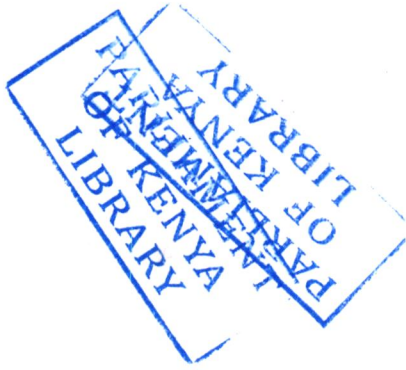


REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-SECOND SESSION

COMMITTEE ON IMPLEMENTATION

REPORT ON
INSPECTION VISIT REGARDING LAND ISSUES IN TAITA TAVETA COUNTY

Directorate of Committee Services
Clerk's Chambers
National Assembly
Parliament Buildings
Nairobi.

August, 2018

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ADOPTION LIST

MINUTES

SUBMISSIONS

ABBREVIATIONS AND ACRONYMS

CAP.	Chapter
CAS	Chief Administrative Secretary
CEC	County Executive Committee
DC	Departmental Committee
EACC	Ethics & Anti-Corruption Commission
Kshs.	Kenya Shillings
L/R No.	Land Registration Number
MD	Managing Director
MOU	Memorandum of Understanding
NG-CDF	National Government Constituency Development Fund
NLC	National Land Commission
MP	Member of Parliament

CHAIRPERSON'S FOREWORD

The Committee of Implementation is mandated to scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary.

The Committee in its sitting resolved to appraise itself on the implementation status of the recommendations of the Departmental Committee on Lands report regarding land issues in Taita Taveta County. The Committee conducted a site visit in Mwatate, Taita Taveta where it met with various stakeholders including the Security Intelligence Committee led by Deputy County Commissioner Taita Taveta County, the MD Teita Sisal Estate and the petitioners Mwasimu Mbuwa Welfare Association to appraise itself on status of implementation. The Committee noted that the survey report carried out by the Ministry of Lands confirmed that Teita Sisal Estate was occupying 30,284 acres for which it had title documents.

The Committee in this report presents its findings on the implementation status of the recommendations of the Committee on Lands Report on land Issues in Taita Taveta County.

The Committee registers its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitation of the retreat. Special gratitude goes to the Secretariat of the Committee who made the retreat a success.

Pursuant to Standing Order 199(6), it is, therefore, my pleasant duty and privilege, on behalf of the Committee on Implementation, to lay this report on the Table of the House.

Hon. Moitalel Ole Kenta, MP

EXECUTIVE SUMMARY

The Committee on Implementation during its sitting held on 22nd March, 2018 resolved to conduct an inspection visit in Taita Taveta County to appraise itself on the implementation status of the report by the Departmental Committee on Lands regarding land issues in Taita Taveta County as adopted by the National Assembly on December, 2014.

The Departmental Committee on Lands noted the public outcry in Taita Taveta County and the rising tension in the area due to the land conflict between the owner of Teita Sisal Estate and the local community.

The Committee on Lands carried out an inspection visit to the area to get views on the ground and held various meetings with the Governor of Taita Taveta County, Deputy County Commissioner for Taveta, Members of Mwasima Mbuwa, elders in Mwatate and County District Surveyor, Taita Taveta County. It was apparent that in Mwatate there were three parties involved in the tussle at Teita Sisal Estate, the Estate, squatters who occupy land in the Singila Majengo area and Mwasima Mbuwa Welfare group who do not reside in the county nor agree on the boundary of the community land.

The main issues under contention were on ownership of the land and the boundaries between Teita Sisal Estate and the alleged community land and access to public utilities within the estate which include schools, dams and roads.

The Government offered to purchase four hundred and forty (440) acres of land from Teita Sisal Estate near Singila Majengo to facilitate resettlement of the squatters but the resettlement has not been forthcoming due to political challenges.

To appraise itself on the implementation status of the recommendations contained in the Report by the Departmental Committee on Land regarding land issues in Taita Taveta County, the Committee on Implementation conducted a site visit to Taita Taveta and met with the relevant stakeholders.

The Committee observed that the Cabinet Secretary of Interior and Coordination of National Government through the County Commissioner of Taita Taveta County has not implemented the recommendations by the Departmental Committee on Lands regarding its report on land issues in Taita Taveta County because of an alleged suspect draft survey report and of a court order that had ordered for maintenance of status quo.

The Committee observed that the survey report conducted by the Ministry of Lands and Physical Planning had confirmed that Teita Sisal Estate was occupying a total of 30,284 acres. The land reference 3880/3 had been triangulated and excised from the title of the sisal estate. 6000 acres had already been adjudicated, while the remaining 6,000 acres had not been officially allocated to anyone. However, plans were underway by the Ministry of Lands to adjudicate the remaining 6,000 acres to squatters in the area.

The Committee also observed that the two roads which lead to the school, one which is off the Kasigao - Kamtuga road and the veterinary road, should be classified as public roads while the roadblock manned by the estate be moved from its present location to behind the school.

The Committee recommends that the Cabinet Secretary, Ministry of Interior and Coordination of National Government through the County Commissioner, Taita Taveta implements the recommendations of the Departmental Committee on Lands that fall under their purview. The Committee also recommends that the land that is excised from the Teita Sisal Estate Farm which includes the two roads leading to Mwandisha Primary School, the road to be built at the western boundary of the farm and the land on which Mwandisha Primay school stands are reverted to the National Government.

1.0 PREFACE

1.1 Mandate of the Committee

The Committee on Implementation is a Select Committee of the House established pursuant to the provisions of Standing Order 209 of the National Assembly Standing Orders, with the following terms of reference:-

1. The Committee shall scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine-
 - a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
 - b) whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
2. Standing Order 201 further provides that within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4) (b) of the Constitution.
3. The Committee may, therefore, propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.

1.2 Committee Membership

Chairperson	The Hon. Moitalel Ole Kenta, MP
Vice Chairperson	The Hon. Godfrey Osotsi, MP
	The Hon. Richard Onyonka, MP
	The Hon. Alois Lentoimaga, MP
	The Hon. Paul Simba Arati, MP
	The Hon. Onesmas Kimani Ngunjiri, MP
	The Hon. George Theuri, MP
	The Hon. (Dr.) James Murgor, MP
	The Hon. Johnson Many Naicca, MP
	The Hon. Maj. (Rtd) John Waluke Koyi, MP
	The Hon. Francis Munyua Waititu, MP
	The Hon. Joseph Wathigo Manje, MP
	The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
	The Hon. Hassan Oda Hulufu, MP
	The Hon. Nelson Koech, MP
	The Hon. Generali Nixon Kiprotich Korir, MP
	The Hon. Owen Yaa Baya, MP
	The Hon. Paul Odalo Abuor, MP
	The Hon. Silvanus Osoro, MP
	The Hon. Michael Thoya Kingi, MP
	The Hon. Jared Okelo, MP
	The Hon. Joshua Mbithi Mwalyo, MP
	The Hon. Charles Ngusya Nguna, MP

1.3 Committee Secretariat

- | | | |
|--------------------------|---|-----------------------------------|
| 1. Ms. Rose M. Wanjohi | - | First Clerk Assistant /Lead Clerk |
| 2. Mr. Abdirahman Hassan | - | Third Clerk Assistant |
| 3. Mr. Joseph Okongo | - | Media Relations Officer I |
| 4. Ms. Doreen Karani | - | Legal Counsel II |
| 5. Mr. Eugene Apaa | - | Research Officer III |
| 6. Mr. James Muguna | - | Research Officer III |
| 7. Mr. Moses Kariuki | - | Serjeant-at-arms |

2.0 BACKGROUND

2.1 History of the Matter

The Departmental Committee on Lands in the Eleventh Parliament was seized of this matter having noted the public outcry in Taita Taveta County and the rising tension in the area due to the land conflict between the owner of Teita Sisal Estate and the local community.

The Committee on Lands of 11th Parliament held an inspection visit to the area to get views on the ground where it held various meetings with the Governor of Taita Taveta County, Deputy County Commissioner for Taita Taveta, Members of Mwasima Mbuwa Welfare Association, elders in Mwatate and County District Surveyor, Taita Taveta County.

It emerged from their field visit and submissions they received that in Mwatate, there are three parties involved in the land tussle with Teita Sisal Estate, the Estate, squatters who live mainly in the Singila Majengo area and Mwasima Mbuwa Welfare Association who do not reside in the County nor agree on the boundary of the community land.

The main issue under contention was the unavailability of title documents and boundaries issues between the Sisal Estate and the alleged community land as well as the struggle to access public utilities inside the estate which include schools, a dam and roads. The Government offered to purchase 440 acres of land from Teita Estate near Singila Majengo so that they could resettle the squatters but local politics have proved an obstacle.

The Deputy County Commissioner informed the Committee on Lands that the entire land in dispute is 15,000ha, 2000ha of which have been set aside for Government use. The government bought 15,300ha and the then town council acquired 2000 ha for expansion.

The Petitioners informed the Committee on Lands that the land on which the railway station, Mwatate airfield and public roads are built is Government land. Teita Sisal Estate security officers inspect cars on public roads; the public has been denied access to Mwatate dam and that land on which Government institutions located in Sembe sub-location is allegedly occupied by Teita Sisal Estate.

They requested for the review of the boundaries to separate the 33,000 acres belonging to Teita Sisal Estate and the rest of the land which is then registered as community land and given back to the Community.

They also requested for the recovery of the alleged grabbed land from the estate and compensated for damage to food crops occasioned by the actions of the estate.

The Departmental Committee on Lands made the following observations from the submissions presented. (**Appendix 1**)

- a) That the boundary had been tampered with;
- b) Damages had been caused by the management of Teita Sisal Estate in 1991 at Majengo when food crops were ploughed down without notice or Court Order and therefore obstructing the community development and grabbing of land by the Estate;

- c) Sisal Police Patrol is used by the Sisal Estate management as a private security institution to intimidate innocent people of Singila Majengo.
- d) There are alleged illegal activities by land offices in Taita Taveta County and the beneficiaries of the scheme that needed to be stopped forthwith to pave way for a thorough investigation and audit by the National Land Commission and other relevant bodies.

2.2 Recommendations by the Committee of Lands

The Departmental Committee on Lands made the following recommendations:-

- A. The Ministry of Lands, Housing and Urban Development and the National Land Commission should bring a proposal for legislation to ensure that investments in property benefit local communities and their economy as provided for in Article 66(2) of the Constitution.
- B. National Cohesion and Integration Commission should intervene for the purpose of averting possible land-based ethnic clashes in the County.
- C. The National Commission on Human rights should intervene to ascertain the outright and blatant breach of the Bill of rights.
- D. The Constitutional Implementation Commission should intervene to ensure that the entire process is constitutional and that all respective government institutions and state agencies undertake their respective responsibilities accordingly.
- E. The National Land Commission to initiate an inquiry into land historical injustices in Taita Taveta and seek redress as provided by Law.
- F. Title deed and deed plans are reviewed in the entire county and land lease reviewed to establish whether its terms have expired or not.
- G. Ministry of Interior and Coordination of National Government should remove all roadblocks on public roads to allow members of the public access without conditions in Teita Sisal Estate and its neighbourhood.
- H. The Ministry of Lands and Physical Planning through the Director Survey should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate 33,000 acres that belong to Teita Sisal Estate LR3380/5 (3880/4/R), LR 11378, LR6924 and LR 9487 (dam) from the total acreage of 33,284 acres and the neighboring trust land so that the rest is given back to the community.
- I. The Government through the Ministry of Land, Housing and Urban Development and the National Land Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.
- J. Teita Sisal Estate Limited should compensate the neighbouring indigenous citizens for all their years of illegal occupation and the exploitation of the resources of the areas illegally occupied.
- K. Damages caused by the management of Teita Sisal Estate in 1991 in Majengo when food crops were ploughed down without notice when there was no court case and obstructing community developments should be fully compensated.

- L. The Ministry of Lands, NLC and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, coast and other parts of the Country urgently. This will facilitate the long-awaited access to land ownership and management by residents of Mwatate (Singila Majengo) Taveta and other parts of the Country.
- M. The Mwatate settlement scheme settlers should be given title deeds.
- N. The Government through the Ministry of Transport, Infrastructure, Housing and Urban Development should establish why the feeder road that links the Voi-Mwatate Road with the Voi- Mwatate-Taveta-Moshi railway line (1911) near Matunga entrance gate has been blocked and measures put in place to re-open the roads and railway.
- O. The Ethics and Anti-Corruption Commission should institute investigations against the settlement Fund Trust, the Taveta Land's office and the Land Allocation Committee for the purposes of unearthing corruption and fraud committed during issuance of title deeds.
- P. The National Land Commission initiates an audit of the list of beneficiaries and the entire process leading to land allocation in the contentious Taveta Settlement Scheme.
- Q. The Commission of Administrative Justice (Ombudsman) should investigate and take action against officers (Taveta Land's Office, the CDF office, the Provincial Administration and their collaborators) involved in the distribution and allocation of the Taveta Settlement Scheme Phase I and II.

2.3 Follow up by the Committee on Implementation of the 11th Parliament

The Cabinet Secretary for Lands submitted a report to the Committee on Implementation on 23rd May, 2017 on the status of implementation of the recommendations as follows: -

- i) A technical committee made up of all the stakeholders was formed to carry out a joint survey of the land in question as per the recommendations of the Departmental Committee of Lands. He informed the Committee that in accordance with the Land Registration Act, 2012 sections 15 through 20, positions of fixed boundaries are determined by the Director of Surveys "(Provided that where all the boundaries are defined under section 19 (3), the determination of the position of any uncertain boundary shall be done as stipulated in the Survey Act, Cap. 299)". In practice, however, several approaches may be employed.
- ii) The landowners/disputants may choose to engage their own independent surveyors to do the work with the Director of surveys to observe and give a final report.
- iii) The Director of Surveys may determine the position of the boundaries without consulting anyone and prepare relevant reports.
- iv) The Director of Surveys may engage the disputants to appoint technical observers to ensure that the technical interests of their clients are taken care of during the boundary determination exercise.

For the task at hand in Teita Sisal Estate, it was found prudent to involve all interested parties represented by professionals in land matters culminating in adopting approach number three (3) hence the report naming “Joint Survey”. This would ensure that the final report is acceptable to all parties. The work was done by staff from the Director of Surveys under observation and active participation (including constant consultation) by highly qualified and reputable surveyors hired by Mwasima Mbuwa Welfare Association and Teita Sisal Estate.

The Mwasima Mbuwa Welfare Association was represented by Mr. John D. Obel, a senior and reputable licensed land surveyor, Washington Were, a specialist in Remote Sensing and Geographic Information Systems (GIS) and Mr. Thomas Nduku, an investigator of profound experience and reputation. Teita Sisal Estate was represented by Mr. Wallis Hime, a senior and reputable licensed surveyor. The County Government of Taita Taveta was represented by Mr. Sammy J. Wambua, a senior land surveyor who is the designated County surveyor. Mr. Richard K. Amati, a Principal land surveyor and a licensed land surveyor led the team of experts from the Ministry of Lands. All the parties were present in the field throughout the survey exercise.

On 27th June, 2016, the first stakeholder meeting was held under the leadership of the Deputy Governor, Taita Taveta County who also doubles as the County Executive Committee (C.E.C) Member Lands and Mining. All interested parties, Mwasimu Mbuwa Welfare Association, Teita Sisal Estate, the County Government, opinion leaders and community leaders amongst others were represented in the meeting.

The Director of Surveys through his representative Mr. Richard K. Amati clarified that the role of the survey team was to re-establish the boundaries of the Sisal Estate and thereafter file a report on the finding with the National Assembly. Mr. John D. Obel noted that the actual work was to be done by the Director of surveys; other parties being observers.

The joint technical team made up of all the surveyors representing various stakeholders from the ground survey done and computation result concluded the following:-

- a) That the total acreage of the four parcels of land under investigation (LR. No. 3880/5 (3880/4/R), LR. No. 11378, LR. No. 6924 and LR. No. 9487(Dam)) is 30,284 acres.
- b) That Teita sisal is operating within part of the four parcels under investigation. This is because the Estate is not utilizing part of LR. No. 3880/5 which is to the north between Voi – Taveta road and Voi River. There is no encroachment by the Estate into neighbouring trust/private land found.
- c) That a boundary point named Tasha was effectively re-established on top of one of the hills and there was no encroachment by either the Sisal Estate or the neighboring Mwachabo Settlement scheme noted around the hill. It was actually confirmed that the hill remained undisturbed hence forming a conservation area.
- d) That there are three classified roads which run through the four parcels of land. These are the Voi – Taveta, the Mwatate – Musau and the Mwatate – Kasigau roads. They have all not been surveyed. The Mwatate – Kasigau road area has not been reduced from the total acreage of parcels affected. Their size totaled to 176 acres approximately if a road width of 40m is assumed. These were found to be open for public use all the time.

- e) That the 100ft un-surveyed road reserve and whose area is deducted on L/R. No. 6924 leads nowhere and is non-existence on the ground. All other roads within the four parcels except the aforementioned three are unclassified and hence private.
- f) That there is a manned barrier at the main entrance to the Estate on a road that may have been leading to the railway station. Another manned barrier was found along an unclassified road leading to Mwandisha Primary school.
- g) That the Voi – Taveta railway line runs through L/R. No. 3880/5, the reservation has been deducted from the gross area of the land. The Mwatate railway station (not operational) also falls within the boundaries of L/R. No. 3880/5. The Kenya Railway Cooperation confirmed that there is a gazette reservation of 4.8 acres. This has not been surveyed hence not deducted from the gross area for the parcel. The Sisal Estate and the community do cultivation along the reserve but no permanent developments were noted apart from the railway station buildings.
- h) That the sanctuary is a private venture by the Teita Sisal Estate and is within the four parcels under investigation and registered in their name. It is therefore not a public utility.
- i) That the settlement at Singila Majengo and other settlements mentioned under “findings” all fall within L/R. No. 3880/5 which belongs to Teita Sisal Estate. There was no encroachment whatsoever by the Sisal Estate into community land noted:—

2.4 Recommendations by the Joint Technical Team

Noting the presence of various utilities and human settlements within the legal boundaries of the Sisal Estate and in the interest of peaceful co-existence between the Teita Sisal Estate and the community, the working group proposed adoption of the following recommendations:-

- a) Consider to lawfully excise part of the L/R. No. 3880/5 land already settled by the Community for the benefit of the community.
- b) Complete the excision process of the land occupied by Mwandisha Primary school and its right of way and register it under the Ministry in charge of education.
- c) The Ministry in charge of roads to survey and reserve all the classified roads that run through the estate land. Secondly, the Ministry to consider the classification and subsequent survey of the private roads leading to Kamtonga and Manoa which traverse through the estate land. It was noted that these roads even though private are currently in undisrupted use by the public.
- d) For posterity of the Dam, (to the benefit of the Community and the Sisal Estate), the local leadership and the Teita Sisal Estate should discourage and bar members of the public from farming in the area reserved for the dam.
- e) The Kenya Railway Cooperation to excise the Mwatate railway station land and deduct its area from the gross area for L/R. No. 3880/5. The Sisal Estate security to continue safeguarding the defunct station buildings against vandalism until such a time when the station will be operational.
- f) The Mwasimu Mbuwa Welfare Association and the Mwatate community be informed of the outcome of the resurvey and to be cautioned to desist from any further encroachment into the sisal Estate land. The Committee also notes the

recommendations by the Cabinet Secretary that L/R No. 3880/5 be reverted back to the community.

2.5 Resolution of the Committee of Implementation in the 11th Parliament

The Committee on Implementation of the 11th Parliament in its legacy report tabled in 2017 (**Appendix 2**) upheld the findings and the recommendations of the joint technical team and recommends that the process initiated by the Ministry of Lands, Housing and Urban Development to find an alternative land for resettlement of residents who have encroached on private land be expedited.

The Committee upheld the view that Land parcel L/R 3881 reverts back to the community noting that it is not among the parcels under dispute. The process of reverting parcels L/R No.3880/5 and L/R No.9487 to the community be expedited.

In its sitting, the Committee on Implementation of the 12th Parliament resolved to conduct a site visit to appraise itself on implementation status on the recommendations as adopted by the House.

3.0 EVIDENCE

This Section contains evidence adduced both orally and in writing by key witnesses invited by the Committee. Specific observations on each of the witness submission are also captured in the report.

The Committee on Implementation pursuant to its mandate commenced to appraise itself on the implementation status of the recommendations contained in the Report by the Departmental Committee on Lands regarding land issues in Taita Taveta County on 27th March, 2018. The Committee also conducted a field visit from Thursday 5th to Sunday 8th April, 2018 at Mwatate, Taita Taveta County where it met the County Commissioner, the Chief Administrative Secretary for Lands and Physical Planning, Hon. Gideon Mungaro and other officials from the Ministry of Lands and Physical Planning, Managing Director of Teita Sisal Estate, Mwasimu Mbuwa Welfare Association and the area Member of Parliament, Hon. Andrew Mwadime. The Committee thereafter held a follow up meeting with the Managing Director of Teita Sisal Estate and received oral and written submissions.

3.1 MEETING WITH TAITA TAVETA COUNTY SECURITY INTELLIGENCE COMMITTEE

The County Commissioner, Taita Taveta County, Ms. Rhoda Onyancha informed the Committee that none of the recommendations which fall under the purview of the Ministry of Interior and Coordination of National Government docket had been implemented. This decision was informed by a court order directing that the status quo be maintained. However, that injunction had recently been lifted.

The Committee was further informed that the survey report by the Ministry of Lands in compliance with recommendation No. 2 on Taita Sisal Estate by the Departmental Committee on Lands dated 6th September, 2017 (**Appendix 3**) had not been communicated to the County Commissioner's office for implementation.

The County Commissioner also informed the Committee that there had not been convened forums to communicate the recommendations contained in the Report of the Departmental Committee on Lands to the general public in Taita Taveta County. It was alleged that a draft survey report "*A draft Report on Joint survey and investigations of land LR 3880, LR 3881(now LR. No. 13007), 6924, 11378 and 9487*" which had earlier been forwarded by the Ministry of Lands was a forgery, which unfortunately contained recommendations which the County Commissioner was being pressured to implement.

The County Commissioner assured the Committee that roadblocks to public roads would be removed, access by the public to private roads within the sisal estate would be negotiated and the office of the County Commissioner would ensure that the public has access to schools, railway, dam and any other public utility within the estate.

Hon. Andrew Mwadime, the Member for Mwatate Constituency, informed the Committee that there were roadblocks along the Mwatate-Mwaseleo road as well as the unclassified road leading to Mwandisha Primary school. Further, that a group of boda boda operators who were alleged to operate in close proximity to the gates of the sisal estate had been moved by the management of the estate to another location, a matter which the operators complained about.

Committee Observation

The Committee observed that the recommendations by the Departmental Committee on Lands regarding land issues in Taita Taveta County under the purview of the Ministry of Interior and Coordination of National Government had not been implemented ostensibly because of the alleged suspect draft survey report “*A draft Report on Joint survey and investigations of land LR 3880, LR 3881(now LR. No. 13007), 6924, 11378 and 9487*” that they were awaiting direction on and the court order that had ordered for status quo to be maintained.

Committee Recommendation

The Committee recommends that the recommendations which fall under the purview of the Ministry of Interior and Coordination of National Government should be implemented, considering that the injunction given through the court order has been lifted, and that the County Commissioner should liaise with other implementing agencies to ensure that the recommendations are implemented to the letter.

3.2 MEETING WITH THE MINISTRY OF LANDS AND PHYSICAL PLANNING

The Chief Administrative Secretary (CAS), Ministry of Lands and Physical Planning, Hon. Gideon Mungaro, accompanied by Mr. James Ngiriri, the Assistant Director, Land Adjudication and Settlement and other officials from the Ministry appeared before the Committee during the field visit on Friday 6th April, 2018. He informed the Committee that the County land adjudication team had received directives from the parent Ministry of Lands and Physical Planning in 2014 regarding the recommendations by the Departmental Committee on Lands as adopted by the House. The Assistant Director, Land Adjudication and Settlement, also informed the Committee that although the contents of the two survey reports from the Ministry of Lands were similar, the recommendations resulting from the survey were not. Therefore the Ministry of Lands had deemed it prudent to forward the second copy of the survey report indicating that it superseded an earlier one, “*A draft Report on Joint survey and investigations of land LR 3880, LR 3881(now LR. No. 13007), 6924, 11378 and 9487*” which had been expunged from the report because the appearance of the Cabinet Secretary’s signature on “appendix 9” was erroneous.

He also informed the Committee that the group of squatters claiming ownership of Singila Majengo area were different from the Mwasimu Mbuwa Welfare Association. The survey report conducted by the Ministry of Lands had confirmed that Teita Sisal Estate was occupying a total of 30,284 acres as supported by L/R No. 8880/5(16,875 acres); L/R No. 11378(3,344 acres); L/R No. 6924(10,010 acres) and L/R No. 9487(55 acres). Singilia Majengo was located on the eastern border of the sisal farm adjacent to the dam.

The Assistant Director, Land Adjudication and Settlement, further submitted that Teita Sisal Estate had surrendered to the Government LR 3880/3 in lieu of L/R 3880/5 measuring approximately 12,000 acres at Muda bogo. 6000 acres had already been adjudicated, while the remaining 6,000 acres had not been officially allocated to anyone. The un-adjudicated land had not been settled but was being claimed as part of the Mugeno reserve.

Mr. James Ngiriri concluded that the survey carried out in 1954 indicated that the airstrip was at that time located outside the Teita Sisal Estate boundary, but once the boundary was extended, the airstrip has become part of the sisal estate located in L/R 3880/5 and is accessible to private planes, Kenya Wildlife Services and the Government.

Hon. Gideon Mungaro, the Chief Administrative Secretary, submitted that titles to the six thousand (6,000) acres which were part of L/R 3880/3 would be allocated to squatters in the area. He, however, cautioned that a database of the legitimate squatters needs to be created as a matter of urgency and adjudication because of the increasing number of squatters arriving in the area.

He informed the Committee that the Ministry of Lands and Physical Planning had put a request for excise and fencing of the public utilities and installations in the land owned by Teita Sisal Estate.

The Chief Administrative Secretary also informed the Committee that the survey maps of 1929 indicated that the dam was constructed within the Taita estate land. Further, the three of the titles indicated leases for 999 years while the fourth was for 99 years. However, all land title leases were reverted to 99 years as per the Constitution.

Hon. Gideon Mungaro further submitted that the report of Departmental Committee on Lands had recommended carrying out a survey to clear the question of acreage owned by Teita Sisal Estate and establish the boundaries of the estate to discourage encroachment by both the sisal estate and the community. The survey was also to establish what could be classified as community land for the benefit of the community. However, it did not pronounce itself on what happens to the land on which public utilities and installations are located.

Committee Observations

The Committee in its deliberations observed that:-

1. While the survey was being carried out, the local community was not allowed to accompany the survey team, which Mwasimu Mbuwa Welfare Association alleged was incomplete without their participation and input.
2. The survey report from the Ministry of Lands & Physical Planning recommended that a wayleave should be deducted from the sisal estate land in favour of the public roads, railway station and Mwandisha Primary school and the same allocated titles.
3. The Survey report from the Ministry of Lands dated 6th September, 2017 supersedes "*A draft Report on Joint survey and investigations of land LR 3880, LR 3881 (Now LR No. 13007), 6924, 11378 and 9487*" which has been expunged from the records of Parliament.

Committee Recommendation

The Committee upholds the recommendations of the survey report dated 6th September, 2017. It recommends excising land occupied by public utilities including Mwandisha Primary school, the railway, public road reserves and registering the same with the Ministries in charge.

3.3 MEETING WITH MANAGING DIRECTOR, TEITA SISAL ESTATE

Mr. Philip Kriazi, Managing Director (MD), Teita Sisal Estate accompanied by Mr. Emmanuel Mromno, Assistant General Manager of the estate, appeared before the Committee during the field visit on Friday 6th April, 2018 and submitted that no public roads had been closed by the Estate. The road which is off the Kasigao-Kamtonga Road which leads to Mwandisha Primary school though open to the public is a private road with a roadblock manned by the estate security personnel.

The school was built by the farm to provide education for children of its employees but over time and as part of corporate social responsibility, it has been opened to children of persons living outside the farm but the teachers are employed by the Ministry of Education. Children are allowed to access the school through the private road. Further, motorists use the road which cuts across the farm to join the Mwatate –Voi Road, after passing through a security check at the entrance.

The Estate borders had been moved away from the road reserve and therefore the Estate did not in any way inhibit access to public property.

The police stationed in the Police post within the Estate was not being used to harass the public as alleged in the Departmental Committee on Lands report. He clarified that the police post was built on land within the estate because, at the time, the workers who worked and lived within the estate constituted the largest population size compared to the surrounding area and it was before Mwatate town grew to what it is today.

The Managing Director informed the Committee that a survey of the sisal estate boundaries had been carried out by the Ministry of Lands and Physical Planning with representatives from relevant stakeholders which confirmed that Teita Sisal Estate owned 30,284 acres (L/R No. 8880/5(16,875 acres); L/R No. 11378(3,344 acres); L/R No. 6924(10,010 acres) and L/R No. 9487(55 acres) and that the land occupied by the estate was less than what was indicated in the mother titles. Therefore the allegation of encroachment by the estate on public or community land was not true. The farm had been moved several times during the last 50 years which may have brought about the confusion on the title documents and the land which the sisal farm currently occupies. He, however, did confirm to the Committee that although the title documents may read 30, 284 acres, 2284 acres which were land excised from road and railway reserves, had been subtracted from the mother titles.

The dam was constructed within the estate land but due to the exchange of parcel L/R 3880/3 with L/R 3880/5 by the Ministry of Lands and Physical Planning, the dam ended up half in the estate and half accessible to the public on the Mwatate side. However, because of negligence and siltation, the dam gradually divided into two with the side open to the public having shrunk so much that the dam holds little water, which is a source of concern to the growing population around it.

The public is building houses and farming around the dam and this has reduced the amount of water getting into the dam. In an effort to maintain water in the dam, the residents and the County Government have agreed to prevent further encroachment on the catchment area.

The airstrip was private and within the estate land, although open for use by the Kenya Wildlife Service, private planes and the Government. The railway line wayleave was maintained by a fence and access to the railway station was through a gate which was manned by the estate security personnel until such a time the station is in use again.

The estate signed Memorandum of Understanding (MoU) with the Ministry of Lands and Physical Planning and the County Government of Taita Taveta to cede land on which Mwandisha Primary School stands on, the roads leading to the school and to move the estate's western border inward so that the Ministry of Transport, Infrastructure, Housing and Urban Development can build a public road parallel to the border. He, however, was adamant that the road which leads to Matunga that cuts across the farm would remain private.

The Managing Director of the estate also informed the Committee that the squatters at Singilia Majengo could be settled in the land they were currently occupying because it did not form part of the estate land. In fact, the Majengo area was never in contention because it is on the upper side of the public Kasigao –Kamtonga Road.

The number of squatters had grown exponentially since the court case had been suspended and the MoU signed in 2014. This would create a problem of identifying the genuine squatters from others who had come in the recent past. He informed the Committee that the delay in implementing the MoU was because the MoU had to be endorsed by the National Government before being effected through the County Government as land is a devolved function. The size of land to be allocated to squatters and registered as community land had been awaiting the Ministry of Lands and Physical Planning survey.

Mr. Philip Kriazi further informed the Committee that the dam needed desilting which can be undertaken jointly by the Sisal Estate, the National Government Constituencies Development Fund and the County Government and required approximately Kshs. 190 Million. The residents need to be sensitized on the conservation of the catchment area and degradation of the surrounding land from farming which has led to siltation.

On the matter of compensation for the loss of crops which were ploughed in 1992, the estate had never illegally occupied the land and therefore cannot compensate the farmers for the loss of their crops.

In a follow up meeting on Thursday 12th April, 2018, the Managing Director, Teita Sisal Estate, submitted that all roads passing through the estate have been opened to the public and barriers put at a place that would not interfere with the movement of people.

Registration of squatters is ongoing and the Ministry of Lands and Physical Planning will allocate plots once the survey and registrations are completed. The process is being handled by the Ministry of Lands and Physical Planning hence he cannot give a timeframe on when it will be finalized.

On the matter of the alleged use of the Kenya Police to harass locals, he informed the Committee that he does not use the police to harass the residents of Mwatate.

He had excised part of the Teita Sisal Estate land and donated to the County Government of Taita Taveta and is also working with the Ministry of Lands and Physical Planning in order to allocate the land to identified squatters.

The land reference 3880/3 had been triangulated and excised from the title of the sisal estate.

He provided certified copies of title deeds and correspondences between the estate and various entities. (**Appendix 4**)

Committee Observations

The Committee observed that:-

1. The boundaries of Teita Sisal Estate had been relocated over the course of its existence. There was need for clarity on when the farm was moved last and to where.
2. The date of construction of the airstrip and how it and the dam (which was constructed by Kenya Army Corp of Engineers) ended up within the farm was not clear.
3. The ownership of L/R 3880/3 was disputed.

