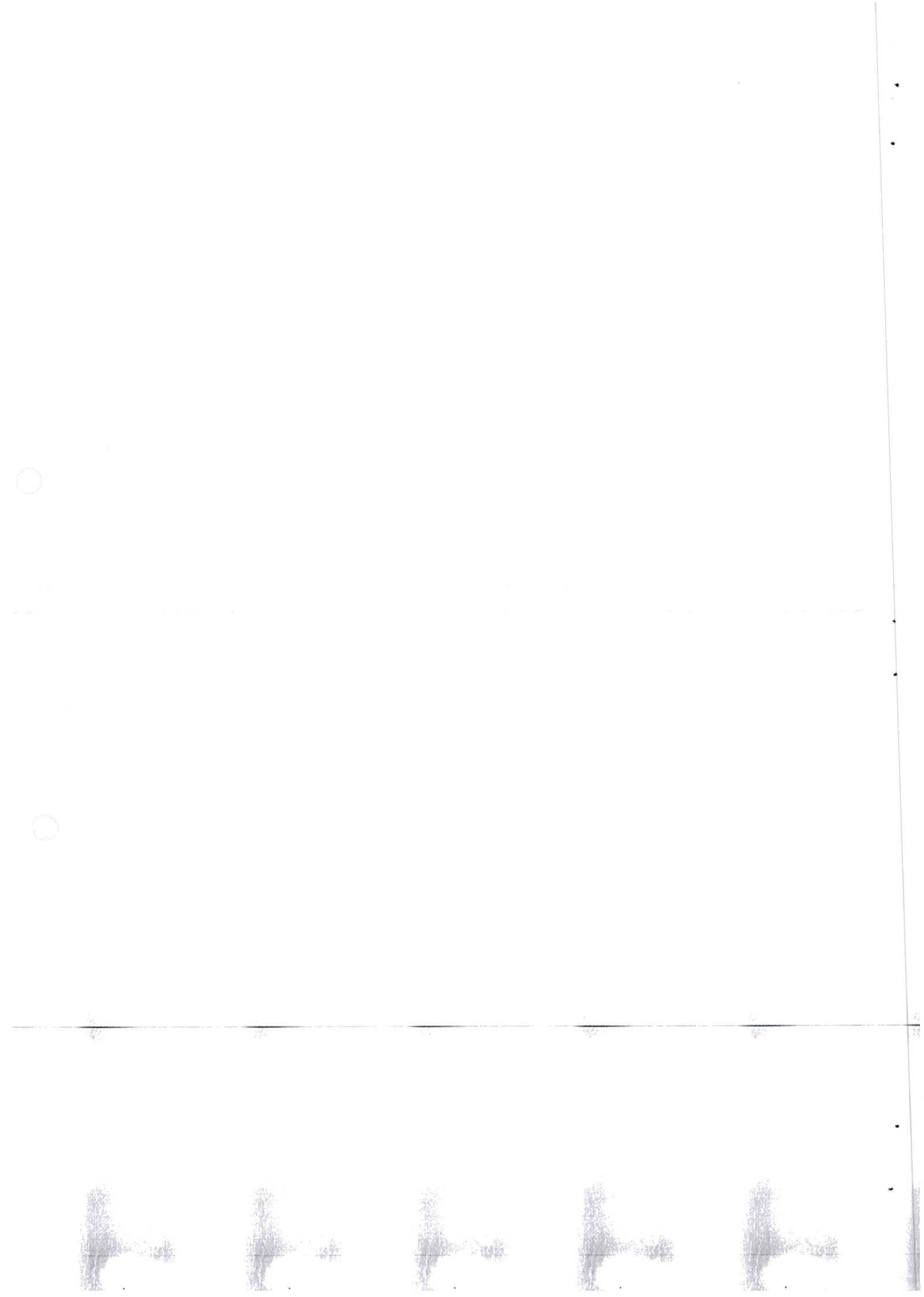
The Clerk of National Assembly
Parliament Building
NAIROBI

Dear Sir,

RE: REPLY TO PARLIAMENTARY PETITIONS

Further to our appearance in parliament on 1st October 2015, to give answers to various petitions forwarded to National Land Commission, we were ordered to provide further details on some petitions and to re do others. The revised petitions are now forwarded herewith.

ABIGAEI MBAGAYA - MUKOLWE
For: CHAIRMAN
NATIONAL LAND COMMISSION



Therefore no compulsory acquisition was ever done, all along LR No. Ngong/Ngong/1959 has been Government Land.

Following a visit on the ground on 7th & 8th of October we became aware that a group by the name Gikuyu ne Mbumbi purports to own the land since the 1970's. This allegation is not supported by any ownership documents.

NO.5

Petition by the Residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency LR No. 10029/2

- (a) Provide a history of the land known as LR No. 10029/2 and its current status;
- (b) Provide an information relating to the compulsory acquisition of the land, compensations made and beneficiaries of the same
- (c) Provide information regarding any allocations change of user and/or transfer of the parcel of land and the beneficiaries thereof.
- (d) Any other information as it relates to the said land which may be relevant to the Committee.

Reply

'A' History of LR No. 10029/2

LR No. 10029/2 was formally part of original LR No. 10029 which has a size of 8912 Acres registered in 1951 to Kenya meat Commission for a term of 99 years.

On 31st December 1970, LR No. 10029 was surrendered back to the Government by K.M.C with a view of reserving the same to the Ministry of Agriculture and Livestock Development for a holding ground.



In 1982, LR No. 10029 was subdivided by Government into 2 parts, LR No. 10029/1 measuring 6000 Acres, which was allocated to the squatters who were occupying the land and LR No. 10029/2 measuring 2912 Acres a portion which was reserved to the Ministry of Agriculture and Livestock Development for sheep and Goat rearing.

In 1996, Ministry of Agriculture and Livestock relinquished 2500 Acres, (Part of LR No. 10029/2) for allocation to K.M.C (L/A attached), thus leaving a balance of 412 Acres.

The Ministry further released 250 Acres for allocation to Masaiimpex leaving a balance of 162 Acres to the Ministry of Agriculture.

'B' Information about Compulsory Acquisition of 10029/2

LR NO. 10029 has been Government land from 1949 when it was surrendered to Government by Liebigs (Kenya) Limited so subplot No. 10029/2 has never been subjected to compulsory acquisition.

'C' Information Regarding any Allocation, Change of Users and/or Transfers if any

Answers to this question is at it is provided under 'A' here above.

'D' Any other Information

LR No 10029/2 is situated on path which is considered by Kenya Wildlife services as a corridor for wild animals moving to and from Nairobi National Park, hence they have been opposed to any allocation/development which could hinder free movement of Game animals in the area.

S. K. Mburugu

PLAO

12th October 2015



KITENGELA ILPARAKUA LAND OWNERS ASSOCIATION

P.O BOX 265,

KITENGELA.

THE PERMANENT SECRETARY

MINISTRY OF LANDS

P.O BOX 30450,

NAIROBI.

19th April, 2010.

Dear Madam,



ATTENTION: PUBLIC RELATIONS OFFICER

RE: LAND REFERENCE NO 10029/2 THE SHHEP AND GOAT RANCH KITENGELA

The above piece of land originated from L.R NO.10029 together with L.R NO 10029/1. The land measures approximately 8912 acres. L.R No was divided into parcels of land approximately 150 acres and allocated to individuals from Empakasi Maasai Community.

L.R N O^{10029/2} was set aside for purposes of breeding sheep and goat to the benefits of the whole community

on 14th December, 1980. The government through the Ministry of Livestock Marketing Department initiated the sheep and Goat Multiplication project and so members of the community were displaced to pave way for the project.

However the Sheep and Goat Multiplication project stalled in the late 80s and the land was surrendered back to the Government and at the same time displaced members of the community moved back into their ancestral land. Since then the land has remained in the possession of the community.

The Empakasi community constructed a primary school in 1975 by the name Empakasi Primary School and a cattle dip that serves the community. Both structures together with homesteads scattered all over the L.R. NO. 10029/2 reinforce the claim that the community exclusive possession of the said land.

Ownership of the sheep and goat land has raised numerous dispute which culminated in a meeting held on 17th August, 2001 at Embu before the Provincial commissioner Eastern



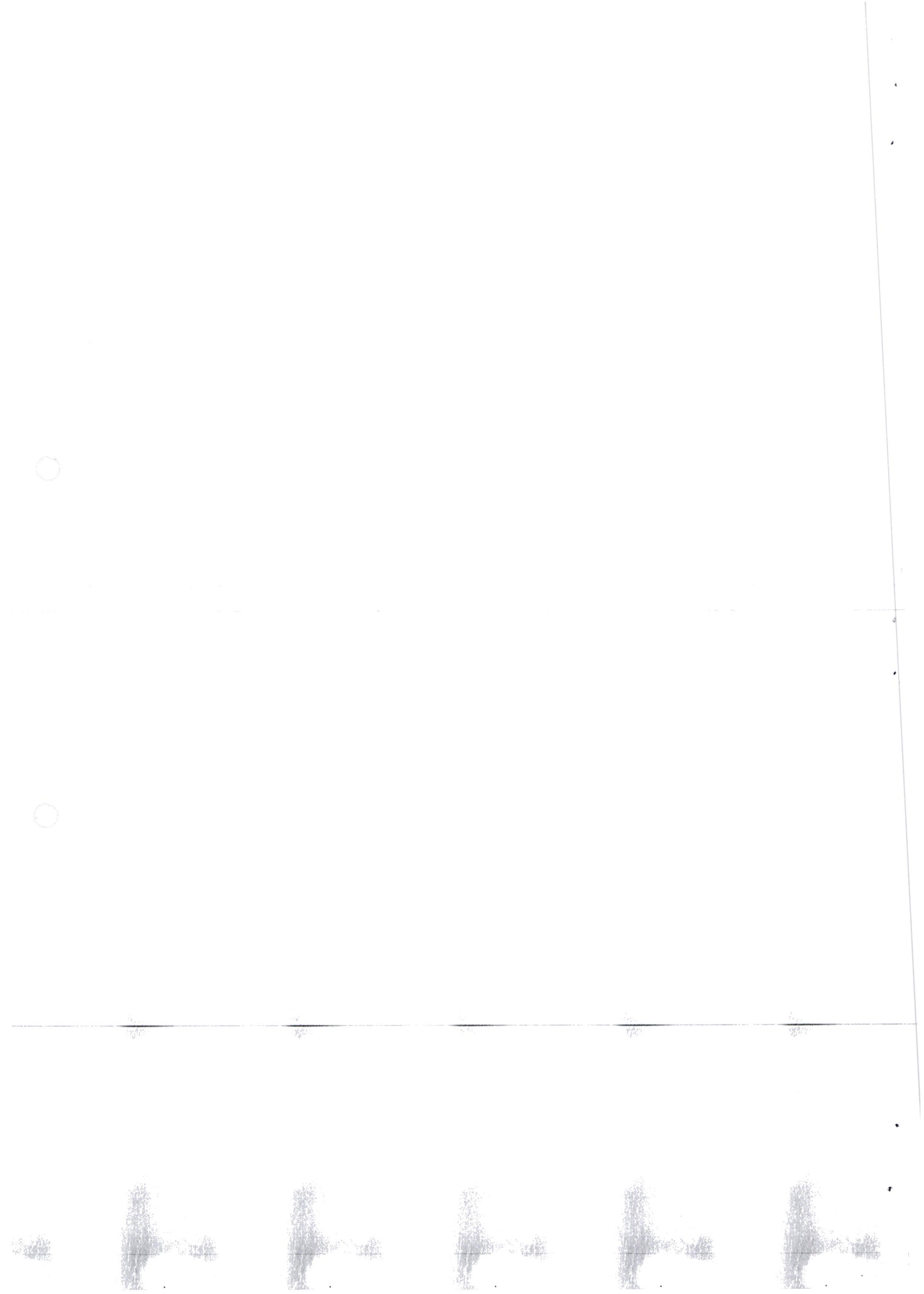
1. LR 24835	FR. No. 342/165 – comps	41004	Area 40.00 Ha
2. LR 27022	FR No.321/60 – Comps	50721	Area 36.80 Ha
3. LR 28132	FR No.484/179 – Comps	56908	Area 189.60 Ha
4. LR 22139	FR No.304/173 – Comps	36873	Area 101.60 Ha
5. LR 22139/1-3	FR No. 378/91 – Comps	44913	Area 63.00 Ha
6. LR 28154/60	FR No. 486/51 – Comps	56998	Area 127.71 Ha
7. LR 28260/1	FR No. 485/21 – Comps	57002	Area <u>100.00 Ha</u>

Total Area 658.00 Ha

Total acres = 2912 Acres – 1079.00 Ha

hived out acres = 1652acres - 658.00Ha

1253acres – 421.00 Ha

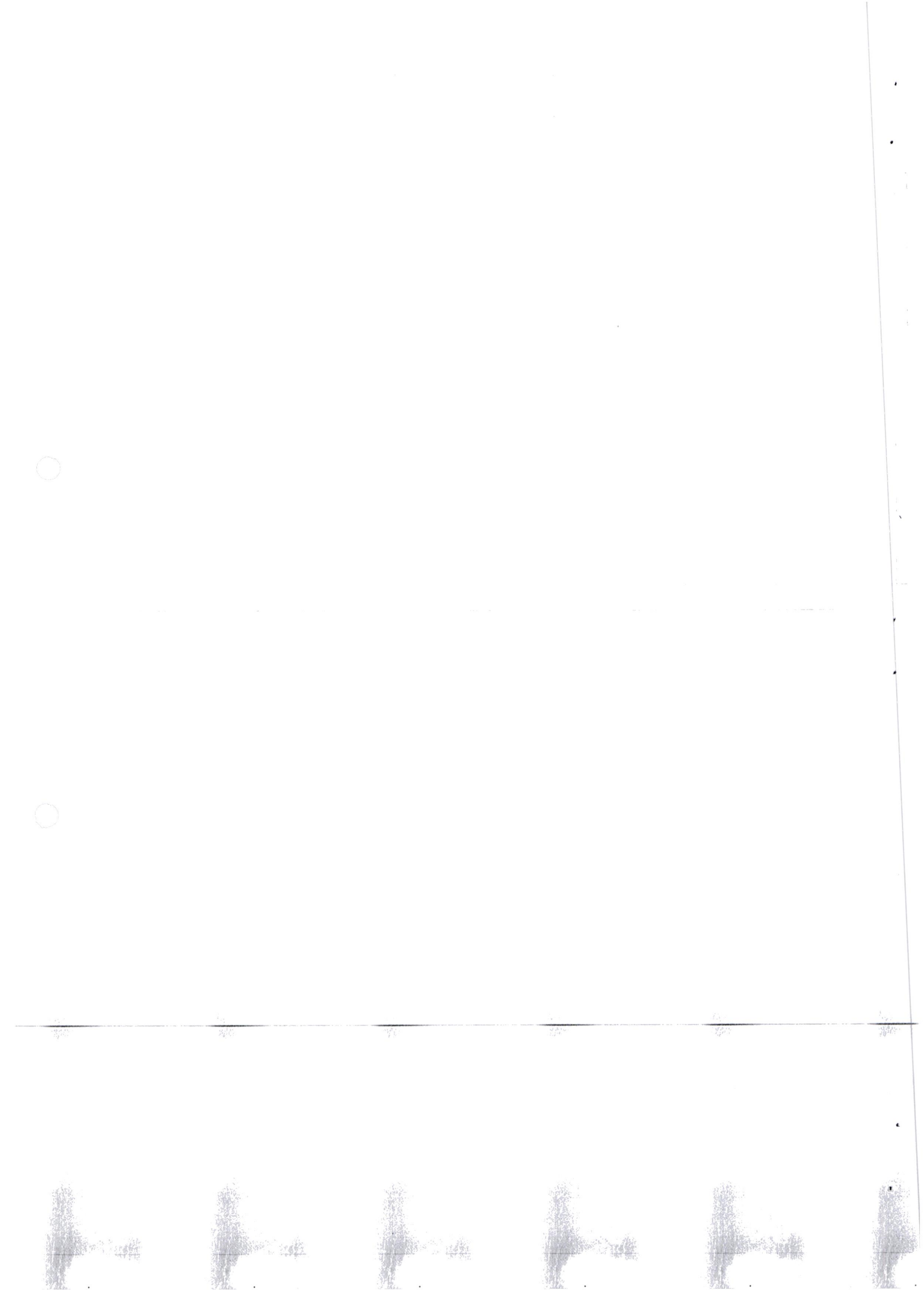


8/11/2010

SHEEP AND GOAT LAND

L.R.NO 10029/2 FILE NO. 118402

IR NO 5540F



OFFICE OF THE DIVISIONAL
DISTRICT OFFICER

CENTRAL DIVISION

P.O. Box 1, Machakos

10th May, 1962

CONFIDENTIAL

CONFIDENTIAL

The District Commissioner,
MACHAKOS.RE: KITENGELA FARM - (SHEEP AND GOAT PROJECT)
MACHAKOS AND GROUP RANCH.

