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THE REPORT OF THE SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

ON

PETITION ON THE ALLEGED DELAYED ADJUDICATION AND THE
SETTLEMENT OF SQUATTERS ON MACHUNGWANI LAND IN TAITA
TAVETA COUNTY AFTER EXPIRY OF LEASE

JUNE, 2021

Rt. Hon. Speaker
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List of Abbreviations/ Synonyms

CS	- Cabinet Secretary
EACC	- Ethics and Anti-Corruption Commission
MOLPP	- Ministry of Land & Physical Planning
NLC/Commission	- National Land Commission
ODPP	- Office of the Director of Public Prosecution

PREFACE

Mr. Speaker sir,

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

A. Committee Membership

The Committee comprises of the following Members.

1. Sen. Paul Mwangi Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

Chairperson

Vice-Chairperson

At the sitting of the Senate held on 3rd March, 2021, Sen. (Arch.) Sylvia Kasanga, MP on behalf of Sen. Johnes Mwaruma, MP reported to the Senate that a Petition had been submitted through the Clerk, on the alleged delayed adjudication and settlement of squatters on Machungwani land in Taita Taveta County after expiry of the lease over the land.

The salient issues raised in the said Petition are as follows-

1. THAT Machungwani area which is land covering 2,970 acres is among the ancestral land belonging to the people of Taveta given as a present to the British soldier one Captain Morgan in 1914;

2. THAT the lease was later transferred to Mr. George Criticos who is the father of Mr. Basil Criticos, the current lease holder;
3. THAT the leasing out of Machungwani land which made the rightful owners of the land landless in their county was an injustice of the highest order;
4. THAT the land leased out was not fully developed as expected since only a small portion of the land is planted with sisal;
5. THAT the landless people evicted from this land started settling on the undeveloped portion of the land;
6. THAT the number of people settling in Machungwani increased between 1992 and 1997 when Mr. Basil Criticos invited the people to settle in exchange for votes which enabled him to become the Member of Parliament for Taveta Constituency for two terms;
7. THAT in 2000, Mr. Basil Criticos had abandoned the leased land completely and left the county to live in his home in Greece but came back in 2003;
8. THAT the people who settled in the land have put the land in good economic use and are currently leading producers of bananas, coconuts, oranges, avocados, tomatoes, mangoes, maize and other vegetables thus earning incomes for themselves and also employing others;
9. THAT the lease of the land expired in January 2013 and after the 2010 Constitution reversed the 999 year period of leases to 99 years;
10. THAT since the expiry of the lease, the county and national governments have been reluctant to adjudicate the land and to subsequently issue citizens with title deeds;
11. THAT the reluctance or failure of the county and national governments to adjudicate the land and issue them with title deeds is—
 - a. making the citizens of Machungwani feel insecure after investing heavily in their land; and
 - b. making them feel denied their fair administrative action as anticipated by Article 47 of the Constitution;
12. THAT the efforts to resolve the matters raised in the Petition with the relevant organs of Government have proved futile; and
13. THAT there is no case pending in court or any constitutional body on matters raised herein.

The petitioners therefore prayed that the Senate;

1. deals with the Petition immediately in view of urgency and seriousness of the matters raised therein;
2. makes a resolution that the land of Machungwani be adjudicated and citizens be issued with title deeds without further delays; and
3. takes any other appropriate action that deems fit.

Pursuant to standing order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee Land, Environment and Natural Resources Committee.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) the Petition to Parliament (Procedure) Act and standing order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioner within the prescribed period.

To enable a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard the Committee invited the Petitioner to a meeting of the Committee for the Petitioner to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same.

The Committee thereafter proceeded to invite the Cabinet Secretary, Ministry of Lands and Physical Planning, the National Land Commission and the Taita Taveta County Government to address respective issues raised on the Petition.

The Committee further conducted a site visit to Mboghoni Ward in Taveta Constituency of Taita Taveta County on 27th March, 2021 to collect more views from the residents residing on the land.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, Ms. Farida Karoney, EGH, Cabinet Secretary, Ministry of Lands and Physical Planning, Mr. Gershom Otachi, Chairperson, National Land Commission and Hon. Granton Sambojathe Governor, Taita Taveta County for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition on delayed adjudication and settlement of squatters on Machungwani land situated in Mboghoni Ward in Taveta Constituency of Taita Taveta County.

Signed:  Date: 11/6/2021

SEN. MWANGI PAUL GITHIOMI, M.P.
CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

CHAPTER I

INTRODUCTION

1. At the sitting of the Senate held on 3rd March, 2021 Sen. (Arch.) Sylvia Kasanga, MP on behalf of Sen. Johnes Mwaruma, MP reported to the Senate that a Petition had been submitted through the Clerk on the alleged delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of the lease over the land.
2. The Prayers in the said Petition are that the Senate—
 - a) deals with this Petition immediately in view of urgency and seriousness of the matters raised herein;
 - b) makes a resolution that the land of Machungwani be adjudicated and citizens be issued with title deeds without further delays; and
 - c) takes any other appropriate action that deems fit.

Pursuant to standing order 232(1) of the Standing Orders of the Senate, the Petition was committed to the Land, Environment and Natural Resources Committee.

B. LEGAL BASIS FOR PETITIONS

1. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.
2. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that *“every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”*
3. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, standing order 232 of the Senate Standing Orders provides as follows-
 232. *Committal of Petitions*
 - (1) *Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*
 - (2) *Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*
4. Standing order 233 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

CONSIDERATION OF THE PETITION

Approach taken by the Committee

1. In considering the Petition, the Committee observed that it would be important to verify the facts alleged by the Petition. The Committee therefore resolved to conduct an inquiry on the issues raised in the Petition.
2. In this regard the Committee received the Petition from the Petitioner through the House and further met with the Petitioners on several occasions as it met with stakeholders and further during its county visit to Taita Taveta County.
3. Thereafter the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning, the Chairperson of the National Land Commission, the Governor, County Government of Taita Taveta who virtually appeared before the Committee.
4. The Committee further undertook a site visit on 27th March, 2021 as observed in the photos attached below.

Photos of the Committee engagement with Members of the Public during its site visits



C. Petitioners Submissions

Vide a letter REF: SEN/DCS/LENR/2/2021/(10) dated 11th March, 2021, the Committee invited the Petitioners to virtually appear before the Committee on Friday, 26th March, 2021 who thereafter appeared and defended their Petition.

The Petitioners submitted as follows:

1. The residents and farmers of Machungwani plot LR. No. 5827 – TAVETA, Mboghoi Ward, kindly request for confirmation of land title deeds for everyone for the more than one thousand and five hundred people (1,500) occupying two thousand nine hundred and seventy (2,970) acres of land.
2. Land division of the land was done in the year 1992 when the then leasee, Mr. Basil Criticos used his land to successfully convince the locals to vote him into Parliament. In 1997 he defended his seat and was re-elected. The locals decided to continue with farming on the other side of land that Mr. Basil was not utilizing.
3. In the Year 2000, Mr. Basil Criticos moved from Kenya and even resigned as a Member of Parliament for Taveta. That is when the locals went into the abandoned piece of land. The lease agreement lapsed in 2013 and the land now is public land.
4. The locals continue to practice farming and live on the piece of land; growing vegetables, bananas, mangoes, coconuts, maize and beans. This consequently contributes to the Big Four Agenda of the national government as well as fight hunger and poverty.
5. The residents of Machungwani have agreed to create space for public use and humbly requested that through the Committee they be granted their right to own land.

D. Response by the Cabinet Secretary, Ministry of Lands and Physical Planning

Vide a letter Ref: **SEN/DCS/LENR/2/2021/(23)** dated 15th April, 2021, the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning to respond to the Petition in its entirety. Based on the concerns raised, the Ministry provided the following responses:

1. According to the Ministry records, the land is registered as L.R No. 5827 (I.R 1056). It is situated in Taveta Sub-County in Taita Taveta County and measures approximately 2970 Acres;
2. The parcel was first registered in the name of East African Estates Limited on February 26, 1925 on a 99-year lease with effect from January 1, 1914. The parcel has been transferred severally overtime. It was last transferred to Basil Criticos on February 23, 2010. The lease expired on January 1, 2013. A copy of the title is marked *annexure 13*;
3. The Ministry is aware an application for the renewal of lease has been lodged with the National Land Commission (*annexure 14*). In light of the foregoing, the issues raised by the Petitioners are best handled by the National Land Commission and the Taita Taveta County Government in line with the provisions of Section 13 of the Land Act, 2021 and the Land Regulations, 2017.

E. Response by the National Land Commission

Vide a letter Ref: SEN/DCS/LENR/2/2021/(23) dated 15th April, 2020, the Committee invited the Chairperson of NLC and received the following submissions at the Committee's meeting held on 12th May, 2021;

1. Available records show that LR No. 5827 measuring 2970 acres was registered in the name of Basil Criticos under leasehold tenure for 99 years from January 1, 1914 (see Annex 1 and Annex 2 of the NLC submission). Therefore, the lease expired on January 1, 2013.
2. On November 20, 2012 Walker Kontos advocates for Basil Criticos applied to the Town Council of Taveta for extension of lease on LR No 5827 by filing the relevant forms for Development permission (see Annex 3 of the NLC submission). Incidentally, in February 8, 2012 the Government through the Permanent Secretary in the office of the Deputy Prime Minister and Minister of local Government had directed County Councils to **"stop processing of land leases until the National Land Commission, and the appropriate County Government mechanisms are in place"** (see Annex 4 of the NLC submission). There appears to have been no activity on this matter until 2014.
3. On October 1, 2014 the Deputy Governor and CEC Lands, Taita Taveta County wrote to the County Assembly (Ref: Way forward on Parcel Land ref. Number 5827 - Taveta owned by Basil Criticos) giving directions which in substance recommended non-renewal of the lease but allocating it to those in occupation. The letter also acknowledged that Basil Criticos occupied 45.96 Ha (see Annex 5 of the NLC submission). The County Assembly agreed with the directions given by the County Government as it recommended non-renewal of the lease but allocating it to the those in occupation as indicated in a letter dated June 30, 2020 from Clerk of the County Assembly of Taita Taveta (see Annex 6 of the NLC submission). The letter indicates that the resolution of the County Assembly was

passed on December 4, 2014.

4. In the Petition Civil Case No. 576 of 2012, in a Judgement by Justice E O Obaga dated March 12, 2020; paragraph 11 states that *"On 1st April 2018, the County Government of Taita Taveta held a meeting where the issue of renewal of the petitioner's lease was deliberated upon and approved. A notification of approval of the extension was subsequently issued on 17th April 2019 and a letter written on the same day to the National Land Commission stating that the County Government had no objection to renewal of the lease"* (see Annex 7 of the NLC submission).

A copy of the minutes of the above referred meeting are annexed (see Annex 4 of the NLC submission).

5. On April 17, 2018 the CECM in charge of Lands, Environment and Natural Resources, Taita Taveta wrote to the Commission partly stating that "We recommend the renewal of the parcel of land L.R. No. 5827 approximately 2970 acres in Machungwani area in Taita Taveta" (see Annex 8 of the NLC submission). Attached to the referred letter was FORM P.P.A.2 (see Annex 9 of the NLC submission).
6. A follow-up letter by Walker Kontos was made in February 2020 which is the basis of the ground report referred to below.
7. That in July 2020, NLC prepared a ground status report of the parcel and the findings are summarized below-
 - a) A large section of the parcel lies on the right hand side as one travels along the murrum road heading towards Kimorigo area. A small section is on the left hand side extending up to the Machungwani water canal near Kiwalwa. There are semi-permanent residential developments and temporary structures which appear to have been constructed in the last 5-7 years. The more developed area lies between the Eldoro-Mschekeheni junction up to the water canal in

Kiwalwa. There are temporary farm boundaries made by the encroachers. The main crops found on the farm include oranges, bananas, mangoes, beans cassava and coconut. Irrigation water is obtained from the Machungwani water canal. The marshy/swampy area is found midway between Kiwalwa and Kimorigo is scarcely built due to flooding in the wet season but used to graze livestock in the dry season.

- b) There is an old staff camp and an office near Kiwalwa which was built by the immediate lease holder. It is alleged that the camp was abandoned in sometimes in 2013 after members of the public invaded the land after expiry of the lease. The lease holder has availed approximately 100 acres to the prisons department for farming. The department uses it to grow maize, tomatoes, kales and fish farming.
8. The renewal of lease for LR No 5827 is pending at the National Land Commission has not been processed. In considering the application for renewal of lease, the Commission will take into account the provisions of section 13 of the Land Act 2012.

F. Response by the County Government of Taita Taveta

Vide a letter Ref: SEN/DCS/LENR/2/2021/(23) dated 15th April, 2020, the Committee invited the Chairperson of and received the following submissions at the Committee's meeting held on 12th May, 2021.

Machungwani (Land Parcel L. R/No. 5827) had a 99 years lease (from January 1914) which expired on January 2013. An application for renewal of lease on Land Parcel L/R No. 5827 was submitted to the County government sometimes in 2014. The government then, by way of an advisory, sought comments from the County Assembly, which upon debate on 4th December, 2014, resolved that the lease should not be renewed. The assembly recommended that the land reverts back to government by way of reversion as per county department of land's advisory.

However, due to the inconclusive, contradictory and inconsistent nature of the advisory, the process could not be concluded and, as such, predisposed the lease renewal process to manipulative actions. As it were, the advisory gave room to underhand dealings in the lease renewal process. While agreeing that Machungwani Estate was a volatile situation, the advisory recommended that any decision entered must be in secret and that the decision of the County Assembly must be relayed to the National Land Commission under confidential cover. The NLC. was advised not to make public pronouncements of its decision.

While the advisory proposed formation of a committee comprising of, among others, political leaders, local residents, County and Provincial Administrators and the technical committee of the Lands Sector to spearhead acquisition and adjudication of the land, it didn't follow through this proposal to conclusion. At the same time the advisory did not clarify the reversion procedure and those responsible for its initiation. In the end these

decisions were never communicated to the National Land Commission for action, thus the delays in settling the squatters.

It was until June, 2020 when a formal communication was submitted to the County Assembly for review. The County Assembly communicated its earlier decision (resolution of 2014) to the National Land Commission on 30th June, 2020.

Ultimately, the legal mandate on Land Adjudication and Settlement rests with national government Ministry of Lands and Physical Planning and to some extent National Land Commission and not the County government. The county government's role is facilitative. Once the county receives a communication from the National Land Commission on the way forward, it shall take necessary action. The County government is ready to facilitate and fast track adjudication/settlement process.

The County Government's position is that—

- a) The lease on Land Parcel L. R/No. 5827 should not be renewed.
- b) The people have settled on the land for over 20 years, invested their time and resources on the farms making Machungwani the food basket of Taita/Taveta and the coastal region at large. It is only fair, therefore, that they are allocated the farms.

CHAPTER 5

COMMITTEE OBSERVATIONS

In accordance with the Prayers of the Petitioner the Committee observes as follows:

1. The Lease over the Machungwani land expired on 1st January, 2013 and there were attempts by Basil Criticos to renew it.
2. The Petitioners occupied the contested parcel of land for more than 12 years giving them an opportunity of entitlement to the said land through adverse possession.
3. The County Government of Taita Taveta agrees with the petitioners that the lease of the Land Parcel LR No. 5827 ought to be allocated to the local community. However, in unclear circumstances vide a letter Ref No. TTCG/LENAR/CECCOR/Vol.1/21 dated 17th April, 2018, the County gave no objection of the renewal of the lease of the same parcel of land in favour of Basil Criticos.
4. The Committee however notes that when appearing before the Committee, the County Government of Taita Taveta abandoned the letter approving (giving no objection to) the renewal of the lease and stated that it had written to NLC confirming that their position is that the lease not be renewed. The County Government of Taita Taveta also informed the Committee that the land ought to be adjudicated and distributed to the residents of Machungwani.
5. The Committee also notes that the County Assembly of Taita Taveta was against renewal of the lease of Parcel LR No. 5827 in favour of the previous owner. Further, they recommended that the said Parcel of Land be allocated to the local residents who were currently occupying the land.
6. The Committee observes that during its field visit to Machungwani, the Kenya Prisons, a government entity, was occupying part (about 40 acres) of the contested piece of Land Parcel LR No. 5827.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders recommends as follows-

1. The National Land Commission, in conjunction with the relevant government agencies, take immediate steps to ensure the lease for the Land Reference No. 5827 measuring 2970 acres is adjudicated and issued in favour of the Machungwani residents and that the NLC provides status report within six months of the tabling of this report.
2. The part of the parcel of land LR No. 5827 occupied by the Kenya Prisons Service be allotted and registered in its favour.
3. The EACC and DCI investigate the authenticity and the circumstances surrounding issuance of the letter, Ref. TTCG/LENAR/CECCOR/VOL1/21 dated 17th April, 2018, by the then County Executive Member for Lands, Environment and Natural Resources of Taita Taveta County, Ms. Clarice G Mnyambo, which indicated that the County had no objection to the renewal of the lease in favour of Basil Criticos.
4. The Committee also recommends that henceforth on such weighty matters as approval of renewal of leases or subdivision, the County Government of Taita Taveta should call for a County Executive Committee meeting to sanction the decision before implementation by the respective County Executive Committee Member.