Committee Recommendations

1. Teita Sisal Estate to maintain the roadblock and employ security officers to guard the railway station in order to prevent vandalism of Kenya Railway property until such a time when the station was re-opened.
2. That the two roads which lead to the school, one off from the Kasigao - Kamtuga road and the veterinary road should be classified as public roads while the roadblock manned by the estate be moved from its present location to behind the school.
3. The cost of de-siltation of the dam to be shared between the National Government Constituency Development Fund and the County Government of Taita Taveta.
4. The Ministry of Lands and Physical Planning to clarify the ownership of L/R 3880/3.

3.4 MEETING WITH THE MEMBERS OF MWASIMU MBUWA WELFARE ASSOCIATION AND SQUATTERS AT SINGILIA MAJENGO AREA

The Secretary of Mwasimu Mbuwa Welfare Association, Mr. Mnjala Mwaluma, accompanied by Mr. James Mwanjaza, Vice Chairperson and Mr. Thomas Nduku, a Private Investigator, appeared before the Committee during its visit to Mwatate on Friday 6th April, 2018 and submitted that in 1991, a grader allegedly from Teita Sisal Estate was used to demolish grave sites and crops on land whose ownership was in dispute which they were occupying as squatters and alleged that they were not given notice of the demolition.

The Secretary of the association informed the Committee that they were offered land at Magaga but they refused because there were persons who were already occupying the said land. They further alleged that the sisal farm had planted sisal crops up to their doorsteps which brought attacks from snakes, scorpions and spiders.

The public road through Singila Majengo was in need of repairs but the farm had refused graders access to fix the road. They alleged that the sisal farm had encroached on land for which they did not have ownership title.

They also informed the Committee that the sisal estate through its security personnel denied the public access to public roads and footpaths. For example, the footpath through the Estate Director's residential area to the primary school, the veterinary road to Mwatate – Kasigau road and the road that cuts across the farm.

The farm through a gazette notice in February of every year blocks access to the farm through any of the footpaths or public roads. He also alleged that the public was denied access to the railway station.

They alleged that Police officers stationed at the police post within the farm were used by the estate management as a private security force to harass and arrest the public as they use the roads within the estate. It was also alleged that some locals had been arrested for varying charges especially trespass leveled against them by Teita Sisal Estate. The Association proposed that the police post be moved out of the farm and that if the farm is in need of police services, the management request for assistance from the Mwatate Police station in Mwatate town.

They further informed the Committee that Mwasimu Mbuwa Welfare Association was not party to or in agreement with the contents of the MoU which was signed between the Sisal Estate and the County Government. The Association requested the Committee to ensure that:-

- (i) Teita Sisal Estate cedes LR 3880/5 and all land on which public and government utilities and facilities are located to the Ministry of Lands and Physical Planning to convert LR 3880/5 to community land and the rest as public trust land.
- (ii) All roadblocks to public roads and footpaths manned by Teita Sisal Estate security personnel are removed immediately and the public allowed free access.

- (iii) The yearly gazette notice of closure of public access to the roads and footpath during the month of February ceases forthwith.
- (iv) That the squatters occupying the land in Singila be provided with title documents.
- (v) The public is allowed access to the water in the dam and the dam be de-silted.

Committee Observations

The Committee observed that: -

1. Although Mwasimu Mbuwa Association was offered land at Magaga for settlement, they refused because they alleged that there were persons who were already occupying the said land.
2. Mwasimu Mbuwa Welfare Association reported that it was not party to or in agreement with the contents of the MoU which was signed between the Sisal Estate and the County Government.

Committee Recommendation

The Committee recommends that the police stationed at the Police Post should not be used to harass the members of the public in their use of roads within the estate but to maintain law and order.

3.5 INSPECTION VISIT TO SINGILIA AREA; THE DAM AND MWANDISHA PRIMARY SCHOOL

The Committee further conducted a field visit together with the Deputy County Commissioner and the County Security Intelligence Committee, the Area chief and sub-chief and representatives of the Mwasimu Mbuwa Welfare Association on Saturday 7th April, 2018 where it made a tour to Singila Majengo area, the dam and Mwandisha Primary school.

At the road that accesses the farm off the Kasigao - Kamtonga road, the Committee met the MD, Teita Sisal Estate, who informed them that although the road was accessible by the public on foot and by car, it was indeed a private road and labeled as such. The Committee thereafter visited Mwandisha primary school and confirmed that the school though public and managed by government was located within the estate.

During the visit, the Managing Director, Teita Sisal Estate agreed to cede the land on which Mwandisha Primary School stands to the Ministry of Education, Science and Technology and have it properly fenced. He would also allow access to the playground next to the school.

He assured the Committee that a similar parcel of land was set aside next to Mwandisha Primary school should the Ministry of Education, Science and Technology wish to purchase it to build a secondary school.

He agreed to allow for the construction of a public road from the point where the veterinary road ends at Mwandisha Primary school, straight up to where it meets the Estate's western border and to run parallel to the border until the Mwatate-Voi Road. He also informed the

Committee that the road that cuts across the farm remains private and only accessible after going through designated roadblocks. The MD, however, agreed to allow access by the public until the proposed public road is built.

The Committee thereafter met the local residents at a public baraza in Singila area where they assured the residents that the Committee was committed to implementing the recommendations of the Departmental Committee on Lands regarding land issues in Taita Taveta County as adopted by the House. The Chairperson informed the local residents and members of the public during a public what the Managing Director, Teita Sisal Estate had agreed to implement.

4.0 COMMITTEE OBSERVATIONS

The Committee observed that:-

1. The Cabinet Secretary of Interior and Coordination of National Government through the County Commissioner of Taita Taveta County has not implemented the recommendations by the Departmental Committee on Lands regarding its report on land issues in Taita Taveta County because of the alleged suspect draft survey report and of the court order that had ordered for maintenance of status quo. The Committee noted that the Committee on Implementation of the 11th Parliament had differed with the recommendations of the same draft survey report and noted the same in their legacy report.
2. The survey report conducted by the Ministry of Lands and Physical Planning had confirmed that Teita Sisal Estate was occupying a total of 30,284 acres as supported by L/R No. 8880/5(16,875 acres); L/R No. 11378(3,344 acres); L/R No. 6924(10,010 acres) and L/R No. 9487(55 acres).
3. The Committee observed that while the survey had been carried out, the local community was not allowed to accompany the survey team for participation and input. The Committee noted that the survey report from the Ministry of Lands and Physical Planning recommended that the way leave should be deducted from the sisal estate land in favour of the public roads, railway station and Mwandisha primary school and the same allocated titles.
4. Teita Sisal Estate had surrendered to the Government LR 3880/3 in lieu of L/R 3880/5 measuring approximately 12,000 acres at Muda bogo. The land reference 3880/3 had been triangulated and excised from the title of the sisal estate. 6000 acres had already been adjudicated, while the remaining 6,000 acres had not been officially allocated to anyone. However, plans were underway by the Ministry of Lands to adjudicate the remaining 6,000 acres to squatters in the area.
5. The earlier survey report from the Ministry of Lands and Physical Planning had been superseded by the survey report of the Ministry dated 6th September, 2017 and therefore expunged from the records of Parliament.

5.0 COMMITTEE RECOMMENDATIONS

The Committee after deliberations presents below the status of implementation of each of the recommendations of the Departmental Committee on Lands Report on land issues in Taita Taveta County.

- A. The Ministry of Lands, Housing and Urban Development and the National land Commission should bring a proposal for legislation to ensure that investments in property benefit local communities and their economy as provided for in Article 66(2) of the Constitution.
Status: Regulations on land use are before the Committee on Delegated Legislation.
Recommendation: Once the regulations are in place they should be implemented.
- B. National Cohesion and Integration Commission Should intervene for the purpose of averting possible land-based ethnic clashes in the County.
Status: Currently, there are no tensions or clashes in the area.
- C. The National Land Commission to initiate an inquiry into land historical injustices in Taita Taveta and seek redress as provided by Law.
Status: Several regulations on Land have been forwarded to Parliament for consideration by the Committee on Delegated Legislation.
Recommendation: The Ministry of Land and Physical Planning should fast track and implement the regulations once they are adopted by Parliament.
- D. Ministry of Interior and Coordination of National Government should remove all roadblocks on public roads to allow members of the public access without conditions in Teita Sisal Estate and its neighbourhood.
Status: The Ministry of Interior and Coordination of National Government through the County Commissioner is yet to do so. It is apparent that the road in question alleged as a public road is indeed a private road. However, the Managing Director of Taita Sisal Estate agreed to cede the roads accessing the primary school to the Ministry of Transport, Infrastructure, Housing and Urban Development and to allow usage of the road that cuts across the farm to join the Voi- Mwatate road until such a time that the Ministry of Transport, Infrastructure, Housing and Urban Development construct a road on the Western border of the Teita Sisal Estate.
Recommendation: The County Commissioner should liaise with other implementing agencies to ensure that the recommendation is implemented. That the two roads which lead to the school, one off from the Kasigao - Kamtuga road and the veterinary road, are classified as public roads while the roadblock manned by the estate be moved from its present location to behind the school. The Ministry of Transport, Infrastructure, Housing and Urban Development should begin construction of a public road from the point where the veterinary road ends at Mwandisha Primary school, straight up to where it meets the estate western border and to run parallel to the border until the Mwatate-Voi Road. The Public should be allowed access to the proposed public road once its built.

The land on which Mwandisha Primary School stands on to be ceded to the Ministry of Education and properly fenced.

- E. The Ministry of lands, through the Director Survey should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate 33,000 acres that belong to Teita Sisal Estate LR3380/5 (3880/4/R), LR 11378, LR6924 and LR 9487 (dam) from the total acreage of 33,284 acres and the neighboring trust land so that the rest is given back to the community.

Status: The said survey was done jointly with the stakeholders and a copy tabled to Parliament on September 2017. However, there is a dispute on when the recommendations of the survey report can be implemented. The survey report, however, did confirm that Teita Sisal Estate does have ownership documents of Estate LR3380/5 (3880/4/R), LR 11378, LR6924 and LR 9487 (dam) from the total acreage of 33,284 acres and that they have not encroached on a public or community land.

- F. The Government through the Ministry of Lands & Physical Planning and the National Land Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.

Status: The joint survey report tabled by the Ministry of Lands and Physical Planning confirmed that Teita Sisal Estate does have ownership documents of Estate LR3380/5 (3880/4/R), LR 11378, LR6924 and LR 9487 (dam) from the total acreage of 33,284 acres and that they have not encroached on either public or community land.

- G. Teita Sisal Estate Limited should compensate the neighboring indigenous citizens for all their years of illegal occupation and the exploitation of the resources of the areas illegally occupied.

Status: The joint survey report tabled by the Ministry of Lands confirmed that Teita Sisal Estate has not encroached on either public or community land, therefore the matter of compensation does not arise.

- H. Damages caused by the management of Teita Sisal Estate in 1991 in Majengo when food crops were ploughed down without notice when there was no court case and obstructing Community developments should be fully compensated.

Status: The joint survey report tabled by the Ministry of Lands confirmed that Teita Sisal Estate has not encroached on either public or community land, therefore the matter of compensation does not arise.

- I. The National Land Commission and the Ministry of Lands and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, coast and other parts of the Country urgently. This will facilitate the long-awaited access to land ownership and management by residents of Mwatate (Singila Majengo) Taveta and other parts of the Country.

Status: The Ministry of Lands & Physical Planning is yet to confirm the existence of the database.

Recommendation: The Ministry of Lands and Physical Planning and the National Land Commission should create a database of the legitimate squatters as a matter of urgency and adjudication finalized because of the increasing number of squatters arriving in the area.

J. The Mwatate settlement scheme settlers should be given title deeds.

Status: Without the identification of legitimate settlement scheme settlers by the Ministry of Lands and Physical Planning in consultation with stakeholders in the area, this remains a challenge to implement.

Recommendation: This should be implemented in the shortest time possible and report back to the Committee. A database of the legitimate squatters needs to be created as a matter of urgency and adjudication finalized because of the increasing number of squatters arriving in the area.

K. The Government through the Ministry of Transport, Infrastructure, Housing and Urban Development should establish why the feeder road that links the Voi-Mwatate Road with the Voi- Mwatate-Taveta-Moshi railway line (1911) near Matunga entrance gate has been blocked and measures put in place to re-open the roads and railway.

Status: it was found that access to the railway station was restricted because the station is not currently operational and secondly to prevent vandalism.

Recommendation: Management of Teita Sisal estate should maintain the roadblock and man the gate to the railway station in order to prevent vandalism of Kenya Railway property until such a time when the station was re-opened.

Signed



Date

15/08/2018.

Hon. Moitalel Ole Kenta, MP
Chairperson, Committee on Implementation

The National Assembly



12th Parliament-2nd Session-2018
Committee on Implementation

AGENDA: Adoption of the following Reports: -

1. Report on implementation status of the Scrap Metal Act, 2015;
2. Report on implementation status of the Report by the Departmental Committee on Health on the allegations of sexual assault, breakdown of equipment, surgical mix-up and general operations of the Kenyatta National Hospital, the resolution on establishment of a National Health Referral Hospital in Mombasa County and the resolution to declare cancer a national disaster & establishment of a cancer fund to cater for cancer treatment and care;
3. Report on the Executive Seminar on Livestock Insurance Fund, Mombasa;
4. Report on inspection visit regarding land issues in Taita Taveta County;
5. Report on training on monitoring and evaluation of the Committee on Implementation in Mombasa;
6. Report on the 3rd Annual ICPAK Chapter Seminar, Johannesburg, South Africa;
7. Report on training on strengthening oversight using monitoring and evaluation tools at United Nations Institute on Training and Research (UNITAR), Geneva, Switzerland; and
8. The Report on submissions from stakeholders regarding implementation status of House Resolutions, Petitions, Adopted Committee Reports and Acts.

VENUE: 2nd Floor Boardroom, Protection House DATE: Thursday 9th August, 2018 at 10:00 a.m.

NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP - Chairperson	
2.	The Hon. Godfrey Osotsi, MP - Vice Chairperson	
3.	The Hon. Alois Musa Lentoimaga, MP	
4.	The Hon. Maj. (Rtd) John Waluke Koyi, MP	
5.	The Hon. Paul Simba Arati, MP	
6.	The Hon. (Dr.) James Kipkosgei Murgor, MP	
7.	The Hon. Onesmas Kimani Ngunjiri, MP	

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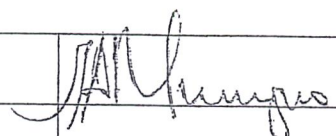
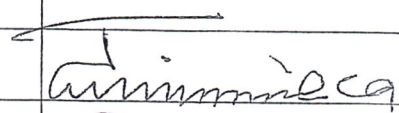
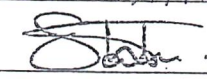
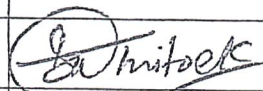

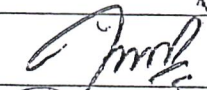
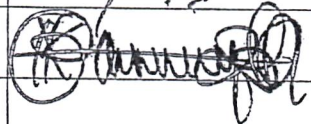
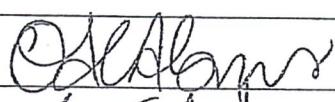
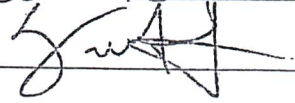
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8.	The Hon. Francis Munyua Waititu, MP	
9.	The Hon. Richard Onyonka, MP	
10.	The Hon. Johnson Naicca, MP	
11.	The Hon. George Theuri, MP	
12.	The Hon. Joseph Wathigo Manje, MP	
13.	The Hon. (Dr.) Daniel Kamuren Tuitoek, MP	
14.	The Hon. Hassan Oda Hulufu, MP	
15.	The Hon. Nelson Koech, MP	
16.	The Hon. Generali Nixon Korir, MP	
17.	The Hon. Owen Yaa Baya, MP	
18.	The Hon. Paul Abuur, MP	
19.	The Hon. Silvanus Osoro, MP	
20.	The Hon. Michael Thoya Kingi, MP	
21.	The Hon. Jared Okelo, MP	
22.	The Hon. Joshua Mwalyo, MP	
23.	The Hon. Charles Ngusya Nguna, MP	

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MINUTES OF THE 46TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY 9TH AUGUST, 2018, IN THE BOARDROOM ON 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - **Chairperson**
2. The Hon. Godfrey Osotsi, MP - **Vice Chairperson**
3. The Hon. Paul Simba Arati, MP
4. The Hon. Alois Musa Lentoimaga, MP
5. The Hon. George Theuri, MP
6. The Hon. (Dr.) James Kipkosgei Murgor, MP
7. The Hon. Maj. (Rtd) John Waluke Koyi, MP
8. The Hon. Francis Munyua Waititu, MP
9. The Hon. Joseph Wathigo Manje, MP
10. The Hon. Richard Onyonka, MP
11. The Hon. Onesmas Kimani Ngunjiri, MP
12. The Hon. Johnson Many Naicca, MP
13. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
14. The Hon. Hassan Oda Hulufu, MP
15. The Hon. Nelson Koech, MP
16. The Hon. Silvanus Osoro, MP
17. The Hon. Generali Nixon Kiprotich Korir, MP
18. The Hon. Paul Odalo Mak'Ojuando Abuor, MP

APOLOGIES

1. The Hon. Michael Kingi, MP
2. The Hon. Jared Okelo, MP

ABSENT

1. The Hon. Charles Ngusya Nguna, MP
2. The Hon. Owen Yaa Baya, MP
3. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

THE NATIONAL ASSEMBLY

1. Mr. Abdirahman Gele Hassan - Clerk Assistant III
2. Mr. Moses Kariuki - Serjeant-at-arms

MIN. NO.COI/244/2018:

PRELIMINARIES

The Chairperson called the meeting to order at twenty-five minutes past ten o'clock followed by a word of prayer from the Hon. (Dr.) Daniel Kamuren Tuitoek, MP. Thereafter, the agenda of the day was adopted having been proposed and seconded by the Hon. (Dr.) Daniel Kamuren Tuitoek, MP, and the Hon. Godfrey Osotsi, MP, respectively, as follows: -

1. Meeting with the acting Managing Director, Kenya Bureau of Standards to consider implementation status of the Report by the Departmental Committee on Agriculture and Livestock on inquiry into the crisis facing the sugar industry in Kenya;
2. Meeting with the acting CEO, Mumias Sugar Company to consider implementation status of the Report by the Departmental Committee on Agriculture and Livestock on inquiry into the crisis facing the sugar industry in Kenya;
3. Consideration of a report from the sub-committee on implementation of the National Budget;
4. Adoption of Reports; and
5. Consideration of pending business.

MIN. NO.COI/245/2018:

CONFIRMATION OF MINUTES

The agenda was deferred.

MIN. NO.COI/246/2018:

**MEETING WITH THE ACTING MD,
KEBS**

The meeting did not take place since the acting Managing Director, Kenya Bureau of Standards has not appeared before the Committee as scheduled.

The Committee noted with concern that it had not received official communication from KEBS indicating that the acting Managing Director would not attend the meeting. Consequently, the Committee resolved to reschedule the said meeting to Thursday 16th August, 2018.

MIN. NO.COI/247/2018:

**MEETING WITH THE ACTING CEO,
MUMIAS SUGAR COMPANY**

The Chairperson informed the Committee that the acting CEO was not able to come with the management of Mumias Sugar Company as directed earlier. The acting CEO would write to the Committee to explain as to why he was not able to come with the management of the company.

MIN. NO. COI/248/2018:

REPORT ON SUB-COMMITTEE

The sub-committee on implementation of National Budget informed the main Committee on its Terms of Reference and highlighted key issues that required implementation from the Budget and Appropriations Committee (BAC) Report on the Budget Estimates for the Financial Year 2018/2019.

The Committee was advised not to step on mandate of the BAC and Departmental Committees as it follows up on approved projects for implementation considering that departmental committees play the oversight roles.

MIN. NO. COI/249/2018:

ADOPTION OF REPORTS

The Committee adopted the following Reports: -

1. The Report on Implementation status of the Scrap Metal Act, 2015;
2. The Report on Implementation status by the Departmental Committee on Health Report on the allegations of sexual assault, breakdown of equipment, surgical mix-up and general operations of the Kenyatta National Hospital, the Resolution on establishment of a national health referral hospital in Mombasa County and the Resolution to declare cancer a national disaster and establishment of a cancer fund to cater for cancer treatment and care;
3. The Report on the Executive Seminar on Livestock Insurance Fund, Mombasa;
4. The Report on inspection visit regarding land issues in Taita Taveta County.
5. The Report on training on monitoring and evaluation of the Committee on Implementation in Mombasa;
6. The Report on the 3rd Annual ICPAK Chapter Seminar, Johannesburg, South Africa;
7. The Report on training on strengthening oversight using monitoring and evaluation tools at United Nations Institute on Training and Research (UNITAR), Geneva, Switzerland; and
8. The Report on submissions from the stakeholders regarding implementation status of House Resolutions, Petitions, Adopted Committee and Acts.

MIN. NO. COI/250/2018:

ANY OTHER BUSINESS

The following issues were raised: -

1. Consideration of submissions from stakeholders

The Committee noted the need to include the dates responses were received from various stakeholders and categorize the submissions into resolutions/motions, adopted committee reports, petitions and legislations passed by the House.

2. Study Visits/Proposed Training

- a) The Chairperson informed the meeting that the Committee received an invitation from the State University of New York in conjunction with the Centre for Parliamentary Studies & Training requesting for nomination of Members for training. The training is proposed to be undertaken from 14th to 23rd September, 2018 at Albany, New York.


The Committee had proposed the following seven (7) Members to undertake the training: -

- i. Hon. Godfrey Osotsi, MP – Vice Chairperson/Leader of the Delegation
 - ii. Hon. Onesmas Kimani Ngunjiri, MP
 - iii. Hon. Alois Musa Lentoimaga, MP
 - iv. Hon. Nixon Kiprotich Korir, MP
 - v. Hon. John Waluke Koyi, MP
 - vi. Hon. (Dr.) Daniel Kamuren Tuitock, MP
 - vii. Hon. Jared Okelo, MP
- b) The Hon. Francis Waititu, MP, to replace the Hon. Jared Okelo, MP, for the proposed study visit to Romania.
- c) The Hon. Paul Abuor, MP, to replace the Hon. Godfrey Osotsi, MP, Vice Chairperson, for the proposed study visit to Zambia.

MIN. NO.COI/251/2018:

ADJOURNMENT

There being no other business, the meeting was adjourned at forty minutes past eleven o'clock.

Sign.......... Date.....16/08/2018.....
(Chairperson)

MINUTES OF THE 30TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 12TH JUNE, 2018, IN THE BOARDROOM, FOURTH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 12.00 PM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Richard Onyonka, MP
4. The Hon. Francis Munyua Waititu, MP
5. The Hon. (Dr.) James Kipkosgei Murgor, MP
6. The Hon. Joseph Wathigo Manje, MP
7. The Hon. Charles Ngusya Nguna, MP
8. The Hon. Joshua Mbithi Mwalyo, MP

APOLOGIES

1. The Hon. George Theuri, MP
2. The Hon. Alois Musa Lentoimaga, MP
3. The Hon. Paul Simba Arati, MP
4. The Hon. Onesmas Kimani Ngunjiri, MP
5. The Hon. Maj. (Rtd) John Waluke Koyi, MP
6. The Hon. Johnson Manya Naicca, MP
7. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
8. The Hon. Owen Yaa Baya, MP
9. The Hon. Paul Odalo Mak'Ojuando Abuor, MP
10. The Hon. Michael Thoya Kingi, MP
11. The Hon. Generali Nixon Kiprotich Korir, MP
12. The Hon. Nelson Koech, MP
13. The Hon. Hassan Oda Hulufu, MP
14. The Hon. Jared Okelo, MP
15. The Hon. Silvanus Osoro, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

Mr. Abdirahman Gele Hassan - Clerk Assistant III

MIN. NO. COI/156/2018:

PRELIMINARIES

The Chairperson called the meeting to order at twenty five minutes past twelve o'clock followed by a word of prayer.

The agenda of the day was adopted having been proposed and seconded by Hon. Joshua Mwalyo, MP and Hon. (Dr.) James Murgor, MP respectively.

MIN. NO. COI/157/2018:

CONFIRMATION OF MINUTES

The Minutes of the 29th Sitting held on Tuesday 5th June, 2018 was confirmed as a true record of the proceedings having been proposed and seconded by Hon. (Dr.) James Murgor, MP and Hon. Charles Ngusya Nguna, MP respectively.

MIN. NO. COI/158/2018:

MATTERS ARISING

1) Under Min.No. COI/153/2018:

- a) Report on land issues in Taita Taveta: The Committee proposes to consider the report on land issues in Taita Taveta County in the coming week in preparation for tabling before the House.
- b) *Consideration of Reports on the Petition and the Inquiry into the challenges facing sugar industries in the country:* The Committee resolved to consider the Reports on the Petition and the Inquiry into the challenges facing the sugar industries in the country on Thursday 14th June, 2018 and thereafter invite the relevant stakeholders to appear before the Committee on Tuesday 26th June, 2018 to appraise the Committee on Implementation status of the reports.

2) Under Min.No. COI/154/2018: Consideration of Pending Business

- a) Due to the workload of the Committee, the Members noted the need to form sub committees to fastrack implementation of Reports and resolutions of the House.
- b) The Committee resolved to invite the Cabinet Secretary for Health on Thursday 21st June, 2018 to consider Implementation status of the Report on

the alleged sexual assault, breakdown of equipment, surgical mix-up & general operations of Kenyatta National Hospital and Motions on establishment of a National Health Referral Hospital in Mombasa County and declaration of Cancer as a National Disaster and establishment of Cancer Fund.

MIN. NO.COI/159/2018:

**CONSIDERATION OF PENDING
BUSINESS**

1. Pending Reports

The Committee resolved to consider the reports on the field visit to Taita Taveta County on Land Issues, the Executive Seminar on Livestock Insurance, the Monitoring & Evaluation Training and the 3rd Annual ICPAK Chapter Seminar next week.

2. Brief on Reports and House Resolutions

The Committee urged the research officers attached to the Committee to prepare a detailed brief on the following reports and motions:-

- I. Report on the Petition and the Inquiry into the challenges facing the sugar industries in the country;
- II. Report on ownership of Mombasa Cement Limited land;
- III. Report on equipment, surgical mix-up and general operations of Kenyatta National Hospital;
- IV. Special Report on Procurement and Financing of NSSF Tassia II Infrastructure Development Project;
- V. Motion on establishment of a National Health Referral Hospital in Mombasa County;
- VI. Motion on declaration of Cancer as a National Disaster and Establishment of Cancer Fund;
- VII. Motion on review of terms and conditions of Kenya Police Reservists in arid and semi-arid areas;

MIN. NO.COI/160/2018:

ANY OTHER BUSINESS

The Chairperson informed the meeting that the proposed study visit to Zambia by the Committee has been re-scheduled to August, 2018 due to budget constraints.

MIN. NO.COI/161/2018:

ADJOURNMENT

The meeting was adjourned at five minutes past one o'clock. The next meeting will be on notice.

Sign. [Signature], Date. 14.06.2018.

(Chairperson)

MINUTES OF THE 21ST SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON THURSDAY 12TH APRIL, 2018 IN 2ND FLOOR BOARDROOM,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 11:00 AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Maj. (Rtd) John Waluke Koyi, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. George Theuri, MP
6. The Hon. Joseph Wathigo Manje, MP
7. The Hon. Paul Odalo Abuor, MP
8. The Hon. Michael Thoyah Kingi, MP
9. The Hon. Joshua Mbithi Mwalyo, MP
10. The Hon. Owen Yaa Baya, MP
11. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP

APOLOGIES

1. The Hon. Alois Musa Lentoimaga, MP
2. The Hon. Francis Munyua Waititu, MP
3. The Hon. Charles Ngusya Nguna, MP
4. The Hon. Generali Nixon Kiprotich Korir, MP
5. The Hon. Jared Okelo, MP
6. The Hon. Nelson Koech, MP
7. The Hon. Hassan Oda Hulufu, MP
8. The Hon. Silvanus Osoro, MP

ABSENT

1. The Hon. Onesmas Kimani Ngunjiri, MP
2. The Hon. Paul Simba Arati, MP
3. The Hon. Richard Onyonka, MP
4. The Hon. Johnson Manya Naicca, MP

FRIEND OF THE COMMITTEE

Hon. Andrew Mwadime, MP

IN-ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------------|---|----------------------|
| 1. Mr. Abdirahman Gele Hassan | - | Clerk Assistant III |
| 2. Mr. James Muguna | - | Research Officer III |
| 3. Ms. Zeinab Wario | - | Serjeant-at-arms |

TEITA SISAL ESTATE

- | | | |
|--------------------------|---|-------------------|
| 1. Mr. Philip A. Kiriazi | - | Managing Director |
| 2. Mr. Emmanuel Mromno | - | Assistant Manager |

MIN.NO. COI/112/2018:

PRELIMINARIES

The Chairperson called the meeting to order at five minutes past eleven o'clock and said the Prayer. He welcomed everyone to the meeting and led a round of self-introduction.

MIN.NO. COI/113/2018:

CONFIRMATION OF MINUTES

The agenda was deferred.

MIN.NO. COI/114/2018:

MEETING WITH THE MANAGING DIRECTOR, TEITA SISAL ESTATE

Mr. Phillip A. Kiriazi, Managing Director, Teita Sisal Estate, appeared before the Committee and briefed them as follows; that:-

1. All roads passing through the estate have been opened to the public and barriers put at a place that will not interfere with the movement of people.
2. Registration of squatters is ongoing and the Ministry of Lands will allocate plots once the survey and registrations are completed. The process is being handled by the Ministry of Lands and Physical Planning hence cannot give a timeframe on when it will be finalized.
3. On the matter of the alleged use of the Kenya Police to harass locals, he informed the Committee that he does not use the police to harass the residents of Mwatate.

4. He had excised part of the Teita Sisal Estate property and donated to the County Government of Taita Taveta and is working with the Ministry of Lands, Housing and Urban Development in order to allocate the land to identified squatters.
5. The land reference 3880/3 had been triangulated and excised from the title of the sisal estate.
6. He provided certified copies of title deeds and correspondences between the estate and various entities as requested by the Committee during its inspection visit to Taita Taveta County.
7. He further provided a report by the Departmental Committee on Lands and another from Nduku Investigations Bureau which had contradictory recommendations from the one of the National Assembly.

Hon. Andrew Mwadime, MP, informed the Committee that he had confirmed that the allegations raised against Teita Sisal Estate were not true and that the locals were satisfied with the process. He, however, requested the Committee to advise the Ministry of Agriculture and Irrigation to desilt the dam.

MIN.NO. COI/115/2018:

CONSIDERATION OF PENDING
BUSINESS

The agenda was deferred.

MIN.NO. COI/116/2018:

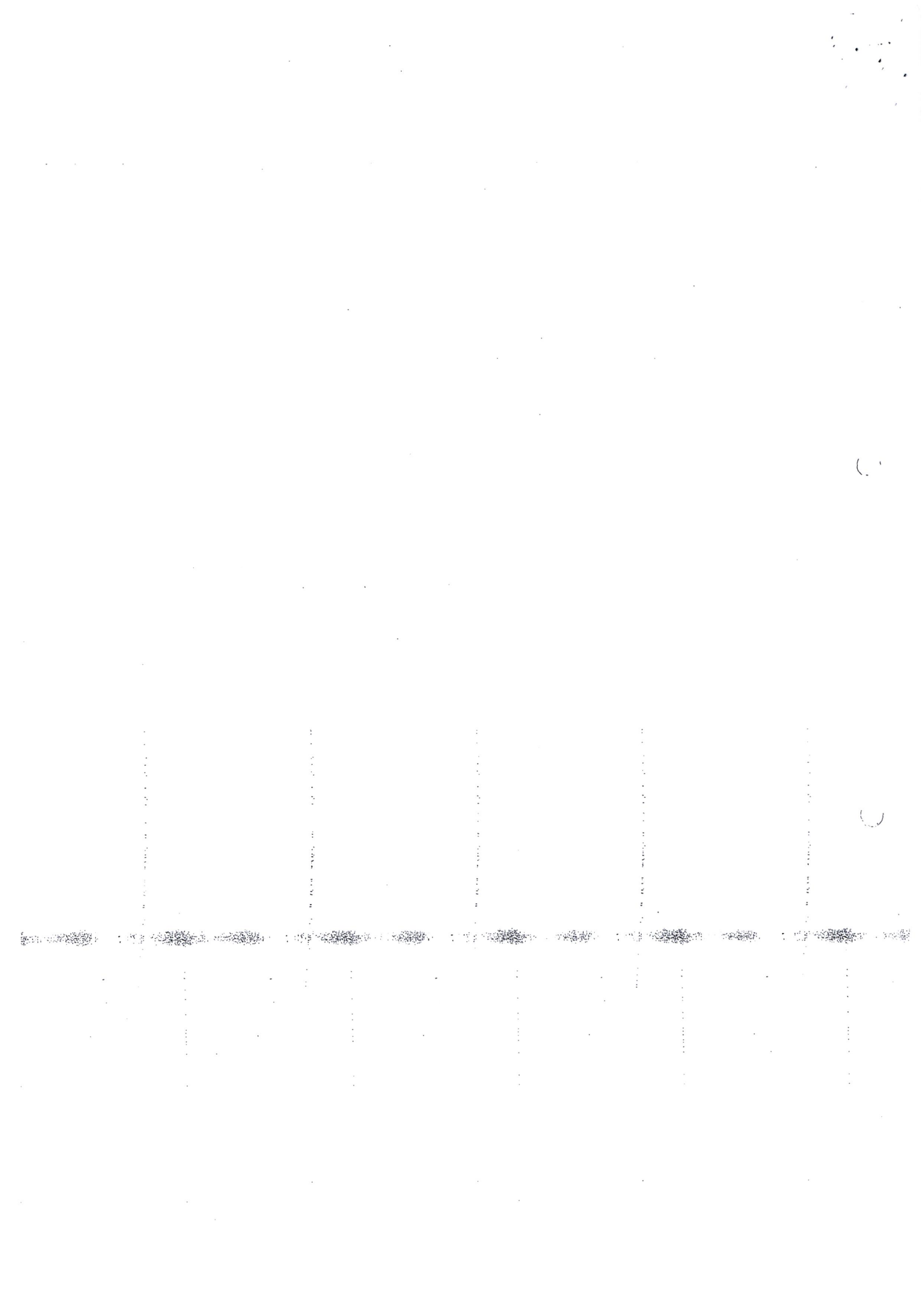
ADJOURNMENT

There is no any other business, the meeting was adjourned at thirty-five minutes past eleven o'clock. The next meeting will be called on notice.