Refer to our discussion with you in your office, on which you instructed me to tour the above mentioned farm and investigate the boundary problem between the sheep and goat project and the communal area around there, with a view to establishing new boundaries to enable the community there water their animals.

I toured the ranch on 13.3.62 accompanied by the sheep and goat project officials and the Machakos group ranch representatives, and the following were my findings:-

Total acreage in the area that was formerly government land was 8,712 acres. Out of those, the Machakos group ranch were allocated 4,000 acres.

The rest were allocated to the sheep and goat project, run by the government. When the survey team arrived in February, 1961 they proceeded to divide the land as follows:-

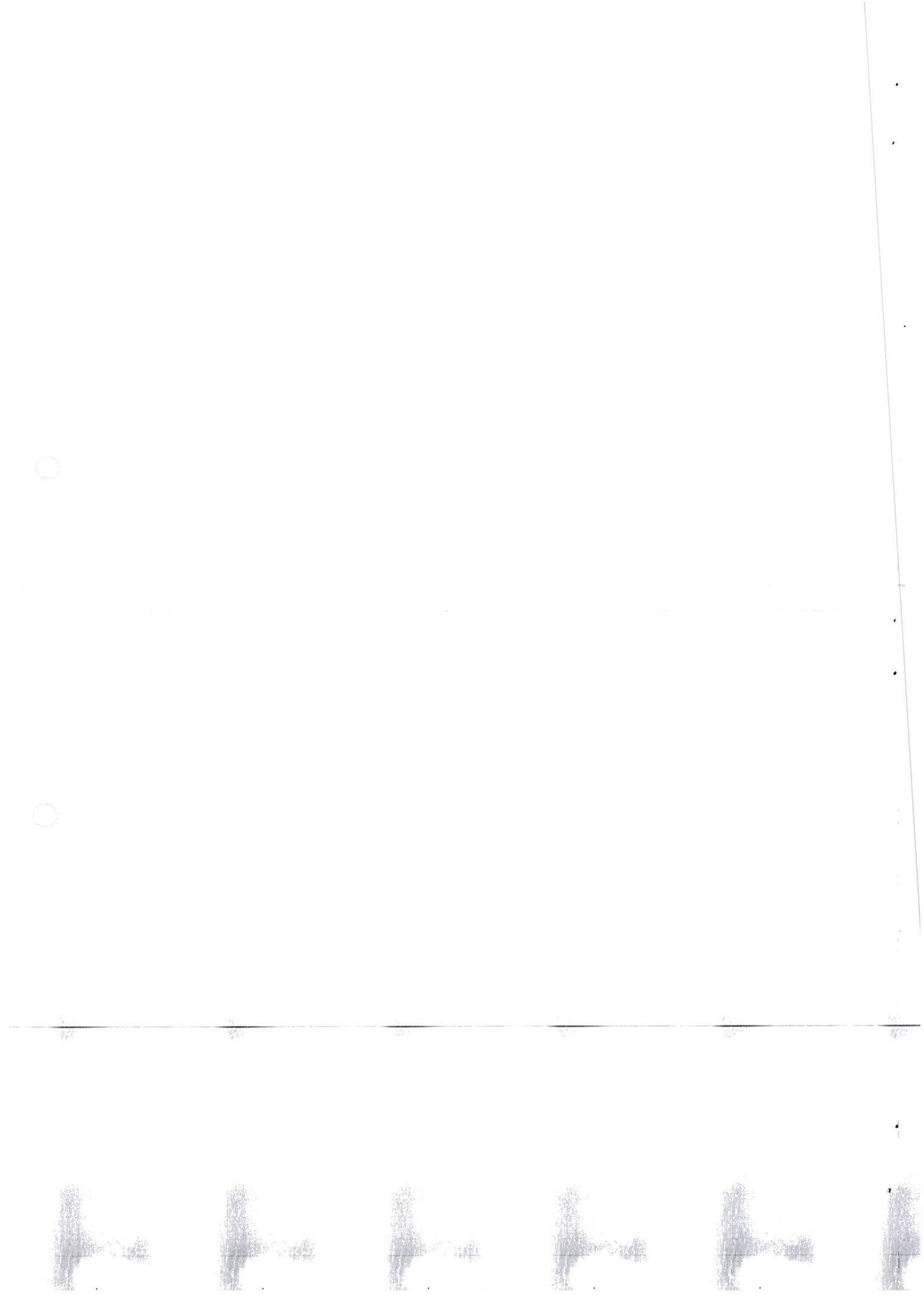
1. 4,000 acres - Machakos group ranch.
2. Rest of land allocated to the sheep and goat project.

This sub-division of the farm raised several questions amongst the Machakos group ranchers, who are predominantly Maasai tribesmen. They contended that the survey team never consulted anybody when subdividing the land to find out how they could best fit in the given areas of land. Secondly, the division resulted in their being barred from pasturing their animals in the Adu and Kitengela rivers, since these were now within the sheep and goat project farm, on both sides. Thirdly, the division would result in not less than fifteen families being forced to shift their homes since they were now in the government farm, on both sides of areas No. I to IV for sheep and goats.

My tour of the farm actually confirmed the fact that the tribesmen will have difficulties pasturing their animals if the present sub-division of the land is left as it is.

In a joint meeting between the ranchers and the sheep and goat project representatives, it was agreed amicably that the boundaries be re-arranged to allow the ranchers access to the Adu and Kitengela rivers on both sides. This will also result in only few Maasais being shifted compared to the present situation where there are as many Maasais in the sheep and goat project land.

CONFIDENTIAL



MINISTRY OF AGRICULTURE

To .KING'ANGORI OLE NGANGI...

30th June, 1978

Kitengela Ranch.

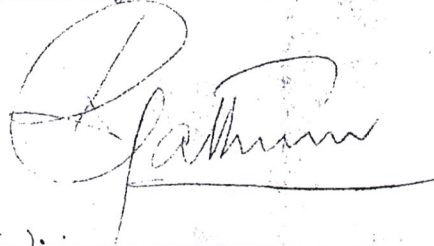
LR NO. 10029

N O T I C E

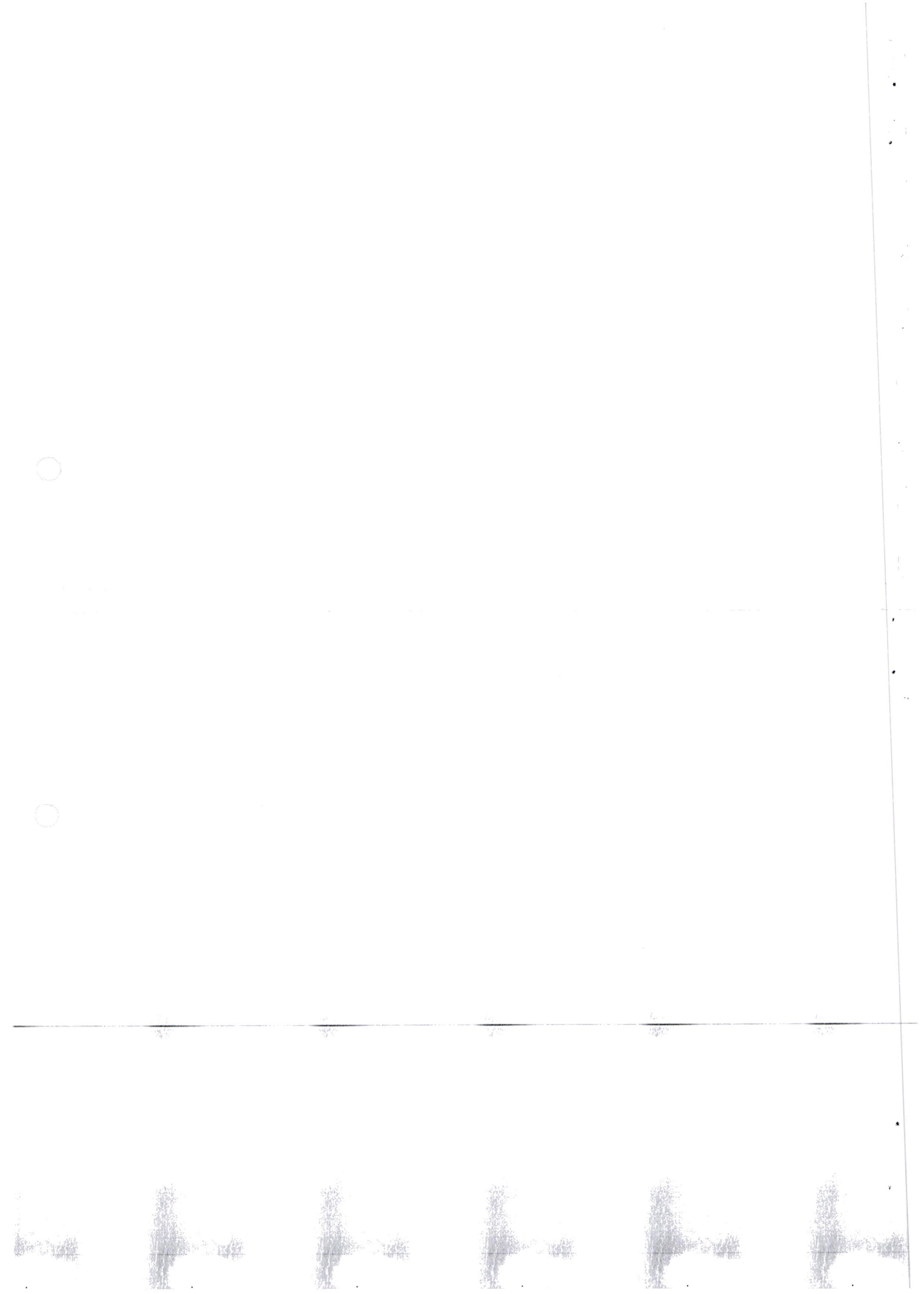
The transfer of LR No. 10029 at Arthi River of approximately 8912 acres, from Kenya Meat Commission to Kenya Government, Ministry of Agriculture for use as Sheep and Goat Multiplication Centre, was approved by Masaku/Donyo Sabuk Land Control Board Meeting held on 31/5/78 in DC's office chaired by the Machakos Acting DC Mr. P.K. Muruatetu.

Henceforth the ownership of the above said land does not belong to the Kenya Meat Commission it belongs to the Kenya Government, Ministry of Agriculture. Henceforth all the squatters on the said above land should vacate within 7 days from the date of this notice.

This notice takes effect immediately.



(S.D. GATHIUNI)
PERMANENT SECRETARY (AGRICULTURE)



THE ANGENDAS OF AM METTING IN EMPAKASI. 5.4.1983.

Probleem of the residents therer

- A) There are two people who have registered themselves in Mks D.D.C. ~~MEETING AND HAVE~~ meeting and have requested the district and a councillor.
- B) They have proposed the chief will be Mr. As e Saunyi. and the Councillor would be Mr D. e Muyaa.

2. REGISTRATION OF PEOPLE HERE ARE AS.

- A) They refused to register sole member of here and instead registered some people who would give them money.
- B) This two people brought in the Kajiao chief Mr Teeten ~~xxxxxx~~ Ole Kasare and Coun. D. K. Muyaa. Athi-river urban council. and reg d them to use them to gate support m the minister and other big e ces and spel out the wanainchi who will against them.

3)

NAMES NONE MEMBER



CONFIDENTIAL

It was also agreed that the survey team should come back and demarcate the portions clearly, in conjunction with representatives of both parties. This will clear problems of boundaries. See attached maps in which map I gives the old boundaries, Map II the new proposed boundaries.

Six, the sooner this boundaries are clearly established, the better it will be for both parties, because development and work on these ranches are virtually at a stand still. You should therefore request the Director of Survey to agree to this new arrangements, if you also agree with it.

(B.O. ADUNA)
DISTRICT OFFICER IVORY COAST

The Manager,
Sheep & Goat Project,
Kitengole Farm,
P.O. Box 86,
ATHI RIVER.

CONFIDENTIAL

The Chairman David Hunya,
P.O. Box 11.





MAVOKO MUNICIPAL COUNCIL

P.O. Box 11 ATHI RIVER, Telephone: 22406/7, Telegram: MAVOKO

Our Ref. LR.10029/2/(6).....

Your Ref.....

Date 3rd July, 1997

The Chairman,
I.L.E.C.O.,
P. O. Box 265,
ATHI RIVER.

RE: KITENGELA SHEEP AND GOAT
MULTIPLICATION CENTRE - L.R.NO.10029/2.