APPENDICES

A. ANNEX I: MINUTES OF THE MEETINGS

B. ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)

C. ANNEX III: SUBMISSIONS BY THE PETITIONER

(Attached separately)

MINUTES OF THE 36TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 12TH JUNE, 2021 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, MP - Member
2. Sen. Gideon Moi, CBS, MP - Member
3. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member
4. Sen. Sylvia Kasanga, MP - Member

IN ATTENDANCE

1. Ms. Veronicah Kibati
2. Mr. Victor Bett
3. Mr. Crispus Njogu
4. Mr. Yussuf Shimoy
5. Ms. Mitchell Otoro
6. Ms. Lucianne Limo
7. Ms. Sakina Halako
8. Mr. John Pere
9. Mr. James Kimiti
10. Mr. Naftali Ondiba
11. Mr. Benard Oteyo

SECRETARIAT

- Principal Clerk Assistant
- Clerk Assistant
- Clerk Assistant
- Clerk Assistant
- Legal Counsel
- Media Relations Officer
- Personal Secretary
- Sergeant-At-Arms
- Audio Recording
- Finance Officer
- Office Assistant

MINUTE SEN/SCLN/204/2021: PRELIMINARIES

The meeting was called to order at 2.30 pm by the Vice Chairperson followed by a word of prayer.

MINUTE SEN/SCLN/205/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows –

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Adoption of the following Petition Reports;**
 - (a) Draft Report of the Committee on the Petition regarding the resettlement of Internally Displaced Persons in Nyandarua County

- (b) Draft Report of the Committee on the Petition by Fredrick Kahia Thugi & 4 others over the Exchange and final transfer of two parcels of land in Nakuru County
 - (c) Report of the Committee on the Petition regarding the Delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease.
5. Any other Business;
 6. Date of the next meeting;
 7. Adjournment.

MINUTE SEN/SCLNR/206/2021: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee differed the confirmation of Minutes.

MINUTE SEN/SCLNR/207/2021: ADOPTION OF THE FOLLOWING PETITION REPORTS:

(a) Draft Report of the Committee on the Petition regarding the resettlement of Internally Displaced Persons in Nyandarua County

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby **adopted its report** with the following recommendations in accordance with the Prayers of the Petitioner—

1. That the Ministry of Environment and Forestry interviews all the IDPs and ascertain the origin of the IDPs and the length of stay.
2. That a stay on the eviction of Esther Muthoni Njuguna and her family be made until land is availed for resettlement.
3. That the Mchanganyiko IDPs should renew their registration as it expired in November, 2009.
4. That the Ministry of Lands and Physical Planning investigates Huiro forest and Murai forest to ascertain why Kenya Forest Services want to take over the land yet it belongs to an individual
5. That the Ministry of Lands and Physical Planning avails land for resettlement of the IDPs.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Issa Boy Juma, MP respectively.

(b) Draft Report of the Committee on the Petition by Fredrick Kahia Thugi & 4 others over the Exchange and final transfer of two parcels of land in Nakuru County

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby **adopted its report** with the following recommendations in accordance with the Prayers of the Petitioner—

1. That the Ole Osono Group living in the Solai Ruyobei Farmers limited having been established not to be the legitimate owner of the land by the Court, vacates the land to allow occupation by Nyakinyua Land Buying Company who are the legitimate owners of the land.
2. That the Ministry of Lands and Physical Planning; the Ministry of Interior Coordination and National coordination; and the National Lands Commission facilitates the Nyakinyua Land Buying Company to occupy the Solai Ruyobei Farmers limited land as they have been found to be the rightful owners of the land.
3. That the Ministry of Lands and the National Lands Commission work with the Ole Osono Group living in the Solai Ruyobei Farmers limited land to find a different land to relocate them.
4. That the Ministry of Lands and Physical Planning facilitates the transfer of Title deeds between the Solai Ruyobei Farmers limited land and the Nyakinyua Land Buying Company.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Issa Boy Juma, MP and Sen. Ndwiga Peter Njeru, EGH, MP respectively.

(c) Report of the Committee on the Petition regarding the delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease.

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby **adopted its report** with the following recommendations in accordance with the Prayers of the Petitioner—

1. That, the National Land Commission, in conjunction with the other concerned government agencies take immediate steps to ensure the lease for the parcel of land LR No. 5827 measuring 2970 acres is renewed in favour of the Machungwani residents and NLC provides status report within sixty (60) days;
2. That, the part of the parcel of land LR No. 5827 occupied by Kenya Prisons be registered in their favour;
3. That, the EACC and DCI investigate the authenticity and the circumstances surrounding the letter, Ref. TTCG/LENAR/CECCOR/VOL1/21 dated 17th April, 2018, of approval by the then County Executive Member for Lands, Environment and Natural Resources of Taita Taveta County, Ms. Clarice G Mnyambo, which indicated that the County had no objection to the renewal of the lease in favour of Basil Criticos; and

4. That, on such weighty matters, the County Government of Taita Taveta should call for a County Executive Committee meeting to sanction the decision before implementation by the respective County Executive Committee Members.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Philip Mpaayei, MP respectively.

MINUTE SEN/SCLNR/208/2021: ANY OTHER BUSINESS;
There was no other business discussed.

MINUTE SEN/SCLNR/209/2021: DATE OF NEXT MEETING;
The meeting was adjourned at 1.00 pm and the next meeting was scheduled to follow thereafter.

Signed:.......... Date:.....**23/6 /2021**.....

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 11TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 18TH MARCH, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- **Chairperson**
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Gideon Moi, CBS, MP
6. Sen. Sylvia Kasanga, MP

- **Vice Chairperson**
- Member
- Member
- Member
- Member
- Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. Mwakio Mashaka
2. Mr. Kennedy Mwarimbo
3. Ms. Beatrice Matheka
4. Mr. Thomas Tole

B. SECRETARIAT

1. Ms. Veronica Kibati - Clerk Assistant
2. Mr. Victor Bett - Clerk Assistant
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Clare Kidombo - Research Officer

MINUTE SEN/SCLN/57/2021: PRELIMINARIES

The meeting was called to order at 11.24 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLN/58/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwaruma Johnes, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows –

1. Preliminaries - *Prayer*
2. Confirmation of Minutes of Previous Sittings;
3. Matters Arising;
4. Petition on the alleged delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease;
 - **Presentation by the Petitioners**

5. Petition on the alleged illegal encroachment of land covering the villages of Pangani, Nyatha, Kaisari, Mavuno, Promoko and Widho in Lamu County by Witu Livestock Cooperative Society;

- **Presentation by the Petitioners**

6. Any other Business;

7. Date of the next meeting;

8. Adjournment.

MINUTE SEN/SCLNDR/59/2021: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The confirmation of Minutes was deferred to the next housekeeping meeting.

MINUTE SEN/SCLNDR/60/2021: PETITION ON THE ALLEGED DELAYED ADJUDICATION AND THE SETTLEMENT OF SQUATTERS ON MACHUNGWANI LAND IN TAITA TAVETA COUNTY AFTER EXPIRY OF LEASE;

Presentation by Petitioners

The Petitioner took the Committee through the Petition as submitted that read as follows;

1. THAT Machungwani area, which is land covering 2970 acres is among the ancestral the ancestral land belonging to the people of Taveta given as a present to a British soldier, one Captain Morgan in 1914.
2. THAT the lease was later transferred to George Criticos who is the father of Bazil Criticos the current lease holder.
3. THAT the leasing out of Machungwani land which made the rightful owners of this land landless in their own county, was an injustice of the highest order.
4. THAT the land leased out was not fully developed as expected since only a small portion of it was planted with sisal.
5. THAT landless people evicted from this land started settling on the undeveloped portion of the land.
6. THAT the number of people settling at Machungani increased between 1992 and 1997 when Bazil Criticos invited the people to settle there in exchange for votes, which enabled him to become the Member of Parliament for Taveta constituency for two terms.
7. THAT in 2000, Bazil Criticos had abandoned the leased land completely and left the country to live at his home in Greece, but came back in 2003.
8. THAT the people who settled in the land have put the land into good economic use and are currently leading producers of bananas, coconut, oranges, avocados, tomatoes, maize and other vegetables and thus earning incomes for themselves and also employing others.
9. THAT the lease of the land expired in January 2013 after the 2010 constitution reversed the 999 period leases to 99 years.
10. THAT since the expiry of the lease, the County and National government have been reluctant to adjudicate the land and to subsequently issue the citizens with title Deeds.

11. THAT the reluctance of the County and National government to adjudicate the land and to issue them with title deeds is:
 - a) Making the citizens of Machungwani to feel insecure after investing heavily on their land.
 - b) Making them to feel denied fair administrative action as anticipated by article 47 of the constitution of Kenya.
12. THAT efforts to resolve the matters raised in this petition with the relevant organs of government have proved futile.
13. THAT there is no case pending in court or any constitutional body on the matters raised herein.

THEREFORE your humble petitioners pray that the senate through its relevant committee:

1. Deals with this petition immediately in view of the urgency and seriousness of the matters raised herein.
2. Makes a resolution that the land of Machungwani is adjudicated and the citizens be issued with title deeds after that without any further delays.
3. Takes any other appropriate action it deems fit.

The Committee made the following resolutions;

- **To invite the CS, Ministry of Lands and Physical Planning, National Land Commission.**

MINUTE SEN/SCLNDR/61/2021: PETITION ON THE ALLEGED ILLEGAL ENCROACHMENT OF LAND COVERING THE VILLAGES OF PANGANI, NYATHA, KAISARI, MAVUNO, PROMOKO AND WIDHO IN LAMU COUNTY BY WITU LIVESTOCK COOPERATIVE SOCIETY; PRESENTATION BY PETITIONERS

The Secretariat informed the Committee that it was unable to reach the Petitioners and further the Senator, Lamu County was not reachable on phone.

The Committee made the following resolutions;

- **To obtain more information from the Senator, Lamu County to assist the Committee get the Petitioners; and**
- **Write to the relevant stakeholders and seek for responses.**

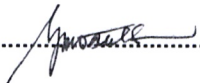
MINUTE SEN/SCLNDR/62/2021: ANY OTHER BUSINESS

The Committee made the following resolutions regarding the earlier scheduled site visits –

1. **County Visit to Taita Taveta to be scheduled for 8th – 11th March, 2021;**
2. **County Visit to Makueni County on 26th March, 2021; and**
3. **Report Writing Retreat on 15th – 18th April, 2021**

MINUTE SEN/SCLNLR/63/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12.00 noon and the date of the next meeting was to be called on notice.

Signed:..........

Date:..... **30/6 /2021**.....

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 15TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 26TH MARCH, 2021 AT 2.00 PM IN TAITA TAVETA COUNTY.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, MP - Member
2. Sen. Sylvia Kasanga, MP - Member
3. Sen. Gideon Moi, CBS, MP - Member
4. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member

IN ATTENDANCE

A. MINISTRY OF LANDS AND PHYSICAL PLANNING (MoLPP)

1. Mr. Stephen Maina Ngugi - County Coordinator, Taita Taveta
2. Mr. Sego Manyarkiy - Land Registrar, Taita Taveta

B. NATIONAL LAND COMMISSION (NLC)

1. Prof. James Tuitoek - Commissioner, NLC

C. COUNTY GOVERNMENT OF TAITA TAVETA

1. Hon. Mwandawiro Mghanga - CEC, Lands Taita Taveta County
2. Mr. Reuben Ngeti - Chief Officer, Lands Taita Taveta

D. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Yussuf Shimoy - Clerk Assistant
3. Mr. Crispus Njogu - Clerk Assistant
4. Mr. Mitchell Otoro - Legal Counsel
5. Mr. Stephen Maru - Sergeant-At-Arms
6. Ms. Lucianne Limo - Media Relations Officer
7. Ms. Dorine Mbui - Secretary
8. Josephine Galsaraco - Office Assistant
9. Ms. Millicent Ratemo - Audio Recording

MINUTE SEN/SCLNLR/75/2021: PRELIMINARIES

The meeting was called to order at 11.13 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNLR/76/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Philip Mpaayei, MP as follows –

1. Preliminaries - *Prayer*
2. Adoption of the Agenda;
3. Petition on the alleged delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease Any other Business;
4. Date of the next meeting;
5. Adjournment.

MINUTE SEN/SCLN/77/2021: PETITION ON THE ALLEGED DELAYED ADJUDICATION AND THE SETTLEMENT OF SQUATTERS ON MACHUNGWANI LAND IN TAITA TAVETA COUNTY AFTER EXPIRY OF LEASE;

Presentation by Residents of Machungwani

The residents and farmers of Machungwani plot LR. No. 5827 – TAVETA, Mboghoni Ward, in brief made their submissions as indicated below –

- Confirmation of land title deeds for everyone. They are more than one thousand and five hundred people (1,500) occupying two thousand nine hundred and seventy (2,970) acres of land.
- Land division of the land was done in the year 1992 when the then leasee, Mr. Basil Criticos used his land to successfully convince the locals to vote him into Parliament. In 1997 he defended his seat and was reelected. The locals decided to continue with farming on the other side of land that Mr. Basil was not utilizing.
- In the Year 2000, Mr. Basil Criticos moved from Kenya and even resigned as a Member of Parliament for Taveta. That is when the locals went into the abandoned piece of land. The lease agreement lapsed in 2013 and the land now is public land.
- They continue to practice farming and live on the piece of land; growing vegetables, bananas, mangoes, coconuts, maize and beans. This consequently contributes to the Big Four Agenda of the national government as well as fight hunger and poverty.
- The residents of Machungwani have agreed to create space for public use and humbly requested that through the Committee they be granted their right to own land.

The Committee made the following observations:

- From the submissions made by the representative from the MoLPP, the former owner of the land has no right to claim the entire parcel of land;
- The Kenya Prisons has land amounting to about 40 Ha(s) inside the said land;
- The law of adverse procession can be used since the residents have leaved and practised farming on the land for more than 12 years;
- Immediately the lease expired they weren't organized enough to launch their claim to the County Government on the land;
- The former owner of the land Hon. Basil Criticos went to court to deny locals from trespassing the land.

MINUTE SEN/SCLNR/78/2021: ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/SCLNR/79/2021: DATE OF NEXT MEETING

The meeting was adjourned at 1.45 pm and the date of the next meeting was to be was to follow thereafter at a different venue.

Signed:..........

Date:.....29 /6 /2021.....

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

MINUTES OF THE 24TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 12TH MAY, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. (Dr.) Lelegwe Ltumbesi, MP
3. Sen. Mwaruma Johnes, MP

PRESENT

- Vice Chairperson
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Sylvia Kasanga, MP
5. Sen. Ndwiga Peter Njeru, EGH, MP
6. Sen. George Khaniri, MGH, MP

- Chairperson
- Member
- Member
- Member
- Member
- Member

IN ATTENDANCE

A. STAKEHOLDERS

i. NATIONAL LAND COMMISSION (NLC)

1. Mr. Gerishom Otachi - Chairperson, NLC
2. Ms. Getrude Nguku - V. Chair, NLC
3. Prof. James Tuitoek - Commissioner, NLC
4. Ms. Esther Murugi - Commissioner, NLC
5. Mr. Kennedy Alela - PA Chair, NLC

ii. MINISTRY OF LANDS AND PHYSICAL PLANNING (MoLPP)

1. Hon. Alex Mbiu - CAS, MoLPP
2. Mr. Kamau Joram - Lands Administrator
3. Ms. Caroline Menin - Legal Officer
4. Mr. Nyankeruma - MoLPP

iii. COUNTY GOVERNMENT OF TAITA TAVETA

1. Gov. Granton Samboja - Governor, Taita Taveta County
2. Ms. Majala Mlagui - Dep. Gov. Taita Taveta County
3. Mr. Mwandawiro Mghanga - CECM Lands & Physical Planning
4. Mr. Reuben Ngeti - Chief Officer, Lands & Physical Planning

B. PETITIONERS

1. Mr. Thomas Tole
2. Mr. Alfred Mnjama

C. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Mr. James Kimiti - Audio Recording

MINUTE SEN/SCLNENR/130/2021: PRELIMINARIES

The meeting was called to order at 11.24 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNENR/131/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. (Dr.) Lelegwe Ltumbesi, MP and seconded by Sen. Mwaruma Johnes, MP as follows –

1. Preliminaries – *Prayer*
2. Adoption of the Agenda
3. Petition submitted by the Residents of Mkamenyi Village in Voi sub-county of Taita Taveta County, the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;
 - Submissions by Ministry of Lands and Physical Planning
 - Submissions by National Land Commission
 - Submissions by County Government of Taita Taveta
4. Petition submitted by the Residents of Msambweni Village in Voi sub-county of Taita Taveta County concerning the alleged impending evictions of Msambweni residents by a private company;
 - Submissions by Ministry of Lands and Physical Planning
 - Submissions by National Land Commission
 - Submissions by County Government of Taita Taveta
5. Petition on Mwakitau land ownership dispute between Mwakitau Residents and Isanga Iwishi Group Ranch; and
 - Submissions by Ministry of Lands and Physical Planning
 - Submissions by National Land Commission
 - Submissions by County Government of Taita Taveta
6. Petition on the alleged delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease.
 - Submissions by Ministry of Lands and Physical Planning
 - Submissions by National Land Commission
 - Submissions by County Government of Taita Taveta
7. Any other Business;
8. Date of the next meeting;
9. Adjournment.