Sign.....

Date.....05.06.2018.....

(Chairperson)



MINUTES OF THE 20TH SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON SATURDAY 7TH APRIL 2018 DURING THE PUBLIC BARAZA AT
SINGILIA AREA AT 1:00 PM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Maj. (Rtd) John Waluke Koyi, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Charles Ngusya Nguna, MP
6. The Hon. Paul Odalo Abuor, MP
7. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

Hon. Andrew Mwadime, MP - Mwatate Constituency

TAITA TAVETA COUNTY SECURITY INTELLIGENCE COMMITTEE

Mr. Ken Momanyi - Deputy County Commissioner

MWASIMU MBUWA WELFARE ASSOCIATION

1. Mr. Mnjala Mwaluma - Secretary
2. Mr. Thomas Nduku - Private Investigator

NATIONAL ASSEMBLY

1. Ms. Rose M. Wanjohi - Clerk Assistant II
2. Mr. Abdirahman Gele Hassan - Clerk Assistant III
3. Mr. Rodgers Kilungya - Audio Record Officer
4. Mr. Naaman Agengi - Security Officer

MIN.NO.COI/107/2018:

PRELIMINARIES

The Chairperson called the meeting to order at one o'clock followed by a word of prayer. He led the delegation on a round of introduction.

MIN.NO.COI/108/2018:

CONFIRMATION OF MINUTES

The Agenda item was deferred

MIN.NO.COI/109/2018:

PUBLIC BARAZA AT SINGILIA
AREA

Mr. Ken Moinanyi, the Deputy County Commissioner accompanied by the County Security Intelligence Committee, the area chief and sub-chief and representatives of the Mwasimu Mbuwa Welfare Association informed the residents present at the public baraza that the purpose of the field visit by the Committee on Implementation was to appraise itself on the land issues in Taita Taveta County.

Hon. Moitalel Ole Kenta, MP, Chairperson, on behalf of the Committee assured the residents that the Committee was committed to implementing the recommendations of the Committee on Lands Report as adopted by the House. He informed them what the MD, Title Estate had agreed to implement.

MIN.NO.COI/110/2018:

ANY OTHER BUSINESS

There was no other business.

MIN.NO.COI/111/2018:

ADJOURNMENT

The field visit ended at fifteen minutes to two o'clock. The next meeting will be called on notice.

Sign.....



(Chairperson)

Date.....

05.06.2018.

MINUTES OF THE 19TH SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON SATURDAY 7TH APRIL 2018 DURING THE FIELD VISIT TO SINGILIA
AREA, MWANDISHA PRIMARY SCHOOL AT 10:00AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Maj. (Rtd) John Waluke Koyi, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Charles Ngusya Nguna, MP
6. The Hon. Paul Odalo Abuor, MP
7. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

Hon. Andrew Mwadime, MP - Mwatate Constituency

TAITA TAVETA COUNTY SECURITY INTELLIGENCE COMMITTEE

Mr. Ken Momanyi - Deputy County Commissioner

TEITA SISAL ESTATE

1. Mr. Philip Kriazi - Managing Director
2. Mr. Emmanuel Mromno - Assistant General Manager

MWASIMU MBUWA WELFARE ASSOCIATION

1. Mr. Mnjala Mwaluma - Secretary
2. Mr. Thomas Nduku - Private Investigator

NATIONAL ASSEMBLY

1. Ms. Rose M. Wanjohi - Clerk Assistant II
2. Mr. Abdirahman Gele Hassan - Clerk Assistant III
3. Mr. Rodgers Kilungya - Audio Record Officer
4. Mr. Naaman Agengi - Security Officer, NA

MIN.NO.COI/102/2018:

PRELIMINARIES

The Chairperson called the meeting to order at ten o'clock followed by a word of prayer. He led the delegation on a field visit of the area under dispute to allow the members of the sub-committee familiarise themselves.

MIN.NO.COI/103/2018:

CONFIRMATION OF MINUTES

The agenda item was deferred

MIN.NO.COI/104/2018:

**FIELD VISIT TO SINGILIA AREA;
THE DAM AND MWANDISHA
PRIMARY SCHOOL**

The Committee conducted a field visit accompanied by the Deputy County Commissioner, County Security Intelligence Committee, the area chief and sub-chief and representatives of the Mwasimu Mbuwa Welfare Association. The Chairman, made it clear that the Committee on Implementation was mandated to ensure the implementation of the recommendations of the Committee of Lands as adopted by the House. Importantly, the earlier survey report from the Ministry of Lands, Housing and Urban Development had been superseded by the survey report from the Ministry of Lands, Housing and Urban Development dated 6th September, 2017 and therefore expunged from the records of Parliament.

The Committee stopped at Singilia area where they viewed the settlements by the squatters, the border between the sisal estate and the residents, the dam and how much it has silted due to encroachment on the catchment areas.

At the road that accesses the farm off the Kasigao - Kamtuga road, the Committee met the MD Teita Estate who informed the members that although the road was accessible by the public on foot and by car, it was in fact labeled a private road. The Committee thereafter went to Mwandisha Primary School.

The Managing Director of Teita Sisal Estate agreed to:-

1. Cede the land on which Mwandisha Primary School stands on to the Ministry of Education and have it properly fenced. He would also allow the school access to the playground utilized by the children of the estate employees located next to the school.

2. That the two roads which lead to the school, one off from the Kasigao - Kamtuga road and the veterinary road, be classified as public roads while the road block manned by the estate be moved from its present location to behind the school.
3. Allow for the construction of a public road from the point where veterinary road ends at Mwandisha Primary School, straight up to where it meets the estate western border and to run parallel to the border until the Mwatate-Voi Road. He was adamant that the road that cuts across the farm remains private and only accessible after going through designated roadblocks. He however agreed to allow access by the public until the proposed public road is built.
4. Maintain the road block and man the gate to the railway station in order to prevent vandalism of Kenya Railway property until such a time when the station was re-opened.
5. Share in the cost of de-siltation of the dam with the NG-CDF and the County Government.

He assured the Committee that a similar parcel of land was set aside next to the Primary School should the Ministry of Education wish to purchase it to build a Secondary School.

MIN.NO.COI/105/2018:

ANY OTHER BUSINESS

There was no other business.

MIN.NO.COI/106/2018:

ADJOURNMENT

The field visit ended at twenty minutes to one o'clock.

Sign.....



(Chairperson)

Date.....

05.06.2018

MINUTES OF THE 18TH SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON FRIDAY 6TH APRIL 2018 IN CDF BOARDROOM, 1ST FLOOR, NG-CDF
BUILDING MWATATE, AT 2:00 PM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Maj. (Rtd) John Waluke Koyi, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Charles Ngusya Nguna, MP
6. The Hon. Paul Odalo Abuor, MP
7. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

1. Hon. Andrew Mwadime, MP - Mwatate Constituency
2. Hon. Thomas Mwadeghu - Former Wundanyi MP

TEITA SISAL ESTATE

1. Mr. Philip Kriazi - Managing Director
2. Mr. Emmanuel Mromno - Assistant General Manager

MWASIMU MBUWA WELFARE ASSOCIATION

1. Mnjala Mwaluma – Secretary
2. James Mwanjaza – Vice Chairman
3. Thomas Nduku – Private Investigator

NATIONAL ASSEMBLY

1. Ms. Rose M. Wanjohi - Clerk Assistant II
2. Mr. Abdirahman Gele Hassan - Clerk Assistant III
3. Mr. Rodgers Kilungya - Audio Record Officer
4. Mr. Naaman Agengi - Security Officer

MIN.NO.COI/95/2018:

PRELIMINARIES

The Chairperson called the meeting to order at five minutes past two o'clock followed by a word of prayer. He led a round of self-introduction. Thereafter, the Committee was informed that the purpose of the meeting was to follow up on the implementation status of the recommendations by Committee on Lands Report on land issues in Taita Taveta County as adopted by the House.

MIN.NO.COI/96/2018:

CONFIRMATION OF MINUTES

The Agenda item was deferred

MIN.NO.COI/97/2018:

MATTER ARISING

There were no matters arising

MIN.NO.COI/98/2018:

**MEETING WITH MR. PHILIP KRIAZI,
MANAGING DIRECTOR, TEITA
SISAL ESTATE**

Mr. Philip Kriazi, Managing Director (MD), Teita Sisal Estate informed the Committee that no public roads had been closed by the Estate. The road which is off the Kasigao to Kamutoga Road which leads to Mwandisha Primary School though open to the public was a private road with a roadblock manned by the estate security personnel. The School was built by the farm to provide education for children of its employees but over time and as part of corporate responsibility, it has been opened to children of persons living outside the farm. The teachers are provided by the Ministry of Education, Science and Technology. Children are allowed to access the school through the private road. Further, motorists use the road which cuts across the farm to join the Mwatate-Voi Road after a security check at the entrance. The veterinary road, a private road also manned by an estate road block and leads to the school had been closed which has forced students to walk for long distance to access the primary school. He further informed the Committee that the Estate borders had been moved to the road reserve and therefore the Estate did not in any way inhibit access to public property.

The MD, disputed that the police stationed in the Police post within the Estate were being used to harass the public as alleged in the report. He clarified that the police post was built on land within the estate because at the time, the workers who worked and lived within the estate

constituted the largest population size compared to the surrounding area and before Mwatate town grew to what it is today.

The MD informed the Committee that a survey of the sisal estate boundaries had been carried out by the Ministry of Lands, Housing and Urban development with representatives from stakeholders like Mwasimu Mbuwa, the sisal estate etc.(there was a list provided in the survey report). Mr. Hine who represented the sisal estate was called in while the process was ongoing and pronounced himself satisfied with the process and outcome. The survey confirmed ownership by Teita Sisal Estate of 30,284 acres(L/R No. 8880/5(16,875 acres); L/R No. 11378(3,344 acres); L/R No. 6924(10,010 acres) and L/R No. 9487(55 acres) .However, he was not able to confirm who owns LR 3880/3 and asked for time to confirm. He informed the Committee that the farm had been moved several times during the last 50 years which may have brought confusion on the title documents and the land which the Sisal farm currently occupies. He however did confirm the Committee that although the title documents may read 30, 284 acres, 2284 acres which was land exercised from road and railway reserve had been subtracted from the mother titles. Therefore the land consumed by the estate was in fact less than what was indicated in the mother titles. Therefore the allegations of encroachment by the estate on public or community land were not true.

The dam, was constructed within the estate land but due to the exchange of parcel LR 3880/3 with LR 3880/5 by the Ministry of Lands, the dam ended up half in the estate and half accessible to the public on the Mwatate side. However due to negligence and siltation, the dam has gradually divided into two with the side open to the public having shrunk so much that the dam holds little water, which is a source of concern to the growing population around it. The public are building houses and farming around the catchment area to the dam which has reduced the amount of water getting to the dam. In an effort to maintain water in the dam, the residents and the County Government have agreed to prevent further encroachment on the catchment area. However, there still remains water shortage and the estate is reluctant to allow the public to access their side of the dam, which they use for irrigation.

The MD informed the Committee that the airstrip was private and within the estate land, though open to use by the Kenya Wildlife Service, private planes and the Government. The railway line was maintained by a fence and access to the railway station was through a gate which was manned by the estate security personnel until such a time the station is in use again.

The MD informed the Committee that he had signed an MOU with the Ministry of Lands, Housing and Urban development and the County Government to cede land on which Mwandisha Primary School stands on, the roads leading to the school and to move his western border inward so that the Ministry of Transport can build a public road parallel to the border. He however was adamant that the road which leads to Matunga that cuts across the farm would remain private. He further informed the Committee that the squatters at Singilia Majengo could be settled in the land they were currently occupying because it did not form part of the estate land. In fact the Majengo area was never in contention because it is on the upper side of the public Kasigao –Kamutoga Road. He however noted that the number of squatters had grown exponentially since the court case had been suspended and the MOU had been signed in 2014. This would create a problem of identifying the genuine squatters from others who had come in the recent past. He informed the Committee that the delay in implementing the MOU was because, the MOU had be endorsed by the National Government before being effected through the County Government because Land matters were devolved. The size of land to be allocated to squatters and/ registered as community land awaited the Ministry of Lands survey.

He further proposed that the dam needed desilting which can be undertaken by the Sisal Estate, the NG-CDF and the County Government and conservatively required Kshs. 190 Million. The residents need to be sensitized on conservation of the catchment area and degradation of the surrounding land from farming which has led to siltation.

On the matter of compensation of the loss of crops which were ploughed in 1992, he informed the Committee that the estate had never illegally occupied the land and therefore cannot compensate the farmers for the loss of their crops.

He requested for a meeting with the Committee on 12th April, 2018 in Parliament buildings to clarify on the issues which had arisen during the meeting.

The Committee observed that:-

1. There was need for clarity on when the farm was moved last and to which portions of land.
2. The title documents to the sisal farm had not been availed to the Committee
3. The date of construction of the airstrip and how the airstrip and the dam ended up within the farm was not clear.

The Committee after deliberation acceded to his request and recommended to meet with the Managing Director on 12th April, 2018 at 10:00am in the Parliament buildings. During the meeting, the MD was directed to provide:-

- copies of the title documents of the sisal farm
- copy of the MOU
- clarify ownership of LR 3880/3

MIN.NO.COI/99/2018:

MEETING WITH THE MEMBERS OF
MWASIMU MBUWA WELFARE
ASSOCIATION AND SQUATTERS AT
SINGILIA MAJENGO AREA

Mr. Mnjala Mwasuma, the Secretary of Mwasimu Mwabuwa Welfare Association informed the Committee that in 1991, a grader allegedly from Teita Sisal Estate was used to demolish grave sites and crops on land whose ownership was in dispute and they were occupying as squatters. He alleged that they were not given notice of the demolition. They were offered land at Magaga but they refused because there were persons who were already occupying the land. They further alleged that the sisal farm had planted sisal crops up to their doorsteps which brought attacks from snakes, scorpions and spiders. They alleged that the road the public uses to access Singilai Majengo was in need of repairs but that the farm had refused graders access to fix the road. He further alleged that the sisal farm had encroached on their land.

He informed the Committee that the Sisal Estate through its security personnel denied the public access to public roads and footpaths; for instance the footpath through the Estate Director's residential area to the primary school. The other road was the Mwatate – Kasigau road and the road that cuts across the farm. He informed the Committee that the farm through a gazette notice in February of every year blocks access to the farm through any of the footpaths or public roads. He also alleged that the public were denied access to the railway station. He alleged that the police officers stationed at the police post within the farm were being used by the farm management as a private security force to harass the public. He proposed that the police post be moved out of the farm and that if the farm is in need of the police services, the management request for assistance from the Mwatate Police station in Mwatate town.

He further informed the Committee that the Mwasimu Mwuwa Welfare Association were not party to or in agreement with the contents of the MOU which was signed between the Sisal Estate and the County Government. He asked the Committee to ensure that:-

1. Teita Sisal Estate cedes LR 3880/5 and all land on which public and government utilities and facilities are located to the Ministry of Lands, Housing and Urban Development to convert LR 3880/5 to community land and the rest as public trust land.
2. All road blocks to public roads and footpaths manned by Teita Sisal Estate security personnel are removed immediately and the public allowed free access.
3. The yearly gazette notice of closure of public access to the roads and footpath during the month of February ceases forthwith.
4. That the squatters occupying the land in Singila be provided with title documents.
5. The public be allowed access to the water in the dam. The dam should be desilted.

Mr. Thomas Nduku, a private investigator for the Mwasimu Mbuwa Welfare Association, tabled documents and a report which he used to try and verify the Minister of Lands, Housing and Urban Development signature on a draft survey report. However he was informed that a survey report dated 6th Sept. 2017 has been tabled by the Ministry of Lands, Housing and Urban Development which disowned the report he was referring to thus expunging it from the records of Parliament.

MIN.NO.COI/100/2018:

ANY OTHER BUSINESS

There was no other business.

MIN.NO. COI/101/2018:

ADJOURNMENT

The meeting was adjourned at twenty minutes past five o'clock. The next meeting will be held on Saturday 7th April 2018 at 10:00 am.

Sign.....

Date..... 05.06.2018.

(Chairperson)

MINUTES OF THE 17TH SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON FRIDAY 6TH APRIL 2018 IN CDF BOARDROOM, 1ST FLOOR, NG-CDF
BUILDING MWATATE, AT 10.00 AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Maj. (Rtd) John Waluke Koyi, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Charles Ngusya Nguna, MP
6. The Hon. Paul Odalo Abuor, MP
7. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

1. Hon. Andrew Mwadime, MP - Mwatate Constituency
2. Hon. Jones Mlolwa, MP - Voi Constituency
3. Hon. Thomas Mwadeghu - Former Wundanyi MP

Taita Taveta County Security Intelligence Committee

1. Rhoda Onyancha – County Commissioner
2. Halima M. Abdi- County Police Commander
3. Eunice Ngele - County Intelligence Committee
4. Henry Chebii -County Criminal Investigation Officer
5. Mbugua David – County AP Commander
6. Winnie Maina – PA CIC
7. Alexander Kimani – Sub County Intelligence Coordinator
8. Sohoro Ole Kuyioni – Sub County Commander Aps
9. Joel Chesire – OCPD Mwatate

Ministry of Lands and Physical Planning

1. Hon. Gideon Mungaro – Chief Administrative Secretary
2. Richard Amati – SAD, Survey

3. James M. Ngiriri – Assistant Director, Land Adjudication and Settlement
4. Ngugi Stephen Maina - Assistant Director, Land Adjudication and Settlement
5. Sego Mantarkiy – Land Registrar
6. Donald Bongoli - Land Registrar
7. Clarice Mnyambo – CECM, Land, Environment & Natural Resources
8. Rachael M. Ndambuki – Surveyor
9. Sammy W. Juma - Surveyor

NATIONAL ASSEMBLY

- | | | |
|-------------------------------|---|----------------------|
| 1. Ms. Rose M. Wanjohi | - | Clerk Assistant II |
| 2. Mr. Abdirahman Gele Hassan | - | Clerk Assistant III |
| 3. Mr. Rodgers Kilungya | - | Audio Record Officer |
| 4. Mr. Naaman Agengi | - | Security Officer |

MIN.NO. COL/90/2018:

PRELIMINARIES

The Chairperson called the meeting to order at five minutes past ten o'clock followed by a word of prayer. He led a round of self-introduction. Thereafter, the Committee was informed that the purpose of the meeting was to follow up on the implementation status of the recommendations by Committee on Lands report on land issues in Taita Taveta County as adopted by the House.

MIN.NO.COL/91/2018:

MEETING WITH THE COUNTY SECURITY INTELLIGENCE COMMITTEE, TAITA TAVETA COUNTY

Ms. Rhoda Onyancha, County Commissioner Taita Taveta County, informed the Committee that none of the recommendations which fell under the purview of the Ministry of Interior and Coordination of National Security docket had been implemented. This decision was informed by a court order which had recently been lifted that had ordered for the maintenance of the status quo. The Committee was further informed that the survey report by the Ministry of Lands in compliance with recommendation No. 2 on Teita Sisal Estate by the Departmental Committee on Lands dated 6th September 2017 had not been communicated to the County Commissioner's office for implementation.

The County Commissioner further informed the Committee that there had not been convened forums to communicate the recommendations of the Lands Committee to the general public.

It was alleged that a draft survey report which had been forwarded by the Ministry of Lands was a forgery, which unfortunately contained recommendations which the County Commissioner was being pressured to implement.

Hon. Andrew Mwadime, MP, Mwatate Constituency informed the Committee that there were roadblocks along the Mwatate Mwaseleo road as well as the road leading to the School. Further that a group of Boda Boda operators who were perceived to be near the gates of the sisal estate had been moved by the management of the estate to another location, a matter which the operators complained about.

It was alleged that the police officers stationed in the police post within the estate were been used to harass and arrest the public as they used the roads within the estate.

It was alleged that persons had been arrested and were currently in police custody for varying charges especially trespass leveled against them by Teita Sisal Estate.

Teita sisal estate was alleged to have encroached on land for which they did not have ownership title.

The County Commissioner assured the Committee that:-

1. Roadblocks to public roads would be removed
2. Access by the public to private roads within the sisal estate would be negotiated
3. Ensure that the public has access to schools, railway, dam etc.

The Committee observed that the recommendations by the Committee on Lands on the land issues in Taita Taveta County had not been implemented ostensibly because of the alleged suspect draft survey report and of the court order that had ordered for status quo to be maintained. The Committee requested for a copy of the said court order.

The Committee noted that the Committee on Implementation in the 11th Parliament had differed with the recommendations of the same draft survey report and noted the same in their legacy report.

The Committee recommends that the recommendations which fall under the purview of the Ministry of Interior and Coordination of National Government should be implemented and that

the County Commissioner should liaise with other implementing agencies to ensure that this is done.

The Committee would conduct a site visit within 90 days to ascertain implementation status.

MIN.NO. COL/92/2018:

**MEETING WITH THE COUNTY LAND
REGISTRAR AND LAND
ADJUDICATION TEAM**

Mr. James Ngiriri, Assistant Director, Land Adjudication and Settlement, informed the Committee that they had received directives from the parent Ministry of Lands, Housing and Urban Development as far back as 2014 regarding the recommendations by the Committee on Lands as adopted by the House.

He informed the Committee that although the contents of the two survey reports from the Ministry of Lands were similar, the recommendations resulting from the survey were not. Therefore the Ministry of Lands had deemed it prudent to forward the second copy of the survey report indicating that it superseded an earlier one where the Nduku investigations report (appendix 9) had been expunged from the report because it did not bear the signature of the author.

The Committee was informed that the squatters claiming Singila Majengo area were different from the Mwasima Mbuwa Welfare Association. The survey report conducted by the Ministry of Lands had confirmed that Teita Sisal Estate was occupying a total of 30,284 acres as supported by L/R No. 8880/5(16,875 acres); L/R No. 11378(3,344 acres); L/R No. 6924(10,010 acres) and L/R No. 9487(55 acres). Singilia Majengo was located on the eastern border of the sisal farm adjacent to the dam.

The Assistant Director informed the Committee that the Teita Sisal Estate had surrendered to the Government LR 3880/3 in lieu of L/R 3880/5 measuring approximately 12,000 acres at Muda bogu. 6000 acres had already been adjudicated, while the remaining 6,000 acres had not been officially allocated to anyone. The un-adjudicated land had not been settled but was being claimed as part of the Mugeno reserve.

It was found that in the survey carried out in 1954, the airstrip was located outside the Teita Sisal Estate boundary but once the boundary was extended/moved the airstrip is now within the sisal

estate located in L/R 3880/5 and is accessible to private planes, Kenya wildlife Services and the Government. It also appeared that roads which at one time been designated as public roads had been converted to private roads and roadblocks erected.

The Committee observed that while the survey had been carried out, the local community was not allowed to accompany the survey team, which Mwasimu Mbuwa Welfare Association alleged that was incomplete without their participation and input.

The Committee noted that the survey report from the Ministry of Lands recommended that the way leave should be deducted from the sisal estate land in favour of the public roads, railway station and Mwandisha primary school and the same allocated titles.

The Hon. Gideon Mungaro, Chief Administrative Secretary (CAS), informed the Committee that titles to the 6,000 acres part of L/R 3880/3 would be allocated to squatters in the area. He, however, cautioned that a database of the legitimate squatters needs to be created as a matter of urgency and adjudication because of the increasing number of squatters arriving in the area. He also informed the Committee that the Ministry of Lands had put a request for excise and fencing of the public utilities and installations in the land owned by Teita sisal estate. On the matter of the dam, it was noted that the survey maps of 1929 indicate that the dam was constructed within the Teita estate land.

Further, the three of the titles indicated leases for 999 years while the fourth was for 99 years. However, all land tile lease reverted to 99 years as per the constitution. The CAS informed the Committee that the report of Committee on lands recommended for the carrying out of a survey which would clear the question of acreage owned by Teita Sisal Estate as well as to establish the boundaries of the estate to discourage encroachment by both the estate and the community. The survey also established what could be classified as community land for the benefit of the Community. However, it did not pronounce itself on what happens to the land on which public utilities and installations are located and titles to it.

The CAS requested the Committee on Implementation to uphold the recommendations of the survey report which includes excising land occupied by public utilities including Mwandisho Primary School, the railway, public road reserves and registering the same with the relevant ministries.

MIN.NO.COI/93/2018:

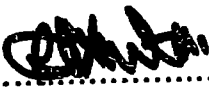
ANY OTHER BUSINESS

There was no other business.

MIN.NO.COI/94/2018:

ADJOURNMENT

The meeting was adjourned at fifteen minutes to one o'clock. The next meeting will be held at 2:00 pm

Sign.......... Date.....05.06.2018.....
(Chairperson)

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 27TH MARCH, 2018 IN 4TH FLOOR BOARDROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 11:00 AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Francis Munyua Waititu, MP
4. The Hon. Paul Simba Arati, MP
5. The Hon. Richard Onyonka, MP
6. The Hon. Maj. (Rtd) John Waluke Koyi, MP
7. The Hon. Johnson Many Naicca, MP
8. The Hon. Alois Musa Lentoimaga, MP
9. The Hon. (Dr.) James Kipkosgei Murgor, MP
10. The Hon. George Theuri, MP
11. The Hon. Joseph Wathigo Manje, MP
12. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
13. The Hon. Charles Ngusya Nguna, MP
14. The Hon. Paul Odalo Mak'Ojuando Abuor, MP
15. The Hon. Michael Thoyah Kingi, MP
16. The Hon. Hassan Oda Hulufo, MP

APOLOGIES

1. The Hon. Owen Yaa Baya, MP
2. The Hon. Jared Okelo, MP
3. The Hon. Silvanus Osoro, MP

ABSENT

1. The Hon. Onesmas Kimani Ngunjiri, MP
2. The Hon. Nelson Koech, MP
3. The Hon. Joshua Mbithi Mwalyo, MP
4. The Hon. Generali Nixon Kiprotich Korir, MP

IN-ATTENDANCE

COMMITTEE SECRETARIAT

1. Ms. Rose M. Wanjohi - Clerk Assistant II
2. Mr. Abdirahman Gele Hassan - Clerk Assistant III
3. Ms. Doreen Karani - Legal Counsel II
4. Mr. James Muguna - Research Officer III
5. Ms. Zeinab Wario - Serjeant-at-arms
6. Mr. Moses Kariuki - Serjeant-at-arms

MEMBERS OF THE COUNTY ASSEMBLY OF MAKUENI

1. Hon. (Dr.) Jades Kalunda - Chairperson, Implementation Committee
2. Hon. Harrison M. Mutie - Member of the County Assembly/Deputy Speaker
3. Hon. Joseph K. Kivinda - Member of the County Assembly
4. Hon. Janet M. Kitunga - Member of the County Assembly
5. Hon. Mgdalene Nduku Mulwa - Member of the County Assembly
6. Hon. Marriam N. Musyoka - Member of the County Assembly
7. Hon. Diana M. Muendo - Member of the County Assembly
8. Hon. Isaac Munyao Muema - Member of the County Assembly
9. Hon. Nick Mutua Muthoka - Member of the County Assembly
10. Hon. Urbanus K. Wambua - Member of the County Assembly
11. Mr. Thomas Ndambuki - First Clerk Assistant
12. Mr. Leonard Kiilu Ndwala - Serjeant-at-arms

MIN.NO. COI/075/2018:

PRELIMINARIES

The Chairperson called the meeting to order at 11:23 am followed by a word of prayer. He welcomed everyone to the meeting and led a round of self-introduction. Thereafter, the agenda of the day was adopted having proposed by Hon. John Waluke, MP and seconded by Hon. Johnson Naicca, MP as follows:-

- i. Meeting with the Cabinet Secretary for Interior & Coordination of National Government to consider implementation status of various resolutions passed by the House.

- ii. Meeting with the Committee on Implementation of the County Assembly of Makueni.
- iii. Consideration of Pending Business before the Committee.

MIN.NO. COI/076/2018:

CONFIRMATION OF MINUTES

Minutes of the 14th Sitting held on Thursday 22nd March, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by the Hon. Alois Musa Lentoimaga, MP and the Hon. John Waluke, MP respectively.

MIN.NO. COI/077/2018:

MATTERS ARISING

Under Min No. COI/073/2018-Any Other Business:-

The Committee proposed additional names to undertake inspection visits as follows:-

1. Inspection visit to Taita/Taveta County to follow up implementation status of the Report on Land issues in Taita Taveta County from Thursday 5th April to Sunday 8th April 2018. The following Members were proposed to undertake the visit.
 - i. Hon. John Waluke Koyi, MP
 - ii. Hon. (Dr.) James Murgor, MP
 - iii. Hon. Richard Onyonka, MP
 - iv. Hon. Silvanus Osoro, MP
2. Inspection visit to Makueni County to follow up implementation of the Report on the displacement of residents due to the construction of Maanoni Dam in Mbitini from Thursday 5th April to Sunday 8th April 2018. The following Members were proposed to undertake the visit.
 - i. Hon. Johnson Naicca, MP
 - ii. Hon. Simba Arati, MP
 - iii. Hon. Michael Kingi, MP
 - iv. Hon. Paul Abuor, MP

MIN.NO. COI/078/2018:

**MEETING WITH THE CABINET
SECRETARY FOR INTERIOR &
COORDINATION OF NATIONAL
GOVERNMENT**

1. The Committee was informed that the Cabinet Secretary (CS) for Interior and Coordination of National Government had sent his apology vide a letter dated 26th March, 2018 indicating that he will be attending a Cabinet meeting and requested for rescheduling of the meeting to a later date.
2. The Committee noted the request and resolved to reschedule the said meeting to **Tuesday 17th April, 2018.**
3. The Committee to consider all pending resolutions before the Ministry and invite the Cabinet Secretary to address them at once.

MIN.NO. COI/079/2018:

**MEETING WITH THE COMMITTEE
ON IMPLEMENTATION OF THE
COUNTY ASSEMBLY OF MAKUENI**

The Committee received a delegation from the County Assembly of Makeni, comprising Members of the County Assembly and Speakers' panel led by the Chairperson of the Committee on Implementation of the Assembly.

The Chairperson briefed the delegation on the mandate of the committee pursuant to Standing Order 209 of the National Assembly Standing Orders as follows:-

1. The Committee scrutinizes resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine-
 - a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
 - b) whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

2. The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.
3. The mandate of the Committee is further enhanced by the provisions of Article 153(4) (b) of the Constitution which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.
4. The operations of the Committee are further guided by the provisions of Standing Order 201 which require Cabinet Secretaries under whose portfolio implementation of a resolution falls to provide a report to the relevant committee of the House within sixty days of a resolution of the House or adoption of a report of a select committee.

The delegation was further informed as follows:-

1. Reports of Committees have to be specific and resolutions of the House must be SMART and should not generalize.
2. The Committee follows up with the executive to ensure implementations of adopted committee reports, petitions, House resolutions and undertakings.
3. The Committee doesn't initiate the process but implements decisions of the House once reports are adopted by the House or resolutions made.
4. The delegation queried whether resolutions lapse with the end of a term of an Assembly. They were informed that resolutions do not lapse and can subsequently be followed up by the next Parliament or Assembly and were urged to follow up on implementation status of resolutions passed by the 1st Assembly.
5. The delegation was also urged to be proactive and list pending business awaiting implementation sixty days after the Assembly has pronounced itself on a matter.
6. The Committee observed that the County Government of Makueni was working well with the County Assembly for instance in job creation, by ensuring 30 % of the employment opportunities go to the youth. The leadership in the County was commended for emphasizing and supporting value addition for instance in dairy products.
7. The County Assembly members informed the Committee that they made budgetary allocations for provision of CT scans in all sub-county hospitals but were urged not to neglect traditional medicine in the process.