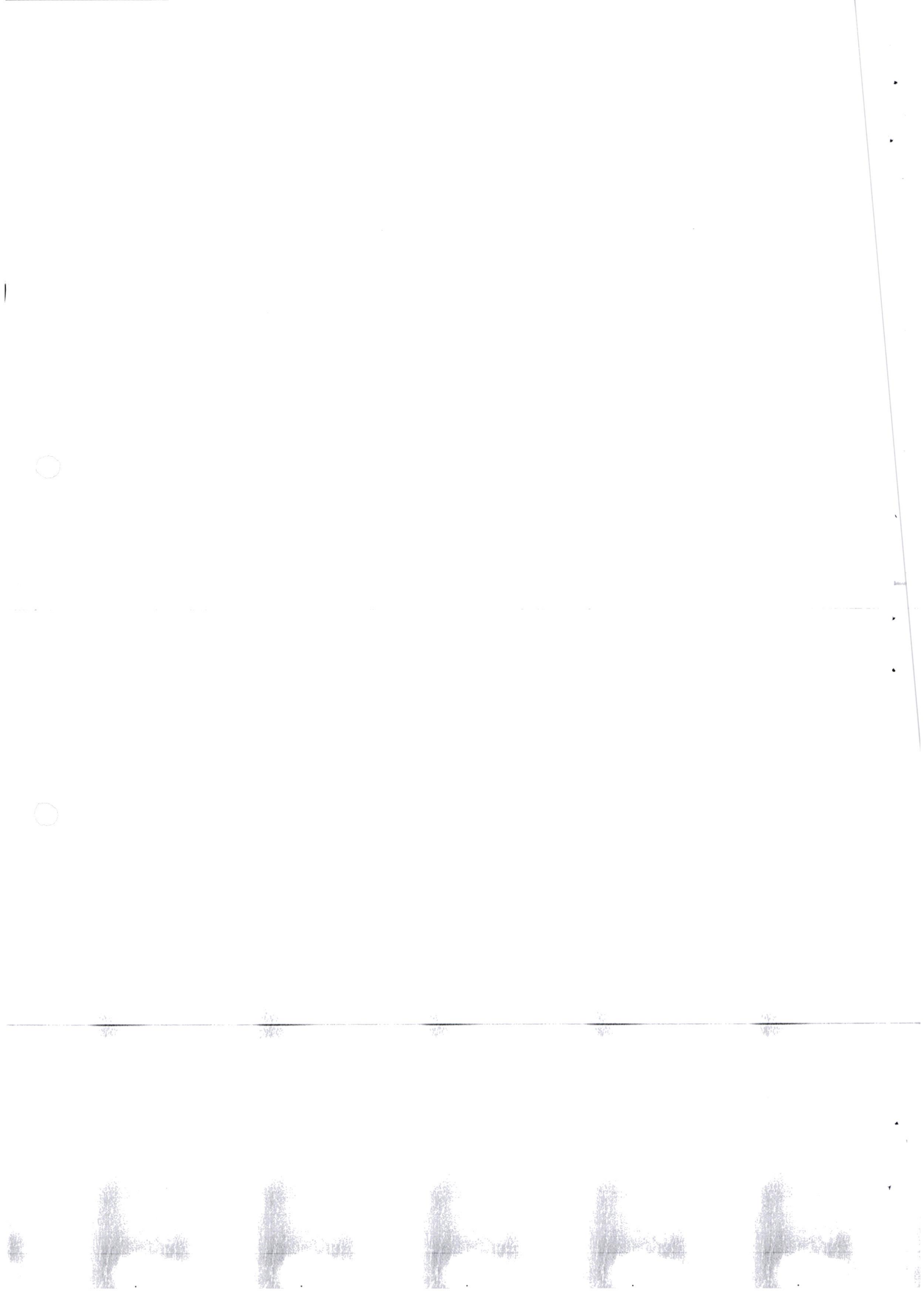
Your letter dated 16th June, 1997 refers.

Your intentions are good but the land you are talking about is government land which this Council has no authority.

This being the case, there is no need of me meeting with you to discuss on a property we do not own. Regarding the status of the land, you may find out from the Commissioner of Lands.

(Gideon Muindi)
TOWN CLERK.

GM/fmn



2/20 (12) 96/32
68

PPD/3/CONF/XIII/180

13th November

90

Mr. C.B. Mbingyo,
Permanent Secretary,
Office of the Vice President
and Ministry of Finance,
P.O. Box 30087,
NAIROBI.

Dear Sir,

RE ZONING OF LAND NEAR EPA ATHI RIVER FOR ENVIRONMENTAL PROTECTION

I acknowledge receipt of your letter Ref. No. CONF 109/02 of 2nd November, 1990 in respect of the above, and confirm to you that necessary action is being taken to implement the recommendations specified in your letter.

Yours faithfully,

J.M.

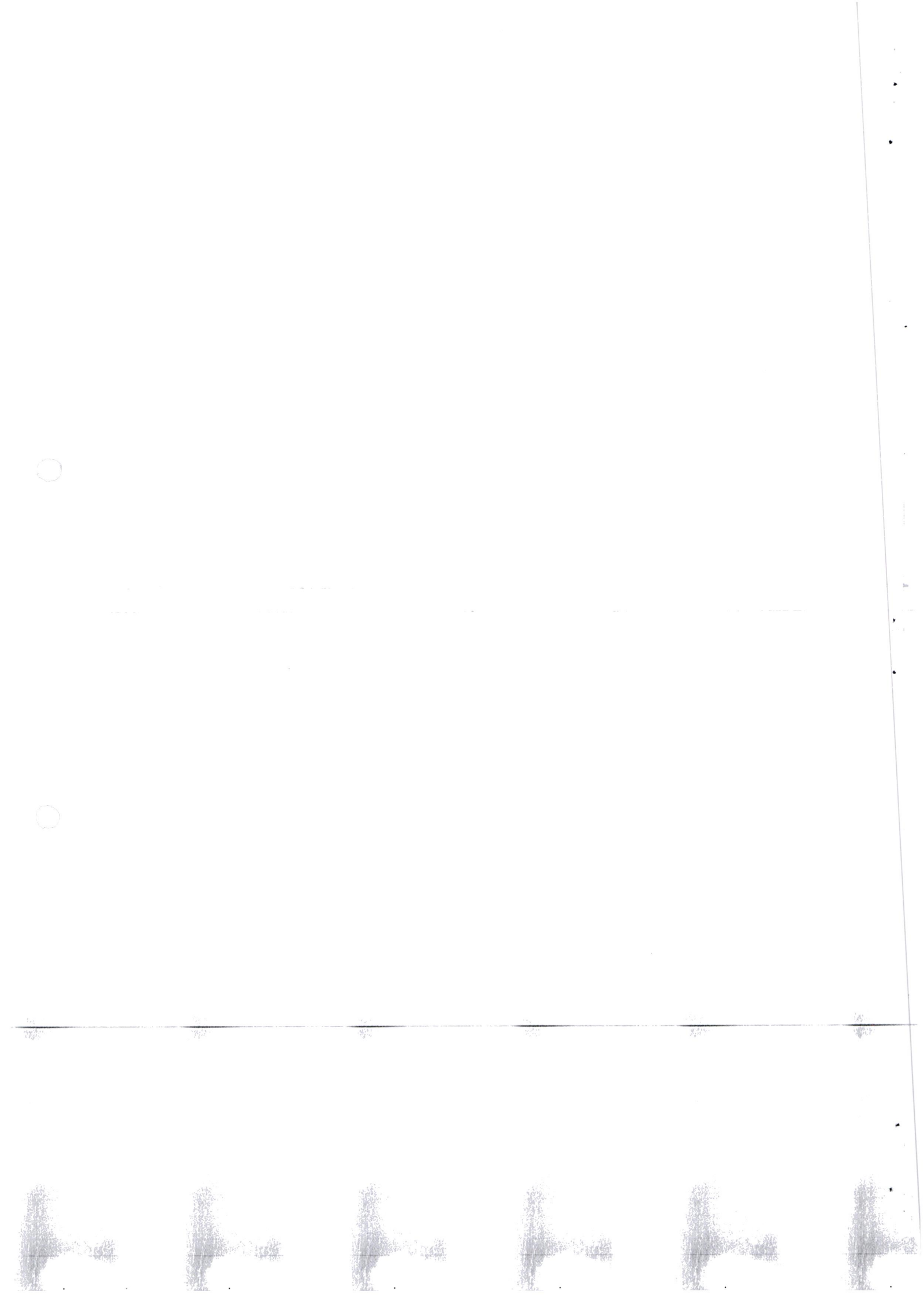
J.M. Omas
DIRECTOR OF PHYSICAL PLANNING

c.c.

Mr. J.K. Sang,
Permanent Secretary,
Ministry of Lands and Housing,
P.O. Box 30450,
NAIROBI.

Mr. J.G. Inogo,
Head/Development Control
Section,
Physical Planning
Department,
P.O. Box 45025,
NAIROBI.

Mr. W. Gacanja,
Commissioner of Lands,
P.O. Box 30089,
NAIROBI.



Chief's North Kaputiei Location,
P.O. Box 44,
ATHI RIVER.

20th April, 1983.

Director of Land,
P.O. Box 30297,
NAIROBI.

Thro'

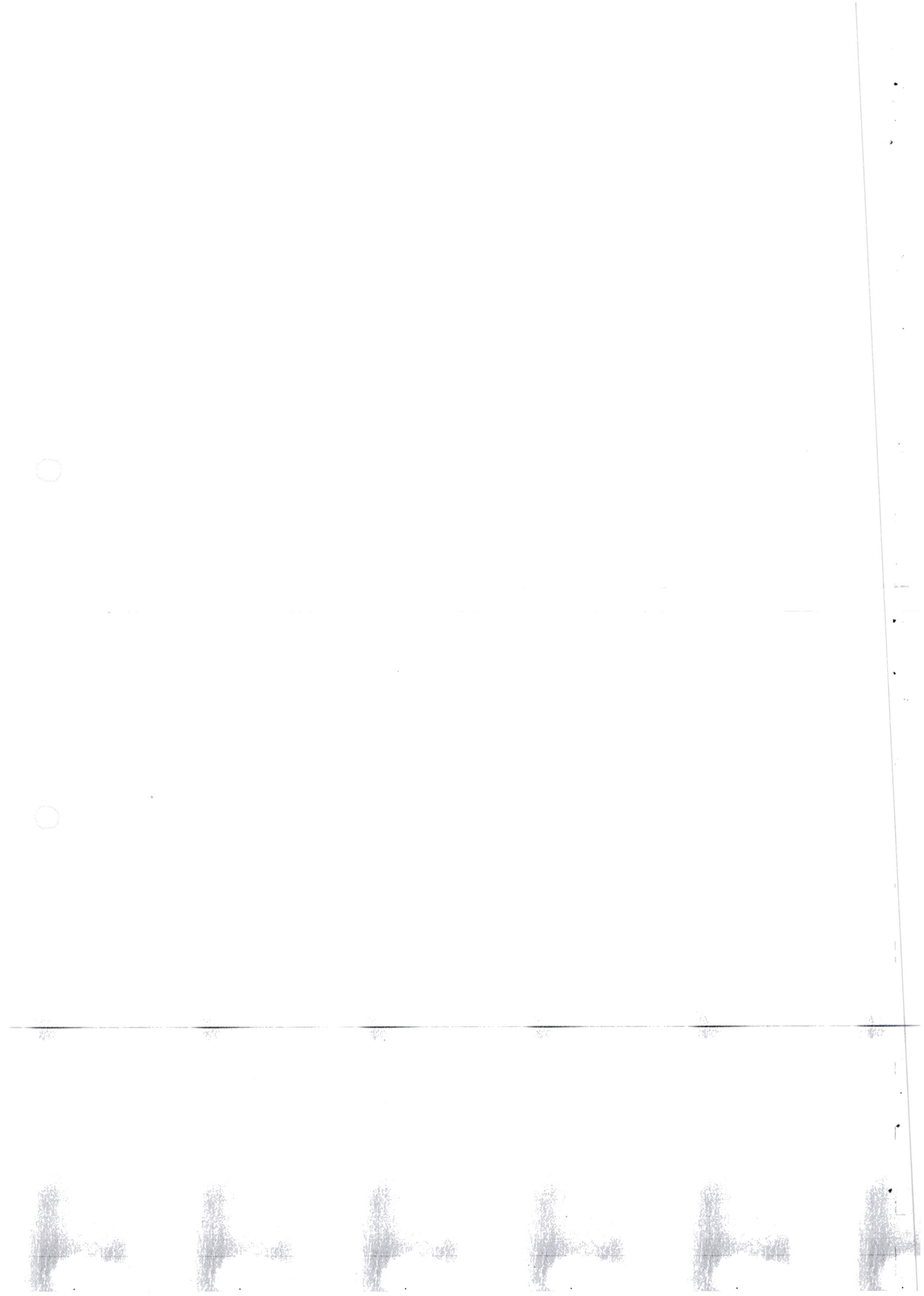
Hon. S.S. Oleitipitip,
Minister for Culture & Social Services,
P.O. Box 45958,
NAIROBI.

Dear Sir,

REF: REGISTRATION OF EMPAKASI GROUP MEMBERS

We the undermentioned below have agreed from the date of this letter 20th April, 1983 to be registered as members of Empakasi Group Ranch members, and our names be removed from the Ololoi-tikoshi/Kitengela Group Ranch register.

	<u>NAMES</u>	<u>SIGNATURE</u>
1.	TARAYIA OLE MOIRORE	<u>LT. THURMB.</u>
2.	LEKINA OLE MOYAE	<u>Moyae</u>
3.	KAHENDE OLE KOOL	<u>LT THURMB</u>
4.	NENKIPIA ENE MANTANTA	<u>Mantanta</u>
5.	SHONGO OLE KEYIO	<u>Shongo</u>
6.	BERNARD OLE KAHINDE	<u>Bernard</u>
7.	NTINAYAI OLE SAUNYI	<u>LT THURMB</u>
8.	MARTI OLE SAPUKOPENY	<u>Marti</u>
9.	STEPHEN OLE KALOI	<u>Stephen</u>
10.	MATUNKE OLE SAPUKOPENY	<u>Matunke</u>
11.	JASON OLE LELIA	<u>Jason</u>
12.	KIKOPO OLE KAASHA	<u>Kikopo</u>
13.	MASAI OLE KISHONGE	<u>LT THURMB</u>
14.	NAMOSHICE ENE PARSAYIATO	<u>LT THURMB</u>
15.	OIPUTA OLE LIKAM	<u>LT THURMB</u>



c.c. The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

The District Commissioner,
P.O. Box 1,
KAJIADO.

District Land Adjudication Officer,
P.O. Box 52,
KAJIADO.

The Chairman
Kitengela Group Ranch,
P.O. Box 44,
ATHI RIVER.

The Chairman,
Empakasi Group Ranch,
P.O. Box 94,
ATHI RIVER.



Kitengela Group Ranch,
P.O Box 94,
ATHI RIVER.

To The
Office of the President

Through :-

Permanent Secretary,
Office of the President,
P.O Box 30510,
NAIROBI.

We the people of Kitengela group ranch have very humbly decided to write to you Mr. President and let the situation of Kitengela be known to you for the second time.

Some people whom call themselves The Sheep and Goats Multiplication Project are claiming a large piece of our birthright land ~~9,812~~ ⁸⁹¹ acres. They have served us with two quit notices without giving us the alternative land to occupy. We number about two thousand residents of this claimed land.

All the time we have been living here for unknown number of years. We have built two Full Primary Schools with an enrollment of 400 children on a harambee bases.

Also we have built 3 cattle dips of which they are very well functioning. We have big irrigated garden supplying beans and other vegetables to various towns in Kenya. We also constructed permanent homes of which some were burnt down to ashes on a bid to everquit us forcibly. A church construction is going on next to one of the schools. In 1979 February 5th your Excellency you visited Kajiado District. You gave a C.P.E. trophy and 2,000/= for every school that passes more students.

In the same year 1979 one of the schools namely Kitengela won this trophy known as Moi Cup. This school is within the claimed land.

Your Excellency 1978 five Masai elders were arrested by the police because questioning the sheep and goats. Multiplication people why they were erecting bomas in their ancestral lands. The five elders were later released after paying the advocates hard working.