MINUTE SEN/SCLNENR/132/2021: PETITION SUBMITTED BY THE RESIDENTS OF MKAMENYI VILLAGE IN VOI SUB-COUNTY OF TAITA TAVETA COUNTY, THE ALLEGED ENCROACHMENT OF LAND BELONGING TO MKAMENYI RESIDENTS BY VOI POINT LIMITED IN TAITA TAVETA COUNTY

- **Submissions by Ministry of Lands and Physical Planning**

According to our records, the land in question measures approximately 1953 hectares and is situated within Voi town in Taita Taveta County. A chronology of ownership of the parcel is as follows-

- i. The subject land was originally LR No. 4637 registered as Grant No. C.R. 8814. It was granted to the British East Africa Corporation Limited in 1923 for a term of 99 years from January 1, 1923 to January 1, 2022. The grant was initially issued for agricultural purpose only but the user was later extended to include a petroleum service station.
- ii. The Grant was transferred to Voi Sisal Estates Limited on August 6, 1947 and on March 25, 2011 it was surrendered to the Government to pave way for its extension of the term. (A copy of the surrendered Grant C.R. 8814 is annexed herewith marked **Annexure 7**).
- iii. The Grant was extended for a further term of 99 years commencing January 1, 1993 at an annual rent of Kshs.353.795 (revisable). The parcel was registered as Grant No. C.R. 51725, LR No. 28683 measuring approximately 1953 Hectares. The land was granted to be utilized for agricultural purposes and residence for the grantee. (A copy of the Grant No. C.R. 51725 is annexed marked **Annexure 8**).
- iv. On February 23, 2012 the land was transferred to Voi Plantations Limited for USD.1,855,670 and charged to Diamond Trust Bank of Kenya Limited for Kshs.300,000,000 and USD.5,000,000. On December 29, 2017 a further charge to Diamond Trust Bank of Kenya Limited for Kshs.150,000,000 was registered.
- v. On December 29, 2017 a second further charge for Kshs.1,079,737,000 and a third further charge for Kshs.1,189,511,500 was registered in favour of Diamond Trust Bank of Kenya Limited. A fourth further charge for Kshs.4,218,875,000 was registered on December 29, 2017.
- vi. On October 1, 2014 the National Land Commission awarded Voi Plantations Limited Kshs.359,531,100 in respect of the land acquired for the development of the Mombasa-Nairobi Standard Gauge Railway. The area of land acquired measured approximately 14.9621 Hectares. (A copy of the Award is marked **Annexure 9**).
- vii. On February 13, 2019, all the charges were discharged and the land transferred to Voi Point Limited for Kshs.4,000,000,000. A charge to Diamond Trust Bank of Kenya Limited for Kshs.4,000,000,000 and a further charge to the same bank for Kshs.800,000,000 were registered on the same date. A copy of the official search is marked **Annexure 10**.

Honourable Chair,

- viii. On February 6, 2020, the County Government of Taita Taveta approved the subdivision of the land into 28 portions of various sizes for agricultural use. A copy of the notification of approval (**Annexure 11**) and certificate of subdivision (**Annexure 12**) are annexed herewith. The subdivision was approved on the condition that the company was to surrender Plot No. 25 (L.R. No. 28683/27) measuring approximately 13.68 Hectares for Mkamenyi Squatter Settlement as per the copy of the provisional approval marked **Annexure 13**. Voi Point Limited accepted the conditions of the provisional approval as shown in the copy of the acceptance letter marked **Annexure 14**.
- ix. On February 27, 2020 new Certificates of Title were issued for L.R. Nos. 28683/4 to 28683/31 the resultant subdivisions of L.R. No. 28683.

- x. The Charge in favour of Diamond Trust Bank of Kenya Limited was registered against all the resultant subplots of L.R. No. 28683 apart from L.R. No. 28683/27 that the bank issued a discharge.
- xi. On June 25, 2020, the County Government of Taita Taveta approved the subdivision and change of user of L.R. No. 28683/9 into 52 subplots (A copy of the notification of approval (**Annexure 15**)). The subdivision was conditional upon surrender of 10% of the total acreage for public utility and use. The subdivision was also approved by the Voi Land Control Board as shown in **Annexure 16**.

Honourable Chair,

L.R. No. 28683/27 measuring approximately 35 acres is the portion that Voi Point Limited reserved for the settlement of the squatters. According to our records the plot is still r

egistered under Voi Point Limited. Given that this land is private land, we advise that the squatters to engage Voi Point Limited on their grievances.

Further Questions:

- i) **Explanation on the current status of the lease for Voi Point Limited, given the ongoing subdivision of the land into small parcels implying change of use for the land**

In the report submitted on February 24, 2021, the Ministry reported that the County Government of Taita Taveta approved the subdivision of the land L.R. No. 28683 into 28 portions of various sizes for agricultural use on February 6, 2020. The subdivision was approved on the condition that Voi Point Limited was to surrender Plot No. 25 (L.R. No. 28683/27) measuring approximately 13.68 Hectares for Mkamenyi Squatter Settlement. Voi Point Limited accepted the conditions of the provisional approval. New Certificates of Title were issued for L.R. Nos. 28683/4 to 28683/31 the resultant subdivisions of L.R. No. 28683 On February 27, 2020.

It was also reported that on June 25, 2020, the County Government of Taita Taveta approved the subdivision of L.R. No. 28683/9 into 52 subplots. The subdivision was conditional upon surrender of 10% of the total acreage for public utility and use.

Honourable Chair

I wish to add that the County Government of Taita Taveta also approved the subdivision of L.R. No. 28683/12 (22 subplots) and L.R. No. 28683/20 (147 subplots) on June 25, 2020. The subdivisions were conditional upon surrender of 10% of the total acreage for public utility and use.

Copies of the PPA 2 forms, Land Control Board consents, approvals by the Ministry and other relevant correspondence for the subdivisions are marked **annexures 20**.

Voi Point Limited is yet to present to the Ministry the deed plans for all the sub-plots to facilitate preparation of the title documents.

- ii) **Relevant documentation with attachments on the approval of the change of user from agricultural land to commercial land**

Honourable Chair,

The approvals obtained from the County Government were for the subdivisions only. The County Government has not given approval for change of user on any of the sub plots. We had erroneously reported that an approval for change of user had been granted for L.R No. 28683/9.

- iii) **Provide the transfer documents and correspondence between the Ministry of Lands and Physical Planning, the County Government of Taita Taveta and Voi Point Limited**

Honourable Chair,

As earlier indicated, Voi Point Limited is yet to present to the Ministry the deed plans for the sub plots to facilitate preparation of the title documents for the transfers, if any.

- iv) **Proposals on how to assist the Petitioners in obtaining more land noting that twenty-eight (28) families living within Voi Point Limited were allocated thirty-five (35) acres of land**

Honourable Chair,

In the meeting with the Committee on February 24, 2021, the Ministry undertook to refer the matter to the Land Settlement Fund Board of Trustees for consideration of acquisition of additional alternative land for settlement of the squatters. We shall report on the progress once the Board convenes.

- **Submissions by National Land Commission**

- a) Explanation on the circumstances that led the Commissioner for Lands to change the conditions of lease;

On the above subject matter, National Land Commission is unable to explain the circumstances that led to variation of the lease conditions because the records are held by the Ministry of Lands and Physical Planning who are in a better position to explain the same.

- b) Submit relevant documentation and evidence of correspondence that led to the change of the lease conditions

Based on the response to (a) above, the commission has no documentary evidence in support of the variation to the lease conditions

- c) Proposals on the best way of assisting the people of Msambweni to get back their land.

The people of Msambweni can negotiate with the land owner perhaps using a government Arbitrator such as National Land Commission to chart a better way that will yield a win win situation for both parties.

- **Submissions by County Government of Taita Taveta**

Background

The basis of Mkamenyi community's petition is that they are victims of historical injustice. Evidence of community's residence on the land are ancient graves,

dwellings and artefacts that point to human habitation on the said land for over 100 years (the community has resided on the land since 1890). Currently, the entire Mkamenyi land has been encapsulated by what is known as Land Registration No. 28683 measuring approximately 4800 Acres. The owner being Voi Plantations Ltd (Voi Point Ltd).

When Voi Plantations Ltd. lease expired in 1993, (original number being L/R No. 4637) it was expected that the land would revert back to the community. Having failed to obtain approval for lease renewal from the then Municipal Council of Voi, the Plantation obtained extension for the lease in a manner that is believed to be irregular. Never the less, the community has continued to reside on their land as squatters. Recently Voi Point Ltd (current owners of the land) offered to allocate the community 35 Acres of land, which they later on, owing to pressure from the community and the government, increased to 150 Acres, which, again is not what the community is asking for.

The community's prayer is that Voi Point Ltd. allocates them at least 2000 Acres. It is also the community's prayer that the entire 4800 Acres will ultimately be returned to them as the rightful owners of the land.

County Government's position

- i. There is need for thorough investigations into the circumstances leading to renewal of lease on L/R No. 4637 (original number) and the recent subdivision and sale of Land Registration No. 28683 (new number).
- ii. Voi Point Ltd should allocate the people of Mkamenyi at least 2000 Acres pending the outcome of investigations on matters under caption (i) above.

The Committee resolved as follows:

- *Invite the Management of Voi Point Limited;*
- *Invite the Directorate of Criminal Investigations to give the status of investigations into the irregularities that were allegedly raised by the County Government of Taita Taveta on the aforementioned parcel of land.*
- *allegations raised by the County Government where they informed the Committee that the County Government had made a report to the Directorate of Criminal Investigations concerning irregularities that had taken place during the process of renewal of lease on Land Registration Number 4637 (original number) and the recent subdivision and sale of Land Registration Number 28683 (new number).*
- *The Chair further issued a directive that the Ministry of Lands and Physical Planning should forthwith withhold further subdivision being done on the said parcel of Land until the Committee completes its investigation.*

MINUTE SEN/SCLNR/133/2021: PETITION SUBMITTED BY THE RESIDENTS OF MSAMBWENI VILLAGE IN VOI SUB-COUNTY OF TAITA TAVETA COUNTY CONCERNING THE ALLEGED IMPENDING EVICTIONS OF MSAMBWENI RESIDENTS BY A PRIVATE COMPANY;

- **Submissions by Ministry of Lands and Physical Planning**

The subject parcel of land is situated within Voi Township and borders Ndara A adjudication section and Kaloleni Majengo Squatter Upgrading Scheme. The parcel is registered at the Mombasa Land Registry under the Registered Titles Act, Cap. 281 (*repealed*) as L.R No. 1956/506 C.R. No 23979 on Survey plan No. 107124 measuring approximately 54.26 hectares.

This parcel was allocated to Bata Shoe Company Limited who intended to establish a shoe factory on the land, and was issued with title deed on April 30, 1993. Bata Shoe Company later sold the parcel to Sparkle Properties Limited at a consideration of Kshs.12,000,000. The transfer was lodged on March 21, 2011 and a new title issued to sparkle properties limited as the proprietor (**Annexure 17**).

The proprietor upon receiving title to the land discovered that squatters had moved in and constructed residential houses, they also prevented the owner from taking possession or accessing the property. This prompted the company to move to the Environment and Land Court at Mombasa, Civil Case No.265 of 2013 (Sparkle properties Limited -vs- Johana Ngai & 8 Others)

On January 27, 2020 the court rendered Judgment on the case as follows-

- a) Permanent injunction restraining the defendants whether acting by themselves; their employees, agents and/or servants and/or through any other manner whatsoever interfering with the suit property to unit L.R 1956/506.
- b) Mandatory injunction compelling the defendants to demolish and or pull down structures erected on the suit property and to give vacant possession to the plaintiff.
- c) That there be a permanent injunction restraining the defendants and/or their agents to allow them to occupy or construct the unoccupied space and proceed with construction forthwith
- d) General damages for trespass awarded at Ksh.150,000 payable by each defendant to the plaintiff giving a total sum of Kshs.1,050,000 with interest from the date of filing suit until payment is made in full.
- e) Costs of the suit awarded to the plaintiff.

The issues raised in the instant petition were adequately canvassed in the suit. (**Annexure 18**)

Further Questions;

- i) **Explanation on the circumstances that led the Commissioner of Lands into changing the conditions of the lease**
- ii) **Submit relevant documentation and evidence of correspondence that led to the change of the lease conditions**
- iii) **Proposals on the best way of assisting the people of Msambweni to get back their land**

Honourable Chair,

A response to the petition was presented to the Committee in the meeting held on February 24, 2021. The response is listed as item no. 5 on Page 11 in our report dated February 24, 2021 marked **annexure 1**.

Honourable Chair,

In response to Questions (i) and (ii) I wish to respond as follows;

The subject parcel was originally Government land. The Commissioner of Lands allocated it to Bata Shoe Company Limited and was registered on April 30, 1993 as CR 23979. A copy of the Grant is marked **annexure 18**.

The conditions for the lease are contained in the Grant. The relevant conditions of the lease are the Special Conditions; No. 2 on development of the property within 24 months of registration of the Grant; No. 5 on the user for the property and Nos. 9 & 10 restricting transfer of the property unless Special Condition No. 2 is fulfilled.

The Commissioner of Lands gave consent for the transfer of the property to Sparkle Properties Limited despite Special Condition No. 2 being unfulfilled. Bata Shoe Company transferred the property to Sparkle Properties Limited vide a transfer lodged on March 21, 2011.

The question of the propriety of the title held by Sparkle Properties Limited has been subject of litigation in Environment and Land Court, Mombasa, Civil Case No. 265 of 2013. The Court considered the circumstances of the transfer with regard to the Special Conditions Nos. 2, 9 and 10 and upheld title as per the judgment marked **annexure 19**.

Honourable Chair, in response to **Question (iii)**, I wish to submit as follows;

The Ministry has noted the plight of the Petitioners who are facing imminent evictions. We shall engage the Land Settlement Fund Board of Trustees to consider their case for resettlement.

- **Submissions by National Land Commission**

Honourable Chair, the Commission wishes to respond as follows:

a) Explanation on who was compensated for the aforementioned parcel of land compulsorily acquired by Kenya Railways, during the construction of the Standard Gauge Railway, providing the amount compensated;

Msambweni village was one of the residential areas of Voi town that were affected by land acquisition for the Construction of Nairobi – Mombasa Standard Gauge Railway (phase 1) pursuant to a request by Kenya Railways Corporation. The section affected lie near and almost parallel to the Nairobi – Mombasa road South of Voi town.

The village is part of the land L.R. NO. 1956/506 registered in the name of Sparkle properties limited but which initially was owned by Bata Shoe Company hence popularly known as Bata area.

The notice of intention to acquire land for the project was published in Kenya Gazette notice No. 4096 20th June, 2014. Inquiry was held as scheduled on 28th August 2014 at Voi County Commissioner's Office. The registered owner of the Land appeared at the inquiry and presented their claim to compensation for the Land. At the same time, Msambweni residents who were in occupation presented their claim to compensation for land and improvements. While the ownership of improvements was determined on the ground for the respective developers/occupants, no ownership documents were presented for land.

The subject parcel was listed in a subsequent addendum vide Gazette notice no. 5040 and its inquiry was published in gazette notice no. 6205 of 5th September, 2014. The

area acquired out of the subject parcel is **16.893 ha** for both the railway line and part of the Voi station.

However, during the inquiry it became evident that there was an ongoing Court case between the registered land owners and the occupants of the land. This was listed as ELC civil suit no 265 of 2013; Sparkle Properties Limited Vs Johana Ngai and others.

In 2020 the Commission received a Court ruling confirming that Sparkle properties limited were the rightful owners of the disputed parcel pursuant to which the Commission issued an award of **Kshs.192, 015,974.00**.