8. The County Assembly members were further urged to support the creation of their own separate account where monies for the County Assembly can be directly allocated for their use to enhance their independence from the County Government.
9. The Committee advised the County Assembly to follow up with legislations passed by the Assembly, petitions and motions to ensure implementation of the same.
10. The County Assembly Members requested the Committee on Implementation of the National Assembly to assist Makueni County in the following:-
 - i. Follow up on the implementation of the ICT hub at Konza City.
 - ii. The National Assembly to follow up on issuance of title deeds across the country especially to areas like Makueni County where less than 10% of the residents possess title deeds.
 - iii. Support proposals for sustainable development of forests. This is in light of the recent destruction of forests for charcoal burning.
 - iv. Implement policies and laws to mitigate on climate change e.g. protection of wetlands and water towers.
 - v. The County benefits from the waters of Mzima spring one and the proposed Mzima springs two which are in Chulyu Hills. The County has even erected an electric fence to protect the water tower in its conservation efforts.

MIN.NO. COI/080/2018:

**CONSIDERATION OF PENDING
BUSINESS BEFORE THE
COMMITTEE**

The Agenda was deferred.

MIN.NO. COI/081/2018:


ANY OTHER BUSINESS

The Committee resolved to follow up on the implementation of the Petition on payment of dues and salary arrears for retired teachers.

MIN.NO. COI/082/2018:

ADJOURNMENT

The meeting was adjourned at five minutes to one o'clock.

Sign.....  Date 10/04/2018 .
(Chairperson)

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – SECOND SESSION - 2014

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

ON

LAND ISSUES IN TAITA / TAVETA COUNTY

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2014

*Paper laid
by chair Lands
Committee on
3/12/14
[Signature]*

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DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16th May 2013, pursuant to the provisions of Standing Order no. 216 (1) and (5) of the National Assembly. The functions and mandate are outlined in the SO and House Rules.

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

COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:

The Hon. Alex Mwiru, M.P - Chairman	The Hon. George Oner
The Hon. Moses Ole Sakuda, M.P. -Vice Chairman	The Hon. Mathew L. Lempurkel
The Hon. Rev. Mutava Musyimi	The Hon. Shakila Abdallah
The Hon. John Kihagi	The Hon. Dr. Paul Otuoma
The Hon. Francis W. Nderitu	The Hon. Thomas Mwadeghu
The Hon. Eusilah J. Ngeny	The Hon. Ali A. Shariff
The Hon. Raymond K. Moi	The Hon. Francis Njenga
The Hon. Hellen Chepkwony	The Hon. Hezron Awiti Bollo
The Hon. Sarah Korere	The Hon. Benard Bett
The Hon. Benson Mbai	The Hon. Esther Murugi
The Hon. Kanini Kega	The Hon. Oscar Sudi
The Hon. Gideon Mung'aro	The Hon. Onesmus Ngunjiri
The Hon. Suleiman Dori	The Hon. Julius Ndegwa
The Hon. Lawrence Mpuru Aburi	The Hon. Joseph Magwanga
The Hon. Patrick King'ola	

ACKNOWLEDGEMENT

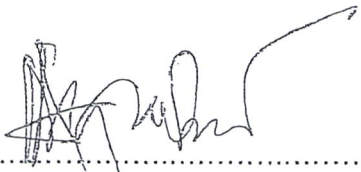
Mr. Speaker Sir,

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

Let me take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Lands, and pursuant to Standing Orders No.199 of the National Assembly, I now have the honor to present the Report and Recommendations thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

Thank You,

SIGNED 

CHAIRPERSON

(HON. ALEX M. MWIRU, MP)

DEPARTMENTAL COMMITTEE ON LANDS

DATE 2/12/2014

1.0 INTRODUCTION

1. During its various sittings, the Committee noted the public outcry in Taita / Taveta County and the rising tension in the area due to heightened land conflict between the Owner of Teita Sisal Estate and the Local Community.
2. The Committee resolved to conduct an inspection tour in order to take stock of the situation on the ground with a view to recommending sustainable solution to the conflicts and settle the outstanding issues.

2.0 FINDINGS AND CONCERNS BY PETITIONERS

2.1 Meeting with the Governor of Teita Taveta

3. The Committee toured the County and met the Governor Hon. John Mrutu on 21st March 2014 in which it interacted with the Governor of the County and the Deputy Governors on 21st March 2014 who informed the Committee as follows, That:
4. The problem of Land Disputes started immediately after independence when settlers refused to hand over to the natives.
5. The Land which was previously owned Hon. Basil Criticos was charged to the National Bank of Kenya when it was allocated to residents the allocation was not done in an open and transparent manner.
6. Some people have invaded Government land and they are now claiming that they have lived in the said land for years
7. There is hope that Land problems in Teita will be a thing of the past.
8. County Land Management Boards have not been established however the County Land Executive Officer is seized of the matter and was developing a policy for the County Government to tackle the matter.
9. Peace in the County is their key objective and that the National Land Commissioners had visited the area and were yet to revert back to the County Government on possible Solutions.
10. In Mwatate there are three antagonistic parties involved in the tassel for Teita Sisal Estate.
11. Squatters and Mwasima Mbuva group don't agree on the boundary of the Community land and the Estate since it is believed that Mwasima Mbuva group comprises of members of the elitist class within the County and they don't reside in the area whereas squatters live mainly in Singila Majengo area.

12. The main issue under contestation is the boundary issue between the estate and the estate coupled with the struggle to access public utilities inside the estate which include; schools, dams and roads.
13. The government offered to purchase 440 acres of land from the management of the estate (Teita Estate Ltd) near Singira Majengo so that they can resettle the people / squatters but local politics stopped the action.
14. A survey conducted showed that 6631 squatters belong to the Mwasima Mbuva group.

2.2 Meeting with the Deputy County Commissioner for Taveta

15. On 21st March 2014 the Committee met the Deputy County Commissioner where it was briefed on the security situation on Land Matters in the County and the effects of the land problems on Peace and Security further the Commissioner informed the Committee as follows, That:
16. The Entire Land in dispute is 15000 Ha. And 2,000 ha were set aside in Taveta for government use.
17. Taveta Settlement Scheme phase I and II were to be allocated from the allocated from the 13,000 Ha. Phase I was to be 5, 000 Ha and Phase II was to be 8, 000 Ha.
18. The 2 phases were created because the Criticos family had independently sold land whereas the remaining was sold by the National Bank of Kenya since the title was charged in that Bank.
19. The Government bought 15, 300 Ha and the town council got 2, 000 Ha for expansion purposes.
20. The Criticos Family entered into an agreement with Agro Co. with the sole aim of swindling residents of the Land

2.3 Meeting with Petitioners

2.3.1 Memorandum presented to Parliamentary Committee On Land And Natural Resources On 22/3/2014 Cdf Hall Mwatate

21. The Committee received a memorandum as understated by Christopher Mwadime Mwambingu, citizen of Kenya, resident of Taita /Taveta County on behalf of Civil Society and Directors of Taita Resource Centre; drawing the attention of the House to the following, That:

22. Pursuant to Articles 1, (1) 2,(1)3 (37) and 119 of the constitution and petition to Parliament (Procedure) ACT.
23. In the matter of land procurement for the purpose of constructing the county head quarters under tender notice NO. TTCG/06/1013; Refer to the daily of 1st Nov 2013 other land disputes especially in Singila Majengo, Taveta and other areas in the Coastal region and management of natural resources including minerals.
24. All indications according to the tender requirement are that Teita Sisal Estate is likely to win this tender.

2.3.2 They intended to notify Parliament as follows; that:

25. Teita Sisal Estate Limited is alleged to currently engage in a dispute with Mwasima Mbuwa in High Court case (H.C.C.C) number 103 of 2007 consolidated with H.C.C.C number 352 of 1998;
26. Court rules are always clear about engaging in a matter that is in court;
27. The company is in custody with is charged to Standard Bank for a total of Kshs. 91,000,000. This is according to Director of land adjudication and settlement.
28. The said land is in dispute and contest by Singila Majengo people and others as a land historical injustice by the colonial masters and the oppressive willing buyer willing seller capitalist dispositive principle;
29. The fundamental question here is how can we buy our own ancestral land, In the case of willing buyer willing seller, did our people have financial and political muscle to engage in this unjustified colonial capitalist principle? Article 67(2) e of the constitution provides for a way forward in resolving these injustices;
30. Sections of the Sessional paper No. 3 of 2009 policy; 171 describes land issues requiring special attention, 172 provided for mechanisms for resolving special land issues and 178 provides for the establishment of mechanisms to resolve historical land claims arising from 1895 thereafter;
31. Sections; 245,246,247,248,249,250,251,252,253 of TJRC Land chapter describes findings on land injustices, including are happening under the alleged instructions and leadership of provincial administration under the DC and the ministry of land, while the National Land Commission is watching helplessly. During the case of our human rights and social justice work we have received massive complaints on gross violation of human rights, the rule of law and the Constitution with regards to access to land in Taveta for those considered politically incorrect.

2.3.3 The following were highlighted, THAT:

32. Following the filing of a petition Civil Suit No.325 of 2011 in the High Court of Kenya, Milimani before Justice Isaac Lenaola by Mathenge Kamozi, Wilson Abuya and Athman Moze Msafari.
33. In the matter of Article 20,20,22,23,27,28,40,43,48,60,62,63,159,232,234,358, and 259 of the Constitution. In the matter alleged contravention of fundamental rights and freedoms under Articles 10,27,40,62 and 63 of the constitution of Kenya and in the matter of the local government Act Cap 265 registration of Titles Act Cap 281 the Anti corruption and Economic Crimes Act No. 3 of 2003 the Agriculture Act chapter 281 and Public officers and Ethics Act of 2003. Hon Judge Isaac Lenaola subsequently issued the conservatory orders pending conclusion and judgment of this matter, in November 2011. Final submission on the same will be on 7th March, 2014, in High Court of Kenya, Milimani before Judge Isaac Lenaola.
34. Any party engaging in any transaction concerning the land in dispute is in contempt of Court.

2.3.4 Therefore, they are requesting Parliament to:

35. Recommend against this procurement exercise in Teita Sisal Estate Limited in case the company wins the land procurement tender for the purpose of constructing the county head quarters under tender notice NO. TTCG/060/1013;
36. Recommend the immediate formation of either a task force or a committee that is inclusive to all stakeholders, including the civil society. The mandate of the task force or committee will be to engage Mwatate people in identifying land for the construction of the county head quarters. The committee or task force will also give recommendations on the process of acquisition of such land as per the people's opinion and the Law. It is also prudent to consider the fact that the County has enough community land, which should be managed by the county government until the community land bill is enacted by parliament;
37. Investigate issues surrounding land managed by Teita Sisal Estate, Voi Taveta Sisal, Ziwani farm and all the 29 ranches and other community Lands. These issues may include but not limited to status of their ownership, certificate of titles, economic viability and access to ownership among communities in the case of ranches;
38. Parliamentary committee handling this matter, in cooperate stakeholders including civil society to ensure citizens participations, transparency and accountability;

39. Work on mechanisms to ensure that the petitioners and human rights defenders in Taveta are safe and secure. As the situation currently, these patriots are living under fear and threats from the impunity perpetrators;
40. Constantly monitor the process including identification of beneficiaries and allocation of land to ensure that there is JUSTICE and FAIRNESS;
41. Compels National Land Commission, Land ministry and other stakeholders to fulfill its legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act);
42. compel the National Land Commission to initiate an inquiry into land historical injustices and seek redress as provided by the law;
43. Orders the National Land Commission and the Land ministry to ensure that all community land is registered and that principles of land policy as provided in Article 60 1(a) (b) (c) (d) and (g) are applied in any land transaction in the County; and
44. Enact a legislation ensuring investments in property benefits local community and their economy as provided for in Article 66(2) the Constitution.

2.4 Meeting with Members of Mwasima Mbuwa

The Committee received submissions from Mr. Gibson Mwabili, Mr. Mnjala Mwaluma and Mr. Patrick Mwalukware, They informed the Committee as hereunder:

45. Mwasima Mbuwa is a registered organization in the office of the Attorney General Nairobi. The reason of having this organization was to mobilize Singila Majengo and those who wished to support and protect their rights. This was after the management of Teita Sisal Estate went to court and prosecuted 91 families among others within Singila Majengo villagers on what they called "trespass". Singila Majengo from the beginning has never been part and parcel of Teita Sisal Estate.
46. The history of Teita Sisal Estate Co. originated from the first management of Teita Conciliation Ltd. The land was given by King George Sixth of England as a reward, to Sir Major Goldman after the World War I; the land was NOT bought or given by community by consent. The time the land was given by King George of England, the colonial Government was aware that the land belonged to the community, but they did not consult the community. The land stretched from Voi

to Taveta. Goldman used the land for game hunting; he later turned the land for sisal farming.

47. In 1945, when poaching exercise was banned all over the world, Goldman and Major Leyzell used the land for sisal farming. The community complained through the late Hon. Mengo Wa Woresha and other elders under the Taita Hills Association. They lodged complaints against the Colonial Government that the big land given to Sir Golden and forced community to become squatters. The District Officer (D.O), by then called Stringer used to arrest people in Modambogho, Manganga near Msau, which made Elders angry.
48. In 1952, the Colonial Government directed surveyors to resurvey the land, some parcels of the land were returned to the Government as TRUST LAND, which Modambogho, Manganga near Msau, Singila Majengo and other parcels of the land.
49. In 1972, the Management of Teita Sisal under the Greeks, Mr. Alender Kriazy through his manager Mr. Andrew (Andrea), also a Greek, and the Manager was very famous and powerful who used to extend the boundary even towards Singila and others areas.
50. In 1991, Teita Sisal Estate encroached towards Majengo village and ploughed down food crops, maize, cassava, beans, cowpeas and other food crops. The cattle were forced to be shifted to other places like Mgeno Reserve, Mwachabo, etc. The graves of the beloved ones were excavated and other graves were cut twice at the middle heartlessly. The community believes that preserving graves is part of their culture and must be respected.
51. Teita Sisal Estate continued with threats in Singila Majengo that nobody will be allowed to build permanent houses. Those who were found building or repairing Houses were taken to Court, in Wundanyi and Mombasa High Court.
52. Their rights were violated by the management of Teita Sisal Estate; use of Police, Administration and Chiefs to harass Singila Majengo residents in their Community land. The same management used Politicians to campaign against the rights of Singila Majengo people and especially the land.
53. Politicians when seeking for votes during campaign period, they humbled themselves and promise the Community that once elected they will join hands together to fight for the land and boundary be restored. But immediately they win the Election they become servants of the management, some turned around and supported the management because of their self interests.
54. In 1998, Teita Sisal Estate took, Mnjala Mwaluma the secretary of Mwasima Mbuwa to court at Mombasa for building a house of four (4) rooms at Majengo his home place since the old house was about to fall down. Mnjala Mwaluma was

taken to Mombasa High Court and later the matter was dismissed by Hon Justice Sergon on 15th Nov. 2006 for Non Prosecution and Non Attendance with costs but surprisingly the matter is still pending in court.

55. They live in fear, risks from cobras and other dangerous creatures from the sisal plants which have been attacking the residents and most of the time getting into their houses.
56. Teita Sisal Estate later on went ahead and proceeded with the matter without the knowledge of the defendant (Mnjala Mwaluma) and consolidated the suit with civil Suit 103 of 2007 of the (91) families taken to court at Mombasa and the same defendant Mnjala Mwaluma was among (91) families, in Singila Majengo.
57. Teita Sisal Estate disrespects the Rule of Law by disobeying decisions made by High Court especially when Hon Justice Ojwang issued Court Orders for Joint Survey.
58. In 2011 the High court of Mombasa granted court orders ordering that joint survey be conducted by both parties and represent the survey report in court, the orders were issued by Hon Justice Jackton Ojwang' who now is in the Supreme Court of Kenya at Nairobi. It is evident that Taita Sisal Estate refused to comply with court orders, copies attached. Their surveyors Geomatics Services Co. produced a survey report which was not challenged.
59. Teita Sisal Estate relies on documents of 1926 from the time the land was donated to Sir Sidney Golden after World War 1.
60. Major Leyzell was allowed to build two residential houses temporarily one for his manager and the for himself, on conditions that immediately he left or died the residential houses will remain community property as a way of demonstrating appreciation to the community. But today the current management does not recognize the good relationship between the former management and the community, yet they still live in the community land harshly. The late **Major Leyzell was buried at Voi in the Mashujaa cementery.**
61. **Railway;** the railway station belongs to the government and it is a government property. How is it then lying on same land as a private property? Does the Government invest on a private land.
62. **Mwatate Airfield;** Mwatate Airfield is a Government property, the Airport Authority can confirm this, the colonial government planned Air fields or Airstrips all over the country mainly for public operations.
63. **Public roads;** Mwatate Kasigu road across the Teita Sisal Estate, today the management puts illegal road blocks and mostly inspect vehicles using the public roads without permission contrary to Kenya Traffic rules. Traffic is the only

institution allowed by law to inspect the suspected vehicles on security reasons. This picture shows that there is NO good relationship between the management and community contrary to the Social Cooperate ACT. The Majengo village cannot access good roads because the management cannot maintain community roads or provide any assistance to community as Social Cooperate Act provides.

64. **Mwatate Dam;** Mwatate dam was constructed in 1952 during the former management called Teita Conciliation Ltd (TCL). It is evident that Mwatate dam approximately (55) acres does NOT belong to Teita Sisal Estate, the community by then donated the land for water obstruction which they agreed with the former management that they obstruct water for domestic use and the management there was a mutual agreement and the community used to cultivate along the stream from the beginning, today Teita Sisal Estate management protect the dam as their personal property and prohibit people from using the water. Our people are being harassed and taken to Sisal police patrol base and later taken to court.
65. **Administration;** In Teita Sisal Estate there is Sembe sub-location which to date exists. Why is it that private farm owns Government institutions? Police patrol base and Sembe sub-location instituted in the private company, who do they serve? We are the tax payers, Sembe Assistant Chief who is always found giving relief food to employees of TEITA Sisal Estate are in the payroll when Government is targeting the poor and the disabled. The Government cannot give relief to people who are in payroll.
66. **The National Flag;** Which provision of the law supports private companies to raise national flags.
67. The boundary should be restored as per the records of 1992 from the Survey of Kenya to separate the 33,000 acres that belongs to Teita Sisal Estate and the rest be given back to the community. The survey should be conducted under the supervision of the Director of survey and the Director of internal boundaries dispute.
68. Damages caused by the management of Teita Sisal Estate in 1991 in Majengo when food crop were ploughed down without NOTICE when there was no court case and obstructing Community developments. All land grabbed be recovered from the Sisal Estate be compensated since they have been using it illegally for a very long time.
69. Mwatate dam should be under the supervision of the County Government.
70. They should be stopped from continuing with further encroachments towards the Community Land.
71. Title deed and Deed Plan be reviewed

72. Land lease should be reviewed whether its terms has expired or not and if was renewed without legal procedure should be revoked and the land be given back to the community.
73. They support county headquarters as it was proposed by their leaders at the same Land, but boundary be restored.
74. All illegal road blocks on public roads be removed and community access public roads without conditions.
75. Railway stations and other Government institutions be separated from Teita Sisal Estate.
76. The acreage of the land should not exceed 33,000 acres of Teita Sisal Estate.
77. Sisal Police Patrol base be removed from the Sisal Estate because the management uses it as a private security institution to intimidate innocent people of Singila Majengo.

2.5 Meeting With Elders In Mwatate

The Committee received submissions from; Jasper Moses Mruttu, John Nyongesa, Kelly Aduo, Julius Nyambu, they informed the Committee as hereunder, That:

78. That, land distribution and allocation was completed by 2010 according to Stephen Maina Ngugi's letter to the National Water Conservation and Pipeline Corporation but land allocation continued up to late 2013. The land, according to Ngugi's letter, was supposed to benefit the poor landless people and squatters which largely is not the case.
79. The land officers took an opportunity to irregularly allocate multiple portions of land to non-squatters such as former councilors, CDF officers, Taveta Town council workers, selected civil servants and influential businessmen and their respective family members at the expenses of squatters and the poor landless.
80. That in the year 2011, the public filed a petition in the high court citing irregular and illegal distribution of land and sought conservancy orders to stop any activity by the Ministry of Land, Settlement Fund Trustees or any other interested parties until the case is heard and determined. The orders were granted and have not been overturned to date.
81. That, in 2012, the Ministry of Land, through Settlement Fund Trustees (SFT) gave out letters of offer of the same settlement scheme and has continued to issue Title deeds in the disputed land (LR 5865/2) in contempt of court ruling made by Justice Mumbi Ngugi on October, 2012.

82. That in the year 2012, November, lands officers and the administration police using unreasonable force evicted squatters around Riata area and torched (burnt) their houses leaving many families in the cold. Property worth millions was lost. This was done regardless to the fact that the court was yet to determine the pending public interest petition in the High Court, Nairobi.
83. That, in the year 2012 the victims of the arson perpetrated by the government went to court and filed a criminal case against individual officers behind the barbaric act.
84. That, at the same time the police arrested some of the arson victims and charged them in court on various charges on the same matter Ref. case No. 630 and 631 of 2012, Taveta.
85. That, on 5th December 2012 the High Court gave an injunction that was issued preserving the status quo prohibiting the Taveta Court from further hearing criminal case Nos. 630/2012 pending the hearing and determination of petition number 325 of 2011. The order was served to the Taveta Court but the cases continued over a period of time in the defiance of the High Court order and more people are still being prosecuted over matter related to the same petition.
86. That, the victims who are still living in the land are being harassed and intimidated through the police and the CID. Some have been arrested and charged in court for allegedly "causing disturbance" while others are constantly called for questioning in a manner tantamount to intimidation or victimization.
87. That, in the said settlement scheme, there are many people who have been Disinherited or dispossessed land to benefit the rich and influential individual. Most of the affected are poor squatters who have been using the land for between fifteen (15) to fifty (50) years. The affected villagers are Lesesia, Lotima, Msheghsheni, Malukiloriti, California, Riata and Kitobo/ Madarasani.
88. That, the land was allocated to the political correct, relatives of government officials; public officers as well as the rich and influential persons.
89. That, the land distribution committee which was not elected through public participation but selected by the District Commissioner Taveta, used dubious ways to disguise identity of beneficiaries of multiple or double allocations in the settlement scheme.
90. That, over two months since the issuance of the title deeds, beneficiaries have been busy swearing affidavits to either change identify card numbers or names to justify ownership of the title deeds with cooked names or/ and identity numbers.

91. That, the civil society have played a key role to try to come with a lasting solution amicably but the government and its agents have been very un-co-operative and in some cases threatening and even arresting some.
92. That, the Taveta community feels unsecure as impunity is the order of the day, while the Judiciary seems to be ineffective in its enforcement of its judgment and orders. The citizenry is almost convinced that justice cannot be done through legal processes as the government institutions and agents are the ones perpetrating impunity and contentious activities against court decisions.
93. That, the police have either deliberately or ignorantly inclined towards government sponsored perpetrators of impunity hence ignoring the plight of the poor and the oppressed.
94. That, the police argue that they must protect sanctity of title deeds while overlooking the fact that the whole process was marred with irregularities and the so called titles issued against the court decision thus in contempt of the court.
95. That, the police argue that the beneficiaries cannot go to court to seek eviction orders until they are shown where their land is located. Concern is which comes first, survey; beaconing process is still in process several months after issuance of titles.
96. That, over the past one month there has been frequent stand –off between the police officers, land officers and the so called beneficiaries in the one hand and the squatters in the other hand. The situation has been intervened on and quelled by the civil society in most case.
97. That the civil society have petitioned all relevant authorities including the County Government, without much success.
98. That, having tried to get resolve from all relevant avenues with no success, we foresee the eruption of land clashes which highly as a result of impunity in the side of the Government and lack of commitment to find a lasting solution to this explosive issue.
99. That, due to intimidations, harassments, impunity and lack of respect to the judiciary, and having exhausted all relevant avenues in an effort to resolve the problem amicably; we wish to categorically state and give notice to all relevant authorities through this letter that, the land conflict in Taveta Sub-County is getting out of control.
100. That, in case of any bloodletting clashes between the government agents and the squatters; they shall hold the state responsible and the concerned officers individually or collectively.

101. Finally, it is concern that the police found it necessary to act on orders from the Taveta land office and acting to defend illegally and irregularly acquired title deeds given in contempt of a court order but find it difficult to act on high court order restraining all interested parties to stop all activities until the pending petition is heard and determined.
102. That, all activities by land officers in Taveta Sub County and the beneficiaries to the scheme be stopped forthwith to pave way for through investigation and audit by the National Land Commission and other relevant bodies.
103. That, the National Land Commission initiates an audit for the list of beneficiaries and the entire process leading to land allocation in the contagious Taveta Settlement Scheme.
104. That, the Cabinet Secretary for Land, to declare the title deeds issued in a fraudulent process and in defiance of the court orders null and void; and to further take disciplinary actions against land officers who were involved in the bungled land distribution and allocation exercise.
105. That, the Kenya Ethics and Anti Corruption Commission to institute investigation against Settlement Fund Trust (SFT), the Taveta Land's Office and the entire land allocation committee, for the purpose of unearthing corruption and fraud offences committed during the exercise.
106. That, the Inspector General to direct the County Police Commander to respect and enforce court orders and other judicial directives.
107. That, the National Cohesion and Integration Commission to intervene for the purpose of averting a possible land based ethnic clashes.
108. That, the Commission of Administrative Justice (Ombudsman) to investigate and take action against public officers (Taveta Land's Office, the CDF office, the Provincial Administration, etc) and their collaborators involved in the distribution and allocation of the Taveta Settlement Scheme Phase I and II.
109. That, the National Commission on Human Rights intervenes to ascertain the outright and blatant breach of the Bill of Rights (chapter four of the constitution).
110. That, the Constitution Implementation Commission intervenes to ensure that the entire process is constitutional, and that all respective Government Institutions and State agencies undertake their respective responsibilities accordingly.
111. The Committee was informed that there is a communal fear that if the concerns raised are not addressed urgently and the currently situation is not resolved, then the following dangers may happen:

- 112. Land based ethnic clashes with a possible violent clash between the existing squatters and the security personnel.
- 113. Ethnic disharmony amongst different communities living in Taveta Sub-county, which is a cosmopolitan area.
- 114. Inter-family animosity due to favoritism and political patronage in land distribution and allocation.
- 115. Unsolved squatter problem in Taveta Sub –county, due to continued and irregular and land distribution and allocation.
- 116. Lack of confidence in Government offices and institutions due to impunity and corruption perpetuated by some government officers.
- 117. Perpetuation of lawlessness and anarchy due to impunity and disrespect to the Judiciary.

2.6 Submissions from the District Settler Selection Committee for Taveta

The District Settler Selection Committee presented to the Committee the work progress of the scheme as follows, THAT:

- 118. The planning work started with taking inventory of the Squatters present in the land.
- 119. **In Phase I** – This portion of land had been sold by National Bank of Kenya to same individuals. The land had been sub-divided and allocated to various buyers. The ground verification and document verification was done and the committee will decide on those to be allocated as per the payments made and developments done in their respective plots.
- 120. The people given by Basil Criticos to settlers and have been picked and developed the same plots.
- 121. Squatters found on the Scheme, Phase I and if they are to be considered.
- 122. Trading area set aside to be given to the council.
- 123. **Phase I** – This portion has 2200 plots divide into Agriculture plots (3acres), residential plots (Varying from 100x50, half an acre, quarter an acre).
- 124. 1200 plots already have been occupied as per the ground verification, remaining 1000 plots vacant.

125. Phase II the area was not Sub-divided by National Bank but some Squatters are settled most of the land is Agricultural there are about 5550 squatters who are to benefit from 1088 residential plots available.

126. They have the following settlement villages:

- a) Njoro
- b) Mshekesheni
- c) Kangolia
- d) Njoro / Riata
- e) Lesessia
- f) Lotima

127. Agricultural plots are 1831 and 200 plots have been taken already. There are public Utility plot's (School, Cemetery, Institutions, Police post, Hills), there are about 1600 Agricultural plots available and 500 residential plots available. In the PHASE II, there are various public institutions to be put on board;

- a) National cereal and produce board -2acres
- b) Kari -3 Acres
- c) JKUAT Campus -50 Acres
- d) Science and Technology Institution -20Acres
- e) Maendeleo ya wanawake -3acres
- f) Council of elders -20acres
- g) Jamii bora
- h) Catholic institute

2.7 Submission from the Ministry of Lands, Housing and Urban Development Land Adjudication and Settlement Officer - Taveta On Land Issues.

The Committee received submissions on 20/03/2014 in regards to Taveta Settlement Scheme Phase I And II Lr No. 5865/2 From Ngugi S. Maina; Mr. Maina who informed the Committee as follows;

2.7.1 Background on Taveta Settlement Scheme Phase I and II

128. The Taveta Settlement Scheme Phase I and II are part of LAND LR.NO.5865/2 bought by the Government of Kenya in 2007 from the National Bank of Kenya after the previous owners i.e. Hon. Basil Criticos defaulted on his loan repayments. The Land was bought at a cost of Kshs. 55Millions in the month of September 2007.

2.7.2 Planning / Demarcation / Survey

129. In March 2008 preliminary work was started with ground visitations, taking inventory of the infrastructure and giving notice to previous owners so that they can vacate from the Land.

130. At first there was an Application for 2000 Acres by Taveta Town Council through the Director Land Adjudication and Settlement for extension of Taveta Town which was approved and a letter of OFFER issued on 31st March, 2008. The stakeholders in their meeting on 8th September approved the same.
131. On 8th September 2008 a full stakeholders meeting was held at Danida hall, Taveta which recommended that two Settlement Schemes be formed and therefore the formation of Taveta Settlement Scheme Phase I and II.
132. Planning, Demarcation and Survey work of the 2000Acres commenced from the date of issuance of the letter of Offer. At the moment the work completed and allocation was done in the Month of May, 2009. The beneficiaries of plots and are waiting for the issuance of their respective Title deeds from Taveta Town Council.
133. These two schemes were registered separately as Taveta Settlement Scheme Phase I (Scheme no. 889) and Taveta Settlement Scheme Phase II (Scheme no. 890).
134. PHASE I of the Settlement Scheme comprises of an area measuring 5000 Acres that National Bank of Kenya had sold to various individuals but the sales transactions were never finalized because of a misunderstanding between the Bank and the previous owner Basil Criticos.
135. PHASE II Compromises of a portion of Land measuring 8000 Acres which had Sisal plantations and had very few Squatters.
136. There after picking of external perimeter boundary, Roads, Railway lines Hills public Utilities and Gullies was done with the Supervision of both the District Physical Planner and The District Surveyor to produce a base Map for both Planning and Surveying purposes whereby they prepared their respective planning and Survey Maps for both Phases, both the Physical planner and the District Surveyor finalized their work between 2008 and 2010. Also picking of Squatters who had illegally settled in this Land was done and a list of those squatters was made which is available for any scrutiny require.
137. In Taveta Settlement Scheme Phase I a total no of 2,337 plots were demarcated and later Surveyed while a total no. of 3188 plots were demarcated and later Surveyed at Taveta Settlement Scheme Phase II.

2.7.3 Allocations

138. Allocations was done in 2010 whereby the District Settlers plot allocation Committee was held at the DC's Boardroom on 15th March 2010 and 19th April 2010 as laid down in Settlement act. Later on the Minutes and lists of the beneficiaries of the plots were forwarded to the Director Land Adjudication and Settlement for Issurance of letters of OFFER and Title deeds thereafter.

139. The criteria used to pick allottee included people found in the following:-
- a) The list of Squatters made when the initial picking was done
 - b) List of Squatters who were registered in office of the then District Commissioner in 2006
 - c) Those found in the inventory of people who had paid an initial amount of money to either the National Bank of Kenya or Basil Criticos Account.
 - d) A list of those who applied to be considered as Squatters at a ratio of 60 and 40% to locals and non-residence respective fully.
 - e) A list of deserving cases in Taveta from various groups, Organization and Departments.
 - f) A list of selected public Utilities, Government Departments and Non-Government Organizations.

2.7.4 Letters of Offers and Title Deeds

140. The beneficiaries in the two Settlement Schemes were issued with their respective letters of OFFER between the Months of May, 2012 to 2013 by the Director Land Adjudication and Settlement.
141. There after the beneficiaries were issued with their respective Title deed in the month of September 2013 through the initiative of the Jubilee Government by his Excellency the President of the Republic of Kenya Uhuru Kenyatta.
142. The Government is currently doing plot showing to the beneficiaries of plots in two Settlement Scheme whereby allottees are simultaneously taking possession of their respective parcels of land.
143. Several challenges which were instrumental in the delay of work and problems which arose especially at the last stage of plot showing.
144. Court orders from both the previous owners and a group funded by some civil society activists headed by Muhuri, Darubini ya Haki Taveta civil activist group and Clarion.
145. An influx of invaders from Ukambani area who forcefully entered this area after the original list of Squatters was taken; these people have been interfering with our work by uprooting our beacons and sometimes threatening our officers on the ground, they have also been trying to get support from well known politicians to prevent us from executing our duties.
146. Interference by employees of previous owner of Basil Criticos and especially one Gasper Mruttu who waged strong campaigns to convince the beneficiaries that the allotments made was Fake including Title deeds issued by his Excellency the President of the Republic of Kenya. Also the previous owner Basil Criticos incited those Squatters to uproot the beacons we had placed in that Land which we reported to the Police a file was opened where he admitted telling his workers to

uproot the beacons. Up to now there is no action which has been taken against him. This happened on 15th January, 2013.

147. Political interferences especially this being an issue involving lands which were handled at an electioneering period.