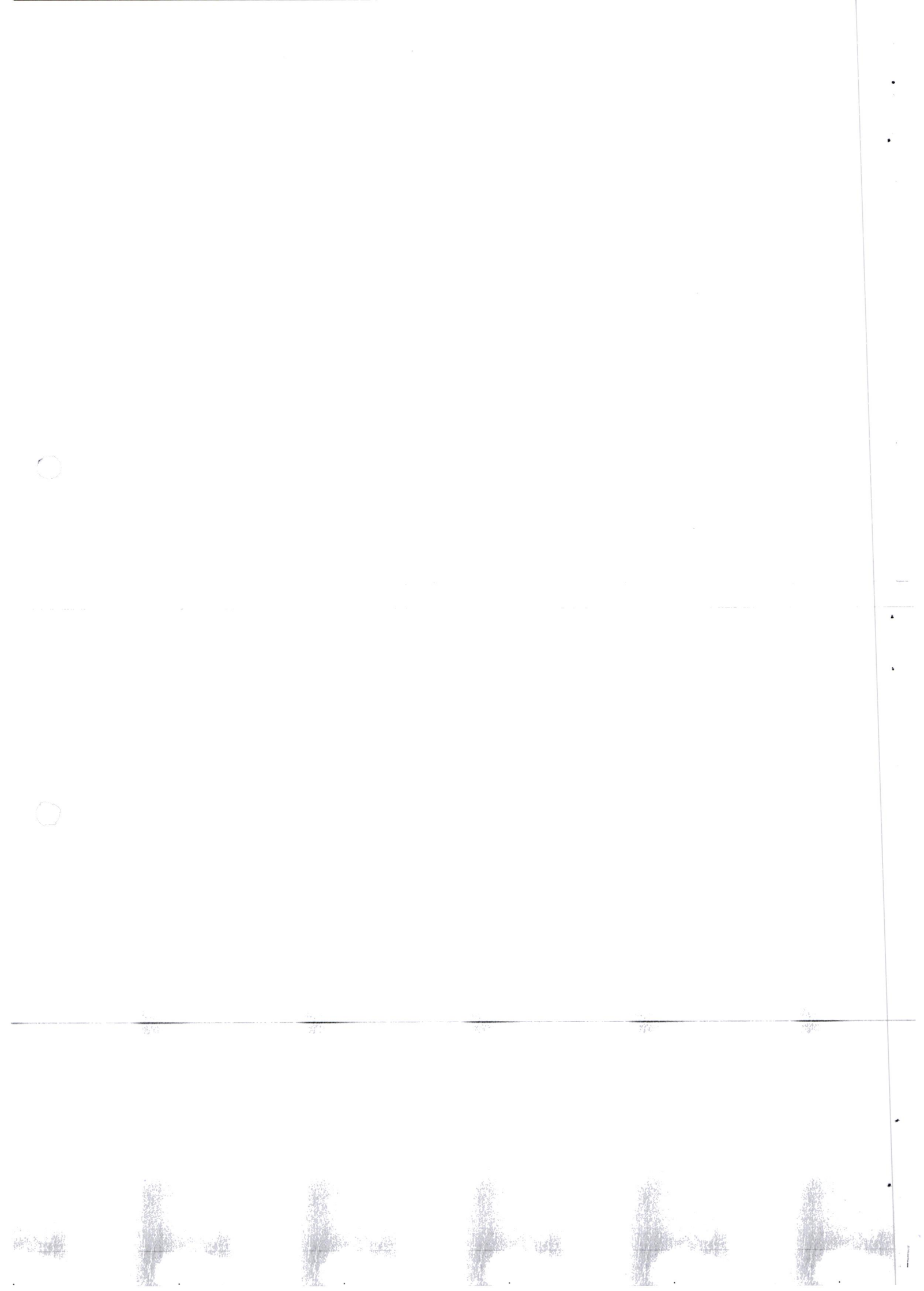
So, Project started buildings and to make the matter worse, the Masai had not consented with them.

Later on our livestock were surrounded and arrested on a trespass case. The owners of these animals who were arrested and prosecuted and finally fined 200/= each. Why should we be prosecuted as squatters in our own lands ?.

Following the incident of arresting and detaining our livestock for the whole day without grazing, the same people (The sheep and Goat Multiplication Project) burnt three manyattas comprising of several huts, by policemen from Athi River Police Station.

Your Excellency our property were burnt to ashes. Books and uniforms for our School children were also burnt. Furniture like, utensils, beddings, household goods including some money were also burnt.

Who will pay for all these properties. Mr. President bulldozers were brought to dig roads purporting that they were firebreaks. These roads were dug through our manyattas, bulldozing our houses.



Your Excellency our homes are right now being enclosed in wires, so that our livestock are dying of famine. This us meant to sent us away for the search of more pastures.

OUR CRY

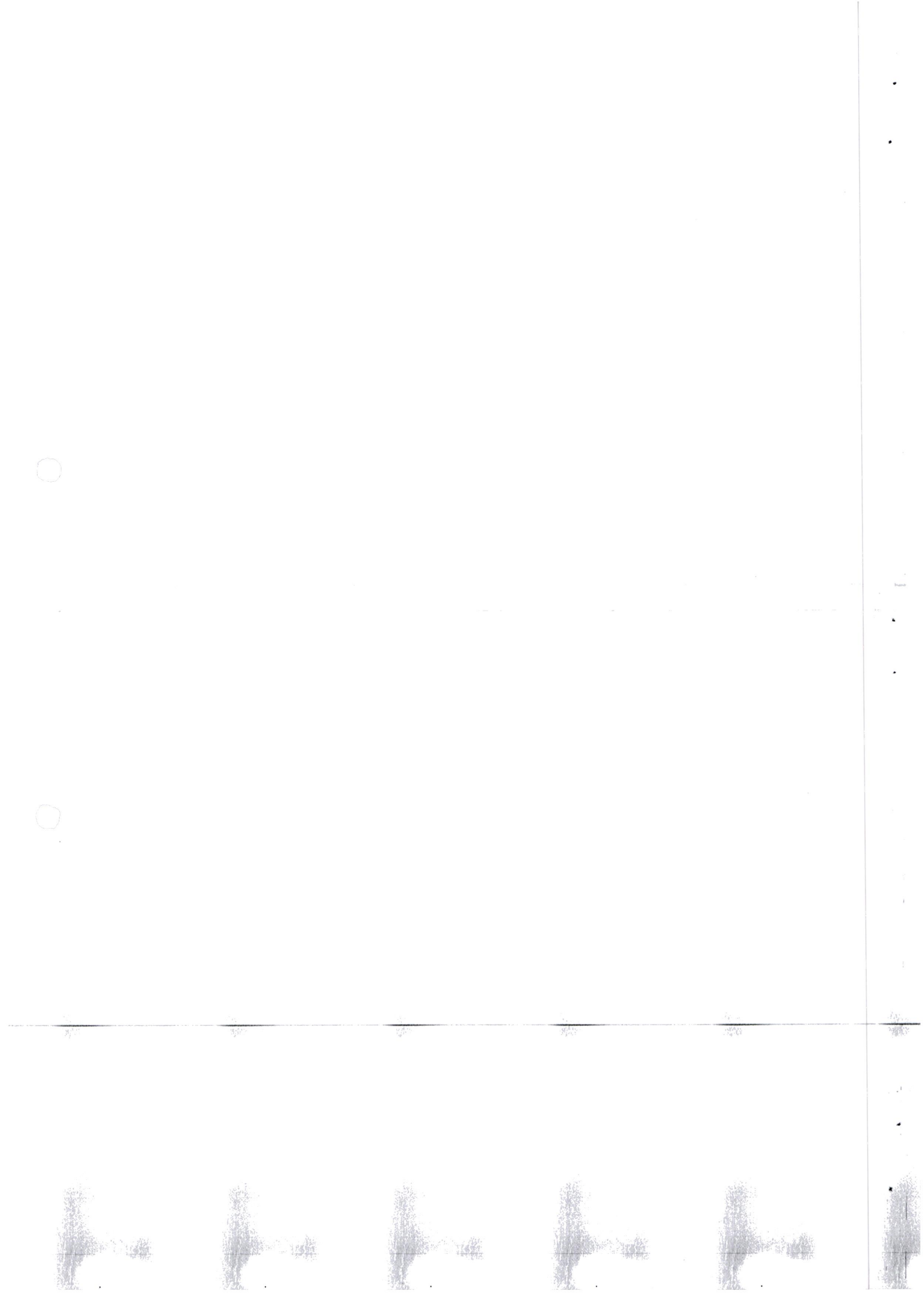
Tour Excellency we have informed our civil representatives of this contraversial issue, but we dont seem to be getting on nicely.

Progress is truly affected by this land dispute. Our house are falling, gardens stopped and now our children cant get the propossed 9 year primary education because we are unable to erect permanent buildings, in our schools.

ROADS: Old roads leading to urban Centres are closed for us. Where do we pass when we take our patients to hospitals ? Where do our children enrout to school pass ?.

A. S. Nkaazi,
N. Chairman

Mwaka





COMMISSION OF INQUIRY INTO THE LAND LAW SYSTEM OF KENYA

Telephone: Nairobi 313710/313728

Fax: 313758

E-mail:

When replying please quote

LLC/GEN/C&M/911/(10)

Ref. No.

KENCOM HOUSE

4TH FLOOR

P.O. Box 45986

NAIROBI, KENYA

Date 31. May. 2001.....

The Director,
Kenya Wildlife Service,
P. O. Box 42076,
NAIROBI.

Dear Sir,

RE: KENYATTA NATIONAL HOSPITAL CO-OPERATIVE SOCIETY

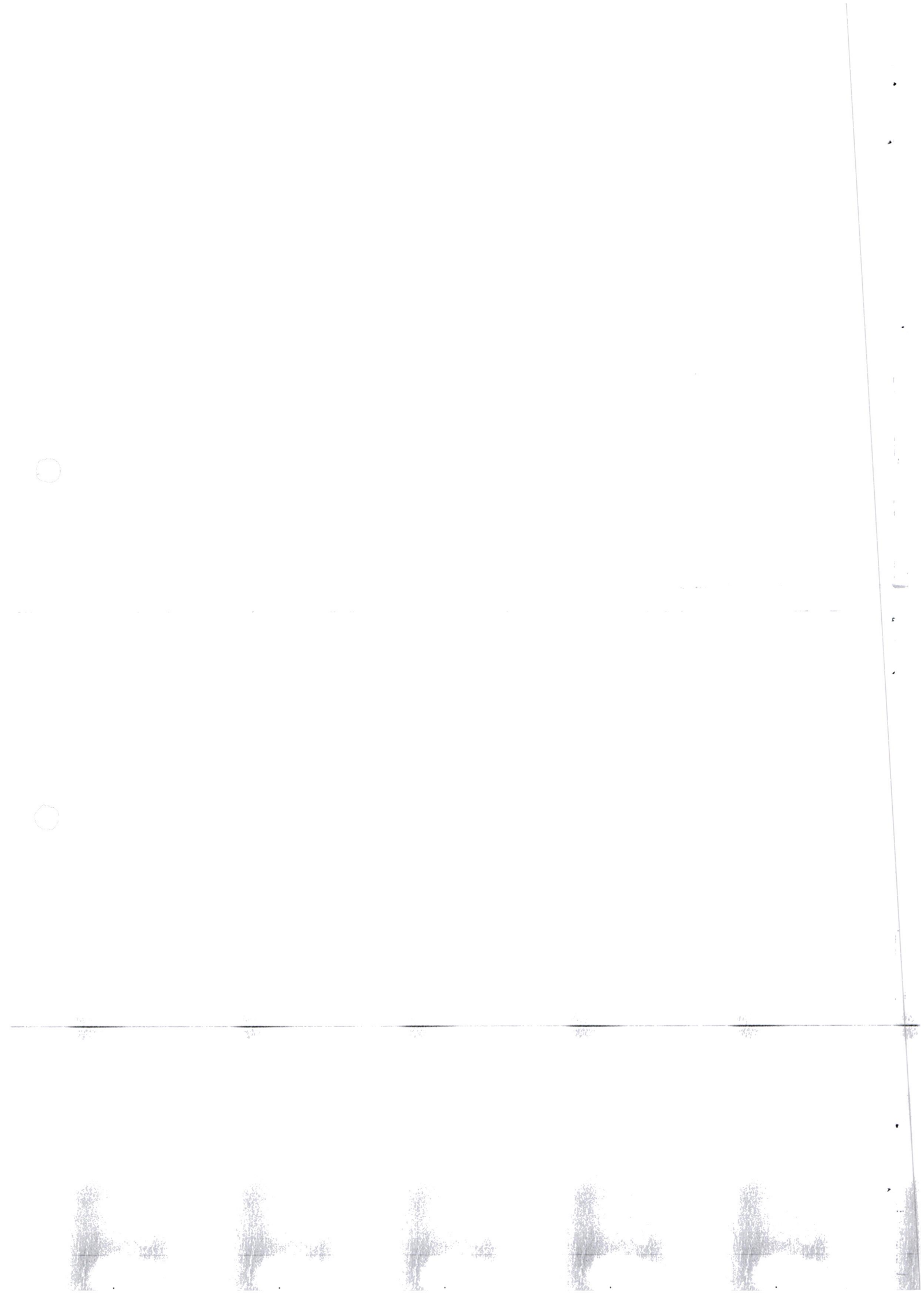
Further to our visit on Tuesday, 29th May, 2001 to the area in the Kitengela known as the Sheep and Goats Land, a further investigation has revealed more facts concerning this land.

On 27th March, 2001, a transfer of some 68 hectares of this land was registered in favour of 5 named individuals, **David Mwangi Waroe; John Mungende Najoli; Samuel Kageni Irungu; Philip Ochieng and David Goro** all of P. O. Box 20723, Nairobi who are said to be trustees of the Afya Sacco Kenyatta Hospital Members Land Scheme. The price quoted was Shs.20,000,000/-. Whether this purchaser or group of purchasers are capable of buying land is uncertain.

An inspection of the title at the Nairobi Lands Registry reveals a number of dubious matters affecting this land.

Notwithstanding the Special Conditions in the title and the provisions of Section 18 of the Government Lands Act, the land has been sold twice and subdivided once with further subdivisions planned. All of this activity is contrary to the law.

I would suggest that the Kenya Wildlife Service (KWS) as soon as possible writes to the Chief Land Registrar requesting him to enter a Registrar's caveat against the title and also the title to the subdivision mentioned above until a thorough investigation into the circumstances of the sales has been carried out. The two titles concerned are registered as Nos. I.R. 70443 and I.R. 85802. Copies of the correspondence that are in your possession between the KWS and the Commissioner of Lands and the Permanent Secretaries, Ministry of Lands & Settlement and Ministry of Finance stating that no allocation of any of this area should be made without first referring the matter to yourselves should be attached to your letter as evidence that the authorities were aware of the situation.



Simultaneously, an application should be made to the Court for the registration of an environmental easement against this land in accordance with the provisions of Section 112 (4) (k) of the Environmental Management and Co-ordination Act No.8 of 1999.