Upon conclusion of the inquiry in line with section 113 of the Land Act 2012, the Commission subsequently issued awards for interests determined on the land and improvements. However, payment for land has not been done pending conclusion of the Court case. Awards for the improvements were issued, accepted and paid for and a list of the persons compensated is as follows;

#	PARCEL NO.	PAYEE	AMOUNT	KRC PAYMENT
1	BATA	JACOB KARUTI IMUNYA	908,040.00	Payment 001
2	BATA	FREDRICK NJUMWA NYAMBU	922,300.00	Payment 001
3	BATA	GLADNESS WAKIO MSAFIRI	745,775.00	Payment 001
4	BATA	GRACE WANJALA MWADIME	1,518,862.50	Payment 001
5	BATA	FESTUS KATITU BAYA	74,750.00	Payment 001
6	BATA	ELIZABETH MARGRET KIMBAYA	215,280.00	Payment 001
7	BATA	JAMILA WAKIO ALI	1,948,445.00	Payment 008
8	BATA	HENRY MBOCE NJUGUNA	51,750.00	Payment 001
9	BATA	WALTER KALENDO	1,856,560.00	Payment 003
10	BATA	EVANSON MWACHIA MALOMBO	498,180.00	Payment 001
11	BATA	JASPER PETER TATUA MAMBORI	866,122.50	Payment 001
12	BATA	ASHA MWAKE NDOLONGA	397,440.00	Payment 001
14	BATA	JOHNSON WAKISE MWANJALA	268,812.00	Payment 001
15	BATA	SAIDI MWALUMA NDOLONGA	23,000.00	Payment 001
16	BATA	ADIJA NDUNDA NDOLONGA	386,400.00	Payment 001
17	BATA	FATUMA CHAO NDOLONGA	1,245,450.00	Payment 001
18	BATA	HAMISA KALELA NYOKA	1,303,065.00	Payment 001
19	BATA	WILSON MWANDOE	182,160.00	Payment 001
20	BATA	ABADIAH MAKANYO MWANGOO	432,860.00	Payment 001
21	BATA	HAMFREY BUNYALI KESEKWA	811,842.50	Payment 001

22	BATA	JACKTON MWAWASI WAMADA	1,311,000.00	Payment 001
23	BATA	KASSIM MUNYIKA	712,080.00	Payment 001
25	BATA	FESTUS MAGHANGA	742,325.00	Payment 001
26	BATA	BERNARD SHAKI MWAPULA	354,545.00	Payment 001
27	BATA	HEMEDI MWAKULOMBA HAMISI	367,540.00	Payment 001
28	BATA	HAMISI M.MWAKICHONDA	537,050.00	Payment 008
29	BATA	BAKARI MWALIMU NYOKA	658,605.00	Payment 001
30	BATA	HALIMA MALISO	560,970.00	Payment 017
31	BATA	KHADIJA MALISO	321,540.00	Payment 008
32	BATA	MUSA MWAMBURI MALISO	1,577,800.00	Payment 008
33	BATA	ABASI KIMBIO MALISO	74,980.00	Payment 001
34	BATA	HANIVA MASHAKA MAGANGA	373,750.00	Payment 001
35	BATA	HAMISI KILUNCHU IDDI	363,400.00	Payment 001
36	BATA	COLIN MZEE MWAFUGA	278,300.00	Payment 004
37	BATA	ALOISE JUMA WERE	182,390.00	Payment 001
38	BATA	MUSA MWAMBURI MKWALE	1,028,330.00	Payment 001
39	BATA	RAMA MWALIMU KALELA	1,074,100.00	Payment 001
40	BATA	EDITH MWAKABA	292,675.00	Payment 001
41	BATA	JOSEPH MWAKSHIN LEO	274,160.00	Payment 001
42	BATA	SANDRA MWARABU	1,630,470.00	Payment 001
43	BATA	VERITY WINIFRED MKABILI	115,000.00	Payment 004
45	BATA	MATANO KATEMBO	3,251,855.00	Payment 003
46	BATA	RUSSIANAH NAFULA NYANGE	51,290.00	Payment 004
47	BATA	ROSE ELEEN WANJALA	2,222,375.00	Payment 001
48	BATA	JOEL SIO MANAMBO	156,227.50	Payment 001
49	BATA	ZACHARIA M. MWALUDA	28,750.00	Payment 001
50	BATA	JULIUS MTWANGUO KIMONGE	113,850.00	Payment 001
51	BATA	ISAAC JEREMIAH MBOGO	2,798,295.00	Payment 001
52	BATA	NAHASHON KISOCHI HARIDON	2,778,400.00	Payment 003
53	BATA	KASYOKI SYULU	1,758,120.00	Payment 001
54	BATA	SYLVESTER MAGHANGA MUGENDI	1,122,515.00	Payment 001
55	BATA	BEATRICE MBATHA MTEPE	40,250.00	Payment 001
56	BATA	JOHN MBURU WACHIRA	62,560.00	Payment 001
57	BATA	OMAR MWAMBOLE MWALUMA	1,017,405.00	Payment 001
58	BATA	JIMNAH THIONGO KARIUKI	1,247,750.00	Payment 001
59	BATA	ANNA MESI MBASHU	23,000.00	Payment 001
60	BATA	MARK MWAURA KINUTHIA	23,000.00	Payment 005
61	BATA	JOHN MWAKATINI TUGU	1,467,745.00	Payment 001

62	BATA	EMMANUEL HAMISI MBOGA	5,324,270.00	Payment 001
63	BATA	PATRIC WANDANA	369,150.00	Payment 001
64	BATA	SCOLAH MASHAKA CHAU	868,020.00	Payment 001
65	BATA	ERNEST MWAKIO	2,141,990.00	Payment 001
66	BATA	ELIZABETH ANYANGO PALO	1,470,275.00	Payment 001
67	BATA	ERIC WAFULA OKUMU	443,440.00	Payment 001
68	BATA	KENYOLD WANYAMA	40,250.00	Payment 001
69	BATA	BICKSON MBWANGI MWAKUDUA	304,520.00	Payment 001
71	BATA	AMINA WAUDA LAMECK	1,523,865.00	Payment 001
72	BATA	MADINA MAPEM ETHOKON KIRIAM	507,437.50	Payment 001
73	BATA	PAUL NJOROGE	3,510,835.00	Payment 001
74	BATA	JENIPHER MESI NYAMBU	1,751,500.00	Payment 001
75	BATA	RAPHAEL SHUMA	27,500.00	Payment 001
76	BATA	MARY ADHIAMBO MANGO	892,170.00	Payment 005
77	BATA	MWANAISHA ABDALLAH MOHAMED	2,452,375.00	Payment 001
78	BATA	KHAMISI JUMA FADHILI	1,869,555.00	Payment 001
79	BATA	JAPHET KIMBIO MWANGANYI	1,528,350.00	Payment 001
80	BATA	SALIM MOHAMED YUNIS	2,007,900.00	Payment 001
81	BATA	HARRISON MAHUTHU MIRANJI	611,167.50	Payment 001
82	BATA	SHABAN MALISO MWAMBURI	2,589,800.00	Payment 001
83	BATA	JEREMIAH MBINGU	237,590.00	Payment 001
84	BATA	HAMILTON MBOGO	929,660.00	Payment 003
86	BATA	ELIAS KIMWAGA MTIGO	588,167.50	Payment 001
87	BATA	VALLERY MBORI WAMAZA	277,840.00	Payment 001

b) If compensation has not been done, then the payment be held until the dispute has been sorted out;

The Commission issued awards for interests determined on the land but none was paid for the land pending conclusion of the Court case. However awards for improvements on the land were issued and paid for. Compensation is yet to be paid out to the land owner; this is undergoing due diligence and receipt of funds for disbursement to be done. It is important to note that this dispute having been processed in Court, payment can only be stopped if there are further Court orders on the same or a stay. The Commission is yet to receive any of these

C) Explanation on the possibility of using Settlement Fund Trustees (SFT) in attempting to resolve the impasse affecting the people of Msambweni.

The right to shelter is enshrined in article 53 (1) of the Constitution of Kenya and so is the protection of right to property in article 40 (1). These appear to be competing

rights in the instant petition. If the right to property were to be upheld and enforced, the Government may opt to cushion its citizens through the Settlement Fund Trustee through the Ministry of Lands and Physical Planning.

However, only the Board of Trustees for the Land Settlement Fund(LSF) can comment on the possibility of using the fund to resolve the impasse affecting the people of Msambweni in Voi.

- **Submissions by County Government of Taita Taveta**

Background

Msambweni neighborhood in Voi hosts approximately 3500 people. Just like in Mkamenyi, residents of Msambweni are victims of historical injustice and institutional malfeasance. The land the residents of Msambweni reside on was initially occupied by their kin as farmland. The land was, in the late 1970s, allocated to Bata Shoe Company for purposes of establishing a shoe making factory with strict conditions that the land should not be sold, transferred or its use changed.

Other than failing to put up the factory, Bata Shoe Company sold the land to a private company, **Sparkle Properties Ltd**, in contravention of conditions accompanying the letter of allotment. It is the private company (Sparkle Properties Ltd) that obtained eviction orders from high court in 2020 so as, not only to evict Msambweni residents, but also to be paid Ksh 1,050,000/= (One Million, Fifty Thousand Shillings only) in compensation by the hapless residents.

Be it as it may, this is no longer a Land administrative or management issue, rather it is a legal matter that can only be dealt with legally-through the courts. Being a legal matter, the most promising remedy is for the community is to appeal the Court's decision. Once the court sets aside the orders, it will then be possible for new evidence (of technical nature which was not considered by the Court) to be adduced in order to defeat the earlier ruling. The other alternative, though unpopular, is for the community to mobilize resources of their own and buy the land from the company. However, the most convenient (with justification) option is for the government to acquire the land from the current registered owner and settle the residents.

County Government's position

- i. The residents of Msambweni cannot and must not be moved out. It is too late in the day for the title holders to claim the land. The residences have settled on the land for decades, put up permanent dwellings, public utilities such as schools, social halls, places of worship, etc. It will be immoral to evict the residents.
- ii. The land was acquired from the residents fraudulently. The residences had donated the land to Bata Shoe company to build a shoe factory in the area. The shoe factory was never built. So, the residences have a right to reposes their ancestral land. That is what they are trying to do-to reclaim the land from fraudsters.

The Committee resolved as follows:

That the Petitioners should urged to first launch an appeal in court then the other subsequent processes can follow.

MINUTE SEN/SCLNR/134/2021: PETITION ON MWAKITAU LAND OWNERSHIP DISPUTE BETWEEN MWAKITAU RESIDENTS AND ISANGA IWISHI GROUP RANCH;

- **Submissions by County Government of Taita Taveta**

Background

Isanga Iwishi Group had attempted to evict approximately 10,000 residents of Mwakitau location from what was until recently known as Isanga Iwishi Group Ranch. Bura/ Isanga Iwishi/18 was registered in 1984 and measures approximately 5992.2 Ha. The community challenged registration/issuance of title deed to the group in court first in 1984 and then in 1999 on grounds that the ranch was established in an area that they were residing on since 1920 without their involvement as residents of the area. In both cases the community lost the case against the group. The last time the court ruled in favor of the group ranch was in 2008 at the High Court in Mombasa (Misc. Civil Application No. 255 of 2000). To forestall the eviction, however, the County government obtained orders to stop the planned eviction until an ownership case is heard and determined. The matter is still in court.

The Mwakitau community argues that they want the areas they have occupied for over 100 years be converted to a settlement scheme and issued with individual title deeds. While the community may invoke provisions of Limitations of Actions Act on Adverse Possession, they have the option of either appealing the 2008 High Court ruling (they have ruled out this option citing the high costs involved) or taking advantage of the new window obtaining under the Community Land Act so that they become members of Isanga Iwishi Community. Thereafter, being members of the Isanga Iwishi, they may call a meeting of the assembly as per section 23 of the Act and pass a resolution by majority vote to subdivide the land and acquire individual titles.

In the meantime, the County government in collaboration with the Ministry of Lands and Physical Planning is implementing the Community Land Act, 2016 which will ensure that Mwakitau residents became members of Isanga Iwishi Community. On 05th March, 2021 residents convened the Assembly meeting and elected Community Land Management Committee. The next step shall be to formalize the arrangements by registering the Isanga Iwishi Community. Mwakitau community will then automatically become members of Isanga Iwishi as per the Community Land Regulations, 2017, Paragraph 4 of the Third Schedule.

County government's position

- i. The government acknowledges the fact that the people of Mwakitau have lived in the area for years as a Community and, therefore, are part and parcel of

Isangaiwishi and must be recognized and registered as members of Isangaiwishi community land with all rights.

- ii. Mwakitau town settlement established before the first World War must not be interfered with.

MINUTE SEN/SCLNR/135/2021: PETITION ON THE ALLEGED DELAYED ADJUDICATION AND THE SETTLEMENT OF SQUATTERS ON MACHUNGWANI LAND IN TAITA TAVETA COUNTY AFTER EXPIRY OF LEASE;

- **Submissions by Ministry of Lands and Physical Planning**

According to our records, the land is registered as L.R No.5827 (I.R 1056). It is situated in Taveta Sub-County in Taita Taveta County and measures approximately 2970 Acres.

The parcel was first registered in the name of East African Estates Limited on February 26, 1925 on a 99-year lease with effect from January 1, 1914. The parcel has been transferred severally overtime. It was last transferred to Basil Criticos on February 23, 2010. The lease expired on January 1, 2013. A copy of the title is marked **annexure 13**.

The Ministry is aware an application for the renewal of lease has been lodged with the National Land Commission (**annexure 14**). In light of the foregoing, the issues raised by the Petitioners are best handled by the National Land Commission and the Taita Taveta County Government in line with the provisions of Section 13 of the Land Act, 2021 and the Land Regulations, 2017.

- **Submissions by National Land Commission**

3.1 (a) Explanation and relevant documentation on the current status of the lease for Machungwani Farm and whether there have been efforts by the Previous Lessee to renew the Lease.

3.2 Appearance by NLC before the Senate on April 7, 2021

Hon Chair, the National Land Commission appeared before the Senate Standing Committee on Land on April 7, 2021 and gave the following response with respect to the above petition;

"The Commission will seek to establish the status of the lease with the Ministry of Lands and Physical Planning to determine the way forward. Possible reservation of the land for settlement may be recommended to the Settlement Fund Trust if the expiry of the lease is confirmed and the Conditions in section 13 of the Land Act (relating to pre-emptive rights) have been complied with."

3.3 Request by the Senate on April 7, 2021

After the presentation, the Senate asked the Commission to provide detailed information with respect to the Status of the lease for this land.

Hon Chair we provide the following history and chronology of the events regarding the status of the lease of LR No 5827.

3.4 Available records show that LR No. 5827 measuring 2970 acres was registered in the name of Basil Criticos under leasehold tenure for 99 years from January 1, 1914 (**Annex 1 and Annex 2**). Therefore, the lease expired on January 1, 2013.

3.5 On November 20, 2012 Walker Kontos advocates for Basil Criticos applied to the Town Council of Taveta for extension of lease on LR No 5827 by filing the relevant forms for Development permission (**Annex 3**). Incidentally, in February 8, 2012 the Government through the Permanent Secretary in the office of the Deputy Prime Minister and Minister of local Government had directed County Councils to "**stop processing of land leases until the National Land Commission, and the appropriate County Government mechanisms are in place**" (**Annex 4**). There appears to have been no activity on this matter until 2014.

3.6 On October 1, 2014 the Deputy Governor and CEC Lands, Taita Taveta County wrote to the County Assembly (Ref Way forward on Parcel Land ref. Number 5827 - Taveta owned by Basil Criticos) giving directions which in substance recommended non-renewal of the lease but allocating it to the those in occupation. The letter also acknowledged that Basil Criticos occupied 45.96 Ha (**Annex 5**). The County Assembly agreed with the directions given by the County Government as indicated in a letter dated June 30, 2020 from Clerk of the County Assembly of Taita Taveta (**Annex 6**). The letter indicates that the resolution of the County Assembly was passed on December 4, 2014.

3.7 Petition Civil Case No. 576 of 2012.

In a Judgement by Justice E O Obaga dated March 12, 2020; paragraph 11 states that **"On 1st April 2018, the County Government of Taita Taveta held a meeting where the issue of renewal of the petitioner's lease was deliberated upon and approved. A notification of approval of the extension was subsequently issued on 17th April 2019 and a letter written on the same day to the National Land Commission stating that the County Government had no objection to renewal of the lease"** (**Annex 7**).

A copy of the minutes of the above referred meeting are annexed (**Annex 7a**).

3.8 On April 17, 2018 the CECM in charge of Lands, Environment and Natural Resources, Taita Taveta wrote to the Commission partly stating that "**We recommend the renewal of the parcel of land L.R. No. 5827 approximately 2970 acres in Machungwani area in Taita Taveta**" (**Annex 8**). Attached to the referred letter was FORM P.P.A.2 (**Annex 9**). A follow-up letter by Walker Kontos was made in February 2020 which is the basis of the ground report referred to in paragraph 3.9 (b) below.

3.9 (b) Status of the persons currently farming and residing in the aforementioned parcel of Land

In July 2020, NLC prepared a ground status report of the parcel and the findings are summarized below.

3.10 A large section of the parcel lies on the right hand side as one travels along the murrum road heading towards Kimorigo area. A small section is on the left hand side extending up to the Machungwani water canal near Kiwalwa. **There are semi-permanent residential developments and temporary structures which appear to have been constructed in the last 5-7 years.** The more developed area lies between the Eldoro-Mschekesheni junction up to the water canal in Kiwalwa. There are temporary farm boundaries made by the encroachers. The main crops found on the farm include oranges, bananas, mangoes, beans cassava and coconut. Irrigation water is obtained from the Machungwani water canal. The marshy/swampy area is found midway between Kiwalwa and Kimorigo is scarcely built due to flooding in the wet season but used to graze livestock in the dry season.

3.11 There is an old staff camp and an office near Kiwalwa which was built by the immediate lease holder. It is alleged that the camp was abandoned in sometimes in 2013 after members of the public invaded the land after expiry of the lease. The lease holder has availed approximately 100 acres to the prisons department for farming. The department uses it to grow maize, tomatoes, kales and fish farming.

3.12 Status and way forward

- a) The renewal of lease for LR No 5827 is pending at the National Land Commission has not been processed. In considering the application for renewal of lease, the Commission will take into account the provisions of section 13 of the Land Act 2012.
- b) The Ministry of Lands and Physical Planning may also provide more information on this land based on the records in their possession.

- **Submissions by County Government of Taita Taveta**

Background

Machungwani (Land Parcel L. R/No. 5827) had a 99 years lease (from January 1914) which expired on January 2013. An application for renewal of lease on Land Parcel L/R No. 5827 was submitted to the County government sometimes in 2014. The government then, by way of an advisory, sought comments from the County Assembly, which upon debate on 04th December, 2014, resolved that the lease should not be renewed. The assembly recommended that the land reverts back to government by way of reversion as per county department of land's advisory.

However, due to the inconclusive, contradictory and inconsistent nature of the advisory, the process could not be concluded and, as such, predisposed the lease renewal process to manipulative actions. As it were, the advisory gave room to underhand dealings in the lease renewal process. While agreeing that Machungwani Estate was a volatile situation, the advisory recommended that any decision entered must be **in secret** and that the decision of the County Assembly must be relayed to the National Land Commission under **confidential cover**. The N.L.C. was advised **not to make public** pronouncements of its decision.