2.8 Submission on Taveta Settlement Scheme

The Committee was informed as follows, THAT:

148. The above parcel of land was acquired by the government from the National Bank of Kenya in 2007 after the previous owner Mr. Basil Criticos failed to repay a loan he had taken from the bank.

149. Prior to its acquisition by the government, the bank and Criticos had agreed to sell portions of the land to the willing buyers. However, only 18 individuals managed to pay to a special account designated by the bank. Others were given a different account by Criticos, a move that was rejected by the bank. During the process of beneficiary identification, both the groups, i.e those who paid through the designated account and those who paid through the account were considered.

150. The other group of beneficiaries came from nine villages namely; Njoro, Malkiloriti, Lessesia, Chachewa, Langata Riata, Lotima, Burandogo, and Mshekesheni. All the inhabitants of these villages were picked and identified as beneficiaries.

151. While Taveta is considered a cosmopolitan area and the squatters came from different ethnic backgrounds, Taveta's and to some extent Taitas believe they should have been the only beneficiaries.

152. The original owner of this parcel Mr. Basil Criticos is bitter and has gone to court accusing NKB of undervaluing his land and selling it to the government at a throw away price, hence denying him of his only source of livelihood. He is seeking redress from the courts. He believes if the settlement goes on smoothly then it will jeopardize his chances in court. He is therefore trying his best to stop the settlement process. He has done this through seeking court injunctions which have not been successful and also using his former employees to scare off land managers and chief campaigner is the leading crusade against the scheme.

153. The scheme has been invaded by people especially from Ukambani who moved into the area long after the beneficiary identification exercise was over. Today these invaders are claiming to be genuine squatters.

154. People seeking political positions have promised to legitimize the settlement of the invaders in exchange of votes. The politicians have promised to ensure that the titles given are cancelled and the squatter identification process repeated so

that it can accommodate those who moved into the area after the exercise was concluded. They have done this through the advocacy of a complacent civil society which has been inciting the invaders against the genuine beneficiaries. Unfortunately some of the activists are known employees and chief campaigners of a certain politician.

155. At some point when the allotment letters were issued members of the civil society claimed they were fake. This made a number of the beneficiaries to sell off their parcels because they were told letters were.
156. The exercise was fairly done but it has been a victim of malicious advocacy by political and human rights activists' whose agenda has nothing to do with the welfare of the squatters.

2.9 Submission from Experts on Satellite Data on Imagery Processing, Geo-Referencing and Analysis

The Experts informed the Committee as hereunder, THAT:

157. On completion of investigations, research and after securing more information from diverse sources including Local, Regional and International Organizations; having conducted thorough image processing, geo-referencing and analyses, the following issues were confirmed:
158. All pieces of land from Voi to Mwatate to Taveta used to be owned by Teita Concession Limited (TCL) with effect from 1918(see F/R 127/47 dated 1974).
159. The land was donated to Sir. Charles Sydney Goldman by King George the sixth (VI) of the United Kingdom and Sir Goldman used it for game hunting and sale of elephant tusks and later, Sir Goldman turned to sisal farming.
160. The donated land comprised two chunks of land known as; L.R Nos. 3880 (net area 36,184.0 Acres) and 3881 (net area 24,081.0 Acres) for a combined area of 60,265.0 Acres. (See the Survey Plan No.58/15, L/R Nos 3880-3&4 superimposed on Medium Resolution Satellite Imageries dated February 2014; also refer to our Reports dated May 2006 and May-July 2011).
161. As a follow-up to reports dated March 2006, May, July and October 2011, the Consultant has demonstrated ongoing activities between the Teita Sisal Estate Limited and neighboring owners since our last report dated October 2011 to February 2014. After detailed change detection and analysis; despite invention from diverse sources, the Teita Sisal Estate Limited has with impunity continued to expand its economic activities beyond the **Sisal Estate boundary as follows:**

162. Depletion of Sembe Forest Reserve (see the attached High Resolution Satellite Imageries dated February 2014 compared to other changes that appear on Survey of Kenya's 1970 and 1984 Map Editions, Scale: 1/50,000 Topographical Map based on 1954 Aerial Photography).
163. Grabbing of public Air strip and turning it into Private entity see the Survey of Kenya data (see enclosed scale: 1/50,000 topographical map(1984) based on 1954 Aerial Photography clearly showing the air strip as outside the Teita Estate Limited boundary).
164. Converting the public feeder road (linking the main Voi - Taveta road which has been in existence since 1911 when the Railway Line started to operate with the Mwatatè Railway station) into private use. In addition, the link road has been used by School children, inhabitants of Singila, Majengo and other residents living on the upper portion of L/R No. 3880/3. The Sentries have since been deployed for 24 hours to block free movement especially school children and other indigenous citizens.
165. In 1952 the Mwatate Dam was constructed for purposes of joint use by inhabitants especially for watering of livestock and the Sisal Estate Limited but the management of the estate changed it for exclusive use only (see our Reports dated 2006 & 2011).
166. Based on ,the February 2014 High Resolution Satellite Imageries, and focusing on Singila –Majengo area, the Management of Sisal Estate has massively encroached on over 80% of the said Land despite the fact that the case filed by the Estate Limited in 1998 is still pending in court. The sisal plantations appear in the compounds; even grave yards have been replaced by the plantations.
167. Other cases of impunity are seen around the Sanctuary, Tasha Hill, Wildlife Migration routes Mwandisha Primary School
168. (Established in 1952). The above activities[(1) – (6)] have been intensified during the Court proceedings at the High Court, Mombasa since 1998 to-date and blocked especially indigenous residents from enjoying the "fruits of independence".
169. As a matter of fact, the Teita Sisal Estate Limited has occupied the land registered as L/R No. 3880/4(see the HR-Satellite Imageries enclosed) and through illegal occupation, has grabbed several portions extending to the south of the Voi -Taveta - Moshi Railway line.

2.9.1 Recommendations by the Experts

170. Having conducted successful investigations and research through change detections and analyses with assistance of satellite technology (points/position and imageries); important contributions from Elders, Opinion/Community leaders and other related data covering Teita Sisal Estate and environs; the Consultant recommended:
171. The Teita Sisal Estate should cease to encroach on all its neighbors (see findings Nos.5a to 5f; see also the Survey plans superimposed on the February 2014 Medium Resolution and geo-referenced Satellite imageries).
172. The Government of Kenya should stop the Teita Sisal Estate Limited's act of aggression against neighbors and order Teita Sisal Estate Limited to confine its economic and social activities within its parcel of land.
173. The Government should re-determine and re-establish the boundary beacons delineating the Taita Sisal Estate Land and the neighboring Trust Lands as soon as possible (see previous reports dated 2006 to 2011).
174. The Government should determine if there is any encroachment on the road, airstrip, sanctuary, Trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.
175. The Government should also determine why the public feeder road that has always linked the Voi-Mwatate road with the Voi-Mwatate-Taveta-Moshi Railway Line (1911) near Mwatunge entrance gate was changed as private road and revert it to its original status.
176. Teita Sisal Estate Limited should compensate the neighboring indigenous citizens for economic, socio-cultural, other losses and damages for all their years of illegal occupation and the exploitation of the resources of the areas occupied illegally.
177. Teita Sisal Estate Limited should remove all buildings, assets and other constructions on the disputed land and restore the land to its original condition. The harassment and suffering meted out especially to indigenous citizens neighboring the Teita Sisal Estate land should stop forthwith until this matter is finally determined..

2.10 EVIDENCE FROM MEMBERS OF MWASIMA MBUWA GROUP

The Committee met and received evidence from **Mr. Mnjala Mwaluma, Secretary, Mwasima Mbuwa Welfare Association**, accompanied by the group's lawyer **Mr. John Odera Were**, and Messrs. **John D. Obel-Licensed Surveyor, Thomas Nduku-Private Investigator, Mr. George Mwamondo, Mr. Washington B.S Weere, Mr. Joliph Harris** and **Mr. Ronald Mwasi** appeared before the committee and gave evidence on allegations that the group is taking subscriptions of Kshs. 5, 500 from the members

and selling part of Teita Sisal Estate Land. Appeared before the Committee on Tuesday 15th July 2014, The Committee was informed as follows, THAT:

178. The group has not been taking subscriptions of Ksh.5, 500 to sell Teita Sisal estate land as alleged and that members of the group resolved to contribute the Ksh.5, 500 to cater for legal fees and court fees for their lawyers after the Teita Sisal Estate management filed a case in Court against 91 families living in Singila Majengo. Members contribute according to their ability and conducts auctions to raise the money for those unable to meet their targets.
179. Allegations by Teita Sisal Estate management that Mwasima Mbuwa and Javungo Council of elders are selling Teita Sisal Estate land are untrue.
180. The History of that Teita Sisal Estate dates back to the pre-colonial period when Ex-Major Goldman was given the farm by King George VI for game hunting. There were indigenous Taita's who were living within the land at the time but there were no conflicts between Goldman and the residents.
181. When Game hunting was banned, Ex. major Goldman allowed Mr. Raizene to farm on the land who in 1945 collected soil samples and sent it to Britain to establish if the land was favorable for sisal farming.
182. When Mr. Raizene started Sisal farming the administration led by the then Colonial D.O Mr. Stringer begun harassing and arresting residents however Ex-Major Goldman protested the D.Os actions and the arrests and imprisonments stopped. Other locals were re-arrested prompting the then Senator Mengo to complain to the colonial government. A re-survey was ordered so that the larger portion of the land reverted back to the Community.
183. Mr. Alexander Kyriazy later took over the farm and buildings owned by Mr. Raizene and there was a peaceful co-existence between the Local community and the Farm management. It is only after Kyriazy's sons took the farm that the conflicts begun and residents started being harassed by the area Chief for constructing houses on the land.
184. The Secretary for Mwasima Mbuwa was taken to Court on 25th September 1998 by Teita Sisal Estate for constructing a house on the land but later the case was dismissed over non-attendance by the prosecution on 14th November 2006. The Court ordered Teita Estate to pay the cost of the suit which has not been honored to date. The secretaries together with 90 other families were later sued for trespass by the Teita Estate Management.
185. A court order for a joint survey was issued on 11th May 2011 but the Estate management failed to bring their surveyor. Mr. Kyriazy later went to court for further orders for survey but the survey never took place.

186. Alternative land of 400 acres was identified in Maganga when Hon. Marsden Madoka was the M.P for the area so that residents of Singila Majengo could be moved but the group formally rejected the offer by the government and refused to move since Singila Majengo is their ancestral land, and because Maganga residents were also against the moving of Singila Majengo residents to their land.
187. Maganga and Teita Sisal Estate farms are not adjacent to each other.
188. The lawyer for Singila Majengo residents has never been invited nor involved in any negotiations regarding the sale of land to the government
189. The farm in Maganga is LR no.3880/4 and is 257.97 acres and was surveyed in 1951.
190. Taita and Taita Sisal Company Limited sold Land to Teita Estate (1972) Ltd.
191. According to a gazette notice of 9th February 1973, the acreage is as follows: LR 3380/5 16875 acres, LR 6924 which is 10010 acres; LR 94876(Dam) which is 55 acres, LR 11378 which is 3344 acres and the total being **30,284 acres**;
192. Taita and Taita Sisal Company gave the same acreage for the land, now owned by Teita Sisal Estate;
193. LR No.3880/3 is not titled (is Community land) and is part of the Land that Teita Sisal Estate has encroached on.
194. A memorandum of registration of transfer of lands in exchange for a new grant was issued on 14th August 1963 from Teita Sisal Estate (LR No.3880/4/1) to the Regional Assembly of the Coast region (LR.No.11378) for 3344 acres. The Airstrip used by the Estate is part of the LR NO.3880/4/1 which was surrendered in 1963
195. The management was supposed to surrender the transferred land but is still holding on both lands.
196. The acreage of the encroached land by Teita Sisal Estate is 2,997.66 acres (LR 3880/3), while the land that was supposed to be surrendered is 3,344 acres (LR 3880/4/1) bringing the total acreage under illegal occupation by Teita Sisal Estate to 6341.66
197. LR No.3380/4/2 was later renumbered to LR 3380/5 which is 16,873 acres. It is not clear how LR no. 3380/5 was created. The renumbering to 3380/5 created an extension which included Singila Majengo area.

198. The LR No. 3380/4/2 once renumbered should have ceased to exist. Investigations however also show that the Sisal Plantation has not gone up to Majengo Singila area and that the area is a reserve.
199. LR No.3380 initially was the number for the Land that belonged to Ex Major Goldman and that when /3 and /4 were excised; there was a remainder which is not accounted for.
200. Original records are required to re-establish the LR No's on the ground.
201. The local community has been denied access to the railway station since the access road which is public is within the estate gates. The dam is also within the estate and is manned by estate security denying the local residents free access.
202. Mwandisha Primary school, also within the estate (LR Nos. 3880/5) was constructed by the Taita and Taita Sisal Company in 1952 but is run by the government (has government teachers). Access to the school by residents who are not employees of the sisal estate has however been limited by the Teita Sisal Estate management and the access road blocked.
203. Orders for a joint survey should be given to establish the boundaries.
204. Evidence from the Attorney General's office shows that only Mr. Alexander Kyriazy is a Kenyan Citizen and the rest of his children are not citizens.

2.11 Evidence from Mr. Phillip Andrew Kyriazy, Managing Director, Teita Sisal Estate

The Committee met and received evidence from Mr. Phillip Andrew Kyriazy, Managing Director, Teita Sisal Estate appearing on behalf of Mr. Alexander Kyriazy, accompanied by his lawyer Mr. Evans Monari, and Mr. S. W. Juma, County District Surveyor, Taita Taveta County appeared before the committee and gave evidence on Land dispute in Taita Taveta County-Teita Sisal Estate., the Committee was informed as follows, THAT:

205. Teita Sisal Estate is a registered parcel of land known as Land Reference number **3880, 3881, 6924, 9487** and **11378** and has a valid title deed with a total acreage of 30,000 acres and that;
206. The grant of the land was issued to Waericon Concession which later became Teita Concession in 1929.
207. The land was subsequently transferred to Taita and Taveta Company limited in 1964 and was charged to Standard Chartered bank.

208. In 1966, Mr. Alexander Kyriazy was appointed receiver manager of Taita & Taveta Company by Standard bank. In 1972 he bought the land from Taita & Taveta Company. The Property is currently charged to Standard Bank.
209. Squatters began encroaching in Teita Sisal Estate in 1998 and in 2007; several buildings were put up by squatters which are both permanent and semi-permanent the buildings are situated in Singila and majengo which borders the township and the estate.
210. In 2006, the former President Mwai Kibaki issued a directive that the squatters in the area be resettled by the government. As a result, the government approached Teita Sisal estate Ltd in 2008 and offered to purchase land to settle Squatters. Teita Estate Ltd earmarked 400 acres to be sold to the government, the government offered Ksh.14.8 Million in 1998 for the land but the squatters opposed the sale before the transaction could be commenced. The legal transactions were consequently put on hold.
211. In an attempt to reach a consensus between the Government, Squatters and the Estate a committee was formed by stakeholders. In a meeting held on 11th December 2008, and on 8th April 2009 it was pointed out that the estate had obtained orders to evict the squatters but had deferred the action to avoid conflict due to the fact that the Squatters of Singila/ Majengo needed land it was agreed that squatters be settled on 400 acres once a consensus between the government and the Estate is agreed.
212. The government was willing to purchase the said land and later negotiate for more land from the estate had not been affected.
213. The process to purchase the land by the government was stalled because squatters and residents frustrated the process by threatening Surveyors who went on site and by removing the beacons at Singila area.
214. Teita Sisal estate is the largest Sisal estates in the country and employs about 2,100 people while about 8000 people benefit directly or indirectly from the farm and that the estate creates an important infrastructure for the whole county including schools, Houses and a hospital as a result of the direct investment from the company.
215. Government surveyors have never been declined access to survey the land by the management and that that the management is willing to allow government surveyors into the farm any time.
216. Teita Sisal Estate Ltd is willing to discuss on the amount of land to sell to the government and to seek alternative methods of dispute resolutions on issues residents have highlighted. Further, that currently about 350 acres of the farm has already been encroached on by the squatters.

217. The dam in the estate lies within the boundaries of Teita Sisal Estate and was constructed by the British army Engineers in 1958. However the management has not denied residents usage and access of the dam and there is a passage-way that has been left to allow animals to access the dam for water.
218. Access to the farm is not restricted per se. The main entrance to the farm is private and since the estate is privately owned and the roads to the farm are private roads, any restrictions are security measure however there are other public roads which are open to the public and which are used by the public.
219. The Estate has not closed the public roads however it has erected an electric fence on the Kasingau Road and from Mwatate to Mugeru to prevent elephants and other wild animals from straying into the farm. >
220. The school within the farm is open to the public and has over 1000 children both from employees of the farm and neighboring community, and that the management does not collect any revenue from the school.
221. The railway station based in the estate is open to the public and that the four go-downs along the railway line belong to the estate and had been constructed to store sisal which was to be delivered to Mombasa and they are situated about 300-400 meters from the Kenya Railways go-down.
222. The forest in the neighborhood of the farm is maintained by the Estate and the estate strives to keep it in its original form and occasionally when there are fires the estate helps in putting them off, the forest attracts researchers from other parts of the world as it contains some rare plant species, Further, that residents have been destroying the forest and Teita Sisal estates provides security to protect it from destruction.
223. Mr. Alexander Keriazy was attacked as a result of the dispute surrounding the farm and has been incapacitated.
224. Individuals within Taita County have established a group called Mwasima Mbuwa and are collecting monies from unsuspecting members of the public with a purporting to be selling then estate at a cost of Kshs. 5,500.00 per half an acre. The Management has since put caveats on the land cautioning the public from being conned.

2.12 Evidence From Mr. Mr. S. W. Juma, County District Surveyor, Taita Taveta County

The Committee was informed that:

225. There has never been a formal request to establish the boundaries of Teita Sisal estate and no commitment whatsoever from any party in terms of facilitation to determine the boundary. However, the boundary is well mapped on the survey plan and it is just a matter of re-establishing the boundary once the request is made survey maps depicting the land had indicated the acreage as: LR 3380/5(3880/4/R) being 16875 acres, LR 11378 being 3344 acres, LR 6924 10010 acres, LR 9487(Dam) being being 55 acres and the total Area 30284 acres;
226. That previous correspondences from the survey office indicate that residents had invaded the sisal farm at Singila;
227. That the difference of about 284 acres between the acreage provided by Mr. Kyriazy could be the land on Voi river which the company has never used and part of which had been offered for sale to the government;
228. That the boundaries to the farm are not in contention and that there are underlying currents that are driving the conflict over the land driven by two associations, (one named Mwasima Mbuwa group) run by one individual, and who are selling the land to unsuspecting residents and using the estate as a smokescreen.

3.0 OBSERVATIONS

The Committee Made the Following Observations in Taita Taveta County, THAT:

1. The boundary had been tampered with.
2. Damages had been caused by the management of Teita Sisal Estate in 1991 at Majengo where food crop were ploughed down without NOTICE when there was no court case and obstructing Community developments leading to the grabbing of land by the Sisal Estate.
3. Sisal Police Patrol is used by the Sisal Estate management as a private security institution to intimidate innocent people of Singila Majengo

The Committee Made the Following Observation in Taveta Sub-County, THAT

1. There are activities by land officers in Taveta Sub County and the beneficiaries to the scheme that needed to be stopped forthwith to pave way for thorough investigation and audit by the National Land Commission and other relevant bodies.

4.0 RECOMMENDATIONS

The Committee recommends as follows, THAT;

A. GENERAL RECOMMENDATIONS

1. The Ministry of Lands, Housing and Urban Development and the National Land Commission should bring proposals for legislation to ensure that investments in property benefits local communities and their economy as provided for in Article 66(2) the Constitution.
2. The National Cohesion and Integration Commission should intervene for the purpose of averting possible land based ethnic clashes in the County.
3. The National Commission on Human Rights should intervene to ascertain the outright and blatant breach of the Bill of Rights (Chapter four of the Constitution).
4. The Constitution Implementation Commission intervenes to ensure that the entire process is constitutional, and that all respective Government Institutions and State agencies undertake their respective responsibilities accordingly.
5. The National Land Commission to initiate an inquiry into land historical injustices in Taita/Taveta County and seek redress as provided by the law.
6. Title deeds and Deed Plans be reviewed in the entire county and Land lease reviewed to establish whether its terms have expired or not, and if it was renewed without legal procedures followed, be revoked and the land be given back to the community.

B. IN TEITA SISAL ESTATE

1. The Ministry of Interior and Coordination of Government should with immediate effect remove all illegal Road blocks on public roads and allow members of the local community access to public roads without conditions in Teita Sisal Estate and its neighborhood.
2. The Ministry of Lands, Housing and Urban Development through the Director of survey should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate the 33,000 acres that belongs to Teita Sisal Estate (LR Nos. LR 3380/5 (3880/4/R), LR 11378, LR 6924 and LR 9487(Dam) from the total acreage of 33,284 acres), and the neighboring trust lands, so that the rest is given back to the community.
3. The Government through the Ministry of Land Housing and Urban Development and the National Lands Commission should determine if there is any

encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.

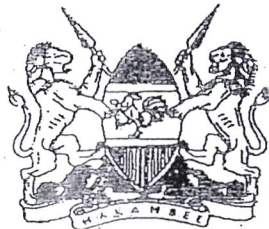
4. Teita Sisal Estate Limited should compensate the neighboring indigenous citizens for economic, socio-cultural, other losses and damages for all their years of illegal occupation and the exploitation of the resources of the areas occupied illegally.
5. Damages caused by the management of Teita Sisal Estate in 1991 in Majengo when food crops were ploughed down without NOTICE when there was no court case and obstructing Community developments should be fully compensated.

C. IN MWATATE

1. The National Land Commission, Ministry of Lands, Housing and Urban Development and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act).
2. The Mwatate settlement scheme settlers should be given title deeds.
3. The Government through the Ministry of Transport and Infrastructure should establish why the public feeder road that links the Voi - Mwatate road with the Voi - Mwatate - Taveta - Moshi Railway Line (1911) near Mwatunge entrance gate has been blocked and measures put in place to re-open the roads and railways.

D. IN TAVETA

1. Kenya Ethics and Anti Corruption Commission should institute investigation against Settlement Fund Trust (SFT), the Taveta Land's Office and the entire land allocation committee, for the purpose of unearthing corruption and fraud committed during issuance of title deeds.
2. The National Land Commission initiates an audit for the list of beneficiaries and the entire process leading to land allocation in the contentious Taveta Settlement Scheme.
3. The Commission of Administrative Justice (Ombudsman) should investigate and take action against public officers (Taveta Land's Office, the CDF office, the Provincial Administration and their collaborators involved in the distribution and allocation of the Taveta Settlement Scheme Phase I and II).



PARLIAMENT OF KENYA

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION

DIRECTORATE OF COMMITTEE SERVICES
SELECT COMMITTEE ON IMPLEMENTATION

LEGACY REPORT OF THE COMMITTEE ON IMPLEMENTATION 11TH PARLIAMENT
2013-2017

JUNE, 2017

PUBLISHED BY:
DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

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PREFACE

The Select Committee on Implementation was constituted on 16th May 2013 and draws its mandate from Standing Order no. 209. The committee is mandated to scrutinize the resolutions of the House including adopted committee reports, petitions and the undertakings given by the executive on the floor of the House and to examine:

- a) Whether or not such decisions and undertakings have been implemented and where implemented; the extent to which they have been implemented and whether such implementation has taken place within minimum time necessary; and
- b) Whether or not legislation passed by the House has been operationalized and where operationalized the extent to which such operationalization has taken place within the minimum time necessary.

This mandate is further enhanced by the provision of Article 153(4) (b) of the constitution which requires that Cabinet Secretaries provide Parliament with full and regular reports concerning matters under their control.

The operations of the Committee are further guided by the provision of Standing Order 201 which sets the time frame within which the relevant Cabinet Secretaries must provide reports to the House upon adoption of resolutions of the House:

“Within sixty days of a resolution of the House or adoption of report of a select Committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls, shall provide a report in accordance with article 153(4)(b) of the Constitution.”

Committee Membership

The Committee comprises of the following:

1. The Hon. Rosejinda Soipan, M.P. **Chairperson**
2. The Hon. David Gikaria, M.P. **Vice-Chairperson**
3. The Hon. Winnie Karimi Njuguna, M.P.
4. The Hon. Philip Rotino, M.P.
5. The Hon. Joseph M'eruaki, M.P.
6. The Hon. Samuel Moroto, M.P.
7. The Hon. Julius Ndegwa Kariuki, M.P.
8. The Hon. Peter Kamande Mwangi, M.P.
9. The Hon. Ali Shariff Athman, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Mutua Robert (Bishop), M.P.
12. The Hon. Ndirangu Kariuki, M.P.
13. The Hon. John Karanja Kihagi, M.P.
14. The Hon. Mary Sally Keraa, M.P.
15. The Hon. Dorcas Kedogo, M.P.
16. The Hon. Isaack Shaaban Ali, M.P.
17. The Hon. Lempurkel Mathew Lekidime, M.P.
18. The Hon. Ferdinand Kevin Wanyonyi, M.P.
19. The Hon. Esther Murugi, M.P.
20. The Hon. Dennitah Ghata, M.P.
21. The Hon. Jacob Macharia, M.P.
22. The Hon. Dr. Victor Munyaka, M.P.

23. The Hon. Dr. Paul Otuoma, MP
24. The Hon. Bernard Munywoki Kitungi, M.P.
25. The Hon. Asman Kamama, M.P.
26. The Hon. Ibrahim Sane, M.P.
27. The Hon. Tiras Ngahu, M.P.
28. The Hon. Alexander Kosgey, M.P.

Committee Secretariat

- | | | |
|--------------------|---|-----------------------------|
| 1. Phyllis Mirungu | - | Principal Clerk Assistant I |
| 2. Adan Gindicha | - | Clerk Assistant I |
| 3. Johnston Kioko | - | Clerk Assistant II |
| 4. James Muguna | - | Research Officer |
| 5. Lynette Otieno | - | Legal Counsel II |

Appreciation

Mr. Speaker Sir,

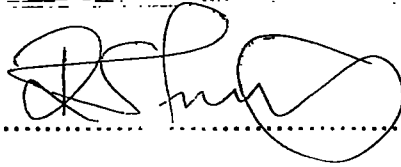
The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to undertake various activities culminating in the production of this Report.

Mr. Speaker Sir,

On behalf of the Members of the Select Committee on Implementation and pursuant to the provisions of Standing Order 199(6), I now have the honour to present to the House the Committee's report on status of implementation of the resolutions of the House.

Thank You.

SIGNED



(HON. ROSELINDA SOIPAN, MP)

CHAIRPERSON

DATE

15/06/2017

AGENDA - ADOPTION OF THE LEGACY REPORT

ATTENDANCE LIST

9.30AM

COMMITTEE ON IMPLEMENTATION

DATE:

5/6/2017 MORNING - ENGLISH POINT
MEMBERS

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Roselinda Soipan (Chairperson)	M.P.	
2.	The Hon. David Gikaria (Vice -Chair)		
3.	The Hon. Joseph M'eruaki	MP	
4.	The Hon. Winnie Karimi Njuguna	MP	
5. ✓	The Hon. Jacob Waweru Macharia	MP	
6.	The Hon. Tiras Ngahu		
7.	The Hon. Peter Kamande Mwangi	M.O.	
8.	The Hon. Samuel Moroto	MP	
9.	The Hon. Julius Kariuki Ndegwa	MP	
10.	The Hon. Ali Shariff Athman	MP	
11.	The Hon. Dr. Victor Munyaka		
12.	The Hon. Bernard Bett		
13.	The Hon. Dorcas Kedogo		
14.	The Hon. Philip Rotino		
15.	The Hon. Ibrahim Sane	MP	
16.	The Hon. Asman Kamama		
17.	The Hon. Isaack Shaaban Ali		
18.	The Hon. Dr. Paul Otuoma	MP	
19.	The Hon. Mutua Robert (Bishop)	MP	
20.	The Hon. Bernard Muniyoki Kitungi	MP	
21.	The Hon. Dennitah Ghati		
22.	The Hon. Ndirangu Kariuki		
23.	The Hon. John Kihagi	Member	
24. ✓	The Hon. Lempurkel Mathew Lekidime	Member	
25.	The Hon. Ferdinand Kevin Wanyonyi		
26.	The Hon. Esther Murugi		
27.	The Hon. Mary Sally Keraa		

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- Funds be allocated to the communities in the affected areas to help in the construction of schools, hospitals and other public amenities on the said properties.

The Departmental Committee on Lands held various sessions in Parliament and met with Cabinet Secretaries for Land and Environment, the Chairman, National Land Commission and the Ministry of land officials in Narok and received information regarding the petition

In its report tabled on the floor of the House on 3rd March 2015, the Committee on Lands made the following recommendations:

- Ministry of Lands should place caveats only on titles of those who have encroached on forest land and not blanket caveats on all titles as is currently the case
- The Ministries of Land and Environment should demarcate and differentiate private land and forest land
- The Ministry of Environment together with the Narok County Government should embark on a major reforestation on the encroached areas within the Mau complex
- The Ministry of Land, together with the NLC should identify parcels encroaching on the forest. For those encroaching, the NLC Should adjudicate on the dispute
- The National Cohesion and Integration Commission should move in with speed to promote peace among the residents

IMPLEMENTATION STATUS

In response to the letter from the Committee on Implementation to the Cabinet Secretaries responsible for Land and Environment as well as the CEOs of NLC and the NCIC to report on the status of implementation of the report the following was observed:-

Response from the CEO National Land Commission dated 23rd February 2016 stating that recommendation No. 4, which requires that the NLC adjudicates the dispute on encroachment, has not been implemented as the Commission is still awaiting the demarcation of the land by the Ministries responsible for Land and Environment so as to identify those that have encroached.

The Cabinet Secretary Environment wrote to the Committee on Implementation on 7th March 2016 and submitted as follows:

- That Ol posimoru Forest was gazetted in 1957 vide proclamation no. 196 of 5th March 1957. It covered an area of 36,974.71 Ha. At the time of gazette, the boundaries of the forest reserve were reflected on Boundary Plan No. 180/71. The boundaries of this forest not marked on the ground because of the natural boundaries of Ol Posimoru Forest, which are; Maasai Mau Forest to the South, Eastern Mau Forest to the North, Mara River to the West and Ewaso Ng'iro to the East.
- During the same period, three adjudication sections were created to the North of the forest covering a total of 20, 115 Ha. The areas are Kamar, Kileba and Ol Posimoru.
- In 2015, a cutline was marked to check the encroachment that was as a result of settlements that were encroaching into the forest. However, the joint demarcation exercise between the Ministry of Lands, Housing and Urban Development and the Ministry of Environment has not been carried out.

- After the determination of the outline, two forest guard camps were established along the outline. This has helped to check the encroachment from the Maasai Mau Settlement Scheme and improved vegetation cover in Ol Posimoru Forest.

v. *Implementation status of the report on Land issues in Taita Taveta County*

The matter on land issues in Taita Taveta County come before Parliament as a result of public outcry and the rising tension in the area due to heightened land conflict between the owners of Teita sisal estate and the local community.

The committee tabled its report to the House in 25th June, 2015 with the following key recommendation;

- *The Ministry of Lands, Housing and Urban Development through the Director of survey should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate the 33,000 acres that belongs to Teita Sisal Estate (LR Nos. LR 3880/5 (3880/4/R), LR 11378, LR 6924 and LR 9487(Dam) from the total acreage of 33,284 acres), and the neighbouring trust lands, so that the rest is given back to the community.*
- *The Government through the Ministry of Land Housing and Urban Development and the National Lands Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.*
- *The National Land Commission, Ministry of Lands, Housing and Urban Development and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act).*

The Cabinet Secretary submitted a report to the Committee on 23rd May 2017 on the status of implementation of the recommendations as follows:

- i) A technical committee made up of all the stake holders was formed to carry out a joint survey of the land in question as per the recommendations of the Committee.

In accordance with the Land Registration Act 2012 sections 15 through 20, positions of fixed boundaries are determined by the Director of Surveys “(Provided that where all the boundaries are defined under section 19 (3), the determination of the position of any uncertain boundary shall be done as stipulated in the Survey Act, Cap. 299)”. In practice however, several approaches may be employed.

- The land owners/disputants may choose to engage their own independent surveyors to do the work with the Director of surveys to observe and give a final report.
- The Director of surveys may determine the position of the boundaries without consulting anyone and prepare relevant reports.

- The Director of surveys may engage the disputants to appoint technical observers to ensure that the technical interests of their clients are taken care of during the boundary determination exercise.

For the task at hand in Teita Sisal Estate, it was found prudent to involve all interested parties represented by professionals in land matters culminating in adopting approach number 3 (three) hence the report naming "Joint Survey". This would ensure that the final report is acceptable to all parties. The work was done by staff from the Director of surveys under observation and active participation (including constant consultation) by highly qualified and reputable surveyors hired by Mwasima Mbuwa Welfare Association and Teita Sisal Estates.