Yours sincerely,

M.E. Aronson

Michael L. Aronson
VICE-CHAIRMAN

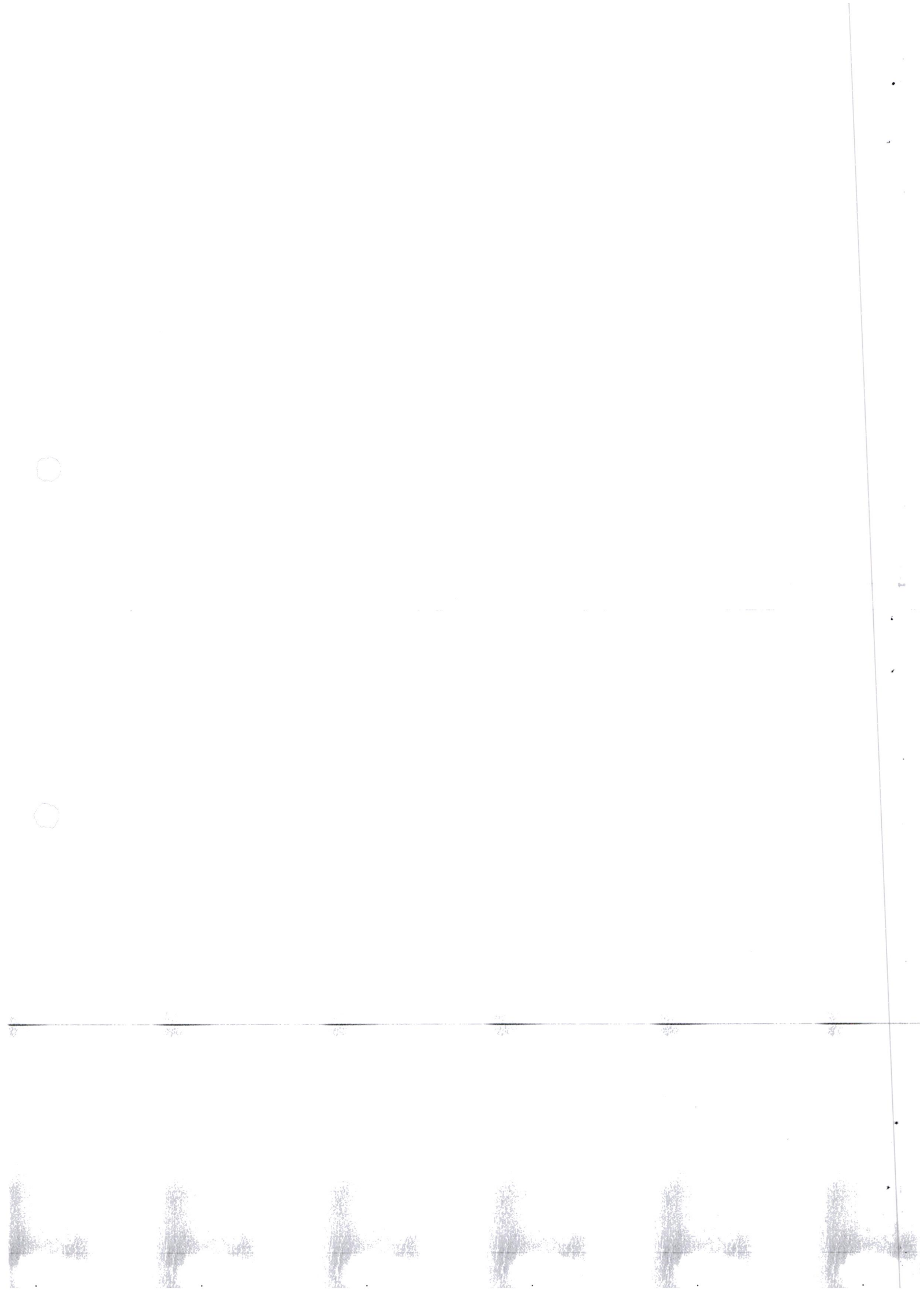
c.c. Nairobi National Park,
Att: P. Gathitu, Senior Warden

Friends of Nairobi National Park,
Langata,
NAIROBI.

Received: 11/2/2001

(Mutimwa board member)

W.M.



THE COMMITTEE MEETING HELD WITH KITENGELA SHEEP AND GOAT
PROJECT FARM OFFICER MR. G.N. ANGWENYI ON 14/12/1980.

COMMITTEE MEMBERS PRESENT MESSRS:-

- | | | | |
|-----|-----------------------|---|---------------|
| 1. | Asai Ole Sounyi | - | Chairman |
| 2. | Richard Ole Nkangi | - | Vice-Chairman |
| 3. | Stephen Ole Kalloi | - | Secretary |
| 4. | Sirere Ole Papu | - | Treasure |
| 5. | Wilson Ole Nkaangi | - | Member |
| 6. | Parimisa Ole Simei | | " |
| 7. | Oipota Ole Linkamu | | " |
| 8. | Jonathan Ole Lelia | | " |
| 9. | Nkapaapa Ole Nenkikua | | " |
| 10. | Romo Ole Nenkikua | | " |
| 11. | Larmoi Ole Kilaino | | " |

Mr. G.N. Angwenyi Officer Incharge of Sheep & Goat Project.

ANGENDAS REACHED

1. Division of the Ranch and individual reached of the ⁸⁹¹²~~9812~~ acres.
2. The Discusion of Love, Unity shall leave among us for better progress and that is the only way we can progress.
3. The Divisional of the ⁸⁹¹²~~9812~~ acres to ²⁹¹²~~3812~~/6000 Acres.
4. The Seep and Goat Project will take ²⁹¹²~~3812~~ acres while Masai will tatke 6000 acres.
5. Masai will provide water tank area and school compound and trading centre.
6. The Committee agreed to let Project farm take some upper hill area after ~~spite~~ acres from the riverside.
7. The Officer incharge claimed also to have land near River for planting grass for the animals in dry seasons so we reached for the agreement the Project to have one side of the River towards Athi River Town.
8. Committee/Officer Incharge agreed to be together with the Committee/Officer Incharge to lead the Demacation Team.
9. Committee/Officer Incharge greed if there would be any promblem both parties will see into it.
10. The Officer Mr. G.N. Angwenyi concluded that he will give hand to the people of this farm to build a nursery School.

RN/14TH DECEMBER, 1980.

- c.c. Hon. Mr. G.G. Kariuki - Minister in the Office of the President
" Hon. Mr. S.S. Oloitiptip - Minister of Local Government.
" Mr. G.N. Angwenyi - Officer incharge Sheep & Goat Project.
" District Commissioner - Machakos.
" District Commassiner - Kajiado.

Sounyi

14/12/80.



Kitengela Farm,
P.O Box 94,
ATHI-RIVER:

27th July, 1981

Hon. G.G. Kariuki (E.G.H. -M.P.)
The Minister of State
Office of the President
P.O Box 30510,
NAIROBI:

Dear Sir,

RE: KITENGELA LAND ISSUE

Mr. Minister, we the Wananchi of Kitengela wish to express to you our grievances which are as follows:-

- 1) a. The Wananchi are not satisfied that justice was done when the surveyor came to do the partition of Kitengela Ranch.
- 2) b. That some people have defeated your effort of settling the Kitengela issue, according to the Presidential decree you presented on 8th Sept, 1980 to a mass Barasa at Kitengela.
 - c. That the Presidential Decree gave the Wananchi 6,000 acres of Land
 - d. That they claim to have given the Wananchi 5,500 acres of Land, but to our sorrow this Ranch have been very clearly divided into two equal portions.
 - e. According to your speech of 8th Sept, 1980 you clearly stated, that no one should be moved from His/Her present Settlement.
 - f. The Wananchi are faced with a mass eviction from their present settlements, contrary to your ruling and their wishes.
 - g. The Agreement of 14th December, 1980 between the Wananchi and the farm management was not followed by the management. The agreement was that, they develop the unsettled area.
 - h. The Wananchi's wish of settling along the Athi/Kitengela Rivers have purposely been refused, denying us the right of using the water of the said rivers.
 - i. The Wananchi feel that A common road should be availed for them on their way to Shops, Town, School, Hospital, Churches, Cattle Dip. etc
upon

Therefore Mr. Minister, we now call you to help these innocent Wananchi who are suffering for no mistake of their own. Therefore we beg that the 6,000 acres should be very quickly adjudicated to avoid future complaints.

c.c. Hon. S.S. Oloitiptip

D.C. Muru-Wa-Tetu - District Commissioner - Machakos

V. Channa - [Signature]



MINISTRY OF CULTURE AND SOCIAL SERVICES

Telegrams: "CULTUREMIN", Nairobi
Telephone: Nairobi 28411
When replying please quote g S.S.3
Ref. No.
and date



JOGOO HOUSE A
HARAMBEE AVENUE
P.O. Box 45958, NAIROBI
....., 19.....

29th April, 1983

Mr. J. K. Kinyanjui,
Director of Land Adjudication,
P.O. Box 30297,
NAIROBI

Dear

REF. REGISTRATION OF EMPAKASI GROUP RANCH MEMBERS

Please refer to your letter dated 19th February, 1983,
on Kitengela (Empakasi) Group Ranch L.D.No. 129/1,
10029/1

Further to our telephone conversation this morning
Hon. Oloitipitip/Mr. Kinyanjui, I hereby send you a
list of Empakasi Group Ranch now exhaustively and
fully completed. You can see from the list that
those who are to be registered in Empakasi Group
Ranch have voluntarily written to permit the officers
of your Department - Land Adjudication to strike out their
names from the Kitengela/Lisoletikoshi Group Ranch.

I therefore kindly request you to register them and
proceed giving them their Title Deed.

Yours faithfully,

HON. S. S. OLOITIPITIP, BGE, EBS, MF
MINISTER FOR CULTURE & SOCIAL SERVICES

c.c. The District Officer, Kajiado

The Land Adjudication Officer, Kajiado

✓ The Chairman, Empakasi, Group Ranch,
KAJIADO

Encl.

To Mr R.S. Ote Nkaansi.



MEETING HELD ON THE 29/4/81 AT ATHI-RIVER POLICE STATION AT 10.30AM

Present:

1. Mr. J. J. Abol - Police Inspector (O.C.P.S.)
2. Mr. G. N. Agwenyi - Officer In-charge - Sheep/Goat Project
3. Mr. Asai Ole Saunyi - C H A I R M A N
4. Mr. Richard Nkaangi - Vice Chairman
5. Mr. Sirere Ole Papu - Treasurer
6. Mr. Wilson Nkaangi - Member Committee
7. Mr. Jonathan Lilah JR. - Member Committee

Minutes on 2/81 AGREEMENT.

It was agreed that work should stop until the Survey comes to adjudicate the Land, thus to help stop quarelling arising between the wananchi and the Farm Project.

Minutes on 1/81 REASON

This meeting was held due to some misunderstanding between the wananchi living in the Area and the Sheep/Goat Project Development Authorities, because of fencing in the Homes of the Wananchi.

Minutes on 3/81 REQUEST

The Police Inspector asked both Parties to stay in peace & love and if there is any problems the Committee and the Officer-In-Charge should seat together and solve the problems to create a peaceful atmosphere.

Minutes on 4/81

The Vice Chairman had asked the Police Inspector to help these helpless wananchi (Masai) for they had had it rough for quite a very long time. So until this Land Problem is Solved, the Vice Chairman requested for "Usalama".

Minutes 5/81

It was very bad, they all agreed, if and only we cannot seat down in the spirit of Love Peace & Unity and settle such simple domestic problems to bring about a peaceful atmosphere. It was because the Officer-in-Charge of Sheep/Goat Project could not be traced; the Chairman said.

A.O.B.

There being no other business the meeting was declared closed at 11.55am.

C H A I R M A N *Angwenyi*

C.C. J. J. Abol - Police Inspector
Athi River Police Station.

G. N. Angwenyi - Officer-in-Charge
Kitengela Sheep/Goat Project.

MINS. BY R. S. NKAANGI - VICE CHAIRMAN.



Office of the Chief,
Settled Area Location,
P.O. Box 75,
ATHI RIVER.

Ref/SA/L & O/Vol.1/26/63.

13th June, 1985.

To
Richard Ole Nkaangi,
.....
KITANGILA.....
.....
.....

NOTICE

In exercise of the powers conferred upon me by the Chiefs Authority Act CAP.128 Laws of Kenya, I Chief Samuel N. Muinde of settled Area Location Machakos District in Eastern Province do hereby order you to vacate the government farm known by the name of "Kitangila sheep and goat development Project" within fourteen days from the date you receive this order.

Note that failure to vacate the aforesaid farm, you will be liable to prosecution in the Court of Law.

Muinde
(Samuel N. Muinde)
CHIEF,
SETTLED AREA LOCATION.

c.c.

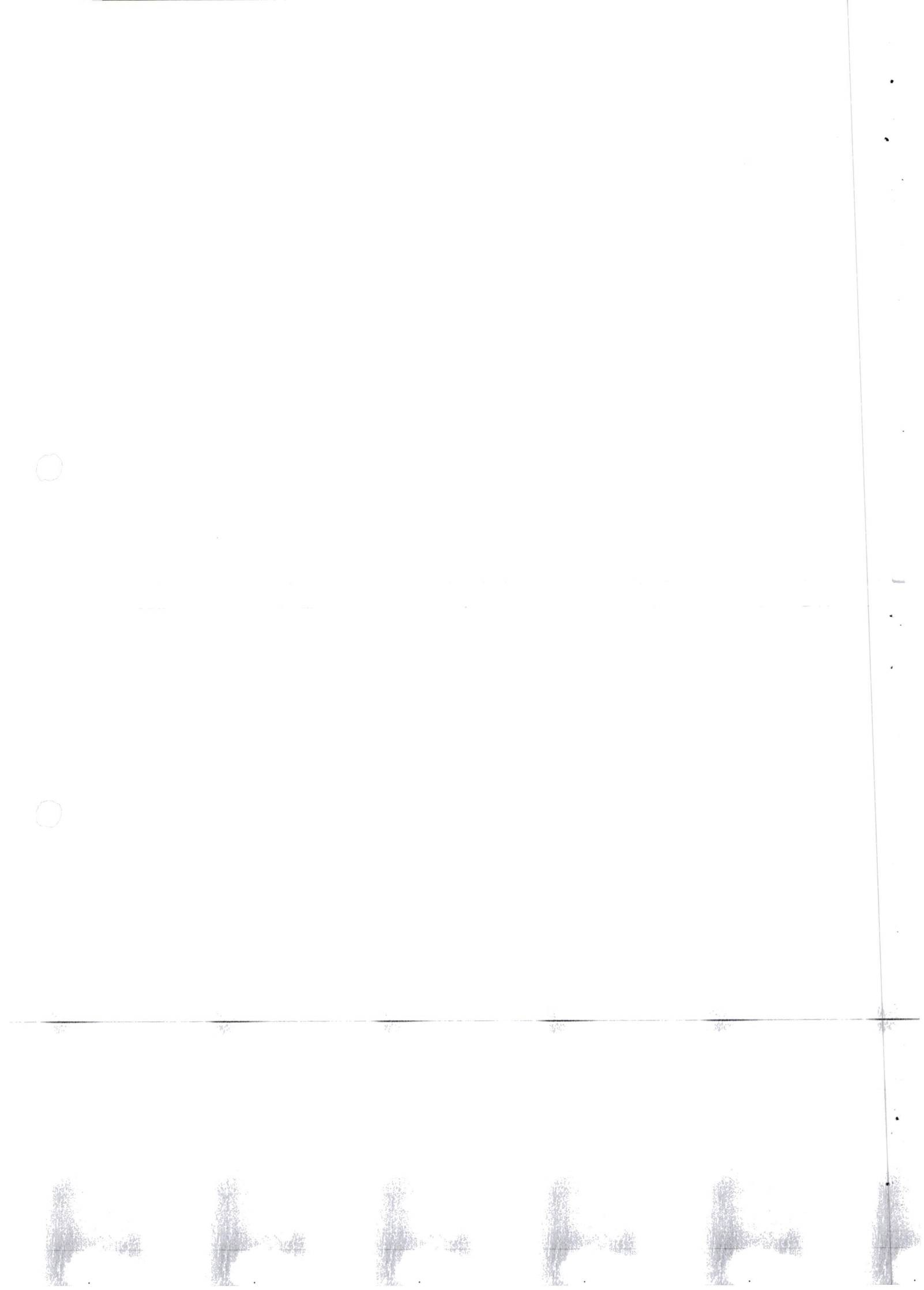
District Magistrate,
MACHAKOS.