While the advisory proposed formation of committee comprising of, among others, political leaders, local residents, County and Provincial Administrators and the technical committee of the Lands Sector, to spearhead acquisition and adjudication of

the land, it didn't follow through this proposal to conclusion. At the same time the advisory did not clarify the reversion procedure and those responsible for its initiation. In the end these decisions were never communicated to the National Land Commission for action, thus the delays in settling the squatters.

It was until June,2020 when a formal communication was submitted to the County Assembly for review. The County Assembly communicated its earlier decision (resolution of 2014) to the National Land Commission on 30th June, 2020.

Ultimately, the legal mandate on Land Adjudication and Settlement rests with national government Ministry of Lands and Physical Planning and to some extent National Land Commission and not the County government. The county government's role is facilitative. Once we receive a communication from The National Land Commission on the way forward, we shall take necessary action. The County government is ready to facilitate and fast track adjudication/settlement process.

County Government's position

- i. The lease on Land Parcel L. R/No. 5827 should not be renewed.
- ii. The people have settled on the land for over 20 years, invested their time and resources on the farms making Machungwani the food basket of Taita/Taveta and the coastal region at large. It is only fair, therefore, that they are allocated the farms.

The Committee resolved as follows:

- *That since the County Government has recalled its previous communication to the NLC regarding the renewal of the lease, then the inconsistencies and contradictions be clearly spelt out for the benefit of the NLC as it freshly considers the renewal of the Lease for the People of Machungwani.*

MINUTE SEN/SCLNR/136/2021: ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/SCLNR/137/2021: DATE OF NEXT MEETING

The meeting was adjourned at 2.18 pm and the date of the next meeting was to be held on thereafter.

Signed:.....

Date:.....**30/6 /2021**.....

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

**PETITIONERS
SUBMISSIONS**

MEMORANDUM BY THE FARMERS OF LR. NO. 5827 TAVETA (MACHUGWANI)

We the residents and farmers of Machungwani plot LR. No. 5827 – TAVETA, Mbogoni Ward, kindly request for confirmation of land title deeds for each and every one of us. We are a total of more than one thousand and five hundred people (1,500) occupying in a two thousand nine hundred and seventy (2,970) acres of land.

Land division of this land was done in the year 1992 when the then lease, Mr. Basil Criticos used his land to successfully convince the locals to vote him into Parliament. In 1997 he defended his seat and was reelected. The locals decided to continue with farming the other side of land that Mr. Basil was not utilizing.

In the Year 2000, Mr. Basil Criticos moved from Kenya and even resigned as a Member of Parliament for Taveta. That is when the locals went into the abandoned piece of land. The lease agreement lapsed in 2013 and the land now is public land.

We continue to practice farming and live on this piece of land; growing vegetables, bananas, mangoes, coconuts, maize and beans. This consequently contributes to the Big Four Agenda of the national government as well as fight hunger and poverty.

We, the residents of Machungwani have agreed to create space for public use.

We humbly request through your office to be granted our right.

Residents of Machungwani, Taveta

CC:

County Assembly of Taita Taveta

CECM Lands and Natural Resources

MCA Mbogoni Ward

Memorandum ya Wakulima wa LR. No. 5827 TAVETA (Machungwani)

Tarehe 27, Augosti 2020

Mheshimiwa Gavana Granton Samboja

Taita Taveta County Government.

P.O. BOX 1066-80304

Wundanyi

Dear Sir,

KUHUSIANA NA MASHAMBA YETU YA MACHUNGWANI - LR. No. 5827 - TAVETA

Kwa unyenyekevu, sisi wakulima na wakaazi wa sehemu ijulikanayo kama Machungwani LR. No. 5827 - TAVETA, Mboghoni ward, kata ndogo ya Taveta twakuomba, utuhalalishie sehemu hizi ili tupate hati miliki na kila mmoja wetu apatiwe hati miliki ya sehemu yake. Jumla ya idadi yetu wakaazi tuko zaidi ya elfu moja na mia tano (1,500) na eneo lote ni ekari elfu mbili mia tisa na sabini(2,970).

Tulianza kugawanyiana mashamba haya mwaka wa 1992, wakati aliyekodishia (leasee) Bw. Basil Criticos aliwashawishi wapiga kura na shamba na akafaulu kuwa mbunge. Mwaka wa 1997, alipigania ubunge na akafaulu pia. Wananchi walizidi kustawisha eneo ambalo mwenyewe hakuwastawisha. Mwaka wa 2000 alihama Kenya hata akajiuzulu kama mbunge wa Taveta. Wakati huo ndio wananchi waliingia kwenye ile sehemu iliyobaki. Mapatano ya lease ya shamba hili ya liisha mwaka wa 2013 na sasa shamba hili ni mali ya uma (public land).

Tunaendelea kulima na kuishi humu na tunavuna mazao mengi ya kilimo kama vile mboga, ndizi, maembe, nazi, maharagwe na mahindi. Tunachangia pia katika nguzo nne muhimu za serikali kuu za kupambana na njaa na umaskini.

Na sisi waakazi tumekubaliana kutenga sehemu ya kutumika na umma.

Twaomba kupitia kwako tupate haki yetu.

Sisi wakaazi wa Shamba la Machungwani, Taveta.

CC:

County Assembly of Taita Taveta

CECM Lands and Natural Resources

MCA Mboghoni Ward

MAJINA YA NYUMBA KUMI ZA JULIUSI

NO.	NAMES	ID NO.	PHONE NO.
1	JULIUS MUSAU MAKALE	31501220	
2	DISHON MALAGHAYA	31340067	
3	DOGLAS KAZUNGU	31910883	
4	MAMA RAEL	2654542	
5	MAARIFA SEKIONDO		
6	MARY MASHA	27325932	
7	ASHA PETER	23359551	
8	MWENDO MUYA	36841614	
9	RAJABU		
10	JOMO SEKIONDO		
11	MIKAEL JUMANNE	2057046	
12	KIGHOMBE MWACHARO	11655644	
13	JUSTEN KALUNDA NATIWOI	22144711	713983048
14	JUNE JUMA KILE	21467404	
15	PETER MUYA MUSYOKA	2386739	724934750
16	MGHAA NZUKI	31360748	70843160
17	LAKI MUNYAO KILONZO		
18	KALASINGA MZENGE		
19	MINOO MAZINZI	20541614	
20	DANSON RAYAN MARAVOSHA	13143826	727086870
21	NAOMI MKABILI	22970923	714759388

KATULANI

No.	NAME	ID NO.	TELEPHONE NO.
1	MUTHEU MUSAU	12725026	703689794
2	KIOKO MUEMA	37627414	792545705
3	MUENDO MASIKA		
4	HELENA KAMOTI		
5	PAULINE NGALU	21524244	705073585
6	ROSE NGADHU	10758125	716051604
7	IGNAS KALAMA	24371043	71378884
8	SAIDI MUTHAMI	27181272	740047656
9	MUENI MUSAU	22362886	0703574757
10	VETELO MUTUA	23764718	708764383
11	MBETE GIDEON	13266616	70679178
12	MUENI GIDEON		707678903
13	KANINI JEREMIAH		
14	MARY KAVEMBA	12549235	720616842
15	VICTOR KIOKO	34474594	748849422
16	PETER KINGONDU	4318994	724577168
17	JANE SAUYO	2306711	700262416
18	JERUSALEM CHURCH		
19	DAMARIS NZILANI	13499766	717894445
20	MOROVIAN CHURCH		
21	ABRAHAM KITONGA		
22	FAUZIAH MBUVI	21119108	729015581
23	SHAURI MOYO GROUP		
24	NELSON MWARIGI	20079296	707543651
25	KITIKU MUENDO	31281616	757425484
26	ANNAH MODENYI	9079317	713063640
27	HATIBU SADEWA	9039312	711639019
28	MUEMA MUIA		
29	MWAKIO MWASAMBO	10394426	721724736
30	MWASAMBO MWAKIO	22777386	721329686
31	NGURE MWASAMBO	23157799	737691611
32	NGALUMA NYAMBU	24513239	787971765
33	IGOKI MBOGO	22379840	710774124
34	MWAKIO KATUNYO	23513468	721793972
35	KATUNYO MANGA	22727835	703830777
36	JOSEPH MULI	13520571	706831780
37	ROSE WACHENJE		711718208
38	WAKALALE TOLE	30736992	
39	HAMISI KAMUNDE	37477635	741137025
40	ANGELINE MULEI		
41	KETU KAMOTE		

NYUMBA KUMI MIUMONO/SHAURI MOYO U

NO	NAMES	ID NO.	TEL
1	ALBERT K MUSYOKI	1317174	796667625
2	CHRISPHAS MAGHANGA	6701199	711767259
3	J. MWASOME		7148333641
4	TOMES DESAMBULU		727473371
5	WAMBUA KIOKO		711744299
6	EDWINE OCHIENG		721964751
7	DOMITILA KIVIVU	9319883	700657933
8	MUNYAO JOSEPH		728642332
9	JOAKIM MUSA KICHIKIZO		700793083
10	NDOLEI JAPHETI NDONDI		713006164
11	ALAMIS MSELIA	3931353	713185178
12	ROSE EGWA		708262368
13	ALEX KIMARO		723679629
14	CONSTENCE CHARY	3954922	700053420
15	MONYIVA THUKI	3698773	702321983
16	KARISKI GITAU	8280927	726982485
17	DINA SHALI MWANYIKA	9318197	726982485
18	BILNAD MAUMBA		701807746
19	DORIS MWAWASI	155847	725456767
20	MARGARET MTOWETA	3955181	704898657
21	KITANGA		729803561
22	DOROTH METION		727985488
23	DORCAS MUTISO		724716943
24	BOAS MWAWASI		705372675
25	TOFILA MSHAI JAMES	21196229	718292136
26	MBATIA		729857474
27	CHARLES KATUTA		731542562
28	TADEI MWALAGHO	2650771	713328182
29	KALANI KAPINGA	6702642	758033438
30	BENSON MKONU MWENDAWIRO	4590137	712005290
31	MICHAEL MWAMELA		719705365
32	MICHAEL LITONGA	506054	729803561
33	CHRISTINE WAVINYA	20553412	718500640
34	KANINI MWANZIA	8794451	78361575
35	DAVID KIVUVA		728975050
36	MARIAM ABDALA SALIM	13195446	700697241
37	TELESI NGOMBE	5396594	728677335
38	JOHN K MAGHANGA	3456377	722702485
39	ROBERT MWALUGHA MCHAWIE	24373147	723202194
40	HEBRON MWAKISHA MZOZO	27334163	711285299
41	EDITOR NAFUDA	5396789	

42	DEBORA MKONU	1361681	728999381
43	RICHARD MKONU	25480985	724202970
44	REBECA KATHINI	10207609	711492173
45	KYALO KILULU	24620709	728684159
46	KATITIANI		716704466
47	NGOMBE MWAFLA	660899	716341989
48	DONIS MGARO FUNDI	686055	716722309
49	ALEX KATITIANI	27087929	716025442
50	SUSAN NDUNGWA	33830348	
51	MARIAM ABDALLA SALIM	13195446	700697241
52	NANCY CHARI	37852825	746619396
53	TOMAS NGOKA	91123911	710684613
54	HALIMA SHELANGWA	8456499	729896747
55	MAGHANGA ELIAS	11655550	705052122
56	OLYMPAS MBULA	27961977	798519577
57	SABIT OMAR	13823466	
58	FRED METION	13268485	789090263
59	KAJUMAA JOSEPH	10235026	702225648
60	RAPHAEL NJENGA	27859118	714493379
61	SAMMY OBUYA	22216921	713226147
62	NANCY CHARI	37852825	746619396
63	RICHARD MKONU	34434734	712005290
64	RODILIA MKAMBURI MKONO	136811508	720298251
65	JOYCE LISI MUTUNGA	21874816	781708549
66	NEIL JUMAPILI MAJOR	12549621	725229443
67	NZYOKA KILULU	14165853	796287186
68	KELVINI MUSYOKI ALBERT	38652186	757005029
69	JUMA MDAVIDA	2254451106	728356294
70	SAIMON THAKISHU	26492060	711119327
71	KARIUKI GITAU	8280927	726982485
72	GRANTON M KITONGA	25472515	725159951
73	FARIDA KANINI JUMA	265459	720264649
74	FRANCISCA WAKESHO	21835138	725706416

MIRERANI SHAURI MOYO

NAME	ID. No.	TELEPHONE No.
1 KIDAVA MANADURI	3957335	743785362
2 ANNA NGINA MBUVI	31301529	716845684
3 ROSE SUDI		
4 JOSEPH MWALIKO		
5 TSUMA RUWA		
6 MUNYAO GIDEON	21371927	
7 JUMAMOSI NGUNGU MAG	12547858	
8 MZUNGU RUWA		
9 ALI RASHID		
10 MUSEMBI		
11 SAMWELE MUTINDA KIMWELE		
12 EDWARD NDALINGUI MKV	20024719	
13 GERALD LESHAMTA ATHU	14512866	
14 JOMU LENGISIA SEKIONDI	3957658	
15 YASIN SHUMA	2002436	
16 ZAINABU NORINDWA ABD.	31728696	
17 AISHA YASIN SHUMA	29903007	
18 IBRAHIM YASIN SHUMA	34265689	
19 SHUMA ZAWADI YASIN	37729576	
20 HORISON		
21 MWAIBE		720248641
22 RODGERS LEWANGA ATHUMANI		
23 NAWASI MUSUMI TEKEWL	2655892	750157233
24 SYLVIA NDWAI JUMANNE	21556061	
25 EUNICE KAVENGI	28206826	726286591
26 LENOKI MELEKI	9319725	795941542
27 MAMBARIA PETER		721754526
28 KIBAYA		711317188
29 JUMANNE KILAMI	6702148	725406157
30 MATHIAS LENGAUNI	9319728	
31 JOHN MULI	21413507	713434153
32 PACKAL LENGAUNI	24950450	75956
33 MSHIGHATI LENGAUNI	3957360	716332837
34 MERCY KIRIMI		721145443
35 SALIM RITHIWAN		748744939
36 VINCENT MASAWI		722722807
37 MARTIN MWACHIA	232714	710781169
39 LINET MAVU		
40 CHARLIE MWENDWA		
41 MWAKERA		
42 SIMBA AKIDA	20771185	
43 GIDEON HOMA		
44 VERONICA SENGONDO		
45 ELAKIN MWALA	307437	726687191
46 JOHNA KIBAKI		
47 NASHERA ATHUMANI	23200925	

48 WILFRED TOLOLWA	12548844	729749614
49 ATHUMANI JOSEPH		0727137282
50 KENNEDY MWARIMBO		728501353
51 GERALD MTARIMBO	22603298	797506172
52 JACOB BARABARA MSOMALI		2945224
53 KURWA MSOMALI BARABARA		
54 ABDALA KIDAFUKI MSOMALI		
55 EMMANUEL KAINDI	11016640	718841795
56 BERNARD PAUL	5471757	737546879
57 KATARINA DAUDI		
58 JOSEPH MELISHOKI MARA	29622865	714531203
59 MALACHI WAMBUA MBIND	22884415	724101043
60 VALENTINA NDIWOI KITAV	11655589	715668527
61 MARIAM NASIRIRI	22136640	7955163
62 GRIFFITH RAPHAEL MWAI	11228760	722511837

MIRIMBANI 'B'

No.	NAME	ID No.	TELEPHONE NO.
1	MWAKIO MASHAKA	9983867	738540296
2	LUKAS OYOO	89122200	
3	WILIAM IRUNA	11655874	715501369
4	BERNARD LONING'C	22106019	71851750
5	DAVID KIMUNGA	9982688	722839750
6	SARAH MWILOLE	11311165	727269205
7	JOSEPH MANLOO S/	34919035	768539232
8	GEORGE MSAMILW/	2655890	70918719
9	ALFRED MWAKIO	13468814	741961126
10	AGNES NASE MEJA	5347784	0716736440
11	JOHN MSAGHA MAG	921192	716959464
12	JOHN MWASI MWAN	3342526	0716112397
13	MWASHIGHADI	9319660	715882932
14	MICHAEL ODUOR OI	21284165	735179150
15	MWACHILA TILIKIA	24820423	724582296
16	JOSEPH KISINGO PII	3957612	737220969
17	JACKSON MAKEPU L	3956327	0726836825
18	GABRIEL CHALA	10235116	737202527
19	DAVIS MAKANGE	12545717	726323131
20	HARON MAKANGE	5471815	728580906
21	SAMWEL MISOLOLO	8416465	724275345
22	MUSA ONYANGO OT	22878591	71885154
23	GEOFFREY KICHIKIF	3957023	703168038
24	HANNAH WAWASI D.	31347232	795891936