The Mwasima Mbuwa Welfare Association was represented by **Mr. John D. Obel** (Phone No. +254 725 915780), a senior and reputable Licensed land surveyor, **Washington Weere** (Phone No. 0722835246) a specialist in Remote Sensing and Geographic Information Systems (GIS) and **Mr. Thomas Nduku** (Phone No. +254 722 743743) an investigator of profound experience and reputation. Teita Sisal Estate was represented by **Mr. Wallis Hime** (Phone No. +254 204 182 386) a senior and reputable licensed surveyor. The County Government of Taita Taveta was represented by **Mr. Sammy J. Wambua** (+254 729 726 486) a senior land surveyor who is the designate County surveyor. **Mr. Richard K. Amati** (Phone No. +254 722 786 208) a Principal Land Surveyor and a licensed Land Surveyor led the team of experts from the Ministry of Lands. All the parties were present in the field throughout the survey exercise.

On 27th June 2016, the first stake holder meeting was held under the leadership of the Deputy Governor, Taita Taveta County who also doubles as the County Executive Committee (C.E.C) Member Lands and Mining. All interested parties (Mwasima Mbuwa Welfare Association, Teita Sisal Estate, the County Government, opinion leaders and community leaders amongst others) were represented in the meeting. The Director of Surveys through his Representative **Mr. R.K. Amati** highlighted the mandate of the survey team. He clarified that the role of the survey team was to re-establish the boundaries of the Sisal Estate and thereafter file a report on the finding with the National Assembly. **Mr. John D. Obel** noted that the actual work was to be done by the Director of surveys; other parties being observers.

The technical team made the following conclusions and recommendations:

From the ground survey done, computation results, all the surveyors representing various stake holders concluded the following:-

Conclusions by the joint technical team

- ❖ That the total acreage of the four parcels of land under investigation (LR. NO. 3880/5 (3880/4/R), LR. NO. 11378, LR. NO. 6924 and LR. NO. 9487(Dam)) is 30,284 acres.
- ❖ That Teita sisal is operating within part of the four parcels under investigation. This is because the Estate is not utilizing part of LR. NO. 3880/5 that is to the north between Voi – Taveta road and Voi River. There is no encroachment by the Estate into neighbouring trust/private land found.
- ❖ That a boundary point named Tasha was effectively re-established on top of one of the hills and there was no encroachment by either the Sisal Estate or the neighbouring Mwachabo Settlement scheme noted around this hill. It was actually confirmed that the hill remained undisturbed hence forming a conservation area.

- ❖ That there are three classified roads which run through the four parcels of land. These are the Voi – Taveta, the Mwatate – Musau, and the Mwatate – Kasigau roads. They have all not been surveyed. The Mwatate – Kasigau road area has not been reduced from the total acreage of parcels affected. Their size totaled to 176 acres Approx if a road width of 40m is assumed. These were found to be open for public use all the time.
- ❖ That the 100ft un-surveyed road reserve and whose area is deducted on LR NO 6924 leads nowhere and is nonexistence on the ground. All other roads within the four parcels except the three noted above are unclassified and hence private.
- ❖ That there is a manned barrier at the main entrance to the Estate on a road that may have been leading to the railway station. Another manned barrier was found along an unclassified road leading to Mwandisha Primary school.
- ❖ That the Voi – Taveta railway line runs through LR. NO. 3880/5, the reservation has been deducted from the gross area of the land. The Mwatate railway station (not operational) also falls within the boundaries of LR. NO. 3880/5. The Kenya Railway cooperation confirmed that there is a gazette reservation of 4.8 acres. This has not been surveyed hence not deducted from the gross area for the parcel. The Sisal estate and the community do cultivation along the reserve but no permanent developments were noted apart from the railway station buildings.
- ❖ That the sanctuary is a private venture by the Teita Sisal Estate and is within the four parcels under investigation and registered in their name. It is therefore not a public utility.
- ❖ That the settlement at Singila Majengo and other settlements mentioned under “findings” all fall within LR. NO. 3880/5 which belongs to Teita Sisal Estate. There was no encroachment whatsoever by the Sisal estate into community land noted.

Recommendations by the Joint Technical Team

Noting the presence of various utilities and human settlements within the legal boundaries of the Sisal Estate and in the interest of peaceful co-existence between the Teita Sisal Estate and the community, the working group proposes adoption of the following recommendations.

- ✓ Consider to lawfully excise part of the LR. NO. 3880/5 land already settled by the Community for the benefit of the community.
- ✓ Complete the excision process of the land occupied by Mwandisha Primary school and its right of way and register it under the Ministry in charge of education.
- ✓ The Ministry in charge of roads to survey and reserve all the classified roads that run through the estate land. Secondly the Ministry to consider the classification and subsequent survey of the private roads leading to Kamtonga and Manoa which traverse through the estate land. It was noted that these roads even though private are currently in undisrupted use by the public.
- ✓ For posterity of the Dam, (to the benefit of the Community and the Sisal Estate) the local leadership and the Teita Sisal Estate should discourage and bar members of the public from farming in the area reserved for the dam.
- ✓ The Kenya Railway cooperation to excise the Mwatate railway station land and deduct its area from the gross area for LR. NO. 3880/5. The Sisal Estate security to continue

safeguarding the defunct station buildings against vandalism until such a time when the station will be operational.

- ✓ The Mwasima Mbuwa Welfare Association and the Mwatate community be informed of the outcome of the resurvey and to be cautioned to desist from any further encroachment into the sisal Estate land. The Committee also notes the recommendations by the Cabinet Secretary that Land registration No. 3880/5 be reverted back to the community.

Committee Resolution

The Committee on Implementations upholds the findings and the recommendations of the joint technical team and recommends that the process initiated by the Ministry to find an alternative land for resettlement of residents who have encroached on private land be expedited, the Committee further notes that the recommendations by the Cabinet Secretary are not supported by the findings of the technical team. In addition the Committee upholds the view that Land parcel 3881 currently partly occupied by the community reverts back to the community noting that it is not among the parcels under dispute. The process of reverting parcel numbers 3880/5 and 9487 to the community be expedited.

2.12 THE STATE LAW OFFICE

i) Resolution on translation of the Laws of Kenya into Kiswahili – Hon Joyce Lay

The notice of motion was given on 11th February, 2015 and was proposed by the Hon. Joyce Lay, MP (Taita Taveta County). The motion stated as follows; (Adopted on 15th April 2015)

That, aware that Kiswahili is the National as well as official language of the Republic as enshrined in the Constitution; Further aware that equality and freedom from discrimination and access to information are fundamental rights ; Cognizant of the fact that democracy and public participation of the people is a National value and principle of governance as per Article 10 of the Constitution; Deeply concerned that a section of Kenyans have low level of knowledge of their legal rights and laws passed by this House as a result of the existing language barriers ; Convinced that unless we as a nation lay down mechanism for translating the constitution and laws passed by Parliament and County Assemblies into Kiswahili, most Kenyans will continue being partially aware of the Law, this house urges the National Council for Law Reporting to progressively translate the laws of Kenya into Kiswahili.

Pursuant to standing order 209 the Committee on Implementation wrote to the Attorney General on 26th Sept 2015 to submit a report on the implementation status of the resolution. The Attorney General responded on 4th November 2016

IMPLEMENTATION STATUS

The Attorney General responded by stating that the matter currently rest with the draft Revision of the Laws (Amendments) Bill, 2016 by the Hon. Joyce Lay, MP. The objective of the Bill as stated therein is to provide for the enactment of laws in both Kiswahili and English and to provide for translation of existing legislation into Kiswahili for easy understanding and usage by members of the public.

However, the office of Attorney General, in view of the foregoing, advised against the instant Bill which placed the obligation to translate laws on the office of the Attorney General. Instead they proposed that the Kenya National Languages Council was best suited to carry out the translation of legislation into Kiswahili.

The Attorney General urged the House to consider the enactment of the more comprehensive Bill. The Bill should be fast-tracked

i) Resolution on the decentralization of marriage services

The notice of motion was given on 18th February, 2015 and was proposed by Hon. Malulu Injendi, MP (Malava Constituency). the motion stated as follows (Adopted on 24th June 2016)

The Motion

That, aware that the Marriage Act, 2014 was assented to by the President on 29th APRIL, 2014 and commenced on 20th May, 2014; Noting that the Act was by and large an amalgamation of the previous Act, thus amendments relating to the regulations were minimal in effect; Deeply concerned that there are only twelve offices for the registrar of marriage in the whole country, making it difficult for the hopefuls to issue notice of Marriage; Mindful of the fact that the upwards revision of the marriage certificate acquisition fee is not affordable to many Kenyans, thus inhibiting them from registering marriages as envisaged by the new Act; This house urges **the Government to review the procedure and the cost of marriage registration, and to decentralize the offices of the registrar of marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.**

IMPLEMENTATION STATUS

The Attorney general informed the committee that since the enactment of the Marriage Act, 2014, his office, through the Registrar of Marriages, had endeavored to decentralize Marriage functions to the people. The process of decentralization started with the appointment of registrars in the 13 counties where the office was already represented. This was followed by the decentralization of marriages centres through Legal notice No. 1989 of the 27th March, 2015.

The Office then proceeded to gazette Deputy County Commissioners and Assistant County Commissioners in 34 counties as marriage registrars through Legal Notice No. 3304 of the 15th May, 2015.

Furthermore, marriage fees were last reviewed years ago, raising the need to increase them to a certain degree to cater for inflation. Currently, the total cost of getting married by notice in church is Ksh. 1,400 while that of certification of a marriage while Ksh. 1,100. It is my (AGs) considered view that these charges are reasonable and affordable to the majority of Kenyans.

3.0 PENDING BUSINESS

- a) Resolutions of the House whose implementation status is pending before Ministries
- i) Resolution on creation of an innovation fund for the Youth (Motion by Hon. Isaac Mwaura)
 - ii) Resolution to declare Kamukunji grounds a national monument (Hon. Yusuf Hassan)
 - iii) Resolution that the House declares cattle rusting a national disaster (Hon. William Cheptumo)
 - iv) Resolution on provision of clean and safe water to all public facilities (Hon. Mwadime)
 - v) Resolution to create coastal and inland training institutions to build capacity of fishing communities (Hon. Rose Nyamunga)
 - vi) Resolution that NACADA launches targeted campaigns in all institutions towards safe disposal of containers (Hon. ...)
 - vii) Resolution that all uniformed officers trained using public funds serve at least 10 years after training in the public sector (Hon. Major Walukhe)
 - viii) Resolution that Government sets up ICU and blood transfusion centre in every constituency (Hon. Raheem Dawood)
 - ix) Resolution on registration of all firearms (Hon. Victor Munyaka)
 - x) Resolution on training of all medical personal on emergency medical care (Hon. Susan Musyoka)
- b. **Adopted Committee Reports whose implementation is pending before Ministries**
- i) Report on the Special Audit of the Judiciary (PAC Report) - Subjudice
 - ii) PAC Report 2013/2014 and 2011/2012
 - iii) Implementation of SGR Phase I and II (Committee on Transport Report)
 - iv) PIC Report on Procurement Process
 - v) Report of the Committee on Labour and Social Welfare on Tassian II Settlement Scheme
 - vi) Report on displacement of residents due to construction of Maanoni Dam
- c. **Reports on petitions pending before Ministries**
- i) Petition on utilization of funds for compensation of IDPs in Kisii County
 - ii) Petition on VAT levied on Tips and gratuity in the hospitality industry
 - iii) Petition on degazettement of Legal Notice No. 86 of the Wildlife Conservation and Management Act regarding Nyambene National Reserve
 - iv) Petition on removal of the appointed Liquidator for Chuka Farmers Co-operative Society Limited
 - v) Petition on irregular purchase of Trans Nzoia County Referral Hospital land
 - vi) Petition on illegal eviction of Twiga farmers from their land
 - vii) Petition on the removal of the Commissioner for Co-operative Development
 - viii) Petition on dispute over land ownership plot No. 280 Makueni Masongaleni Settlement Scheme
 - ix) Petition on Management of Ewaso Nyiro River Resources

- x) The election of Chairperson of the Agricultural Society of Kenya
- xi) Relocation of Matangini Primary School to Sub-standard temporary structure
- xii) Petition on recovery of illegal firearms in North Rift Region
- xiii) Petition on alleged compulsory acquisition of Land reference No. Ngong/Ngong 1959
- xiv) Petition on radicalization of inmates, review of the penal code and amnesty for inmates who have served for more than seven (7) years
- x(iii) Petition on enactment of legislative to provide for the registration of all properties in the County
- x(iv) Petition on amendment of the Cancer prevention and control Act 20112
- xv) Petition on alleged transfer of 1800 acres of land belonging to the Chebororwa Agriculture Training Centre
- xvi) Petition on alleged change of management model of the KTDA
- xvii) Petition on registration and regulation of Laboratory Science Practice
- xviii) Petition on the impending removal of the portrait of Kenyas first President from the Kenya currency
- xix) Petition on alleged non-reimbursement of cash bails by Marimanti Law Court
- xx) Petition on revocation of appointment of Mr. David Malatu as the Chief of Dakabarich Location
- xxi) Petition on amendments to the Accountants Act No. 15 of 2008
- xxii) Petition on resettlement of Ntiriti Subuiga Squatters on land parcels No. 2806/3 and 2822/3
- xxiii) Petition on creation of new administrative unit in Karingani area
- xxiv) Petition on alleged land grating and illegal eviction in Isiolo County
- xxv) Petition on establishment of strategic reserves for long life powdered milk
- xxvi) Petition on waiver of VAT levied on textbooks journals and periodicals
- xxvii) Petition on alleged presence of Mungiki and other armed militia in Kiambu County
- xxviii) Petition on relocation of Sub-County Headquarters to Kiambu town
- xxix) Petition on relocation of KK Nkengechia Primary School
- xxx) Delayed carpeting of a Section of the Meru-Mana Road from farm to Murera gate Meru National Park
- xxxi) Petition on lifting of ban for the sale and export of raw macadamia
- xxxii) Petition on the state of Karatina jambo road
- xxxiii) Petition on delayed issuance of citizenship by registration to immigration in Kenya

4.0 COMMITTEE OBSERVATIONS

The Committee on Implementation of the Eleventh Parliament makes the following observations in its endeavor to execute its mandate under Standing Order 209 of the National Assembly Standing Orders:

- i) Some of the resolutions adopted by the House are not SMART. They have no indication of specific action, a specific person or institution responsible for the action and a time frame within which the action is expected. This general nature of resolutions and recommendations of adopted reports make follow-up a challenging task.
- i) Some of the resolutions are in conflict with existing Government policies hence making implementation impossible. For example, while the House adopted a resolution urging the Government to stop any investment in nuclear Energy, the Cabinet had already

approved such investment and the Ministry of Energy established the Kenya Nuclear Electricity Board.

- ii) There are a number of resolutions that are not in line with existing laws. For example the House adopted resolutions urging the Government to liberalize milk prices, the Energy Sector and the aviation industry yet price controls were removed way back giving room to market forces to determine sector operations with the Government only playing regulatory oversight.
- iii) There are instance where the House passed resolutions that require action by the County Government especially those that touch on devolved functions. A resolution of the House urging the Government to recruit medical personal falls in this category. The National Government retains only the policy formulation function and management of National referral hospitals while the country Government retains the other key role of day to day operations of all other health facilities.
- iv) In some cases Cabinet Secretaries have submitted responses that are unsatisfactory. This has often been linked to frequent changes in the executive that erodes institutional memory leading to either non-response or half-baked responses.
- v) Legislation passed but not supported by financial resources.

5.0 COMMITTEE RECOMMENDATIONS

The Committee makes the following recommendations towards enhancing its effectiveness as a watchdog committee of the House

- i) That all motions introduced in the House be subjected to a thorough back ground check and framed in a way that makes them SMART. This will address all the possible bottlenecks in terms of adherence hence to existing laws, Government policies, accuracy of facts raised and currency
- ii) Research capacity of Committees of Parliament in general and the Committee on Implementation in particular be enhanced.
- iii) The leadership of the Committee on Implementation be selected from the party or coalition of Parties not forming the Government to enable it play its watchdog role effectively
- iv) During the budgeting process due consideration be accorded to resolutions passed by the House attracting financial implications
- v) An online tracking tool for the implementation of House resolutions be developed as a matter of priority.

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① D/Committee
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8/9/17



MINISTRY OF LANDS & PHYSICAL PLANNING
Office of the Principal Secretary

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Date: 6th September 2017

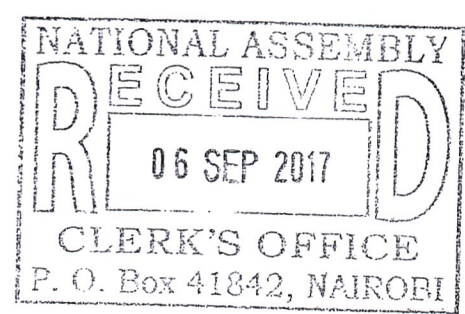
The Clerk of the National Assembly
Parliament Buildings
NAIROBI

SUBMISSION OF THE TAITA SISAL ESTATE RESURVEY REPORT

Reference is made to MOLPP/ADM/1 dated 22nd May 2017 on the above subject matter.


Please note that this report supercedes an earlier one forwarded to you that was noted to have errors. The Nduku Investigations report (Appendix 9) has been expunged from the report because it does not bear the signature of the author.

The appearance of the Cabinet Secretary's signature on that appendix was erroneous and is highly regretted.



This is therefore to recall and declare the earlier one as null and void.

Kindly note and take necessary action.



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY



Republic of Kenya
Ministry of Lands and Physical Planning

Survey Report on Teita Sisal Estate, Land Parcel Nos.
LR Nos. 3880/5 (3880/4/R), 11378, 6924 and 9487(Dam)

In response to directives given by

The Departmental Committee on Lands
Eleventh Parliament – Second Session 2014

on

Land Issues in Taita/Taveta County

SEPTEMBER, 2017

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ABSTRACT

The Parliamentary committee on lands, on 2nd December 2014, (among other directives), directed that, the boundaries of Teita Sisal Estate be re-established. The directives were a culmination of various complaints and petitions that the Estate had encroached onto land belonging to the community. The directive was that:-

1) The Ministry of Lands, Housing and Urban Development through the Director of Surveys should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate the 33,000 acres that belongs to Teita Sisal Estate (LR Nos. LR 3880/5 (3880/4/R), LR 11378, LR 6924 and LR 9487(Dam) from the total acreage of 33,284 acres), and the neighbouring trust lands, so that the rest is given back to the community.

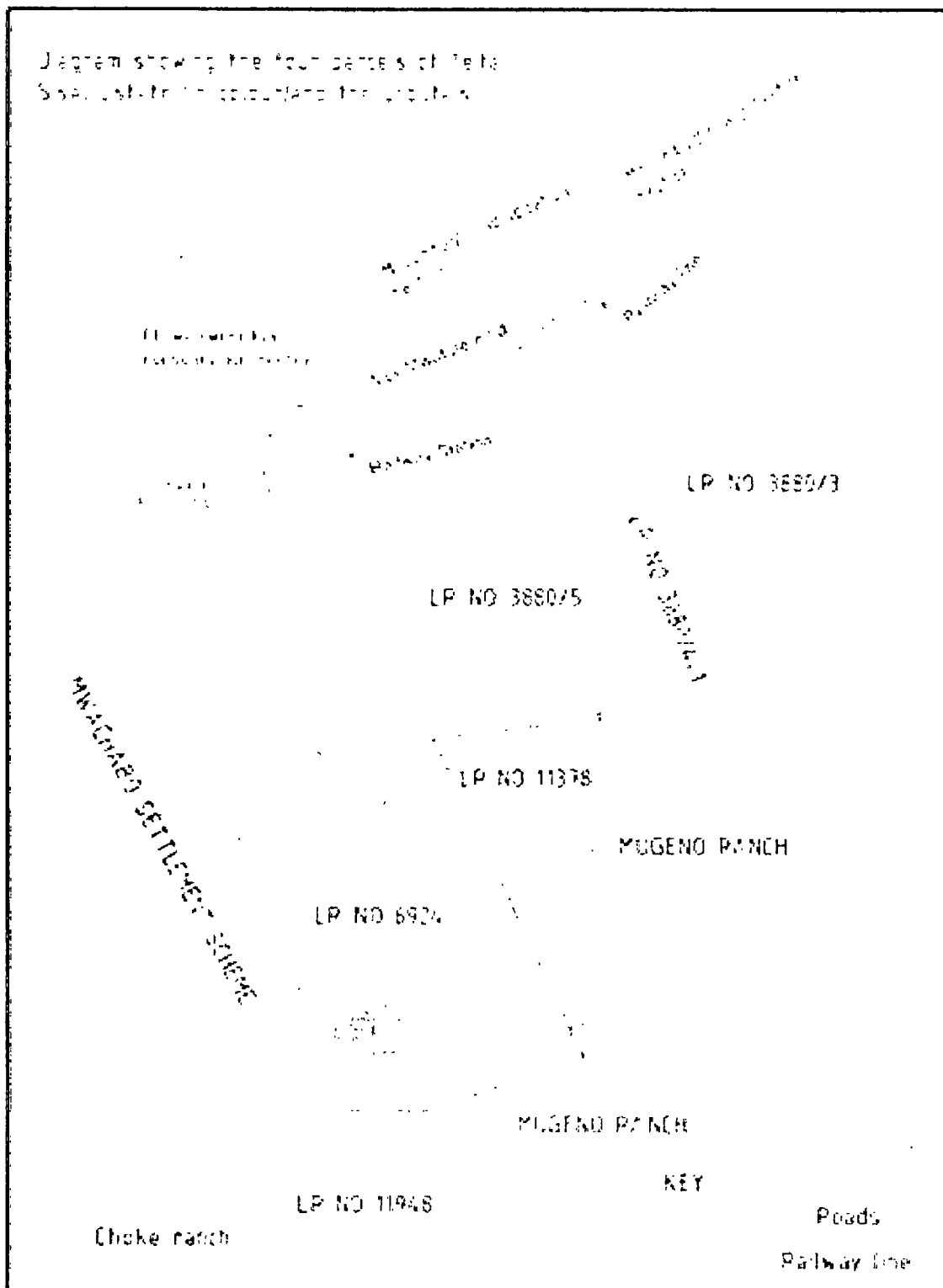
2) The Government through the Ministry of Land Housing and Urban Development and the National Lands Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.

3) The National Land Commission, Ministry of Lands, Housing and Urban Development and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act).

The re-survey of the land parcels was carried out in July 2016 by a team from the Ministry of Lands and Physical Planning led by Mr. Richard Amati. The community was represented by Mr. John. D. Obel (Phone No. +254 725 915780), a senior and reputable Licensed land surveyor, the late Mr. Washington Weere, a specialist in Remote Sensing and Geographic Information Systems (GIS) and Mr. Thomas Nduku (Phone No. +254 722 743743) an investigator. The Teita Sisal Estate was represented by Mr. Wallis Hime (Phone No. +254 204 182 386) a senior and reputable licensed surveyor. The County Government of Taita Taveta was represented by Mr. Sammy J. Wambua (+254 729 276 486) a senior land surveyor who is the designate

County surveyor. The survey work was completed within two weeks with the following outputs/outcomes

- i) All the boundary beacons for the four parcels of land in question were searched. Most of the beacons were found intact and the few not found in place were re-established as per survey regulations. The total acreage of the land parcels is 30,284 acres as indicated on the survey maps for the four parcels. A re-computation of the acreage after the field work yielded the same (see page 14 detailed report). This was in agreement with the records held by the Survey of Kenya.
- ii) The Sisal Estate was operating within the four parcels and had not encroached onto the neighbouring community land, road, trust land around Tasha Hill and railway reserves. The said sanctuary is an establishment of the Sisal Estate and was within the four plots owned by the estate. The Air strip is within the four parcels owned by the Sisal Estate and the estate has an Aerodromes Clearance certificate to operate it (see Appendix 7).
- iii) The community has encroached onto parts of the Sisal Estate including Singila Majengo, sections along the Voi – Mwatate road, the corridor leading to and part of LR NO 3880/5 near Voi River.
- iv) There are three classified roads which run through the Estate and are open for public use. There are also several private roads traversing the land.
- v) There is a manned barrier at the entrance of the Estate on a road that may have been leading to the now non-operational railway station. Another manned barrier is on an unclassified road leading to Mwandisha Primary School.
- vi) Voi-Taveta railway line passes through LR. No. 3880/5. The railway reserve has been deducted from the head title of this land parcel. A non-operational railway station falls within this land parcel. Its reservation has not been deducted from the head title though Kenya Railway claims that there is a gazetted reservation of 4.8 acres.



The team recommended the following:

- i) Land settled on by the community be legally excised from the Estate land to which the Estate does not object.
- ii) Public utility land such as school, Roads, Railway station be exercised from the land and be registered in the name of line ministries.

- iii) Community be informed of the outcome of the survey and be cautioned against further encroachment onto the Estate land.
- iv) If any further investigations are required, the same be directed to the concerned line Ministries.
- v) The local leadership and the management of Teita Sisal Estate should carry out regular de-silting of the water dam. Cultivation along the Dam should be completely discouraged. This will be for the benefit of the Community and the Sisal Estate.

Appended hereto is the full report of the survey.



Richard K. Amati
For: Director of Survey

1. INTRODUCTION

The re-establishment of boundaries for land owned by Teita Sisal Estate arose from the recommendations/directives of the Eleventh Parliament's Departmental Committee on Lands (Land Issues in Taita Taveta County) submitted on 2nd December 2014. The directives were a culmination of various complaints and or petitions from various groups regarding land in Taita Taveta County, notably Mwasima Mbuwa Welfare Association on the Teita Sisal Estate land.

The Committee had several recommendations/directives in their report (Appendix 1). The following issues that needed to be addressed by the Ministry of Lands were extracted from the report hence the scope of work:-

- 1) *The Ministry of Lands, Housing and Urban Development through the Director of survey should carry out a survey with a view to ascertaining the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate the 33,000 acres that belongs to Teita Sisal Estate (LR Nos. LR 3880/5 (3880/4/R), LR 11378, LR 6924 and LR 9487(Dam) from the total acreage of 33,284 acres), and the neighbouring trust lands, so that the rest is given back to the community.*
- 2) *The Government through the Ministry of Land Housing and Urban Development and the National Lands Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.*
- 3) *The National Land Commission, Ministry of Lands, Housing and Urban Development and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act).*

The ultimate goal was for the Director of Surveys to determine and delineate 30,284 Acres of Teita Sisal Estate and any land in excess be utilized for settlement of community as authorized by the National Assembly of the Republic of Kenya.

Pursuant to this, a team of landed experts was dispatched from the Ministry of Lands Headquarters (HQs) to go to Mwatate and address the various issues in respect of Teita Sisal Estate covered by the recommendations/directives.

2. APPROACH

In accordance with the Land Registration Act 2012 sections 15 through 20, positions of fixed boundaries are determined by the Director of Surveys “(Provided that where all the boundaries are defined under section 19 (3), the determination of the position of any uncertain boundary shall be done as stipulated in the Survey Act, Cap. 299)”. In practice however, several approaches may be employed.

1. The land owners/disputants may choose to engage their own independent surveyors to do the work with the Director of surveys to observe and give a final report.
2. The Director of surveys may determine the position of the boundaries without consulting anyone and prepare relevant reports.
3. The Director of surveys may engage the disputants to appoint technical observers to ensure that the technical interests of their clients are taken care of during the boundary determination exercise.

For the task at hand in Teita Sisal Estate, it was found prudent to involve all interested parties represented by professionals in land matters culminating in adopting approach number 3 (three) hence the report naming “**Joint Survey**”. This would ensure that the final report is acceptable to all parties. The work was done by staff from the Director of surveys under observation and active participation (including constant consultation) by highly qualified and reputable surveyors hired by Mwasima Mbuwa Welfare Association and Teita Sisal Estates.

The Mwasima Mbuwa Welfare Association was represented by **Mr. John. D. Obel (Phone No. +254 725 915780)**, a senior and reputable Licensed land surveyor, the late **Washington Weere** a specialist in Remote Sensing and Geographic Information Systems (GIS) and **Mr. Thomas Nduku (Phone No. +254 722 743743)** an investigator of profound experience and reputation. Teita Sisal Estate was represented by **Mr. Wallis Hime (Phone No. +254 204 182 386)** a senior and reputable licensed surveyor. The County Government of Taita Taveta was represented by **Mr. Sammy J. Wambua (+254 729 276 486)** a senior land surveyor who is the designate County surveyor. **Mr. Richard K. Amati (Phone No. +254 722 786 208)** a Principal Land Surveyor and a licensed Land Surveyor led the team of experts from the Ministry of Lands. All the parties were present in the field throughout the survey exercise.

On **27th June 2016**, the first stake holder meeting was held under the leadership of the Deputy Governor, Taita Taveta County who also doubles as the County Executive Committee (C.E.C) Member Lands and Mining. All interested parties (Mwasima Mbuwa Welfare Association, Teita Sisal Estate, the County Government, opinion leaders and community leaders amongst others) were represented in the meeting (minutes and attendance list (**appendices 3 and 4 respectively**) attached).

The Director of Surveys through his Representative Mr. R.K Amati highlighted the mandate of the survey team. He clarified that the role of the survey team was to re-establish the boundaries of the Sisal Estate and thereafter file a report on the finding with the National Assembly. Mr. John D. Obel noted that the actual work was to be done by the Director of surveys; other parties being observers. At the end of the meeting it was clear that the task was in the hands of the technical team. The technical team was given full blessing by all the stake holders' representatives to proceed with the assignment and file a joint report promptly.

3. TECHNICAL STRATEGIES

A technical officers meeting followed immediately after the stake holders meeting. The technical team members comprised of the following:-

1. Mr. Richard K. Amati – Surveyor - MOLPP office - Chairing
2. Mr. John D. Obel – Licensed surveyor - Mwasima Mbuwa Welfare Association.
3. Mr. Washington Weere – GIS Expert - Mwasima Mbuwa Welfare Association.
4. Mr. Anthony Singe – Surveyor - Mwasima Mbuwa Welfare Association.
5. Mr. Thomas Nduku – Investigator - Mwasima Mbuwa Welfare Association.
6. Mr. Sammy W. Juma – County Surveyor - County Government of Taita Taveta.
7. Mr. Emmanuel Mrombo – Management - representing Mr. Wallis Hime - Teita Sisal Estate.
8. Mr. Max Njuguna – Surveyor - MOLPP office - taking minutes

Before the start of the meeting, Mr. Mrombo informed members that the Sisal Estate had contracted Mr. Wallis Hime to technically represent their interests. However he could not manage to attend this meeting due to other commitments hence his apologies. He would join the team later. Mr. Obel informed members that in addition to the surveyors, Mwasima Mbuwa Welfare Association had an investigative/legal arm being led by Mr. Thomas Nduku an Investigator. Mr. Thomas Nduku was co-opted and tasked to work in liaison with the representative of the Chief Land Registrar who was part of the Ministerial team but would join later.

The agenda of the meeting was to analyze the survey data for the Teita Sisal Estate and chart the way forward on how best to tackle the task ahead. Terms and Conditions of implementations including relevant Survey plans, deed plans,

Titles, transformations of Cassini to Universal Transverse Mercator (UTM) Systems of Coordinates of existing beacons covering the areas as ruled by the National Assembly of Kenya; were discussed and agreed upon unanimously. Geodetic Control network points situated at strategic and known positions were to be determined and re-established (the concept of whole to part).

The investigative arm informed members that Gazette Supplement No.7 (Legislative Supplement No.7), Legal Notice No.16 and dated 30th day of January 1973 (**Appendix 2**) has stated clearly the extent of land owned by the Management of Teita Sisal Estate.

Further investigations, research and analysis based on information that appears on the said notice, has confirmed that the Management of Teita Sisal Estate legally own lands registered as LR. NO. 3880/5, LR. NO. 9487, LR. NO. 11378 and LR. NO. 6924. According to the same Gazette Notice the land sizes are quoted as follows:

- a) L/R No. 3880/5 - Size 16,875 Acres (6,829 Hectares).
- b) L/R No. 11378 - Size 3,344 Acres (1,353.28 Hectares).
- c) L/R No. 6924 - Size 10,010 Acres (4,051 Hectares).
- d) L/R No. 9487 - Size 55 Acres (22.25 Hectares) Dam.

Total: 30,284 Acres (12,255.53 Hectares)

The information was found to agree with the existing survey records and the parliamentary directives except for the total size of the land quoted in **parliamentary directive (I)** above as **33,284 acres**.

The subdivision history of LR No 3880 and the evolution of LR NO 3880/5 from LR No 3880/4/R to LR NO. 3880/4/2 and finally to LR. NO. 3880/5 was explained by the cadastral branch as follows.

LR. No. 3880 was initially subdivided into 3880/1 and LR. NO. 3880/2. LR. NO. 3880/1 was given back to the community. This was followed by LR. NO. 3880/2 being subdivided into 3880/2/1 and 3880/2/R. 3880/2/1 was surrendered for community settlement. LR. NO. 3880/2/R was then subdivided into LR. NO. 3880/3 and LR. NO. 3880/4. LR. NO. 3880/3 was surrendered for community settlement. LR. NO. 3880/4/1 was then excised from LR. NO. 3880/4 for equal area exchange with LR. NO. 11378 Leaving a remainder of LR. NO. 3880/4/R which is now LR. NO. 3880/5.

All land surrendered to community as explained above from the mother LR No 3880 has now been adjudicated to the community under the Modambogho adjudication section except part of LR No 3880/3 (to the south of the Railway line) which still remains un-adjudicated.