District Commissioner,
P.O. Box 1,
MACHAKOS.

District Officer,
P.O. Box 1,
MACHAKOS.

O.C.S.,
Athi River Police Station,
ATHI RIVER.

O.C.P.D.,
Machakos Police Station,
MACHAKOS.



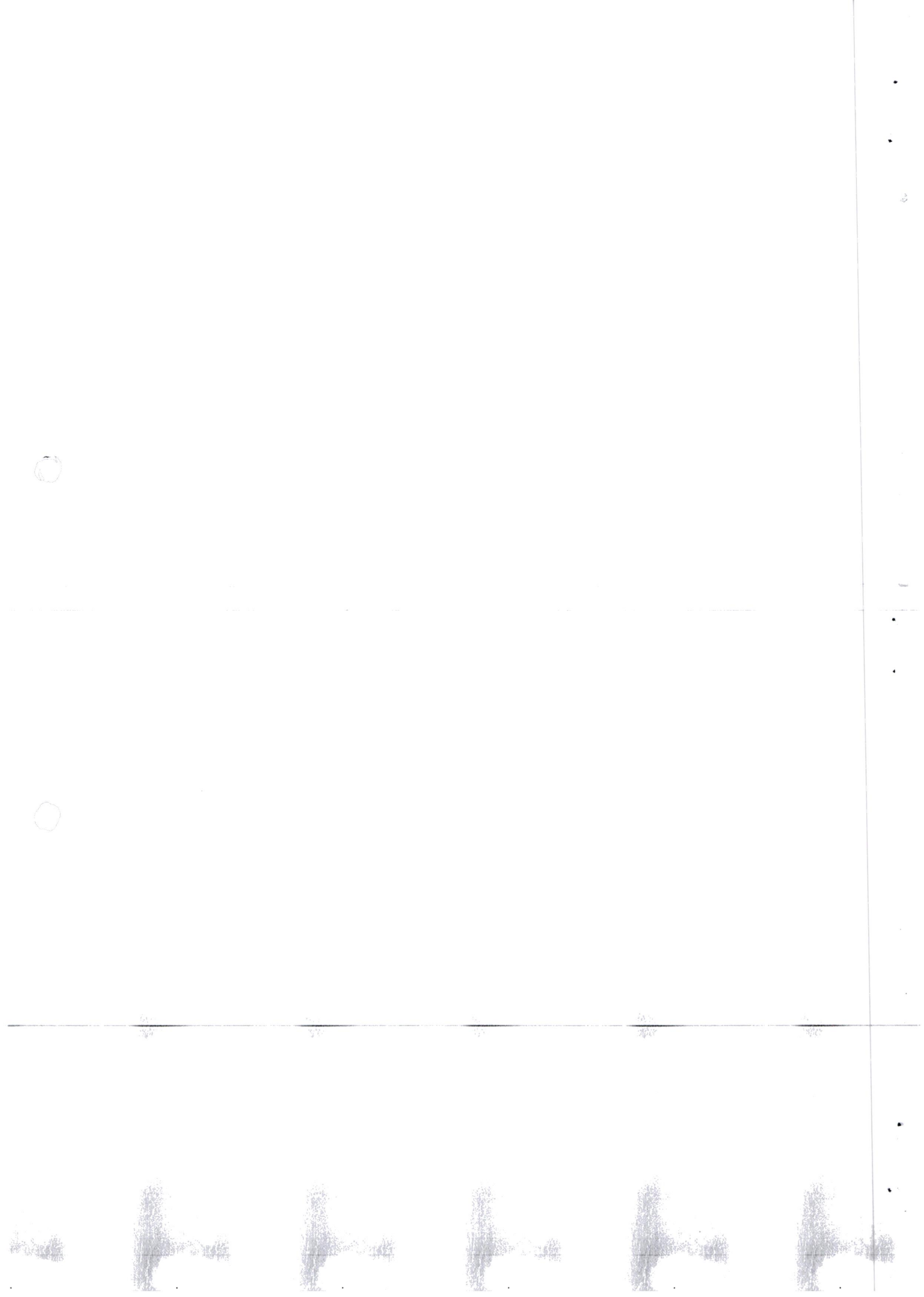
c.c. The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

The District Commissioner,
P.O. Box 1,
KAJIADO.

District Land Adjudication Officer,
P.O. Box 52,
KAJIADO.

The Chairman
Kitengela Group Ranch,
P.O. Box 44,
ATHI RIVER.

The Chairman,
Empakasi Group Ranch,
P.O. Box 94,
ATHI RIVER.



21st February, 1982

Bwana D.O.,

HATATIZO - YA WANANCHI

Yskwanza tumsindikuru sana kwa kufika kwako siku hii ya leo. Sisi wananchi wa Impokasi, kama ilivyo tangu wakazi katika Afisi ya Rais MHE. EW. G.G. Kariki na Waziri wa Serikali za Wilaya MHE. BW. S.S. Oloitiptip tarehe 6th November, 1980 kutunwa hapa na Mtukufu Rais wetu BW. Daniel Arap Moi kuja kurekebisha tatizo la Ardhi, nizaidi ya mwaka unusu sasa.

(1) Mpaka:

Tarehe 14th December, 1980 mwaka huo huo, sisi wana-komitii wa wananchi, na, mafisa wakuru wa Sheep and Goat Project, tulikubaliana juu ya mipaka. Na baada ya kukubaliana tulimwenda D.O. wa Machakos katika afisi yake kumfahamisha juu ya mkataba wetu.

(2) Masikitiko:

Jambo la pili BW. D.O. sisi wananchi wa hapa tulisiki-tika sana, baada ya kujua ya kwamba, mafisa wa Idara ya Ardhi au Survey, walikuja kugawa Ardhi bila ya sisi wananchi kujulishwa au kujua. Na hata baada ya kazi yao waliondoka bila habari yoyote.

Masikitiko yetu kwa Idara ya Ardhi nilwamba walikuja kutuamua mbali wao hawakutuwamua kama. Hii ni kwa sababu hawakufuata kabisa mkataba wetu baina yetu na Sheep and Goat Multi. Project.

(3) Kosa Kubwa

Masikitiko yetu, licha ya Survey kugawa ardhi tulisiki-ya kwamba waliigawa katika sehemu tatu:

- (i) 9,500 acres za wananchi
- (ii) 2,912 acres za Sheep and Goat Multi Project
- (iii) 500 acres ambazo hatujui nizo nani.

Sisi tugawa Mtukufu Rais wetu Daniel Arap Moi alionuru hii ardhi igewe mara mbili peke yake. Yaani ekari 6,000 za wananchi na ekari 2,912 za Sheep and Goat Project.

Jambo la mwisho BW. D.O. sisi wananchi wa Impokasi, tuncamba Idara ya ardhi itunwe hapa haraka iwezekanavyo ili hili tatizo la mipaka limeiisike, sisi pande sote mbili zinazohusika sikiwepo. Hii ndio tu itakuwa hatua ya kuleta walewano kati yetu na amani ya kugumu.

VIGE CHAIRMAN



ASHANTE.

G.G. HWY. S.S. OLOITZETIP
MINISTER OF LOCAL GOVERNMENT.

G.C. MORUA TETU
MACHAKOS.



8/11/2010

SHEEP AND GOAT LAND

L.R.NO 10029/2 FILE NO. 118402

IR NO 5540F



MEETING HELD ON 15/5/09 CONCERNING SHEEP AND GOATS LAND WITH ATHI-RIVER D.C

MEMBERS PRESENT

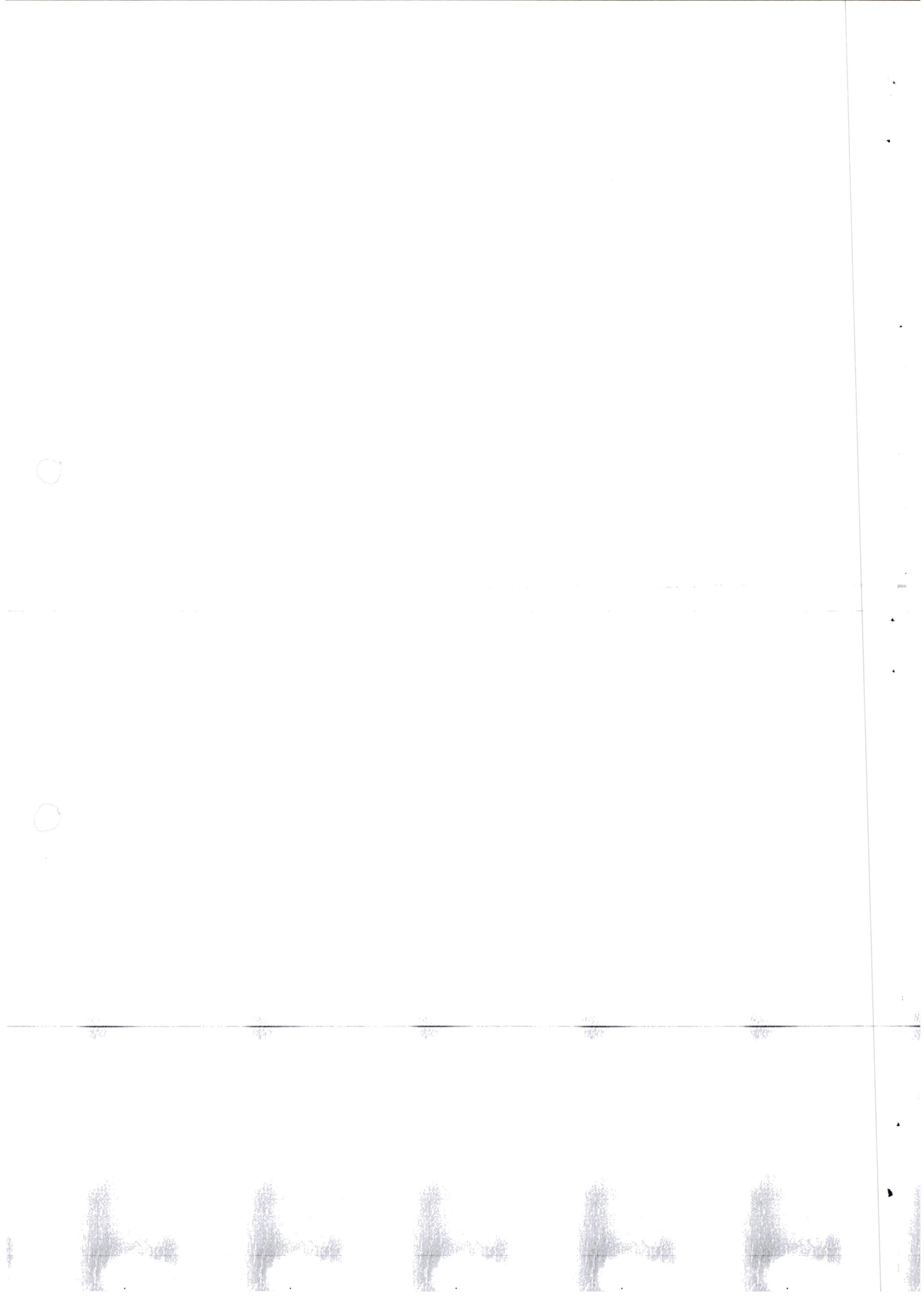
- | | |
|----------------------|--------------|
| (1) Ole Juma | 0727-795185 |
| (2) James Tapatayia | 0722-932053 |
| (3) Kepiro | 0720 -911738 |
| (4) Ntooki | 0725-619797 |
| (5) James Kiseme | 0720-654536 |
| (6) Kidiore Kinana | 0722-215030 |
| (7) Charles Munyaka | 0727-892037 |
| (8) Samuel Oiputa | 0723-840332 |
| (9) Daniel Kirrinkai | 0722-319806 |
| (10) Ole Mepeu | 0725-857496 |
| (11) James Katita | 0720-376980 |
| (12) James Turere | 0721-480262 |

AGENDA

1. To receive a report from the Athi-river D.C.

This is in respond of a meeting held on 13/5/09 at the D.C's office between the Kila and the Kasoito members concerning a promise given to the Kasoito people to remove stones (Jangili).

After consultations the D.C postponed the meeting since the D.O was absent and directed that the area councilor will convince a meeting at an appropriate date.



GENERAL MEETING HELD ON 9.7.1982.

Presents...

1. Hon. S.S.OLOITIPIL- MINISTER FOR LOCAL GOVERNMENT.
2. MR. KAMAU MONGWE- DISTRICT COMMISSIONER. KAJIADO.
3. MR. NJAU - LAND - ADJUDICATION OFFICER KAJIADO.
4. ALL MEMBERS 6 KITENGELA SCHEME.

MIN. 1/82. the meeting has passed that Kitengela farm be adjudicated to individuals who already settled in the area.

MIN. 2/82. The meeting also passed that members of the Kitengela farm are as mentioned below.

1. Richard Ole Nkaangi.
2. Bernard Ole Kool.
3. John Ole Lelia.
4. Wilson Ole Nkaangi.
5. Asai Ole Saunyi.
6. Parmisa Ole Semei.
7. Nkuc Ole Kunoni.
8. Nkaapapa Ole Nenkikua.
9. Kishoyian Ole Sapukopeny.
10. Ntinayai Ole Saunyi.
11. Marti Ole Sapukopeny.
12. Stephen Ole Kallei.
13. Rayen Ene Silingai.
14. Matunke Ole Sapukopeny.
15. Tarayia Ole Meirone.
16. Namoshie Ene Parsayiato.
17. Jonathan Ole Lelia.
18. Jason Ole Lelia.
19. Saiyore Ole Waitito.
20. Tomboya Ole Nkendiemye.
21. Romo Ole Nenkikua.
22. Kikepo Ole Kaasha.
23. Masai Ole Kishonge.
24. Oiputa Ole Likamu.
25. Nekipia Ene Ole-matanda.
26. Bilalo Ole Kunoni.
27. Lairumbe Ole Kompe.
28. Keeja Ole Kikoyio.
29. Oltindi Ole Tirati.
30. Moringe Ole Lenayia.
31. Lekina Ole Moyiae.
32. Parkei Ole Kompe.
33. Saruni Ole Nkuc.
34. Kirayian Ole Katimo.
35. Ngoge Ole waitito.
36. Matunta Ole Keeja.
37. Moris Ole Kalla.
38. Bernard Ole Kalla.
39. Lekuik Ole Nkoreo.
40. Sirere Ole Papu.
41. James Ole Moyiae.
42. Daniel Ole Kimwezi.
43. Teeten Ole Kasaro.

Sign Chairman.