MKWAJUNI NYUMBA KUMI

NO	NAMES	ID NO.	PHONE NO.
1	JOHN M MUSYOKI	1652800	780017229
2	JACOB MGALA LEGOLO	2650365	
3	STEPHEN KASYOKA MICHELE	24842171	
4	DICKSON JUMAPILI	11654712	
5	BONRFACE MBELLE	22678553	
6	FRANK P. MAGHANGA	8622737	725779079
7	IGNAS J. MWAMSUNDO	22823612	
8	JUMAPILI K BARABARA	9319613	
9	KASEA NZOKA	12583540	
10	JANAE FUNDI	6702698	
11	ERICK SEKIONDO	29952013	
12	SSALOME SANGIKI	23849865	
13	BENSON FUNDI	28417067	
14	MWACHILA LEKIMAMA		
15	PATRICK R. DAUDI	32655193	
16	JAMES MAKAU	1008950	
17	GABRIEL KIWO KAMATA	8456327	
18	HAMISI JUMA SIRIMBWA		
19	MONICA NAMDAWA	24006801	
20	ANDREW LETISIA MKWAVI	22705155	
21	ROSINAH M MCHARO	26376137	
22	PETER PAUL MASILA	27177164	
23	PATRICK LUTAWALI SHODO	3958227	711670374
24	STANLEY KIMARINY CHELENGA	13548018	724547474
25	SAIDI PETRO MAIMBO	3956497	728842708
26	DAVID MUNGETHA	8833102	721297836
27	RENSON MAMBARIA PETER	21773821	721754526
28	VIOLET MLUTE MKITUMBU	13822798	757094156
29	JANE ATIENO OWINO	22154643	727137452
30	MARIOS MGALA	13822433	
31	FREDRICK M. MSHUWE	22146858	
32	MSHIHIRI MAMBARIA	22667444	
33	DAVIES G. MAWINYI	306421	
34	TERESIA KICHINDA SAIDI	28583738	
35	JACKLINE MAKIA SAIDI	14512565	722682161
36	JOHN SANDEWA LENJASHI	5470697	725538562
37	BENSON L. SEKIONDO	8947072	711774500
38	ROSE KITORONGAI MMARE	9786676	706068611
39	MICHAEL JAMES	14636193	
40	IRENE CHAO	22043232	720055421
41	JOHNES JOHNSON	21925659	720404630
42	JENNIFER LINGE EZEKIEL	22949851	726677929
43	JACINTA WAYUA	22325965	798370937
44	CRONWEL MKIREMA	5347937	713904542
45	SALIMU MOHAMED	5332898	773508183

NO.	NAMES	ID NO.	PHONE NO.
1	PETER LETAMAKI MKIWA	11373115	792279424
2	SALOME SHIGHI MLAMBA	31296025	702850190
3	BETRACE MTARO LOSERIAN	25963942	729471604
4	NEEMA KADOGO MKORORI	21557876	722759261
5	MBARAKA A JUMWA	10396366	727457178
6	JUMANNE KILALWA KITARUO	3956813	728063640
7	WILLY MEDOWI NGONDI	11654708	759200561
8	JOSEPH MUTINDA NZYOKA	37447095	757340656
9	FRANSISCA NDINDA RIMANTAI	33913844	797032016
10	PATRICK KIOKO NZUVE	21591404	715621014
11	ADREA IROMA MLUWE	12548742	714847922
12	STANLEY MADARAKA CHRISPUS KIDONDI	11310204	711219064
13	GRACE MAZUNGO SABATIA	23268977	
14	ALIMA THABU MARWA	5237216	
15	MZEE METIONI	11655646	724703475
16	JOHNSON MAREKERO HOMA	21504790	737544375
17	SEMARY NYIKA	210889201	721846767
18	IGILU NGONDI ALHAMISI	22072404	717340143
19	JUDITH MKABILI ROBERT	1257836	
20	CHIFALU MDUKULU FONDO	24462294	795434150
21	JEMIMAH RITAR METIONI	25863286	701946110
22	KENNETH METIONI	25863286	712377344
23	BILLY LUDOFIC NYONGEZA	2978193	
24	ALBERT KHAYOKO	29950977	
25	RACHAL MAKENGA NADELA	13271292	704089458
26	MARGARET AKOTH OMOLO	20846416	724588779
27	FREDRICK MASHINE JAIRO	34918796	745556993
28	RODA MGHOI MWAKUWONA	9982352	726718169
29	JECENTA MKACHARO NJUMWA	2526001	719639701
30	CLAUD MWALUGHA	12547458	740653306
31	WILLIUM KIMOMWE	2266854	700610795
32	MARY MTENDEI PETER	28893683	717216475
33	ANA ASIZA WACHENJE	35492620	
34	WIEL KAMAU SANING'O	22971509	791518568
35	ROBERT MZEE	9983085	722244295
36	NAZAEL NASHELENGAI	20536880	714764082
37	JASTINE NGOTENDEI MELEJI	30156601	
38	MWAKIO SHIMBA MWAMBURI	39074626	796216285
39	CHRISTOPHER KIVUNJA DECEMBER	27200228	
40	BEATRICE MKAMWERI NATHAEL	23455592	716387396
41	LAWRENT LESALOLO MASHINDANO	13710599	700592703
42	SAMUEL MWAMBELA MWAKINANGULA	1162680	728951199

43	HAWINGTONE KISINGO KILILO	5374207	797926353
44	JOSPHINE MGHANGA	2259540	725558299
45	SOLOMON SALITAI GOODWILL	21330183	721897719
46	RAMAR NGALUMA	11654734	702867288
47	SOLOMON SANEWU NZARO	21860925	
48	MARY SERI SABATIA	22970586	
49	DENIS KIMANTHI	38118910	794312005
50	ENOS ADENY	27552617	720241812
51	SAIDI JIMBI	11788466	750010303
52	NELSON SHAMUNGE NGENISHOI	28358236	
53	LAWRENCE MUTICE		728176760
54	LIVERSON MWASHIGHADI	9319660	715882932
55	NEEMA NAZIA MNYATURU	23147107	791520524
56	OLIVER TUMAINI MCHARO	3956420	719462229
57	MIRRIAM SARU MWAMBURI	24494341	
58	CLARA JUMA	22970735	
59	STEPHEN MKIWA LETAMAKI	32434234	745791182
60	MARGARET NAMRAMBA MWAMBURI	5405889	
61	LEVIS METIONI	13824310	724585215
62	FIBI NARO METIONI	3957846	711428999
63	ANGELINE MARIA MGHALA	2651661	734027573
64	STANLEY ISA PHILISTER	30015046	703828657
65	PURITY MBAIKA WILSON	37614076	111608597
66	SAMUEL MKALA MWASI	22688499	723416751
67	COSMAS MPENDA DECEMBER	32018633	702915645
68	JOSPH LEDEMI MAKANGE	9786671	727044136
69	VERONICA CHAO MNJALA	8456005	700390471
70	COSMAS RIGHA MWASARU	10394657	782846119
71	SILA TOLE MWANDIDO	29129663	701604641
72	CHARLES SKOYA LINUS	32872260	717387307
73	PAULO OTIENO WILSON	20128266	
74	GELALD SIKILIZA	10396229	723339037
75	STEPHEN CHEPE MKAMBA	24452744	727485535
76	DANIEL SANING'O KAMAU	22971509	721331797
77	CHIFALU MUDZUKULU	24462294	745434159
78	ELIZABETH OKELO OKOTH	13758754	712514675

	NAMES	ID NO	PHONE NO
1	PEAGAN KALI WALI	23505669	724367745
2	MARISELA MWADIME	30442110	743608308
3	NICHOLAS MERIKI MTARIMBO	25468813	759585098
4	NASHERA ATHUMAN	23200925	731595682
5	MANICHAR NAMUDAWA	24006801	707610401
6	BENSON MBUZE	2606015	788156371
7	GETRUDE KAMAU		720814279
8	JACQUELINE JAILANTEL	24319133	712985951
9	YUNISI MBANE	30586094	723901338
10	ALPHALET MGHENDI		
11	LASHIGHONI MERIGHA CHAMBO	23185696	768309096
12	DANIEL MLINGE NDELEWA	265449117	716055617
13	MATILIDA KISOSORI JOHANA	22815094	713273918
14	MWANAHAWA KAVULE		7365484772
15	IBRAHIM KIMOSO NGUI	29653687	703604705
16	RAFIKIELI SHAMUNGE	8465537	712012558
17	JOSEPH TONGATI MZERAI	9319876	728278364
18	JONA MELIKWAYA	26471570	
19	ERICK MTAWA		
20	VICNENT MWARABU GABUREL	28588468	786203838
21	ANINI NANGASWA NGALUMA	25707531	726679480
22	FLOMENA KADOGO NGALUMA	3956940	729292717
23	ERNEST OLISHO KICHIKIRO	11654696	728074998
24	JOYCE SIMION NASHERA	12549627	735318061
25	DANIEL KICHIKIRO MLISHO		746439215
26	ROSE NAVERIAI MAIMBO	3956934	713557066
27	MARY AMINA MAKANGE	8457567	715500745
28	PHICILARA KAMEN SAIDI	37211609	723729845
29	CYIDION LENJAYO HOMA	5471811	706867422
30	LIYAN MKAMBURI MWASINGO	12546406	745076158
31	RAPHAEL KIMBIO	11313716	
32	LUCAS KITAWI	24480107	
33	FILISTER METEKI	1131281	
34	MAGRET KAYUGA	12546157	
35	AGATHA KAMBE	3957047	
36	STEPHEN NYANGANDU	21917140	
37	CHRISTINA MAMA BONIFACE	2057476	
38	AGOSTINO MERIANGO	9983820	
39	PETER KIRIGHA	4654154	
40	JOSEPH LENGISHOM	24299504	
41	LILIAN MKAMBURI	12546406	

42	LEAH WAMBOI SIMBA	21284343	
43	PATRICK MWAMBEO	32892774	
44	CHRISTINE ZIGHE MARAMBA	3957294	
45	LIDYA MEBWANA	28583690	
46	MICHEAL KINDUNGWA	24483844	
47	HILDA MAGIRA KABERE	20741209	
48	CONSTANCE MATIGHI	29802766	
49	LUCUS KITAWA RAPHAEL	33999210	
50	VALENTINA NDIGUOI	11655589	
51	NASHERA SUDI	26674333	
52	GETRUDE BINTIALI NASHERA	1875034	
53	CHRISTINE NASHERA	30588415	
54	CATHERINE KAMSHERWA	33019869	
55	SHUSSEIN KITARUO JUMANNE	27228232	72264227
56	JOYCE MAYA MDIGO	31361840	
57	MARTHA KIROTE LETEMERE	26371417	
58	ELIAS LEKAMATA AMIRI	24480445	
59	EMILIDA WAYUWA JOHN	13791081	
60	MARTHA KIROTE LETEMERE	29759655	
61	EDWARD NDALINGOI MKWAWI	2802719	
62	FLORAH MWAJUMA SEMBU	11654738	
63	MBERWA LEBEMI	24934564	
64	EDWARD MOJARE MWAKIO	23661684	
65	MARY NAMBOMBE KIENGE	2655974	
66	RICHARD INGOKA KINDUNGWA	3957483	
67	JOYCE ZIDA ABRAHAM	11869092	
68	MATHER KIROTE LETEMERE	26371417	
69	MWAMAID MWANJALA	9982262	
70	NAMVUA MAKWENI KITAWI	21615489	
71	KINGA BAKARI KIWEWELO	3957497	
72	GEORGE LESHEWU KADIO	32684395	
73	GODFREY KITONJE MILION	6702755	
74	CHRISTINA MAKIO MSHIGHATI	3956990	
75	CHRISTOPHER SEKIONDO	39566484	
76	MARTINE SUDI JUMATATU	29719167	
77	MAMCHEJA PETER	29097297	
78	HAMS MTALIAM NGALUMA	30438929	
79	LESJACK JOAKIM JUMA	26782525	
80	RUTH MATIGHI RAYANI	27616912	
81	JUWANA MAWASI RAYANI	9319656	
82	JOSEPH KICHINYA KILONDI	25064277	
83	PAULO NJUMWA JOSEPH	24496689	
84	DANIEL NYAMBU JOSEPH	24501631	
85	HARON KARUMBERIA	5217185	

1	DEVOTA MANGA	34046544	
2	GERALD LESHAMTA	14512866	
3	CLARAH MAGHANGA	22396688	
4	ANGELINA TABU GABRIEL	23184457	
5	CHRISTOPHER MWASHIREI	1363730	
6	JULIAS BUDA	21504420	
7	ISACK HAPPY	3957136	
8	ISACK MATOFALI	9319674	
9	JOSEPH LOMU	14512778	
10	FANCIS SAWUNINI	1363730	
11	HAMA MASHAO MENELU	12549677	
12	JACKSON METU	24771940	
13	KADLO GEORGE HOMA	10396053	
14	ERICK JOSEPH	13852700	
15	JOHN MESEKI	25072393	
16	KAMBUA JOSHUA	11655537	
17	PHILIP FUNDI THOMSON	25064249	
18	SAMWEL MWAMBITO	23396563	
19	NDETO MULWA	11312494	
20	JACKSON SEMBU	22636206	
21	MARY AMINA MAKANGE	8457567	
22	FAITH KAMANA SUNZA	2474531	
23	JSEPH LENJEMI MAKANGE	9786670	
24	ROBERT MAGHANGA ALHAMISI	29912537	
25	JULIUS SENDEWA JUMAPILI	8522388	
26	ELIJAH LENGARIAME	10755342	
27	ROZA NAVUA KIONJA	9980294	
28	CHRISTOPHER LINDI MAKANGE	3957634	
29	MARK MERETOE RAYASI	13268308	
30	JOHN MTELIAN MKAMBA	22879909	
31	JACKSON KEMIO KEMO	5374300	
32	REMIERA MBARAKA HOMA	21557939	
33	STEPHEN MKIWA JAPHET	36757005	706855991
34	ESTHER NASULA LESHAKI	22799775	716736414
35	ALICE MSHERWA	24270606	792695015
36	JACKSON SEMBU LESHAMI	22636206	710377363
37	HEADZAM SAILEW JULIUS	22141878	728401729
38	FRIDAH RIZIKI MSHIGHATI	23394129	7157210841
39	ERICK MEKASI LESAREYO	11310242	707506454
40	GABRIEL SWALEH MOHAMMED		
41	ABDALLA SEMBU FADHILI	30409319	733520054
42	CHRISTINE NAZIA JOSEPH	33642495	
43	JUDITH TABU SEMBU	9319866	
44	MILIA NGOLALE MSHIGATI	2650441	

Eneo la Katulani			
NO.	NAMES	ID NO.	PHONE NO.
1	MUTHEU MUSAU	12725026	703689794
2	KIOKO MUEMA	37627414	792545705
3	MUENDO MASIKA	21328367	746203055
4	HELENA KAMOTE		
5	PAULINE NGALU	21524244	705073585
6	ROSE NGAGHU	10758125	716057604
7	IGNAS KALAMA	24371043	71378884
8	SAIDI MUTHAMI	27181272	740047656
9	MUENI MUSAU	22362886	703574757
10	VETELO MUTUA	23764718	707678903
11	MUENI GIDEON		
12	KANINI JEREMIAH		
13	MARY KAVEMBA	12549235	720616842
14	MBETE GIDEON	1326616	70679178
15	VICTOR KIOKO	3447594	74889422
16	PETER KING'ONDU	4318994	724577168
17	JANE SAUYU	2306711	700262416
18	JERUSALEM CHURCH		
19	DAMARIS NZILANI	13499766	717894445
20	MOROVIAN CHURCH		
21	ABRAHAM KITONGA	21866699	727138229
22	FAUZIA MBUVI	21119108	729015583
23	SHAURI MOTO GROUP		
24	NELSON MWARINGE	20079296	701543651
25	KITUKU MUENDO	31281616	757425484
26	ANNAH MODENYI	9079317	713063640
27	MUEMA MUIA		
28	MWAKIO MWASAMBO	10394426	721724736
29	MWASAMBO MWAKIO	22777386	721329686
30	NGURE MWASAMBO	23157799	737691611
31	NGALUMA NYAMBU	24513239	787971765
32	IGOKI MBOGO	22379840	710774124
33	MWAKIO KATUNYO	23513468	721793972
34	JOSEPH MULI	13520571	706831780
35	ROSE WACHENJE		711718208
36	WAKALALE TOLE	30736992	
37	HAMISI KAMUNDE	37477635	741137025
38	ANGELINE MULEI	271743	790665980
39	KETU KAMOTE		
40	KATUNYO MANGA	22727835	703830777
41	FREMEUS MWAKIO	10394426	721724736

86	THOMAS LENDORO MACHINJAJI	3954423	
87	RAPHAEL KITUKU	10396123	
88	STEPHEN SEKIONDO MELEJI	22799122	
89	EMILDA MANDI KITOGHO	8465498	
90	ELINAFASI MASAULE MESI	27007037	
91	HAMISI RAJABU KIBOGHENA	3956428	
92	JAMES PETER MWALIGHE	30072134	
93	RUTH RONGAI AKIDA	3956660	
94	JOSEPH NGANGA	33998276	
95	DORAH MASINYARI	26884325	
96	ELPINA HELENA METENYOKI	4654565	
97	GASPER L. SEKIONDO	11654152	
98	JOKY MANZIA MERINGA	145110065	
99	MIXON LESHAMTA KINGA	29821334	
100	DELINA WALI JUMA	30600367	
101	GABRIEL SAYETI ALHAMISI	23184016	
102	AKIA SIMBA LUKIO	3956387	
103	JOYCE MAMUU JUMAMOSI	20771117	
104	SAGILU NGONDI ALLHAMISI	220872404	
105	JOHN LESAKIYO MARAMBA	22667666	
106	GEORGE MARAMBA WANGARE	31196863	
107	FREDRICK KINAMA	22515376	
108	SAMUEL WAWIRA	25340916	
109	VIGILANCE WAMONA KIONGO	11870036	711314349
110	RONALD RAMA	1472164734	702867288
111	ABINERI NYAMBENE AYENDA	246506978	
112	JOHN MELISI JUMANNE		712264227
113	LILIAN CHARI	24500046	723786501
114	PAUL MANENO SINDEU	22023051	724034230
115	MONTHE JAMES	7710174	727700434
116	EDWARD NDALINGOI MKWARI	20024719	
117	CHRISTINE KACHONGA CHOMBO	27391239	718255885
118	HOSTA RIDY MAMBOLEO	23203051	741647100
119	PAULINE NDEKAWA MAMBOLEO	23189601	712459673
120	ELIZABETH WANJALA NGOMA	24771850	700627577
121	MERITA WANJALA MBASU	157265	700724685
122	SALOME KAGOYO JONAH	26673175	724530420
123	SAKIULE MZAZO	403735	721232247
124	FRANCIS MBERWA	12549654	705114334
125	GETRUDE MANGASU KISENGE	23868121	713891431