It was further noted that from survey plans, the four parcels are adjacent to each other and hence formed one continuous block. The team identified several survey controls/datum points on various survey plans which would be useful for the survey. The identified control points were in two coordinate systems, some were in **Universal Transverse Mercator (UTM)** and others in **Cassini**. The team resolved that even though the boundary beacons defining the four parcels of land in question were in the Cassini system, it would be better to do the resurvey in UTM system due to many reasons including technical, user friendliness and conformity to the current world survey trends. It was also pointed out that viewing of deed plans for all the parcels of land were necessary. This would enable the team to be clear on the boundary lines especially for the beacons along the roads and the Railway line.

4. FIELD WORK

Data sourcing, collection and collating was ably conducted by Joint Experts from the Department of Survey, Ministry of Lands and physical Planning (then Ministry of Land, Housing and Urban Development) in consultation with the teams (survey and others) engaged by Mwasima Mbuwa Welfare Association and Teita Sisal Estate.

Data input including scanning, digitizing, transformation from Cassini to UTM systems of coordinates of existing beacons, screen digitizing, editing amongst other activities were carried out

All the relevant survey plans namely F/R 58/15 for L.R. No. 3880/5 and 3880/3, F/R 98/149 for LR No 11378, F/R 34/172 for LR No 6924, FR 79/86 for LR No 9487 and F/R 39/37 for Mwatate Trading Centre LR NO 3894, abuttals (Mugeno and other Ranches) and other areas were captured. Note that the survey record for the above parcel of lands (survey plans) are very old dating back to colonial times. These are old survey plans, not records of the year 1992 as indicated in directive (1)

4.1 Reconnaissance Survey

A reconnaissance survey is always useful in planning for any survey work. The technical team resolved to immediately commence on the reconnaissance survey. The following two days after the meetings, **(28th and 29th June 2016)** the teams were therefore engaged in reconnaissance survey work. To enable all the surveyors take active participation in the reconnaissance survey, it was agreed that all the boundary data/coordinates be transformed from Cassini to UTM system. The matrix and results be shared to all through respective emails for checking, concurrence and feeding into their respective hand held GPS sets.

A number of old boundary beacons were found intact during the Reconnaissance survey while others had been destroyed or disturbed. Some of the beacons found

intact were: - Rd20, Rd 19, Rd3, Rd1, Res1, New, B, W and BdyW. Other beacons which were found uprooted and required re-establishment were Tasha, A, Bdy E among others. This therefore gave the technical team a general overview on the expected outcome after the final re- survey.

After the reconnaissance survey, the survey team had a short break arising from logistical issues. The full team resumed on **4th July 2016**. This time Mr. Wallis Hime (a licensed surveyor) representing Teita Sisal Estate joined the team.

4.2 Datum Points and Extension of Control points

In light of the agreement to do the re-establishment in UTM system, the team confined itself to plan and utilize existing UTM geodetic control point available within the vicinity of the work site.

On **5th July 2016**, four teams were dispatched to search for UTM control points at different location in the vicinity of Teita Sisal Estate. At the end of the day, three control points; Mkengereni 3, Matoga and RM were found and in good condition. Upon analysis, the datum points were found to be forming good geometry to the point we intended to observe and coordinate. However, point RM was considered to be far from the site of operation. Continuous use of it as a base would not be economical since it would require long observation time over the new control points. To overcome this, one boundary beacon 'W' was adopted, observed and coordinated as a new control point. Using the three datum points as the base, GPS observation to this point was made for extended period (3.5 hrs) effectively making this beacon 'W' a control point.

The established control point 'W' and old control points Matoga and Mkengereni 3 were then used as datum points and formed the basis for extension of controls. Seven new control points PT1, PT2.....PT7 were established by making observation using Geodetic GPS.

To obtain the Transformation parameters from Cassini co-ordinate system to UTM system, three existing beacons W, BdyW and B in Cassini system were observed from the control points.

Note that these points are to the extremities of the sisal estate hence providing a good coverage. The data was then processed to obtain new transformation parameters for the area. The parameters so obtained were applied to all other beacons (in Cassini) effectively transforming them to UTM co-ordinate system. The data was as usual shared to all groups through their respective email addresses.

At the close of the day on **8th July 2016**, the control network and the processing of the data was complete. The team was now ready for the re-establishment exercise.

4.3 Beacon re-establishment and pickings

This was done by use of Total Station and Real Time Kinematics (RTK) GPS using the established controls as the Datum. Because of the earlier conclusion that the four parcels of land formed one continuous block, the team resolved that there was no value addition in re-establishing two beacons (Line and INT) that were falling within the block. It was therefore resolved that only the boundary marks forming the outermost lines of the block needed to be re-established. More than 50% of these boundary beacons were found in place and healthy (meaning they were observed and found undisturbed). The missing beacons were placed and reconstructed as per the original description of each monument. The field work took about two weeks from start to completion to the satisfaction of all the technical experts representing the various groups.

It is important to note that 3 of the beacons (Rd14, Rd15, and Rd16) were found to fall on the existing Voi-Mwatate tarmac road hence no monuments were erected. This is an indication that the original alignment of the Voi-Mwatate road at the time of initial survey is different from the current alignment of the road (see diagram 1 below).

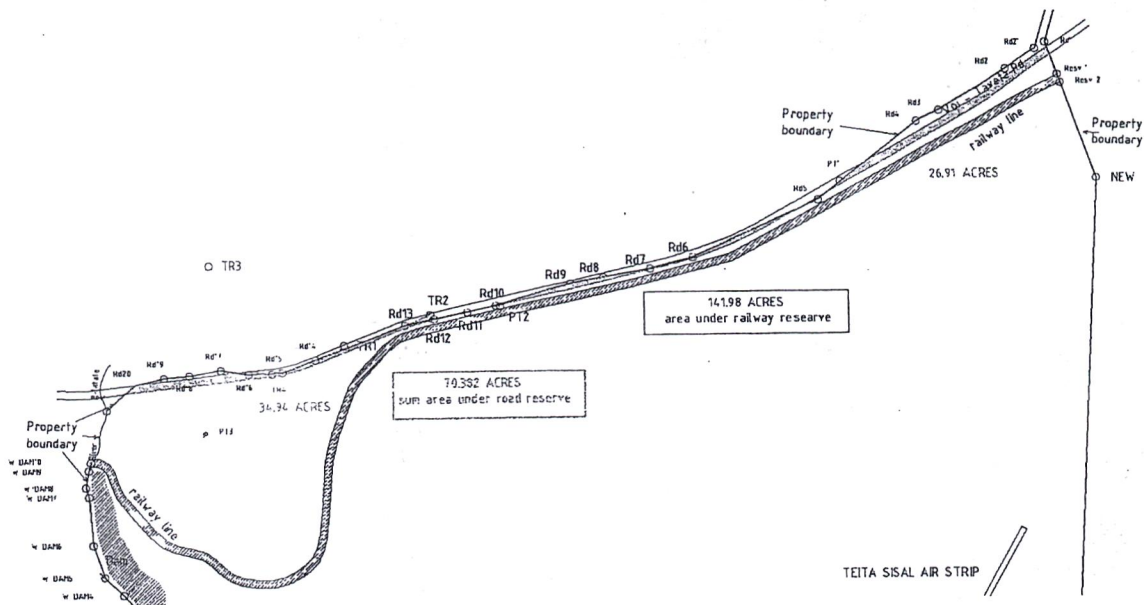


Figure 1: Showing (A 23) Voi-Taveta Rd alignment and its reserve areas in Pink colour.

The road leading to Mariwenyi through Musau trading Centre along Voi River was also picked for purposes of computing the available acreages.

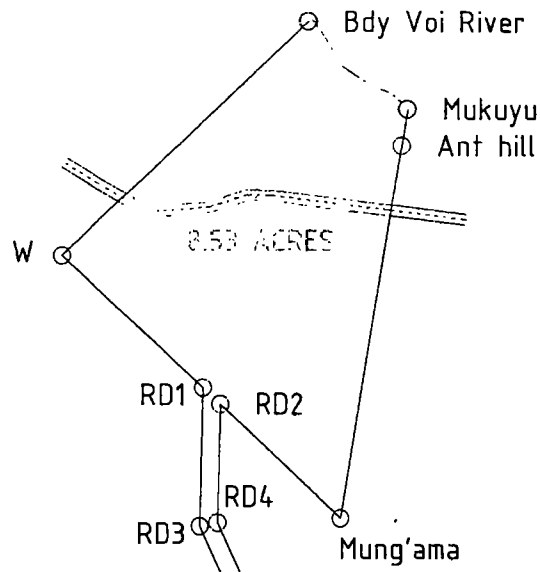


Figure 2: Showing (D538) Wundanyi-Mariwenyi road through Musau Trading Centre alignment and its reserve area in PINK

4.4 Technical meeting at the end of field work to plan and chart the way forward

In a meeting held in the County Commissioner Taita Taveta's hall after the field work completion and attended by Mr. John D. Obel and Mr. Wallis Hime, it was provisionally agreed that from the observations and measurements done, the Teita Sisal Estate was operating within their boundaries as per the existing survey records. It was also clear from the field measurements that Teita Sisal Estate does not occupy LR NO 3880/3 and LR NO 3880/4/1 (see diagram 3 below).

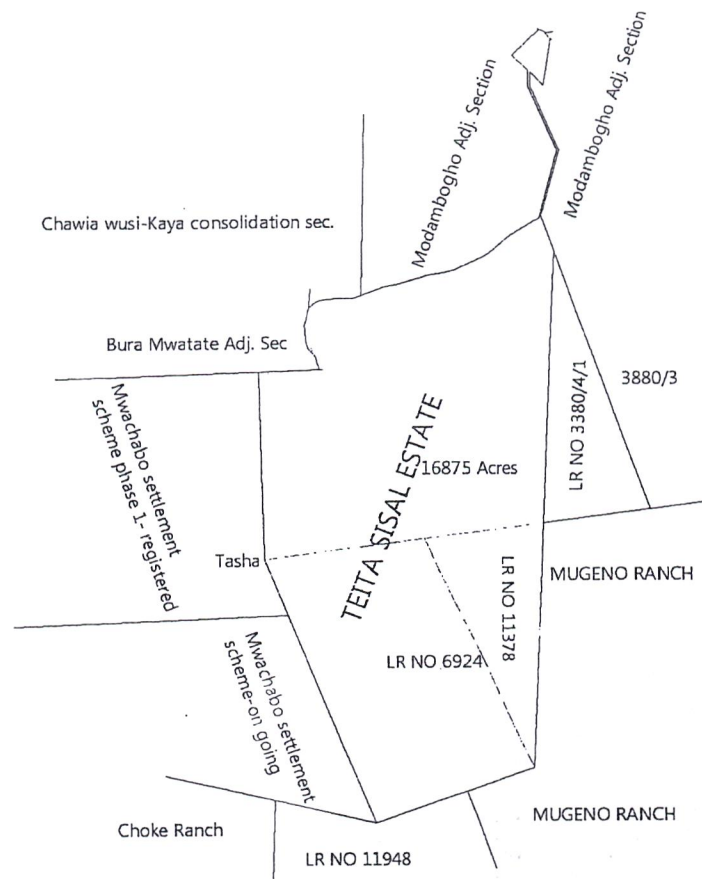


Figure 3: Showing position of Teita Sisal Estate relative to LR No's 3880/3, 3880/4/1 and other abutments

A compilation of the survey was to be done in the normal manner to produce a survey plan and computations file. This would confirm the accuracy of the field work and compute the resultant size of the land. The computations and plan may then be submitted to the Cadastral Division for quality control and authentication.

It was further agreed that a joint report should be prepared by all the surveyors together. The 1st of several meetings to discuss the joint report was scheduled to take place two weeks later on 27th July 2016 (**Appendix 8**). Each of the surveyors was to come up with a draft report from which a combined zero draft would be produced instead of going to start from scratch. The investigative/legal arm was tasked to present their report so as it may be combined with the survey report.

None of the other players presented any report hence the draft report prepared by the Ministry of Lands and Physical Planning team was discussed.

5. FINDINGS ON KEY ISSUES RAISED BY PARLIAMENTARY COMMITTEE

The following issues were extracted from the parliamentary recommendations/directives as being the focus of the re-survey and investigative exercise.

1. The actual size of land occupied by the estate Vis - avis the area as per the lease documents.

2. Encroachment into community land, road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by the sisal estate and vice versa.
3. The long awaited access to land ownership and management by residents of Mwatate (Singila Majengo).
4. Presence of Government/Public/Private institutions within the sisal estate and public access to them.
5. Closure of public roads of access passing through the estate block.

After the re-survey exercise the following observations were evident:-

5.1 The actual size of land under reference

To confirm the accuracy of the field work and compute the resultant size of the land, a compilation of the survey was done in the normal manner to produce a survey plan and computations file. The results of the compiled work revealed that the block of land under reference comprises of the following 4 parcels with their acreages as follows:-

➤ LR NO 3880/5	16,875 acres
➤ LR NO 6924	10,010 acres
➤ LR NO 11378	3,344 acres
➤ LR NO 9487 (Dam)	55 acres

Total area as per the survey plans - 30,284 acres.

This tallied with the sizes indicated on the existing survey plans at Survey of Kenya records office (see combined survey plan Fig 4 below).

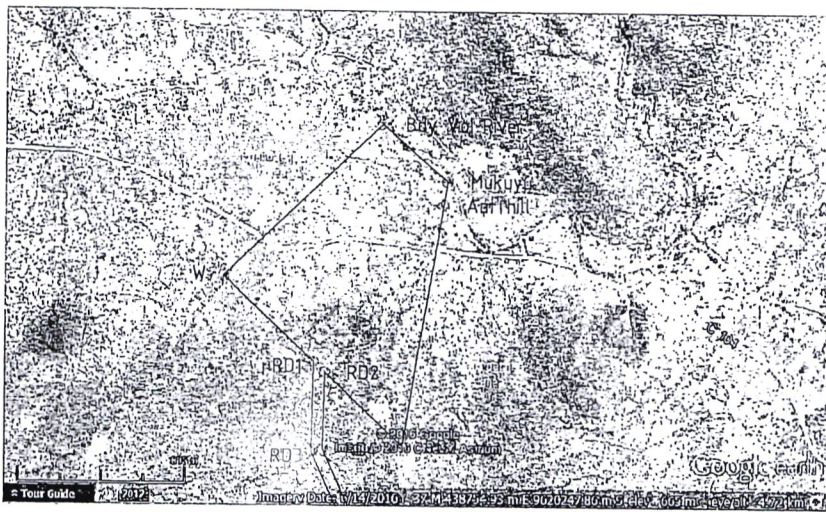


Figure 5: Showing part of the Sisal Estate land near Voi River and part of its access corridor.

Along the Voi – Taveta main road, there are settlements on LR No 3880/5 that lies between the sisal plantation and the existing road. This was noted to be the case all along from the start of LR. NO. 3880/5 till Mwatate town. The settlement was notably concentrated between the railway reserve and the road reserve near **Landi Trading Center** (Maili Kumi) (see diagram below).

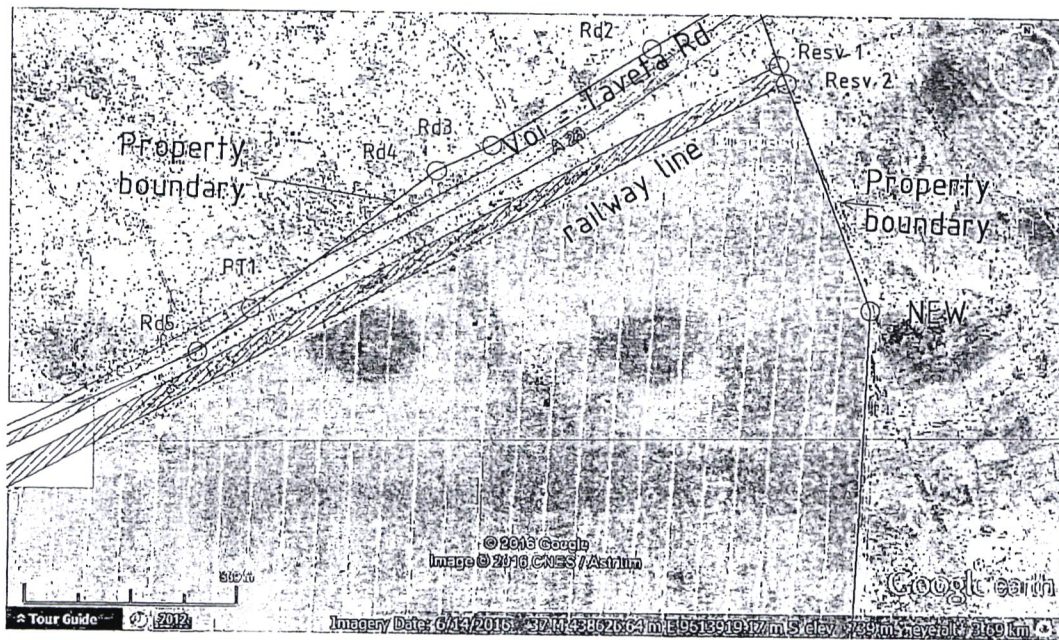


Figure 6: Showing settlements on the Sisal Estate land along Voi – Taveta road.

Along the Mwatate River, between the railway line and the water dam, cultivation by members of public is done beyond the boundary beacons of LR No 3880/5 on the western edge of the dam (see diagram below).

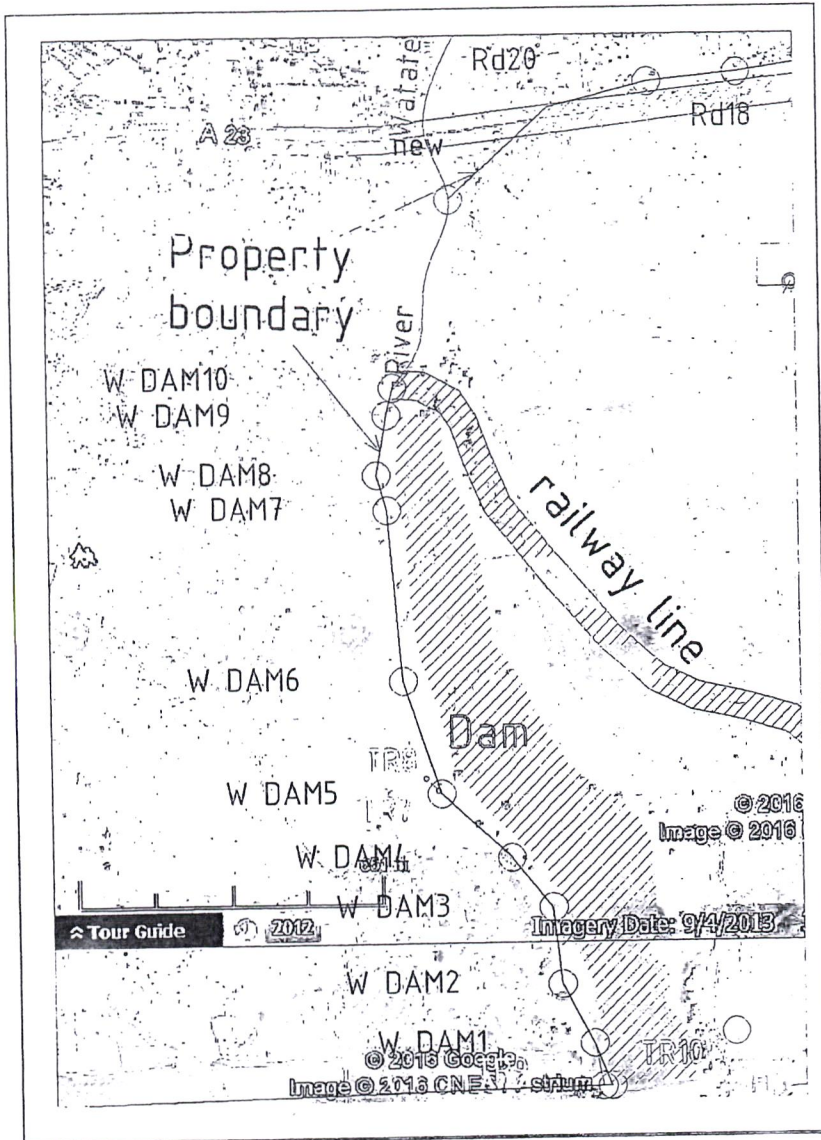


Figure 7: Shows cultivation sections along the river and dam, which are encroaching on LR No 3880/5 and LR No 9487 (shaded green).

There is a 100ft road reserve through LR NO 6924 as shown on the survey plan. This is encroached on by sisal plantation as shown on the diagram below on Goggle earth image. The road does not exist on ground but sisal plants are evident on the corridor of the road. The area of the road reserve is 63 acres as evident from the survey plan. This acreage has been deducted from the land LR No 6924. Unfortunately, this road has a dead end since there is no continuity of that road on LR NO 3880/5 which lies to the north of LR NO 6924. The net effect is that the road is of no value to the public and is not classified (see diagram below)

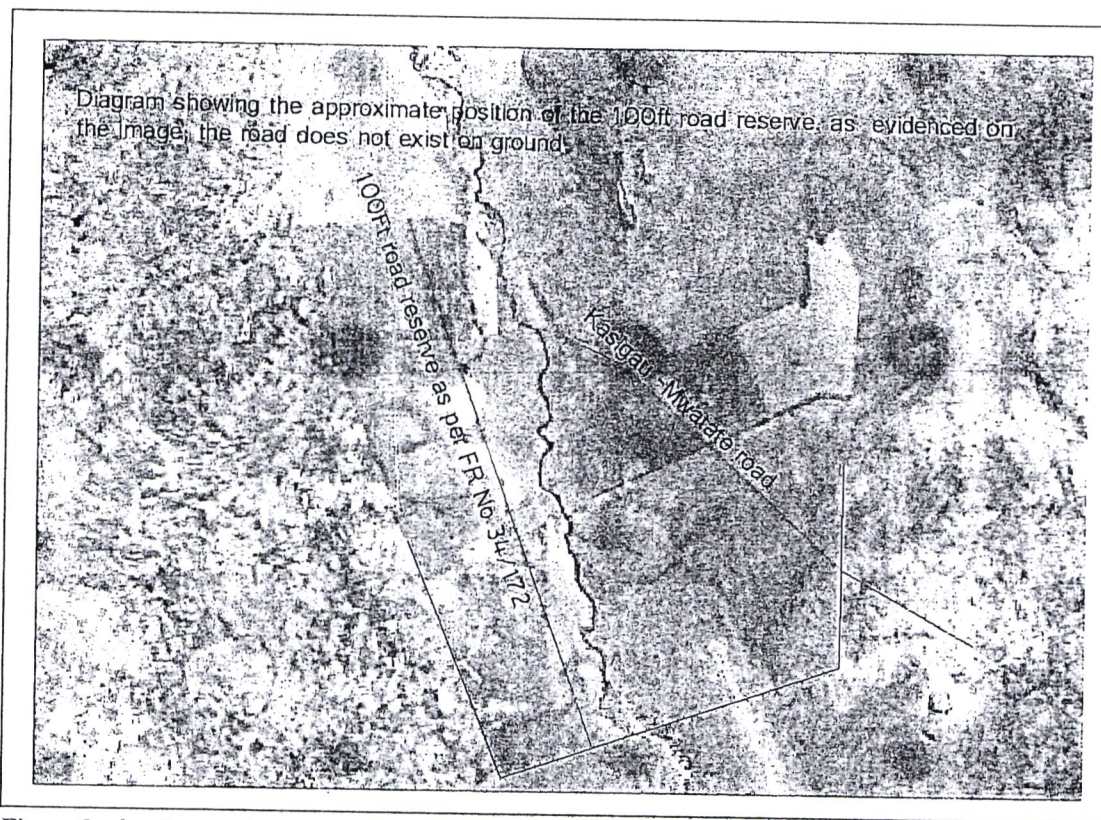


Figure 8: showing road reserve of 100ft. The road does not exist on the ground

Boundary beacon Tasha falls on the top of a hill. Part of the hill falls within LR No 3880/5 and part of it in Mwachabo settlement scheme. No encroachment was noted here.

5.3 Singila Majengo

The major human settlement was seen to the south of Voi-Taveta road, and east of the road leading to Mwandisha primary school (Singila Majengo). This has actually been the major bone of contention between the Mwasima Mbuwa Welfare Association and the Teita Sisal Estate management. Each group claims rightful ownership of this section. There was demand from the members of a community operating as Mwasima Mbuwa Welfare Association who claimed that Teita Sisal Estate had interfered with their peaceful stay in Mwatate – Singila Majengo. A report was presented by Mr. Weere on social cartography of this area. It depicted the fact that the people had settled in this area for many years and had quite a number of developments within. The report was not availed to be annexed in this report despite several appeals for the same. The team for Mwasima Mbuwa may avail it any time they are ready. Measurements however showed that the people have settled within LR. NO. 3880/5 which belongs to Teita Sisal Estate.

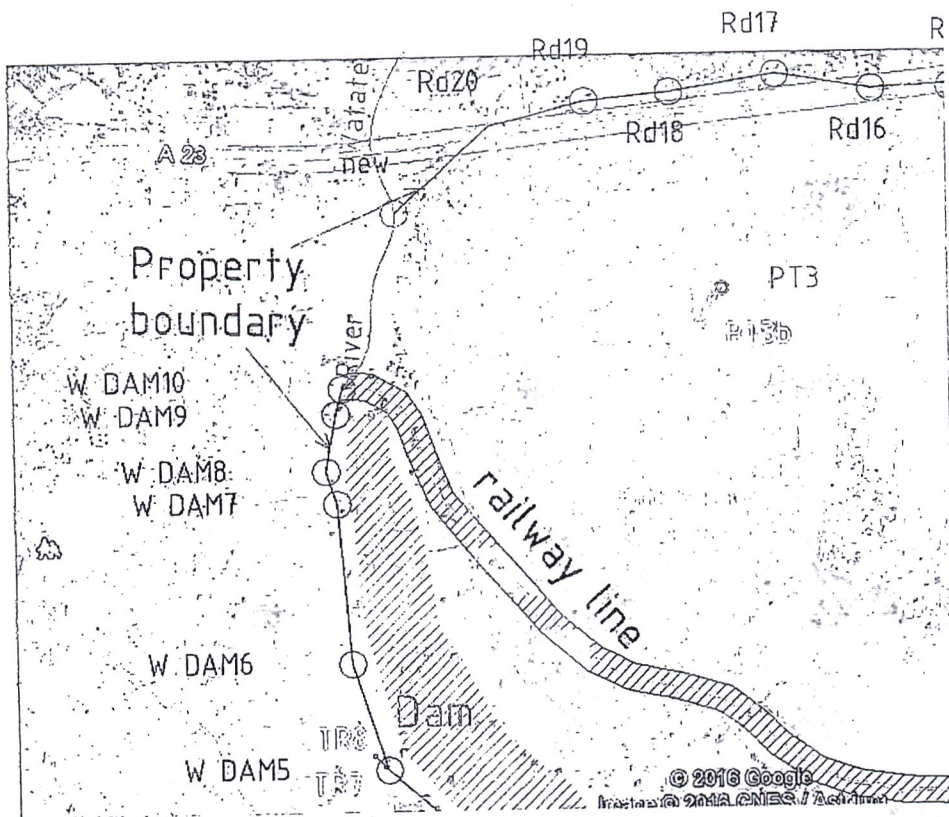


Figure 9: Showing human Settlement around Singila in light blue crosses

5.4 Utilities within LR No 3880/5.

The following utilities were noted within the boundaries of LR. NO. 3880/5.

- Railway station.
- Mwandisha primary school
- Maili Kumi Primary School
- Air strip

As per the survey plans, no land has been set aside for the railway station. It was therefore assumed that the railway station falls within the 200 feet railway line reserve. On request, the investigative team received communication in writing (**letter not availed**) from Kenya Railways (KR) that there is a station reservation of 4.8 acres but they did not presented a Gazette Notice.

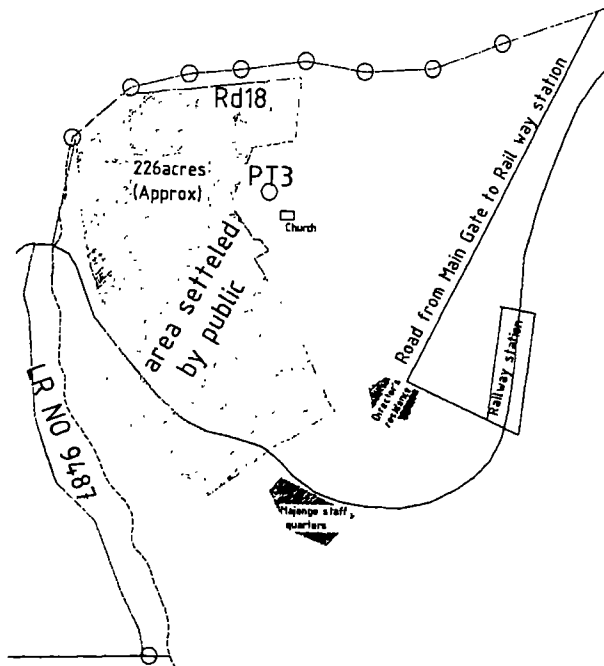


Figure 10: Diagram showing location of various facilities and human settlement around Singila

Mwandisha primary school is within LR No 3880/5. It has however not been excised as per the existing survey plans. The school is administered by the Ministry of Education. The Ministry of Education informed the investigative team on request that the school is public. According to the Sisal Estate management, the school was built by the estate and is being managed/run by the Ministry of education (**Appendix 5 & 6**), sometime back, there were plans to excise the school land for purposes of acquiring a separate title deed for registration purposes. The intended excision was not completed due to unexplained reasons. The estate management have no objection in this excision process being completed.

It straddles the corridor connecting the part of Teita Sisal Estate land near Voi River and Modambogho Adjudication section as per the below diagram. The area of the school under LR. NO. 3880/5 is the shaded part. The rest of the land for the school being in Modambogho Adjudication section. The section of LR. NO. 3880/5 to the North of Mwatate-Voi road has been settled upon by area residents.

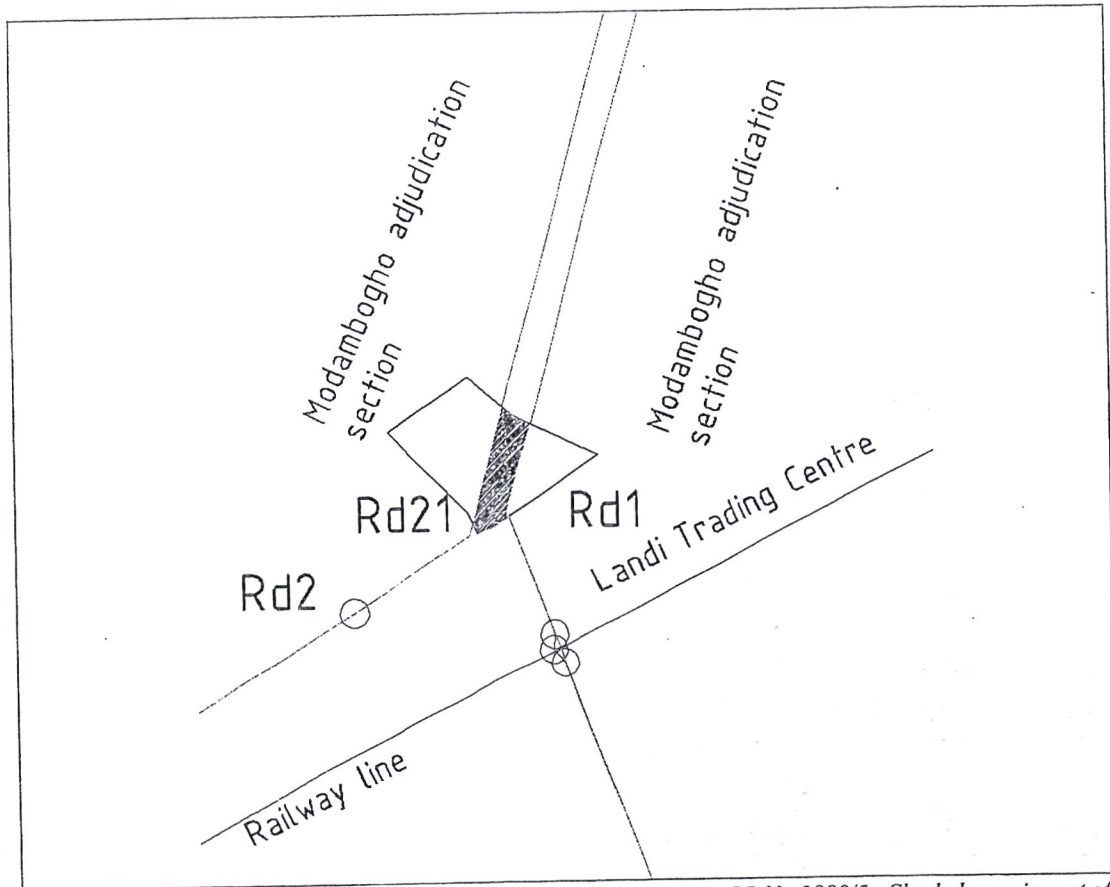


Figure 11: Showing the location of Maili Kumi Primary School relative to LR No 3880/5. Shaded area is part of the school within LR No 3880/5

The Management of the Teita Sisal Estate has confirmed that the Airstrip is owned by the Company and its access and use is restricted to planes on Company Business or with the Companies permission (Appendix 7).