Saunyi



	<u>NAME</u>	<u>SIGNATURE</u>
16.	KALIA OLE KILONZO	<u>Kala</u>
17.	KAMIA OLE KAASHA	<u>Kamia</u>
18.	MBILALO OLE KUNONI	<u>Li Thumba</u>
19.	KIRAYIAN OLE KATIMO	<u>Li Thumba</u>
20.	MORINKE OLE LENAYIA	<u>Li Thumba</u>
21.	LEKUIK OLE MARITE	<u>Li Thumba</u>
22.	KEEJA OLE KIKOYO	<u>Li Thumba</u>
23.	NKUO OLE PARAPAI	<u>Li Thumba</u>
24.	BERNARD OLE KAALA	<u>Li Thumba</u>
25.	JONATHAN OLE LELIA	<u>Li Thumba</u>
26.	PARKEI OLE KOMBE	<u>Li Thumba</u>
27.	LAIRUMBE OLE KOMBE	<u>Li Thumba</u>
28.	PIYAI OLE FISOI	<u>Li Thumba</u>
29.	SILA OLE KAALA	<u>Li Thumba</u>
30.	MANTUNDA OLE KEEJA	<u>Li Thumba</u>
31.	MUNGAI OLE WAITITO	<u>Li Thumba</u>
32.	NGUGI OLE WAITITO	<u>Li Thumba</u>
33.	LEPONYO OLE MUTUNKEI	<u>Li Thumba</u>
34.	NDIRISH OLE NENKIKUA	<u>Li Thumba</u>
35.	KANKO OLE KARAO	<u>Li Thumba</u>
36.	KAASHA OLE KITAA	<u>Li Thumba</u>
37.	TETI OLE KISHOYIAA	<u>Li Thumba</u>

c.c. Commissioner of Lands,
P.O. Box 30039,
NAIROBI.
District Commissioner,
P.O. Box 1,
KAJIADO.

District Land Adjudication Officer,
P.O. Box 82,
KAJIADO.
Chairman - Kitengla Group Ranch
Chairman - Kitengla Group Ranch



KITENGELA ILPARAKUO LAND OWNERS PROPOSAL

DATE: 13/7/2009.

Email Address: kilailparakuo@yahoo.com

KILA BACKGROUND INFORMATION.

KILA is an Organization Owned by the Locals in Kitengela to check on the needs of the people and develop strategies and solutions to overcome the problems. Their representatives comes from four (4) sub-locations namely; Kitengela, Empakasi, Sholinke and Oloosirkon.

KILA is therefore writing this proposal to inform T.W.F. on the problems that sheep and goat land is facing and ask for donor funding to help address its problems.

SHEEP AND GOAT LAND BACKGROUND INFORMATION.

Sheep and goat land is a locals community based Organization which protects the land and has a land coverage of two thousand, nine hundred and twelve acres (2,912). This land for a long period has been owned by the community but was later utilized by the government on behalf of the community to run money generating projects but failed in attain the set objectives. For instance, at first bulls were grazed in that land to supply meat to Kenya Meat Commission (K.M.C) and later collapse. The second time sheep and goats were bred in the same land to introduce the improved breeds for sheep and goat for maasai's.

The project having not attained the objective collapse. In the third time the land was divided by the local leaders and 250 (acres) were grabbed on the process by Kajiado leaders, under the organization called impact and sold the land to another Organization called Maboko west. Maboko West who are land brokers sold the property for only twenty thousands (20,000) per acre to Afya Sacco. Afya Sacco intended and forty (640) plots for commercial use.



In the year 2000 drought affected the locals and most of them migrated in search of pastures and this indeed gave their leaders an opportunity to grab and sell the property without their knowledge and consent. After the rains fell the people came back only to realize the land was sold. They objected the initiative strongly and indeed resulted to chaos of which the government intervened to protect lives and property.

The land was later put under no utilize and KILA on behalf of the community protected the land against grabbing. KILA intends to protect the land and has set the following objectives.

KILA OBJECTIVES.

1. To return the grabbed land to come back to the community and revoke any illegally owned documents for the land.
2. KILA intends to safe guard the land against the intention of sub-dividing it into small plots.
3. To safe guard local resource i.e. water for domestic use, land for pastoralists and for the benefit of wildlife.
4. To put the land under "Easy Mail" to restrict any one from misusing.
5. To form a trust to protect the land on behalf of the community.
6. To convert the land into a sanctuary to benefit the community and wildlife.

BODY/JUSTIFICATION.

T.W.F having being friends to ILA for long time has assisted KILA in the lease programme and have in other times assisted them to put office for sometimes and would like to appreciate for their support.

As KILA we are recently calling for your support to assist us in the challenge that we are facing in the sheep and goat land.



Currently people in Kasoito and Mining the natural resources in the land and is resulting to degrading for the same. They are extracting stones, sand, cutting down trees for charcoal, trespass of vehicles which is indeed putting the property in to danger. We therefore ask support to help protect the entire property against degradation.

KILA being persuaded to protect the land against misuse and degradation is intending to hire human resources for surveillance to stop an unlawful activity that is done or intended to be done and by so doing intends to hire four (4) soldiers to protect the lands.

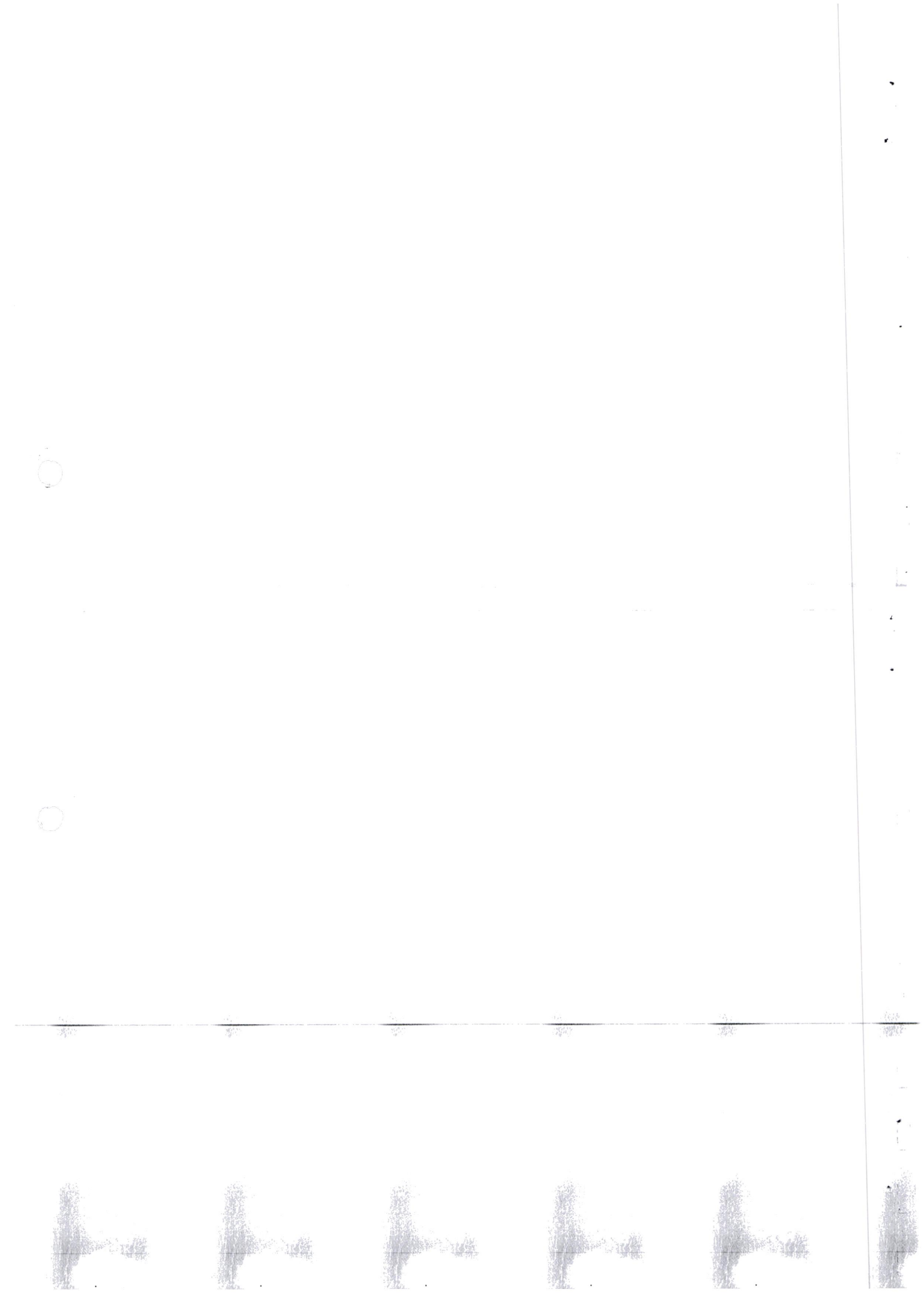
CONCLUSION.

KILA is therefore requesting T.W.F. to include the sheep and gat land to the list of the lands that are going to be added in the list program.

This will empower KILA to have the strength of protecting the land and look for all ways possible to acquire the land.

Proposed by KILA and signed by the Chairman.

Sign..........



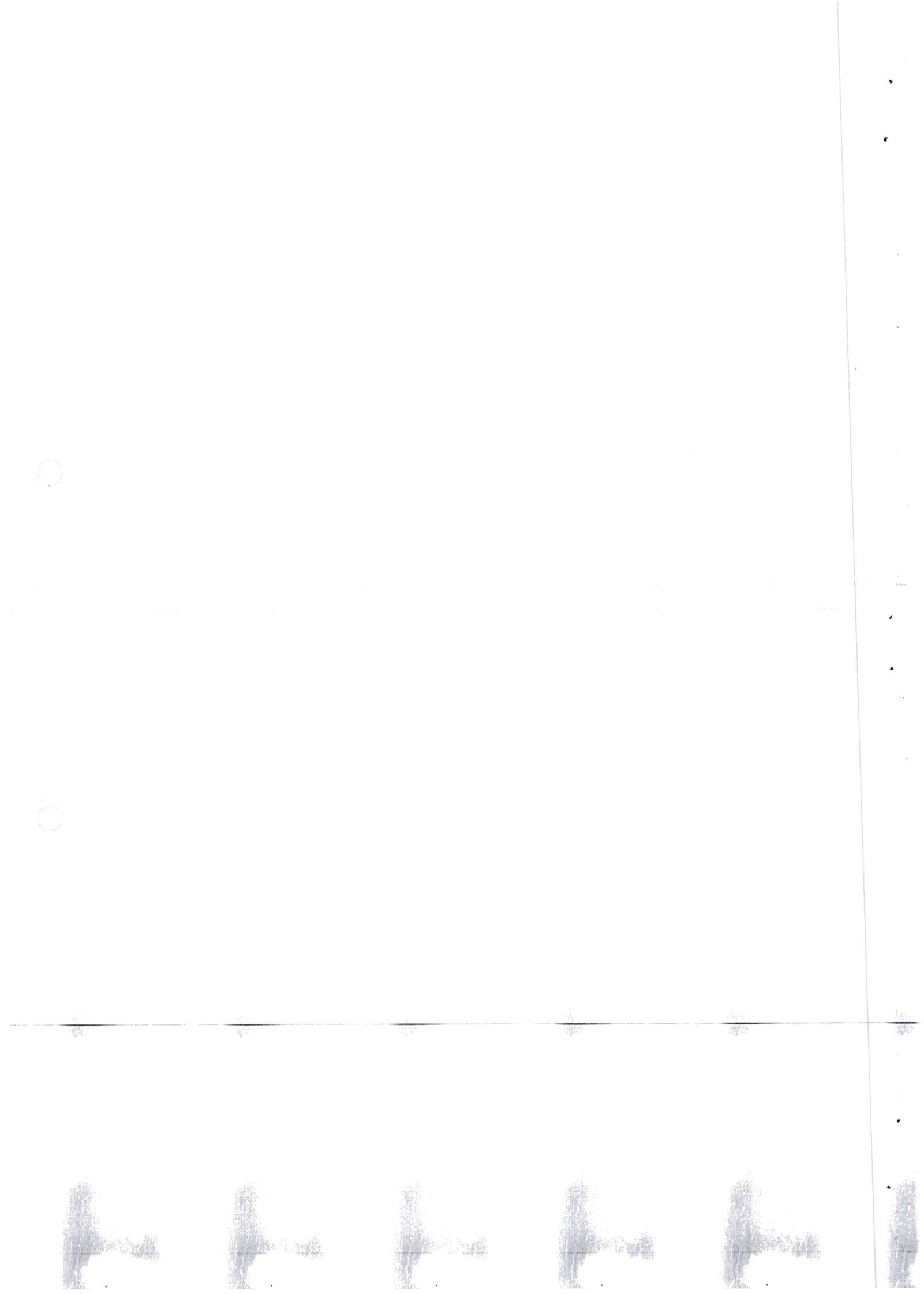
1.	L.R 24835	FR. No. 342/165 – comps	41004	Area 40.00 Ha
2.	LR 27022	FR No.321/60 – Comps	50721	Area 36.80 Ha
3.	LR 28132	FR No.484/179 – Comps	56908	Area 189.60 Ha
4.	LR 22139	FR No.304/173 – Comps	36873	Area 101.60 Ha
5.	LR 22139/1-3	FR No. 378/91 – Comps	44913	Area 63.00 Ha
6.	LR 28154/60	FR No. 486/51 – Comps	56998	Area 127.71 Ha
7.	LR 28260/1	FR No. 485/21 – Comps	57002	Area <u>100.00 Ha</u>

Total Area 658.00 Ha

Total acres = 2912 Acres – 1079.00 Ha

hived out acres = 1652acres - 658.00Ha

1253acres – 421.00 Ha



2/12/97 ✓

(4)

I.L.E.C.O.
P O BOX 265
ATHI-RIVER

July 16, 1997

The Clerk
Mavoko Municipal Council
P O Box 11
ATHI-RIVER

Dear Sir

KITENGELA SHEEP AND GOAT MULTIPLICATION CENTRE - LR NO. 10029/2.

Thank you for your letter Ref. LR. 10029/2/(6) dated the 3rd July 1997 and the information contained in it.

Our case remains that under the Constitution of Kenya, which we have read and understood as best as we can, this land was Government land while the "sheep and goat multiplication centre" was operational on it. Thereafter, under section 119 of the Constitution of Kenya the land reverted to the relevant county council from which it had been taken in the first place to be held as Trust land by that county council-

"for the benefit of the persons ordinarily resident on that land"


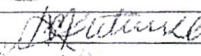
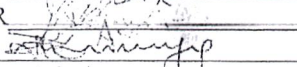
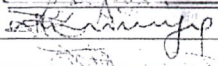
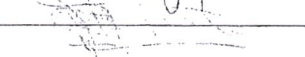
and the county council is supposed to give effect -

"to such rights, interests or other benefits in respect of the land as may, under the African customary law for the time being in force and applicable thereto, be vested in any tribe, group, family or individual".

We are copying this letter to the Commissioner of Lands whom we note is the statutory agent under section 53 of the Trust Lands Act for the county councils holding Trust Land under section 115 of the Constitution of Kenya.

We intend to maintain a close working relationship with you on this matter.

Yours faithfully,

JACKSON OLE KAASHA	-	CHAIRMAN	
BENSON OLE MUTUNKEI	-	SECRETARY	
PAUL OLE NANAPU	-	TREASURER	
DAVID OLE NKEDIANYE	-	MEMBER	
NELSON OLE OIPUTA	-	MEMBER	



KITENGELA ILPARAKUO LAND OWNERS PROPOSAL

DATE: 13/7/2009.

KILA BACKGROUND INFORMATION.