RIATA			
NO.	NAMES	ID NO	PHONE NO.
1	BENJAMIN K MUTISYA	6260905	719540708
2	BENEDICT MWAWI TOLE	23358402	
3	TOMBOYA MUTIE	11814648	
4	PETER BOL MWACHIRA	10235267	
5	JOSEPH KITHIKI MAWTHI	31350530	
6	ELIZABETH MBITHE	21692171	
7	WALIOS SINDU MWAWZA	21504733	
8	HEADLAM MGOZI KIRANGU	10397568	
9	SAMMY SILA KITUKU	8058191	
10	CLAUDIA WILLIAM WANJALA	26372270	
11	MARIA KAWWEWE	26934092	
12	LAMBU NDUVA	2185332	
13	ERUSTUS MUTHUI	433183	
14	DAMARIS MUNINI	3496230	
15	SABINA WANZA	209485725	
16	MILKA WANGUI	25518446	
17	DAMARIS WANZA	254641218	
18	ALICE MBULO	6269071	
19	FLORAH WAWUDA	35697909	
20	BONIFACE NZUVE		759539657
21	KASEE NDAMBUKI		794213130
22	MULI KALELI		704929345
23	FREDRICK MWACHIMGA	2655495	708421831
24	JOHN MWANZALA	335712457	
25	LYDIA WAKESHO	3270375	716419225
26	KISUMU MUSYOKA	7381015	
27	GEORGE MUTUWAI	4405968	
28	JONATHAN JOHN NDAMBUKI	8059471	
29	ERUSTUS MWATIKA	3989383	
30	PETER MKWATE	10759951	
31	CECILIA MKONYO	7775912	
32	DENNIS SAMMY	20986768	
33	MBOI KITHOME	10421060	
34	ANASTANCIA KATUMBU	950231	
35	PAUL MUTUA MUNYOKI	11203579	
36	RICHARD MUTISYA MBIWAYO	1167795	
37	WAMITI MWANGI	930831	
38	RUEBEN SALEE	29780167	
39	MWAIKA MWAMELA		
40	JOHN KIOKO DAVID	25694815	
41	ELIZABETH MUENI	29247909	

42	DAVID KYALO MALII	30658615	
43	NICHOLAS MWAMELA	3139549	
44	DANIEL MATIVO	11587142	
45	KYALO JOHN KYALO	23763612	
46	JOHN MBUGHA	1202265	
47	ELINORAH WAWUDA KIRIGHA	11310950	724052761
48	JOSPAT G. KAMBALE	8457370	721608582

MBUYUNI

NO.	NAMES	ID NO	PHONE NO
1	NGINA KIOKO	13764419	710349315
2	JUMA MWARUMBA		
3	MARGRET ISNTON		
4	NYANZUWA FATUMA KITEINGE		
5	JACKLINE NEMVUMO	323662198	728974767
6	JAMES K HEMEDI	12547688	728924767
7	NOEL MWACHADU	22603967	723538083
8	DOMINICK MWALUGHA	29558879	721230883
9	FRANSISCA WAKESHO	21835138	725706416
10	CHRISTOPHER OBED	22946285	710760362
11	ANOREA CHIDAWI		
12	GEOFRY KICHIRIKO		703168038
13	PATRICK L SHODO	3958227	
14	KATHINI T MUSILI	265865	
15	JOMO SEKIONDO		
16	JOHAKIM M KICHIKIRO	2650460	700793003
17	MICHAEL MSHGHATI	11655634	717924075
18	JOHNSON MWANJEME		720285834
19	NOCHOLUS K KORONGE		726279801
20	JOHN KINUSA NYAMBU	11313663	725341026
21	JOSHUA JOSEPH	32980780	728714056
22	SAUMU M MWAMOSI	2653628	734311686
23	DAUDI KASYOKI KAMOTI		
24	HASSAN KOMBE KAHIMDI		792923709
25	DORCUS NAWUARI HEMEDI	14510386	
26	EDWIN MWAMBORI MWADIME	13268250	78736635
27	MONICA KIMUNGA		726105997
28	MWANZALO		739825551
29	GEORGE		
30	RICHARD M MBIWAYO		700504808
31	MOSQUE C RIATA		

WAY SIDE SHAURI MOYO

NO	NAME	ID NO	TELEPHONE NO
1	JOEL KIMALU	10798063	743790498
2	JOSEPH MUSYOKI	12409021	700666145
3	MUTUKU MULWA	20521381	7468033
4	MUTISO NTHENGE	6487793	714273190
5	RAJAB DAVID SOMBI	3516364	
6	HAMSA YUSUF	36558290	
7	DOROTHY MAWITE	22667682	0716643907
8	EUNICE WANJALA	12546335	
9	DAVID KAMWALO	6264457	701870690
10	NYAMBU MWANYIFA		727306392
11	DAVID MWANIKI	4292390	
12	GRISON MWANDOTO M	8947987	721414982
13	ALFONSE MAUNDU	13646635	
14	FRANCISCA MUMBUA	7380410	
15	STEPHEN M. MUTUKU	11813335	
16	AGNES WANZA MARIAI	27071305	
17	JACKSON SILA MUTAV.	10328432	
18	AMBROSE KORONGE		
19	ISACK KIOKO		
20	SAMUEL M. KYENGO	5347434	
21	KATAA MASILA	3791184	
22	REUBEN MUOKA	11164130	
23	RUTH KANYIVA		
24	DAVID MUIA KIOKO	28346931	
25	VERONICA MUNYAKA	6183903	
26	SYOMBUA MUTISO		
27	PETER MONTHE	11571410	
28	KANZA MUOKI		
29	LUCAS KITANDO	12546760	
30	EMMA PAUL		
31	PATRICK MWOSHENGI	8465467	711996641
32	ST. STEPHEN RIATA CATHOLIC CHURCH		
33	ELIJAH TOLE KITULI	10234464	722583716
34	GASIBALI		
35	APOLLO MWASI	29222989	704066192
36	JAMES MBUTU		

MAJINA YA MASHAMBA YA UBALOZI WA CHANGANYIKENI

NO	NAMES	ID NO	PHONE NO
1	LEKWENINA ELIJA ARCHIE	9786671	746598094
2	ALI MDUNE MNAZI	27287919	718992784
3	ESTHER SARU MWAFORO	2276306	710928391
4	MARIAM NAWERIAN	22770725	728959781
5	MUSA ONYANGO OTINA	22878591	791368939
6	ANNA NJERI MWANGI	2651174	719705353
7	JOSEPHINE NYABOKE OMBANGA	5949439	729370984
8	MUSA RAJAB	10396298	707648135
9	KILIOPA MBUTTI NTHIWA	9736681	712027396
10	WILLY WAMBUA MATIVO	9786678	721763270
11	RICHARD KINAMASYO	22645973	725014664
12	JOSPHEAT NTHOMO	31184081	708798587
13	PLISTA NYUMBA AGAWO	6797510	705496953
14	JUDITH SAMBA	274499887	75621014
15	NELLY VUMI RAJAB	10235286	715727886
16	JOSEPHINE MAKAU	6072417	738286808
17	TAARU NGUMBI	1553105	752722142
18	ROBERT WASWA	31344275	795033372
19	DAMARIS MACHOCHO MJOMBA	3896600	720887987
20	JUMAA NYASI TSUMA	21613876	787726724
21	DANIEL MULINGE NDELEVA	26549117	716055217
22	MOSES MWAWASI MWAMBOLO	26649382	712513806
23	JIRA MWAYADI DALU	4623761	721730765
24	ANTHONY KOIPOPI MEITIAKI	6203051	714764912
25	PAUL MKOTA MWAMBURI	22971129	705489332
26	ARESTINA MWALUMA	2654595	
27	STEFANO MWAMBURI	9319791	711232297
28	SYLVESTA MWASHIGHADI		715790353
29	MIRIUM ATHIAMBO	3931411	727032312
30	RUTH NZUI	1497594	727179879
31	ELIZABETH MBITHE WAMBUA	21692171	700466866
32	FLAVIAN JUMA BABU	3931506	729079024
33	MARGARET WAKESHO KITOGO	13268984	705184717
34	JULIUS MWANG'OMBE	978743907	705184717
35	DORCAS WAYUA MTUNGI	6272831	728860122
36	PETRO MONGA	30305382	701448969
37	JUMA		704452699
38	ELIZABETH MWEKE MWAKODI	2654651	700441567
39	WILSON MWAKESI MWAKE	26488685	712955246
40	YUSUF		723508517
41	GORGE UMOJA		714642953

42	MWINZA ONESMUS NZIOKI	116401104	721992202
43	BENSON JEREMIAH MWACHOFI	4654592	722334458
44	MWANG'OMBE		
45	PASTOR NZONGO THOMAS MWOKI	12549203	722215746
46	ZOLO		7179365575
47	FEDRICK LUKANGA		704136584
48	DENIS MULA MUKAU	32041250	791368939
49	KISWII MBOKA	30842034	757024729
50	JANE SARU MGHANGA	16108578	713531649
51	BERNADETA KISAKA	24324824	7122866502
52	PAUL MAGHARI NZOGO	26353303	718500711
53	JACINTHA WAKIO MWABILI	24577845	724466693
54	PAULINE MBATHA SAMMY	27091346	795852207
55	CLARA JUMA	22970735	705489332
56	REGINA MWINZI	573835	705489332
57	MARGARET MBITHE ALBERT		792559462
58	SAMWEL MZOZO	403735	721232247
59	MICHAEL NORBERT	2551459	715501313
60	MUTUKU		715501313
61	KITENGI		721694589



NATIONAL LAND COMMISSION
TAITA TAVETA COORDINATION OFFICE

COUNTY COORDINATOR,
TAITA TAVETA COUNTY,
P.O Box 1066-80304,
WUNDANYI

*PCA/PLC
pls respond to the
urgently.
on message.*

Ref: **NLC/TT/DISP/VOL I/68**

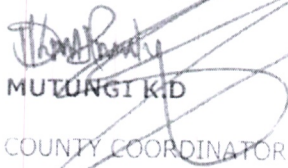
9th June, 2020

Clerk of the County Assembly,
County Government of Taita Taveta,
P.O BOX 1066-80300,
WUNDANYI

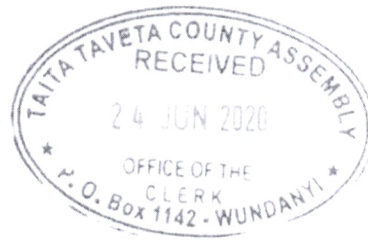
RE: RENEWAL OF LEASE- LR. NO. 5827 TAITA TAVETA

Please refer to the attached letter from the Chairman of the National Land Commission in regard to the above matter. (Letter Ref. no. NLC/LND ADM/006/2 dated 20th/May, 2020).

Kindly confirm if the matter was discussed by the County Assembly and what the resolution was for further action.


MUTUNGI KD
COUNTY COORDINATOR

TAITA TAVETA COUNTY



C/c.

- CEO –National Land Commission

- Nairobi



OFFICE OF THE CHAIRMAN

Private Bag 2000
Nairobi
Kenya

PO Box 2000
Nairobi
Kenya

Nairobi, Kenya, 20th May 2015


20th May 2015

The County Government
Taita Taveta County

RE: RENEWAL OF LEASE -LR. NO. 5827 TAITA TAVETA

This office has received an application for renewal of lease for the above mentioned parcel from Walker Kontos Advocates acting on behalf of Mrs. Ruth Criticos the proprietor of the above mentioned property.

Kindly as a matter of urgency undertake a ground inspection and send a report to this office, liaise with the County government and confirm if the County Assembly discussed the proposal what the resolution was.


Edith Glando (Mrs)
For: Chairman
National Land Commission

Cc

The CLUP and Physical Planning
Taita Taveta County

F/C

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

OFFICE OF THE CLERK

P.O. Box 1142-80304
WUNDANYI

Telephone: 0718703359/0732604811
Email: clerk@taitatavetaassembly.go.ke

ITCA/EC/8/1(40)

30th JUNE 2020

COUNTY COORDINATOR
NATIONAL LAND COMMISSION
P.O. BOX 1066 – 80304
WUNDANYI

RE: RENEWAL OF LEASE – LR NO. 5827 TAITA TAVETA

I refer to your letter, Reference No. NLC TT DISP VOL 168, dated 9th June 2020, enquiring whether the County Assembly had discussed concerning lease renewal for land parcel L.R. 5827 in Taveta.

The lease for the land parcel in question expired on 1st January 2013 and the Taita Taveta County Assembly passed a resolution on 4th December 2014 that the land be adjudicated and allocated to members of the public occupying and engaged in various activities on the land and that a Committee be constituted to spearhead adjudication and settlement process on the land. The resolution was arrived at through adoption of process on **WAY FORWARD ON PARCEL LAND REF. NUMBER 5827 – TAVETA** outlined in a letter referenced GOV TT LND.3 VOL.165, from the CECM for Lands to the Speaker of Taita Taveta County Assembly.

Find attached

1. Hansard report (excerpt) of 4th December 2014 for Motion on the aforementioned resolution.
2. Report of the Committee on Lands, Housing And Human – Wildlife Conflict Resolution on the discussion of the way forward on land parcel No. 5827 – Taveta.

3. Letter referenced GOV/TF/LND.3/VOL.1/65, from the CECM for Lands to the Speaker of Taita Taveta County Assembly on **WAY FORWARD ON PARCEL, LAND REF. NUMBER 5827 - TAVETA.**
4. Ground status report of Land parcel No. 5827 by Sammy Juma, District Surveyor
5. Sketch of ground status on L.R. No. 5827 by Sammy Juma, District Surveyor
6. Hansard report (excerpt) of 4th December 2014 for Motion on the aforementioned resolution

Thank you



GADIEL M. MAGANGA
CLERK, COUNTY ASSEMBLY OF TAITA TAVETA

2014/10/14
15:00
[Signature]

COUNTY GOVERNMENT OF TAITA TAVETA



TAITA TAVETA COUNTY ASSEMBLY

*COMMITTEE ON LANDS, HOUSING AND
HUMAN - WILDLIFE CONFLICT RESOLUTION*

*REPORT ON THE DISCUSSION OF WAY
FORWARD ON LAND PARCEL NO. 5827 -
TAVETA*

OCTOBER 2014

FIRST COUNTY ASSEMBLY - SECOND SESSION

Preamble

Mr. Speaker, Sir, on behalf of the members of the Committee on Lands, Housing and Human - Wildlife Conflict Resolution and pursuant to Standing Order 193 and the Second Schedule of the Standing Orders, it is my pleasure and duty to present to the Assembly the Committee's report on the discussion of way forward on Parcel Land Ref. No. 5827 in Taveta that had been leased for 99 years to Basil Criticos, but whose lease had subsequently expired.

Committee Membership

Mr. Speaker, Sir, the Committee as currently composed comprises of the following members:

1. Hon. Flumence Mshila, MCA Chairperson
2. Hon. Jones Solomon, MCA Vice Chairperson
3. Hon. Crispus Tondoo, MCA
4. Hon. Hope Mwakio, MCA
5. Hon. Arresmus Mwarabu, MCA
6. Hon. Raymond Mwangi, MCA
7. Hon. Elizabeth Mwatela, MCA
8. Hon. Ann Ngaiyima, MCA
9. Hon. Mercy Mwakera, MCA
10. Hon. Hon. Johnes Maskuji, MCA
11. Hon. Godfrey Mwambi, MCA

Review

Mr. Speaker, Sir, the Committee in its sitting held on 25th October, 2014 at Sarova Whitesands Hotel scrutinised the 'Ground Status Report' of the said parcel of land, dated November 12, 2013 prepared by Sammy W. Juma, Surveyor for Taita Taveta County. The report is hereby attached.

The Committee also reviewed the recommendations of H.E. Mary Ndigha Kibuka, the Deputy Governor and CFC member for Lands that were forwarded to the Speaker of the County Assembly vide a letter referenced GOV/TT/LND 3/VOL.1/65, dated 1st October, 2014.

Constitutional requirements

Mr. Speaker, Sir, Pursuant to the provisions of Article 62(1) and section 2 of the Chapter five of the Constitution, land leased by the Government transfers back to the state by way of reversion and shall then vest in the County Government.