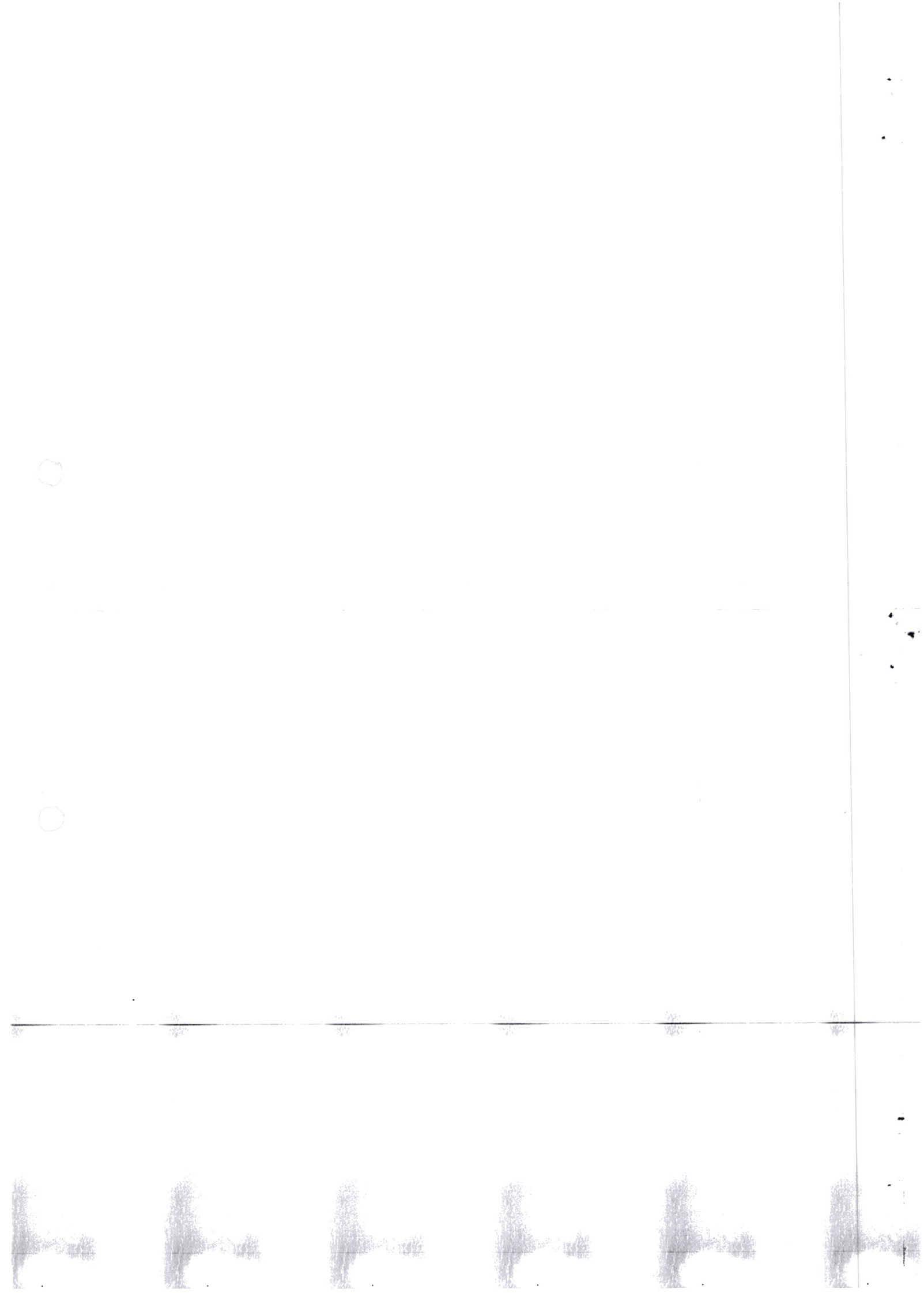
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The project having not attained the objective collapse. In the third time the land was divided by the local leaders and 250 (acres) were grabbed on the process by Kajiado leaders, under the organization called impact and sold the land to another Organization called Maboko west. Maboko West who are land brokers sold the property for only twenty thousands (20,000) per acre to Afya Sacco. Afya Sacco intended and forty (640) plots for commercial use.



KITENGELA ILPARAKUO
LANDOWNERS
ASSOCIATION (KILA)
P.O BOX 44
KITENGELA
23rd JUNE 2003

THE MINISTER FOR LANDS AND SETTLEMENT
ARDHI HOUSE, NGONG ROAD,
P.O. BOX 30450
NAIROBI

Dear Sir,

**RE: COMPLAINT BY THE MAASAI COMMUNITY OF KITENGELA ON
THE GRABBED FORMER SHEEP AND GOAT LAND L.R. NO. 10029/2**

Introduction

The Maasai community of Kitengela and Empakasi area would like to register a complaint with your ministry about a piece of land belonging to them that has irregularly been alienated from them to the benefit of other private individuals from other communities who do not ordinarily reside in the area.

(a) Ownership of the Land: A background

The piece of land in question, L.R.No. 10029/2 measuring 2,912 acres was originally part of a 10,000 acre piece of land alienated by the colonial government from the Maasai Native Reserve in 1936, as a holding ground for livestock slaughtered when a factory for meat processing was constructed by the Liebig Company of Rhodesia. The lease, which was for 20 years however ended in 1951 when the land was given to the Kenya Meat Commission which took over the meat company factory.

By the late 1960s, the Maasai had reverted back to the land with their livestock. The Empakasi primary school and several cattle Dips were also built and used by the local Maasai. In 1978, Kenya Meat Commission surrendered the land (measuring 2,912 acres) to the government for re-allocation to the ministry of livestock to establish a Sheep and Goat



Multiplication centre. In the process, thousands of Maasai living and grazing their livestock on the land were evicted by police and their Bomas set on fire. Several families were left homeless and their property destroyed. However, a compromise was reached partially on the government's recognition of the legitimacy of the community's right of ownership, and an area measuring 6,000 acres was left for the community while the rest (2,912 acres) was set aside for the Sheep and Goat multiplication centre. The sheep and goat multiplication centre failed in the late 1980s.

Thus as far as the ownership of the land is concerned, there is no doubt about it-the Maasai of Kaputiei section of ^{Machakos} Kajiado district have always been the legal owners as well as the actual occupants of the land. At no other time have any other community occupied the said land or staked any claim to it until the fraudulent allocation that began in 1996.

(b) The fraudulent process of allocation.

The fraud in the allocation is in two parts. The first one involved an unofficial adjustment of administrative boundary between Kajiado District of Rift-Valley Province and Machakos District of Eastern Province. The said land from the first time was set aside for a public purpose in 1936 had been administratively located in Kajiado district. During that time, public as well as private companies located in the area such as the Kenya Meat Commission and the Portland Cement Company paid their rates and other taxes to the Olkejuado County Council. But somehow between 1975 and 1978 the boundary was adjusted such that the land, along with the people and their property were relocated to Machakos district. Yet this adjustment of neither procedural nor legal as there was no gazette notice to that effect or a parliamentary motion. However, the net effect of it was to deprive the Maasai of their land by making them wards of another district trusteeship where they do not have representation. This made the abuse of the trust much easier since the decisions about the land were made by the Machakos land control Board which does not include Maasai representation.

The second part of the fraud began after the failure of the Sheep and Goat project. The permanent Secretary to the ministry of Livestock in 1996 wrote a letter to the commissioner of lands surrendering the land "for re-allocation" since the ministry no longer needed it. In the same letter, he enclosed 99 names of applicants from his ministry, including many senior officials who were allocated each between 0.5 acres and 20 acres. Tabulated below are some of the beneficiaries and the amount of land allocated to them:



<u>Name</u>	<u>Position</u>	<u>Amount</u>
1. R.K lang'at	Fomer Head of Range management	4 acres
2. C.M. Gichohi	Former Director-livestock Production	3 acres
3. J. K. Wanjayia	Former Ass.Dir-Livestock Production	3 acres
4. A.E. Chabeda	„ „ „ „ „ „	3 acres
5. D. Mule	Permanent Secretary-Ministry of Livestock	1 acre
6. P. M. Kyungu	Permanent Secretary in-charge of Defence	1 acre
7. DR. K. Bengat		2 acres
8. F. H. Mayieka	Former Dep. Sec. Min. of Agriculture	20 acres

Another 250 acres was allocated to Masailand Impex Company whose directors are four Maasai politicians from Kajiado District. These were:

1. Mr. D.K. Ole Muyaa: Former Olkejuado County Council Chairman
2. The Late Mr. Ole Pertet: Former Director Kenya Reinsurance Company
3. Mr. D.L Ole Sankori: Former M.P. Kajiado Central
4. Mr. P. Ole Sing'aru: Former M.P. Kajiado South

Later, they sold the land to the Mavoko West Company Ltd. Many other individuals and organizations are interested on the land. All these allocations were done in spite of the constant warnings by the community against the land grabbing.

(C) Unremedied injustice

With the passage of time, members of the local community have become increasingly aware of their rights and they have relentlessly agitated for justice to be done. On the 19th of July 2003, the Maasai moved into the land so as to ensure that no grabber settled on it. The Police were sent to brutally evict and harass them. The fracas that ensued led to one of the Maasai being shot and seriously wounded while several other people were injured. The person shot (with a live bullet) was Mr. Siteyia Ololpurkoi. The powerful individuals within the government were using their influence to protect their private interest in the land.

The Maasai people of Kitengela and Empakasi are aggrieved by this illegal, unjust and unconstitutional decision to deprive them of the right of ownership of their land.



The alienation of this land from the Maasai of Kitengela through a pretext of a public purpose is an insidious way of depriving them of their right of ownership of the land guaranteed by the constitution and the Maasai Agreement of 1911. The decision to allocate the land to individuals from other communities who own land elsewhere is a case of fraud and it deserves to be treated as such.

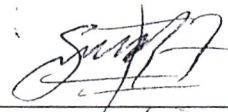
The only justification there could have been for alienating the land out of Maasai ownership in the first place was for a public purpose (within which the locals would also have been beneficiaries). But even that would have been valid only if there had been prior consultation and due compensation to the landowners. However, there remained no public purpose use for the land after the failure of the project; and consequently no justification remained for alienating the land from the owners without their informed consent.

Recently in parliament, an Assistant Minister in the office of the President in-charge of Provincial Administration admitted that the boundary between the two districts was never adjusted officially. That showed clearly that the issues pertaining to this land have never been addressed fully. Our feeling is that the time to do so is now rather than later. In regard to the illegal allocations, ~~government~~ surveyors have recently been stopped from allocating more land to other grabbers some of whom are still in the present government. However, the Maasai community members have pitched tent on the land to ensure that no grabber gains access to the land any more.

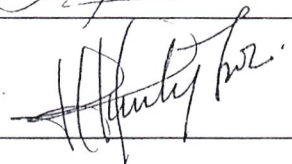
In conclusion therefore, we request the Hon. Minister to rectify this error by canceling the title deeds and any other documents awarded fraudulently and to bring justice to the aggrieved.

Signed:


1. James Ole Turere – chairman KILA



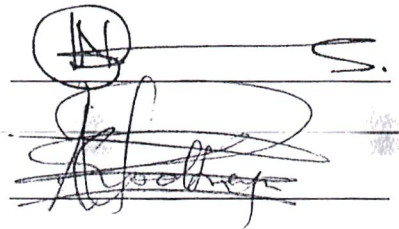
2. Stanley S. Kaputi – Vice-Chairman KILA



3. Nicholas Ole Matiko – Secretary KILA



4. Godfey Ntapayia – Treasurer KILA





A proposal for the follow up of the former Sheep and Goat Land LR. NO 10029/2

Presented to: African Wildlife Foundation (AWF) KOPP project supported by
USAID - Kenya.

Prepared by: *Kitengela Community sub-committee on the Sheep and Goat Land,
(through the Kitengela Ilparakuo Landowners' Association-KILA).*

Background

The former Sheep and Goat land is situated to the south west of Mavoko Municipal Council. Its reference is LR. NO. 10029/2, and measures 2,912 acres. It is part of traditional Maasai land that for contentious and unclear reasons, is in Machakos District (more recently Kathiani District). In the 1930s, the land was used by the colonial government as a holding ground for livestock being slaughtered at the Kenya Meat Commission (KMC). The Maasai were then informally asked to allow the project to create room for the activities. The land was utilized by the KMC for a long time, but by the early 1970s, the land was devoid of any KMC-related activities and the Maasai had settled there again.

In the 1980s, the government (through the Ministry of Livestock) initiated a sheep and Goat Multiplication project on the land. They fenced and paddocked the whole of it. The Maasai were displaced by the project (for the second time) and pushed to the west – the Empakasi area. The Sheep and Goat Project went on for several years, but by the late 1980s it was evident that the project had failed.

A livestock grazing and wildlife dispersal area

The land is strategically placed. It is contiguous to the Nairobi National Park immediately to the south of the river Empakasi (known as River Athi farther downstream). The wildlife of the Park disperse onto this land all year round, but especially during the wildebeest and Zebra calving (March - May) season. There is normally a reverse migration of wildlife in the short rainy season (October-December) when both water and pastures are scarce in the dispersal area but relatively abundant inside the Park. Moreover, the Maasai graze their livestock on the land and access water in the Empakasi river which is the only perennial natural source of water for the local people, their livestock and the wildlife in the ecosystem. The Maasai have, and continue to, co-exist well with the wildlife.

An era of grabbing.

In the 1990s there was a wave of grabbing and attempted grabbing of the land. First there was the politician-led Masailand Impex Ltd which was illegally "awarded" 250 acres (LR.NO. 22139). Then some of the owners of that title started selling to unsuspecting people, including the Kenyatta National Hospital SACCO.



The meeting held on 12th December 1982 between Kitengela residents and Sheep and Goats officials. It was about to show the new officer incharge where the wanainch reaches according to the sketch map shows.

Present:-

Asai Ole Saunji - Chairman
Richard Ole Nkaangi - V. Chairman
Sirere Ole Papu - Treasurer
Mepukari Ole Semei - Member
Oipota Ole Likamu " "
Kaputi Ole Nenikua " "
Kinuthia Officer incharge sheep & goat Project
MWAwanja Farm Manager
Residents Elders

Absent:-

Stephen Ole Kaloi - Secretary
Wilson Ole Nkaangi - Member
Jonathan Ole Lelia

Min. 1/82

The meeting was very much co-operative and we went around the routes where we have showed D.O. Machakos Central first one, Mr. *GUANTAI* and second Mr. Adewa, we have no new boundaries established.

Min. 2/82

The officer incharge suggested that we the wanainch and the present officials we should join hands and see the boundaries are demarcated according to what we have agreed upon.

Min. 3/82

The V. chairman said this things the Dic. Mks. know well and he had empowered D.O. Adewa accordingly.

Min. 4/82

The DO Mks Central had written the report to DC Mks and the copy /that /of letter we had given to our Minister that time he was our local government Minister Hon. S.S. Oloitip.

Min. 5/82

Then we ask the D.C. to take action and show the boundaries Wanainch wants the boundaries to as it shows in the sketch map.



Min 6/82

The officer incharge Mr. Kinuthia said we have to join hands to see that these bounderies are marked so the progress of farm start.

Min 7/82

V. Chairman said all the report contain^{///} Ministry files shows that in different occation two D.O's came here to see how the wanainch live so as not to interfere with their bomas. It is only that the action was not taken, it show of the bounderies.

Min 8/82

DC Mks interfere with this afair because the problem are occuring again now if the problems straiques we cant help it the Hon. Minister said no one should shift them what is this now.

Min 9/82

We the wanainch we are requesting our DC to act immediately before these problems occurs. The two DO's *knows* our problems, it only that we did not follow. for we are waiting our DC to act.

Min. 10/82

We ask the officers concerned who received the sketch map we drew to withdraw the plan for the sketch is bongus, for all the people concern did not agree to that map its only two to three people plan. Until when our DC comes and we agree together who is wrong we rectfy. For there are people who are counted in.that map and are not the people of that area.

V/ Chairman

M. Kinuthia
12/1/82