Findings

Mr. Speaker, Sir, The Committee unanimously agreed to adopt the way forward proposed by H.E. Mary Ndigha Kibuka, the Deputy Governor, in the above referenced letter. The process was summarised as follows:

- The issue should be taken with the seriousness it deserves noting that Machungwani Estate is a volatile situation (as seen in the earlier invasion of the land) hence any decision entered must be "secret" to the extent that it does not reach the wrong "ears" and lead to mass invasion of the land.
- Therefore the decision of the County Assembly must be relayed under confidential cover to the NLC and Governor of the County Government of Taita Taveta.
- The NLC will be advised not to make public pronouncements of the process they would embark on upon this decision.
- Meanwhile the County Government insists that a Committee shall be chosen to spearhead acquisition and adjudication of the land and the said Committee will comprise political leaders, local residents, County and Provincial Administrators to ward level and the technical Committee of the Lands Sector.
- The first task would be re-establishing the external boundary of the said parcel of land.
- The next task would involve picking the degree of settlement by people on the ground NOTING that others may be recent invaders so vetting must be carefully undertaken.
- Planning of the land by recognising claims by resident squatters would then follow to input access roads, infrastructure services, public purpose utilities, conservation areas and optimum utilisation of land.
- A system of allocation must be arrived at through a participatory process and the beneficiaries identified.
- Allocation and processing of title documents will then follow through due diligence.

Recommendation

Mr. Speaker, Sir, it is my duty, pleasure and privilege to present this report to the House for its approval and adoption thereof.

CONFIRMED

HON. FLUMENCE MSHILLA

CHAIRPERSON

DATE

4th NOV 2014

TALITA TAVETA COUNTY
OFFICE OF THE DEPUTY GOVERNOR/COUNCIL CHAIRMAN

Telephone: 07881896416/0718928277
Email: governor@talitacounty.go.ke

P.O. Box 1066 80301
WUNDANYI



REF: GOVT/ENDD/3/2014/165

DATE: 18/09/2014

THE SPEAKER,
TALITA TAVETA COUNTY ASSEMBLY,
P.O. BOX 1066 80301
WUNDANYI.

Hon. THE CHAIRMAN
COMMITTEE ON LANDS, HOUSING AND URBAN DEVELOPMENT
TALITA TAVETA COUNTY ASSEMBLY,
WUNDANYI.

REF: WAAYFORWARD ON PARCEL LAND REF. NUMBER 5827 TALITA OWNED BY BASHI CRITICOS

The above mentioned parcel of land had a 99 year from 1/1/1914 to 1/1/2014 which has therefore expired. As per Article 67 (1) and Section 2 of the Chapter Five of the Constitution of Kenya, land leased by the Government transfers back to the state by way of reversion and shall then vest in the County Government. The County Government of Talita Taveeta constituted a technical team from the Lands sector who undertook to determine the status of the land, current occupation details and suitability for the anticipated settlement (see copy of report by County Surveyor attached). The land is wholly settled and/or farmed although a small area (see Bwana Criticos farm - 42.66 Ha) area being cleared by Criticos 30.8 Ha and a site camp for parking farm machinery - 3.3 Ha. Thus Bwana Criticos occupies a total of 45.96 Ha.

The National Land Commission vide their letter Ref. No. NL/C/THAIRMAN/VOL. VI/101 dated 21st Aug 2014 (copy attached) in the paragraph d) inform us that the pre-emptive right of renewal can only be exercised in the lessors favour if the County Government informs the N.L.C. in

writing that it does not need the land for public purpose or public benefit. In paragraph (c) and (d) of the said letter the N.L.C. says when they unequivocally know they have the funds they would then constitute a full commission (N.L.C) plenary meeting to discuss and possibly enforce the same within the provisions of the law. To expedite a speedy decision this is to request your esteemed committee to discuss the issue appertaining and enter a decision to be relayed to the N.L.C.

The County Government of Taita Taveta gives the following directions and proposes the below mentioned process for posterity:

- The issue should be taken with the seriousness it deserves noting that Machungwani Estate is a volatile situation (as seen in the earlier invasion of the land) hence any decision entered must be "secret" to the extent that it does not reach the wrong "ears" and lead to mass invasion of the land
- Therefore the decision of the County Assembly must be relayed under confidential cover to the N.L.C. and Governor of the County Government of Taita Taveta
- The N.L.C. will be advised not to make public pronouncements of the process they would embark on upon this decision.
- Meanwhile the County Government insists that a Committee Shall be chosen to spearhead acquisition and adjudication of the land and the said committee will comprise political leaders, local residents, County and Provincial Administrators to ward level and the technical committee of the Lands Sector.
- The first task would be re-establishing the external boundary of the said parcel of land
- The next task would involve picking the degree of settlement by people on the ground (NOTING that others may be recent invaders, so vetting must be carefully undertaken)
- Planning of the land recognizing claims by resident squatters would then follow to input access, roads, infrastructure services, public purpose/business, conservation areas and optimal utilization of the land
- A system of allocation must be arrived at through a participatory process and the beneficiaries identified
- Allocation and processing of title documents will then follow through due diligence

Kindly consider this request at the earliest instance.

Miriam Ndirga Kibera

THE MARY NDIGA KIBERKA

THE DEPUTY GOVERNOR OF THE LANDS

COUNTY GOVERNMENT OF TAITA TAVETA

GROUND STATUS REPORT OF L.O. No 5827 -TAVETA

L.O NO 5827 measures approximately 2970 acres as per F/R No 24/53. Most of the land is under cultivation with few isolated settlements. A number of road of access traverse through the land leading to various destinations as portrayed by the attached drawing. We also have a water canal traversing through the land and this canal provide water for irrigation purposes in the farms.

Here below is a summary of the land utilization

- a. Area under farming by members of public (mostly maize and Bananas) portion marked C,D,E,F,G- 697HA(Approx)
- b. Area under farming by Mr Criticos (Bananas, Citrus plants& maize) -42.66 HA (approx). This is the portion marked A on the drawing.
- c. Site camp for Mr Criticos (acts as parking yard for his machinery) -3.3 HA.
- d. Area which is under clearing by Mr. Criticos -30.8HA (approx) this is the portion marked B on the attached drawing. However, ground evidence suggests that there has been some farming which was being done by Members of public.
- e. Portion marked Kisumu ndogo is under human settlement- 11.6HA(approx)
- f. Portion H, J, K- here, we have isolated settlements and farming by Members of public 416HA (approx)

From the above, the portion of land which is under the physical possession and use by Mr Criticos is 45.96ha (approx) (Portion marked A and ramp site) The portion marked B is disputed as some members of the public claim to have been using the land for farming purposes. See 'd' above

The rest of the land is under occupation and use by members of the public


Sammy W. Juma
District Surveyor
Taita/Taveta/Voi/ Mwatate Sub- counties

Dated: November 12, 2013

Hansard excerpt for 4th December 2014 afternoon sitting

ADOPTION OF THE REPORT OF THE LANDS COMMITTEE ON THE GROUND STATUS
REPORT OF LAND PARCEL NO. 5827 IN TAVETA

Hon. Flumence Mshila: Thank you, Mr Speaker, Sir. I beg to move a Motion as the Chairperson of Lands, Housing and Human Wildlife - Conflict Resolution Committee.

That, this House adopts the report of the Lands, Housing and Human - Wildlife Conflict Resolution Committee on discussion on the ground status report of land parcel No. 5827 in Taveta laid on the Table of the House on 4th November, 2014 afternoon Sitting no. 77, pursuant to the provision of Taita Taveta County Assembly Standing Order No 193.

Mr Speaker, we are on the verge of making history and as it is, the process of reclaiming all large chunks of land that were owned by private developers has started. This one was owned by one Mr. Basil Criticos and the lease having expired, it is the wish of the Taita Taveta community that this parcel of land reverts back to the County Government. As an assembly, we have to jumpstart the process of bringing it back to the people of Taita Taveta. I call upon Members to support this Motion as we make history. For the first time, we shall reclaim that piece of land that was once owned by the settlers who bought it in a way that was not justified. It would be the benefit of the County and the National Land Commission as it will help us manage as we own it.

I now call upon Hon. Maskuji who is not only a Member of the Committee but also a Member of the area in question to second the Motion. Thank you.

Hon. Johnes Maskuji: Ahsante sana, Mhe. Spika. Ninasimama kuunga mkono Hoja hii. Itakuwa kwa historia ya kwamba Kaunti hii ndiyo imeweza kurudisha shamba lililonyakuliwa na mabwenyene hadi likasababisha maafa. Itakuwa ni jambo la msingi Bunge hili kuunga Hoja hii mkono ili kuhakikisha kwamba mwananchi wa Taita Taveta amerudishiwa ardhi yake kwa ajili ya upanuzi na uendeleaji wa shughuli zoyote kulingana na wananchi.

Ni kweli, ardhi hii ilikuwa imemilikiwa kwa muda mrefu. Wananchi wamekuwa wakikosa makao na kazi. Leo hii, nikizingatia eneo langu, kuna watu wanaishi sehemu za mabonde ilhali wako na ardhi ambayo ni yao lakini ilimilikiwa kidhuluma. Hii ni wakati mwafaka wa kuhakikisha ardhi hii marudi kwa manufaa ya wananchi wa Taita Taveta. Nasimama kuunga mkono.

(Question proposed)

The Speaker: The Floor is now open for debate.

Hon. Justine Juma: Ahsante sana, Mhe. Spika. Naunga mkono Hoja hii tukijua kwamba, katika shamba la Machungwani, tulimpoteza mpigaji kura wetu mmoja mwaka jana. Mwananchi pale nje anaingalia Bunge itachukua hatua gani. Hatua hii itakuwa jambo la maana tukijua kwamba, maswala ya ardhi katika Kaunti hii na Pwani kwa ujumla limekuwa kizungu mkuu Mashamba mengi yamekuwa ni shida kwa mwenyeji ambaye unashindwa kuchukua mkopo kwani umaskini imezidi. nafasi za kazi zimepungua kutokana na mabwenyene waliokuwa wakimiliki mashamba na kunyunwa fursa ya kumiliki ardhi.

Ardhi imekuwa chombo cha kupoteze maisha ya mwanadamu. Jumba hili likiweka sawa mambo kuhusiana na ardhi, tutakuwa tumefanya jambo la maan ili mwananchi aone unatimua wa ugatuzi na mabadiliko katika swala la ardhi. Naunga mkono Hoja hii na iwe katika kumbukumbu kwamba, bunge hili la kwanza limefanya jambo la maana zaidi kwam maswala ya ardhi yako katika Wadi zote za Kaunti hii. Naunga mkono.

Hon. Arresmus Mwarabu: Thank you, Mr Speaker, Sir. I rise to support this Motion. They say a thousand mile journey starts with a single step. Today, I beg this House to support this step. History tells us that, this County has suffered from land historical injustices since independence. It is well articulated that 62% of our land is covered by the national park, 24% is plantation and ranches that comes to a total of 86% and out of the 14%, 6 % is made up of rocks. Thus, the people of Taita Taveta County remain with only 8%. It is high time we take this action so that it sets precedence for this Hon. House, to start correcting these land injustices. It's my prayer that the National Land Commission working together with the Land Management Board will cooperate so that we can use that, as an example of regaining our land. I stand to support.

Hon. Roselyne Mshambala: Thank you, Mr Speaker, Sir. I rise to support this Motion. As a House, we have a mandate and power to make positive comments towards anything that is beneficial to our people. It also demonstrates the features we have introduced to this House through our efforts to resolve the dispute in Machungwani. If I can remember well, the House was involved and consulted by the stakeholders and we held a meeting which I believe these are the results. Lastly, we believe the community in that area will invest in that land. I stand to support the Motion with all my ability. Thank you, Mr Speaker.

The Speaker: I now invite the Motion Mover to reply.

Hon. Flumence Mshila: Thank you, Mr Speaker, Sir. Once again, I am reminding the House that, now we are on the verge of making history. We may be the first County to regain a parcel of land of that magnitude and I am calling Members to support the Motion. Let us join hands to make history for others to follow, considering that land is the mother of all resources. Thank you, Mr Speaker.

(Question put and agreed to)

STAKEHOLDER'S SUBMISSIONS



NATIONAL LAND COMMISSION

**RESPONSE TO PETITIONS AND STATEMENTS REFERRED TO THE SENATE
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

REPORT BY:

GERSHOM OTACHI BW'OMANWA

CHAIRMAN

2021

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RESPONSES TO THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES ON STATEMENTS REQUESTED BY MEMBERS

Honourable Chair,

The Committee requested the Chairman National Land Commission to respond to the following:

1. Petition submitted by the Residents of Msambweni Village in Voi Sub-County of Taita Taveta County, concerning the alleged impending evictions of Msambweni residents by a private company

a) Explanation on the circumstances that led the Commissioner for Lands to change the conditions of lease;

b) Submit relevant documentation and evidence of correspondence that led to the change of the lease conditions;

c) Proposals on the best way of assisting the people of Msambweni to get back their land.

2. Petition submitted by the Residents of Msambweni Village in Voi Sub-County of Taita Taveta County, concerning the alleged impending evictions of Msambweni residents by a private company

a) Explanation on who was compensated for the aforementioned parcel of land compulsorily acquired by Kenya Railways, during the construction of the Standard Gauge Railway, providing the amount compensated;

b) If compensation has not been done, then the payment be held until the dispute has been sorted out; and

c) Explanation on the possibility of using Settlement Fund Trustees (SFT) in attempting to resolve the impasse affecting the people of Msambweni.

3. Petition on the alleged delayed adjudication and the settlement of squatters on Machungwani land in Taita Taveta County after expiry of lease, and

a) Explanation and relevant documentation on the current status of the lease for Machungwani Farm and whether there have been efforts by the Previous Lessee to renew the Lease; and

b) Status of the persons currently farming and residing in the aforementioned parcel of Land.

Honourable Chair, the Commission wishes to respond as follows:

1. Petition submitted by the Residents of Msambweni Village in Voi Sub-County of Taita Taveta County, concerning the alleged impending evictions of Msambweni residents by a private company

a) Explanation on the circumstances that led the Commissioner for Lands to change the conditions of lease;

On the above subject matter, National Land Commission is unable to explain the circumstances that led to variation of the lease conditions because the records are held by the Ministry of Lands and Physical Planning who are in a better position to explain the same.

b) Submit relevant documentation and evidence of correspondence that led to the change of the lease conditions

Based on the response to (a) above, the commission has no documentary evidence in support of the variation to the lease conditions

c) Proposals on the best way of assisting the people of Msambweni to get back their land.

The people of Msambweni can negotiate with the land owner perhaps using a government Arbitrator such as National Land Commission to chart a better way that will yield a win win situation for both parties.

2) Petition submitted by the Residents of Msambweni Village in Voi Sub-County of Taita Taveta County, concerning the alleged impending evictions of Msambweni residents by a private company

a) Explanation on who was compensated for the aforementioned parcel of land compulsorily acquired by Kenya Railways, during the construction of the Standard Gauge Railway, providing the amount compensated;

Msambweni village was one of the residential areas of Voi town that were affected by land acquisition for the Construction of Nairobi – Mombasa Standard Gauge Railway (phase 1) pursuant to a request by Kenya Railways Corporation. The section affected lie near and almost parallel to the Nairobi – Mombasa road South of Voi town.

The village is part of the land L.R. NO. 1956/506 registered in the name of Sparkle properties limited but which initially was owned by Bata Shoe Company hence popularly known as Bata area.

The notice of intention to acquire land for the project was published in Kenya Gazette notice No. 4096 20th June, 2014. Inquiry was held as scheduled on 28th August 2014 at Voi County Commissioner's Office. The registered owner of the Land appeared at the

inquiry and presented their claim to compensation for the Land. At the same time, Msambweni residents who were in occupation presented their claim to compensation for land and improvements. While the ownership of improvements was determined on the ground for the respective developers/occupants, no ownership documents were presented for land.

The subject parcel was listed in a subsequent addendum vide Gazette notice no. 5040 and its inquiry was published in gazette notice no. 6205 of 5th September, 2014. The area acquired out of the subject parcel is **16.893 ha** for both the railway line and part of the Voi station.

However, during the inquiry it became evident that there was an ongoing Court case between the registered land owners and the occupants of the land. This was listed as ELC civil suit no 265 of 2013; Sparkle Properties Limited Vs Johana Ngai and others.

In 2020 the Commission received a Court ruling confirming that Sparkle properties limited were the rightful owners of the disputed parcel pursuant to which the Commission issued an award of **Kshs.192, 015,974.00**.

Upon conclusion of the inquiry in line with section 113 of the Land Act 2012, the Commission subsequently issued awards for interests determined on the land and improvements. However, payment for land has not been done pending conclusion of the Court case. Awards for the improvements were issued, accepted and paid for and a list of the persons compensated is as follows;

#	PARCEL NO.	PAYEE	AMOUNT	KRC PAYMENT
1	BATA	JACOB KARUTI IMUNYA	908,040.00	Payment 001
2	BATA	FREDRICK NJUMWA NYAMBU	922,300.00	Payment 001
3	BATA	GLADNESS WAKIO MSAFIRI	745,775.00	Payment 001
4	BATA	GRACE WANJALA MWADIME	1,518,862.50	Payment 001
5	BATA	FESTUS KATITU BAYA	74,750.00	Payment 001
6	BATA	ELIZABETH MARGRET KIMBAYA	215,280.00	Payment 001
7	BATA	JAMILA WAKIO ALI	1,948,445.00	Payment 008
8	BATA	HENRY MBOCE NJUGUNA	51,750.00	Payment 001
9	BATA	WALTER KALENDO	1,856,560.00	Payment 003
10	BATA	EVANSON MWACHIA MALOMBO	498,180.00	Payment 001