The following access roads traversing through the sisal estate are depicted on the survey plans and are open and in use by the public:-

- Voi – Mwatate road (A23).
- The road to Musau trading center running next to the Voi River (D538).

The Mwatate – Kasigau road (D541 as per topographical sheet for Mwatate (195/2)) also traverses through LR Nos 3880/5, 11378 and 6924. This is a classified road but it is not shown in any of the survey plans hence its area is not deducted from the gross area for LR Nos 3880/5, 11378 and 6924. The estate management is however aware that it is a public road. It is therefore open (no barriers noted) for use to anybody all the time.

All other roads within the estate are unclassified roads but are also open for use to all except on 22nd of February every year when the unclassified roads remain closed on notice. There are two manned barriers mounted on two of the unclassified roads (the Ministry in charge of roads to do further investigations).

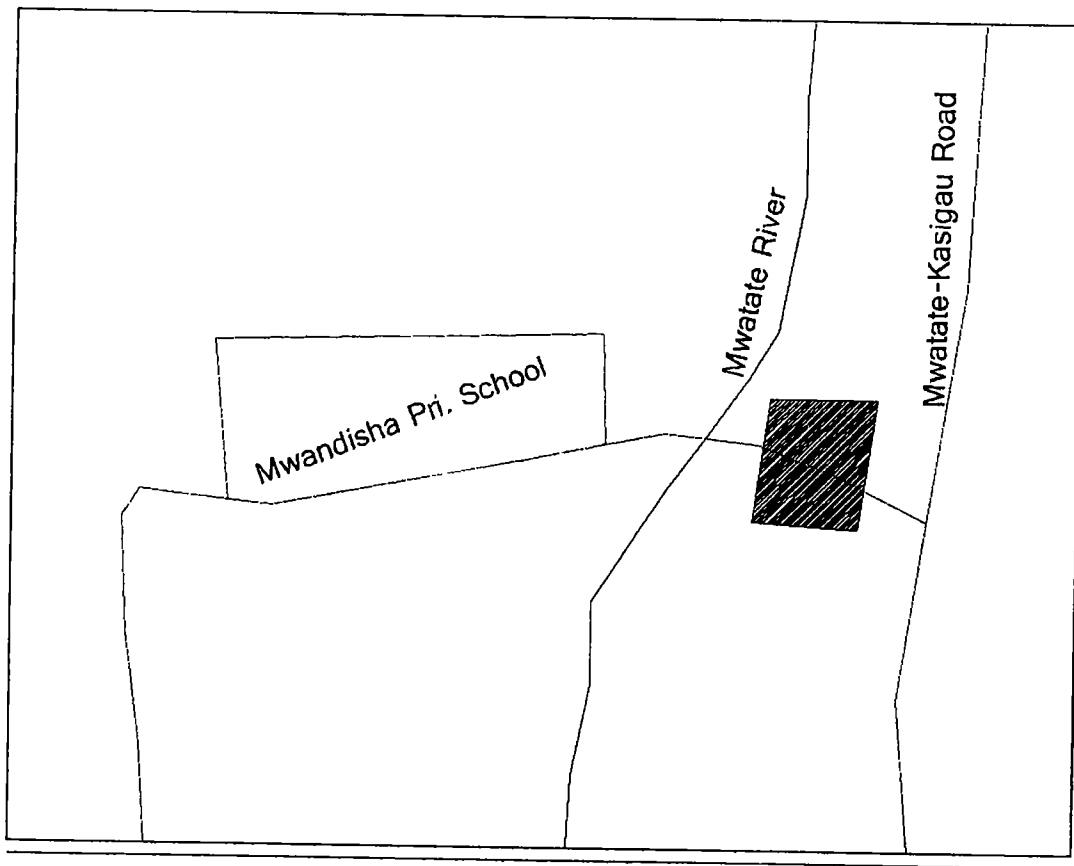


Figure 12: Shaded parts in the diagrams shows the location of road Barriers within the Teita Sisal Estate-shaded parts

The access road from the main gate of the sisal estate to the railway station (the station is not operational) is not depicted on the survey plan and therefore the access road forms part of LR No 3880/5. However, on the Topographical sheet for Mwatate (195/2) there is unclear classified road E68 (from main gate to the railway station) (Subject to confirmation from the Ministry responsible for roads). The road exists on ground but is not shown on the survey plan.

The total Length of the two roads assumed public within the Estate measure 17.8KM approximately. Assuming a road width of 40M, this translates to 175.9 acres (approx). The net effect of these classified roads if excised would be reducing the size of land under LR Nos 3880/5, 11378 and 6924 (see diagram below).

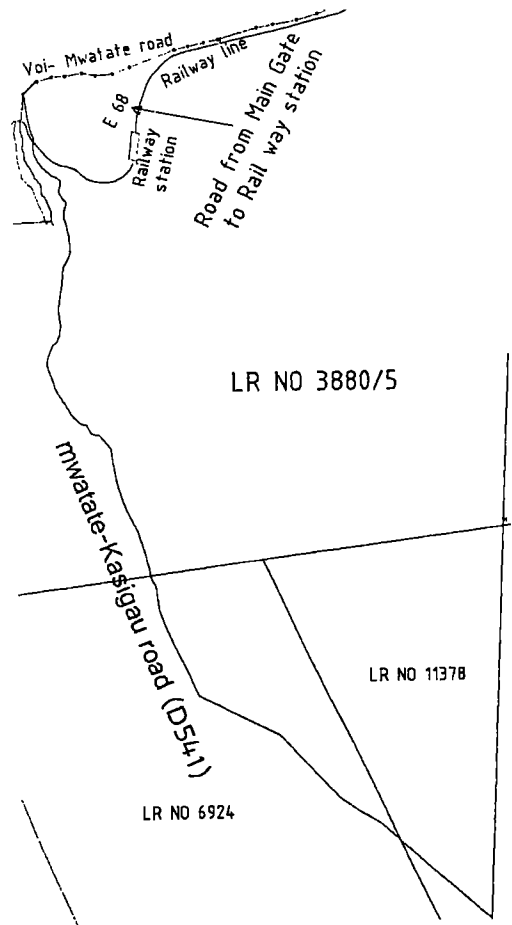
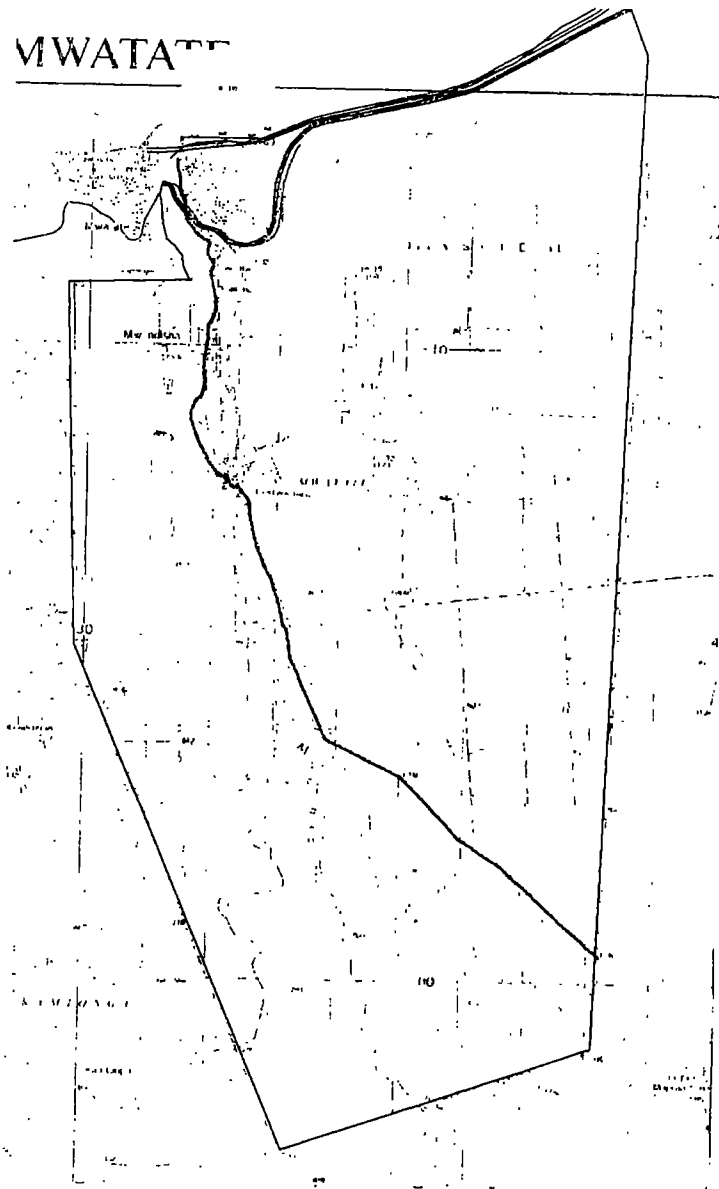


Figure 13: Showing the classified roads traversing through LR Nos 3880/5, 11378 and 6924 Shaded area shows the location of the Railway station



5.4.6

As per the existing and re-established beacons of the survey plans, the entire water dam falls partly in LR Nos 3880/5, and 9487. The dam access is via the public Road Mwatate-Kasigau. The immediate inhabitants/communities have the Company's permission to abstract water from the dam for domestic purposes only, and for the watering of their livestock. There was noted a lot of siltation in the dam. This has been worsened by noted cultivation being done from the Bura Mwatate Adjudication section beyond their boundaries into LR. No. 9487 and to the banks of the dam.

6. CONCLUSION

From the ground survey done, computation results, all the surveyors representing various stake holders concluded the following:-

- ❖ That the total acreage of the four parcels of land under investigation (LR. NO. 3880/5 (3880/4/R), LR. NO. 11378, LR. NO. 6924 and LR. NO. 9487(Dam)) is 30,284 acres.
- ❖ That Teita sisal is operating within part of the four parcels under investigation. This is because the Estate is not utilizing part of LR. NO. 3880/5 that is to the north between Voi – Taveta road and Voi River. There is no encroachment by the Estate into neighbouring trust/private land found.
- ❖ That a boundary point named Tasha was effectively re-established on top of one of the hills and there was no encroachment by either the Sisal Estate or the neighbouring Mwachabo Settlement scheme noted around this hill. It was actually confirmed that the hill remained undisturbed hence forming a conservation area.
- ❖ That there are three classified roads which run through the four parcels of land. These are the Voi – Taveta, the Mwatate – Musau, and the Mwatate – Kasigau roads. They have all not been surveyed. The Mwatate – Kasigau road area has not been reduced from the total acreage of parcels affected. Their size totaled to **176 acres** Approx if a road width of 40m is assumed. These were found to be open for public use all the time.
- ❖ That the 100ft un-surveyed road reserve and whose area is deducted on LR NO 6924 leads nowhere and is nonexistent on the ground. All other roads within the four parcels except the three noted above are unclassified and hence private.
- ❖ That there is a manned barrier at the main entrance to the Estate on a road that may have been leading to the railway station. Another manned barrier was found along an unclassified road leading to Mwandisha Primary school.
- ❖ That the Voi – Taveta railway line runs through LR. NO. 3880/5, the reservation has been deducted from the gross area of the land. The Mwatate railway station (not operational) also falls within the boundaries of LR. NO. 3880/5. The management of Teita Sisal Estate confirmed that the railway line and station had a reservation (**Appendix 5**). This has not been surveyed hence not deducted from the gross area for the parcel. The Sisal estate and the community do cultivation along the reserve but no permanent developments were noted apart from the railway station buildings.
- ❖ That the sanctuary is a private venture by the Teita Sisal Estate and is within the four parcels under investigation and registered in their name. It is therefore not a public utility.

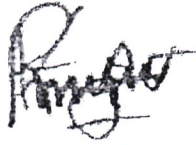
- ❖ That the settlement at Singila Majengo and other settlements mentioned under “findings” all fall within LR. NO. 3880/5 which belongs to Teita Sisal Estate. There was no encroachment whatsoever by the Sisal estate into community land noted.

7. RECOMMENDATIONS

Noting the presence of various utilities and human settlements within the legal boundaries of the Sisal Estate land and in the interest of peaceful co-existence between the Teita Sisal Estate and the community, the working group proposes adoption of the following recommendations.


1. Consider to lawfully excise part of the LR. NO. 3880/5 land already settled by the Community for the benefit of the community.
2. Complete the excision process of the land occupied by Mwandisha Primary school and its right of way and register it under the Ministry in charge of education.
3. The Ministry in charge of roads to survey and reserve all the classified roads that run through the estate land. Secondly the Ministry to consider the classification and subsequent survey of the private roads leading to Kamtonga and Manoa which traverse through the estate land. It was noted that these roads even though private are currently in undisrupted use by the public.
4. For posterity of the Dam, (to the benefit of the Community and the Sisal Estate) the local leadership and the Teita Sisal Estate should discourage and bar members of the public from farming in the area reserved for the dam.
5. The local leadership and the management of Teita Sisal Estate should carry out regular de-silting of the water dam. Cultivation along the Dam should be completely discouraged. This will be for the benefit of the Community and the Sisal Estate.
6. The Kenya Railway cooperation to excise the Mwatate railway station land and deduct its area from the gross area for LR. NO. 3880/5. The Sisal Estate security to continue safeguarding the defunct station buildings against vandalism until such a time when the station will be operational.
7. The Mwasima Mbuwa Welfare Association and the Mwatate community be informed of the outcome of the resurvey and to be cautioned to desist from any further encroachment into the sisal Estate land.
8. Consider the adjudication of the remainder of LR No 3880/3 (part to the south of the railway line) to the people resident therein. Other people may be settled on the vacant portions in this land.

I confirm that the above report was compiled and fully discussed and agreed upon by all the stake holders' technical representative named in the report.



Richard K. Amati
For Director of Surveys

APPROVED AND FORWARDED BY

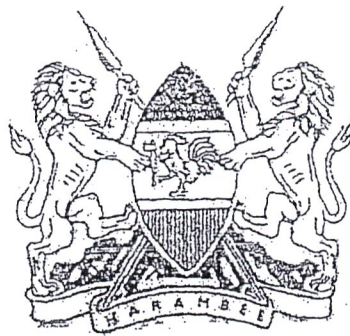


Prof. Jacob T. Kaimenyi, PhD, FICD, EGH
CABINET SECRETARY

6/9/2017

8. APPENDICES

APPENDIX 2



THE KENYA GAZETTE

Published by Authority of the Republic of Kenya
(Registered as a Newspaper at the G.P.O.)

Vol. LXXV—No. 7

NAIROBI, 9th February, 1973

Price Sh 1/50

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LEGAL NOTICE No. 16

THE LAND CONTROL ACT

(Cap. 302)

EXEMPTION

IN EXERCISE of the powers conferred by section 24 of the Land Control Act, I, Jomo Kenyatta, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hereby exempt the controlled transaction details of which are set out in the Schedule hereto from all the provisions of the Act.

SCHEDULE

Parties	Description of Land
Proposed sale by T & T Sisal Company Limited to Teita Estate (1972) Limited, and proposed charge by Teita Estate (1972) Limited to East African Acceptance Limited.	L.R. Nos. 3880/5, 6924, 94876 and 11378 comprising 16,875 acres (6,829 hectares), 10,010 acres (4,051 hectares), 55 acres (22.25 hectares) and 3,344 acres (1,353.28 hectares), respectively of leasehold land situate in the Taita/Taveta District, Coast Province.

Dated this 30th day of January, 1973.

JOMO KENYATTA,
President.

LEGAL NOTICE No. 17

THE REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT ACT

(Cap. 229)

IN EXERCISE of the powers conferred by section 2 of the Regulation of Wages and Conditions of Employment Act, the Minister for Labour, having received wages regulation proposals, hereby makes the following Order:—

THE REGULATION OF WAGES (MOTOR ENGINEERING TRADES) ORDER, 1973

1. This Order may be cited as the Regulation of Wages (Motor Engineering Trades) Order, 1973, and shall come into effect on 1st February, 1973. Citation.

APPENDIX 3

COUNTY GOVERNMENT OF TAITA TAVETA

DEPUTY GOVERNOR/C.E.C.M. – LANDS & MINING

OFFICE OF THE COUNTY CHIEF OFFICER – LANDS AND MINING

Telephone: 0727996551/0722230036
Email: deputygovernortaitataveta@gmail.com

P.O. Box 1066-80504
WUNDANYI



MINUTES OF THE STAKEHOLDER MEETING ON THE IMPENDING SURVEY EXERCISE TO ASCERTAIN/CONFIRM ACREAGE OCCUPIED BY TAITA SISAL ESTATE UNDER SISAL VIS A VIS ACREAGE REFLECTED IN THEIR LEASE TITLES HELD AT THE GOVERNORS BOARDROOM ON MONDAY 27TH JUNE 2016 FROM 10AM.

PRESENT:

- See attendance list attached

AGENDA:

1. Opening prayer
2. Round of self introductions
3. Welcoming speech by H.E. the Deputy Governor/C.E.C.M. – Lands and Mining
4. De-briefing on the exercise by the team leader of the Survey team from Nairobi
5. Plenary discussion
6. Way forward on the Survey

MINUTE 1/27/6/2016: Opening Prayer:

The Sub County Administrator – Mwatate Ms. Margaret Righa graciously offered to open the session with a word of prayer.

MINUTE 2/27/6/2016: Round of self introductions:

The County Chief Officer – Lands and Mining set the environment by pointing out that the advance team from the Director of Surveys office was now with us and this particular session was called to specifically inform all stakeholders on how the exercise will be conducted. He then invited all present to the meeting and allowed a round of self introductions and asked that they all ensure they sign into the attendance sheet to confirm identity and clarify stakeholder interest. Before inviting H.E. the Deputy Governor/C.E.C.M. – Lands and Mining to make opening remarks, the C.C.O. – Lands told the meeting that this was a follow-up to the meeting held in the Governors boardroom immediately after the Singita stakeholders meeting. He alluded to resolutions made then including involvement by all stakeholders to the extent that they will own the exercise while allowing professionals to undertake the technical work.

He also said it was advisable for stakeholders to choose representatives with a technical background in survey to make sense of the work to be conducted and appraise them appropriately.

MINUTE 3/27/6/2016: Welcoming speech by H.E. the Deputy Governor/C.E.C.M. – Lands and Mining:

H.E. the Deputy Governor/C.E.C.M. – Lands and Mining welcomed all to the meeting, thanking them for the prompt response despite the short notice. She said the impending survey has been anxiously awaited by all stakeholders, and had come at an opportune time. He alluded to the stakeholder meeting held at Singita Chiefs Camp where the community was informed of the coming of the Director of Surveys team and subsequent queries on the exercise. Her Excellency then welcomed the team leader of the Director of Surveys team to give a brief on the impending exercise.

MINUTE 4/27/6/2016: De-briefing on the exercise by the team leader of the Survey team from Nairobi.

Mr. Richard Amati representing the Director of Surveys, appreciated the turnout of stakeholder represented, and informed the meeting that he was in an advance party of the Director of Surveys team assigned the task of establishing the acreage of land held by Taita Sisal Estates as advised by the National Assembly. He reiterated that the Director of Surveys as a Government institution was best suited to objectively undertake the highly technical exercise and they had the requisite capacity. The exercise was planned to take approximately 14 days and would be undertaken by four teams of eight persons each who were finalizing arrangements to travel to Taita. The exercise has secondary data research (maps, plans, survey compilations and notes) and lots of field work to gather primary data using satellite technology and physical picking with GPS. It would start with identifying controls from where they would collate data and finally analyze and calculate measurements and make conclusions. They would prepare a technical report and speak to the issues raised in the National Assembly request. The final report thus prepared will be a public document. Mr. Amati advised that the observers from the stakeholders be preferably experts with survey bias.

MINUTE 5/27/6/2016: Plenary Discussion:

Mr. Obel (Licensed Surveyor contracted by Wasirua Mbuwa Welfare Association) agreed in principle to the mode of operation summarized especially being a surveyor and in the knowledge of what the exercise would entail. He alluded to secondary data in the form of maps prepared in the colonial era (1920;s) to be referred to as we update maps to establish boundaries. He suggested that they may be need for two reports from the exercise – a technical report to the Director of Surveys to the National

Assembly and a more general report – both in a bid to answer the queries made by the National Assembly. Mr. Nduku's (Investigator contracted by Wasima Mbuwa) opinion was that the exercise was informed by a National Assembly order and therefore the report should be submitted back to the National Assembly. The team leader Mr. Amati reiterated that the more technical instruction from the Director of Surveys was to reestablish the boundaries of parcels held by Teita Sisal Estates and this would answer most of the queries raised by the National Assembly – and that this would be a public document. The Legal Officer (CGTT) Mr. Mwabili quoted a famous slogan that "survey haidanganyi" and all reports of the National Assembly are available on the Hansard website. The important aspect would be to ensure all stakeholders have ample representation and accept the expert advice and results out of this exercise.

The stakeholders discussed the issue of representation at length. Mr. Obel the Licensed Surveyor opined the exercise would take long and involved treacherous routes, that he would personally choose to be exempted – but may be represented by others. The County Surveyor Mr. Wambua was concerned at having crowds following the survey teams, and the futility of this as the teams would not be moving together or in a predetermined direction. The Advisor to the Governor Mr. Kimonge also wondered what value spectators will add to the technical exercise and C.E.C.M. – Water Mr. Masamo asked for sobriety where the Director of Survey team must be trusted and being competent and objective were best placed to carry out the same in good faith. The Member of the County Assembly representing Mwatate Ward - Hon. Mwarabu was of a different opinion and requested that the Mwatate ward community be allowed to participate. He explained that having ascribed funds from the Ward Development Fund for this exercise, and being a representative of the people of Mwatate Ward – it was ominous that they also have representation. This was supported by the Deputy Governor/C.E.C.M. – Lands and Mining – borrowing from her vast experience in Community Affairs and as a requirement of the Constitution of Kenya 2010. The C.E.C.M. – Trade and Community Affairs also added her support for community representation, to satisfy inclusivity and curiosity – especially as it did no harm if they choose to participate. The consensus reached was that all identified stakeholders may present one or two representatives, who given the technicality of the exercise will choose to follow along throughout the exercise or not. The main reason would be participation and involvement of the community as important stakeholders. It was preferred that they seek persons with survey or related background. Teita Sisal Estate representative observed that the notice to this meeting and impending exercise was too short to summon their surveyor but they intend to have representation. The County Government would be represented by the County Surveyor and Wasima Mbuwa by the contracted professionals present. The community would communicate the two preferred representatives.

MINUTE 6/27/6/2016: Way forward on the survey:

- The technical personnel present would meet immediately after this meeting to discuss the 'modus operandi' and other technical detail although TEC and the Community were not represented. Their preferred representatives will be appraised of the agreed format as soon as they join the team.
- Meanwhile the 4 teams from the Director of Surveys were expected tomorrow Tuesday 28th and will begin their work immediately after a briefing.
- The team leader would require to make a courtesy call on the County Commissioner tomorrow Tuesday 28th June 2016 to brief her on the impending exercise.
- The meeting adjourned at 11.47 am. with a word of prayer by Mr. Mwamodo.

SIGNED:.....
DEPUTY GOVERNOR LÉON – LANDS AND MINING
CHAIRPERSON

SIGNED:.....
COUNTY CHIEFWHILLER – LANDS AND MINING
SECRETARY

APPENDIX 4

COUNTY GOVERNMENT OF TAITA TAVETA



MEETING ON SURVEYING EXERCISE AT MAJENGO-SINGILA IN MWATATE SUB-COUNTY

AT THE GOVERNOR'S OFFICE BOARDROOM ON 27TH JUNE 2016

ATTENDANCE LIST

	NAME	DESIGNATION	TEL. NO.	EMAIL	SIGN
1	H.E MARY N. KIBUKA	DEPUTY GOVERNOR	0728296474	mary.kibuka@mtt.co.ke	M. Kibuka
2	RICHARD ADAMIT	SURVEYOR GENERAL	0727 286208	richard.adamit@mtt.co.ke	R. Adamit
3	MWATA MWAHIDI	CGT - Lands & Mining	072230036	mwata.mwahidi@mtt.co.ke	M. Wahidi
4	Vincent MASANI	CGT - Finance	07272280	vincent.masani@mtt.co.ke	V. Masani
5	Clifton MUKIYA	CEC Health	0722617608	clifton.mukiya@mtt.co.ke	C. Mukiya
6	Hon. A.K. MWABU	NCA - Kwakote	0735459705	ak.mwabu@mtt.co.ke	A.K. Mwabu
7	FREDRICK MWABILI	N. L. C. CGT	0712 88 66 88	fredrick.mwabili@mtt.co.ke	F. Mwabili
8	Elja Mwanika	CECM - IEIR	0724205574	elja.mwanika@mtt.co.ke	E. Mwanika
9	George Mwanika	M. D. S. CGT	0722694915	george.mwanika@mtt.co.ke	G. Mwanika
10	MWAZA MWAHIDI	M. D. S. CGT	072766624	mwaza.mwahidi@mtt.co.ke	M. Wahidi
11	Max Njiru	CGT - E. D. M. H. U. D.	0723 51 740	max.njiru@mtt.co.ke	M. Njiru

COUNTY GOVERNMENT OF TAITA TAVEIA



MEETING ON SURVEYING EXERCISE AT MAJENGO-SINGILA IN MWATATE SUB-COUNTY
AT THE GOVERNOR'S OFFICE BOARDROOM ON 27TH JUNE 2016

ATTENDANCE LIST

	NAME	DESIGNATION	TEL. NO.	EMAIL	SIGN
12.	MARGARET RIGITA	SUB COUNTY ADMINISTRATIVE-MIS	0720920113	murgaretrigita@gmail.com	
13.	ANTHONY LEU SINGE	SURVEYOR	0721268994	leosinge@yahoo.com	
14.	Simon W. Juma	COUNTY SURVEYOR	0727276486	simonsumw@gmail.com	
15.	Agnes Akhona Anwar	PROFESSIONAL PRIVATE INVESTIGATOR	0725789905	ak28icaya@gmail.com	
16.	THOMAS NDIKI	Licensed Surveyor	0711819774	thomasndiki@gmail.com	
17.	JOHN OBEL	SPACE SCIENCE TECHNOLOGY	0725915780	jdaobel@gmail.com	
18.	Washington Weere	Director, Political Affairs	0723387155	weere.washington@gmail.com	
19.	Geoffrey Kimonge	CECM-CAT	0722780685	kimongegm@gmail.com	
20.	FLORA MUMBEIA	CECM-CAT	071430888	floramumbeia@gmail.com	
21.	Stephen Mwangi	CECM-CAT	0721158585	stephenmwangi@gmail.com	
22.	Romanus Numbo	Taita Taveia C.M.A	0727574100	romanusnumbo@gmail.com	

APPENDICES 5 & 6

TEITA ESTATE LIMITED

Estate Division

23rd November 2016

P.O. Box 36 - 80305
Mwatate
Kenya



Tel: 0773 864505
Email: teitamwatate@gmail.com
estate@teitaestate.co.ke

The Director of Surveys,
Ministry of Lands & Physical Planning,
Survey of Kenya,
P. O. Box 30046-00100,
NAIROBI.

Dear Sir,

RE : Teita Sisal Estate Parliamentary Directives Report

This refers to your letter dated 11th November 2016. The Company (Teita Estate Limited) responds as follows :-

1. Mwandisha Primary School was built by the Company in the late 60's or early 70's. It is owned by the Company, including the staff/labour housing and the land where the school is located. The Company merely allows the Government to run it as a public school, so as to serve the community, most of which are the Company's employees children, by posting teachers from The Teacher's Service Commission.
2. The Airstrip is owned by the Company and it's access and use is restricted to airplanes on Company business or with the Company's express prior permission to land.
3. The Water Dam is owned by the Company through L.R. Nos. 9487 and 3880/5. It's access is via the public Road Mwatate-Kasigau . The immediate inhabitants/communities have the Company's permission to abstract water from the dam for domestic purposes only , and for the watering of their livestock.
4. With regard to the Railway. It runs through the Company's land and has been reserved by Kenya Railways for that purpose.
5. There is only one (1) public road that passes through the Company's land, which is the Mwatate-Kasigau Road. All the other roads are PRIVATE and the Company allows people to use certain roads to reach Kamtonga and Mwachabo for example.
6. There are no road blocks on public roads as asserted by Mwasima Mbuwa Welfare Association. The Company only puts security check points on it's PRIVATE roads.

Yours Faithfully,
For Teita Estate Limited


Louise Collette
Farm Administrator

CC : Mr. Philip Kyriazi, Managing Director, Teita Estate Limited, Nairobi.
Mr. W. Hime, Licensed Surveyor, Nairobi.
Desmond Odhiambo, Daly & Inamdar Advocates, P. O. Box 40034, 00100, Nairobi.

APPENDIX 7

REPUBLIC OF KENYA



MINISTRY OF TRANSPORT AND COMMUNICATIONS

Directorate Of Civil Aviation.

THE CIVIL AIR NAVIGATION REGULATION, 1979 (As Amended)

Reference 2454/155

DCA FORM 107-C

To: TEITA ESTATE LTD.,
P.O. BOX 18488,
NAIROBI.

Thro' _____

AERODROME CLEARANCE CERTIFICATE

Name of Aerodrome TEITA ESTATE

Location (Coordinates) 03° 33'S 39° 30'E

District WUNDANYI Province COAST

Clearance has been granted for the aerodrome to be used for take off and landing subject to the compliance with the requirements of Air Navigation Regulations 1979 (as amended); and compliance with Annex 14 of the International Civil Aviation Organization.

Dated this 26TH day of JANUARY 19 93



[Signature]



DIRECTOR OF CIVIL AVIATION

APPENDIX 8

MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE HELD AT ARDHI HOUSE NAIROBI ON 27TH JULY 2016

Members present

- | | | | |
|----------------------|---|-----------------------------|------------------------|
| 1. Richard K. Amati | - | D of Surveys' office -Chair | - rkamaty@yahoo.com |
| 2. Mr. Wallis Hime | - | Lic. Surveyor, Teita Sisal | - winniehime@yahoo.com |
| 3. Antony Leo Mayugu | - | Surveyor, Mwasima | - leomayugu@gmail.com |
| 4. Thomas Nduku | - | Investigator, Mwasima | - twonduku@yahoo.com |
| 5. Sammy W. Juma | - | Surveyor, Taita Taveta | - jumasammy4@gmail.com |

Absent with apology

- | | | | |
|-----------------|---|------------------------|--|
| 1. John D. Obel | - | Lic. Surveyor, Mwasima | - jdobel@gmail.com |
|-----------------|---|------------------------|--|

Agenda.

1. Receive draft reports for Teita Sisal Estate
2. Discuss the draft reports and chart way forward
3. A.O.B

MIN 1/SE/2016-OPENING REMARKS

The Chairman called the meeting to order at 10:25 AM. He registered the apology of Mr. John D. Obel who could not make it to the meeting. He however noted that he had sent his representative Mr. Leo Mayugu to represent him. The chair noted that the main agenda was to discuss the draft reports as prepared

MIN 2/SE/ 2016- PRESENTATION OF DRAFT REPORTS

The chair then invited the members present to present their draft reports. Mr. Hime produced his written report which was circulated to members present. Members present concurred with the findings on his report. His report was technically precise and therefore it was not subjected to further discussion.

Mr. Antony Mayugu noted that their team's report would be presented by Mr. Nduku who had not yet arrived at the meeting. He was however being expected to arrive for the meeting any time. Mr. Nduku arrived soon after but had no report to present.

The Chair informed members that he had prepared a detailed report which could be presented for discussion. The report was presented in form of screen display presentation.

MIN 3/SE 2016-DISCUSSION OF DRAFT REPORT

The Chair introduced the discussion by bringing to the notice of members that the compilation of the final survey plans for authentication by the Director of Surveys was not complete but was at an advanced stage. A drawing was presented showing all the four Teita sisal Estate parcels combined to form one block.

The draft report had highlighted the following issues which had been raised in the parliamentary report.

- I. Encroachments
- II. Roads of access
- III. Public utilities
- IV. The acreage of land

However, on discussing the report, the following matters arose

1. Utilities:-

It was agreed that it was necessary to confirm with the relevant Government authorities as to whether the following utilities within the sisal estate were public or private

- > The Railway station
- > Mwandisha Primary school
- > The air strip.

Mr. Nduku Confirmed that he had written to the relevant Government institutions regarding the above and that he would be receiving the feed backs by 28th July 2016.

2. The roads:

Particular emphasis was laid on the status of classified roads which traversed the sisal estate. It was pointed out that there was need to establish the status of such roads from the Ministry responsible for roads. Mr. Nduku confirmed that he had written to the Roads authorities for confirmation of the same. It was also found necessary to show the location of the road by digitizing the road as it appeared on the Topo Sheet.

3. The Dam:-

Members felt that the creation of LR NO 9487(partly dam) was an afterthought after the construction of the water dam. It was the thinking of members that the Sisal estate had probably applied for additional land so that the entire dam would fully fall under the Sisal Estate. However, Mr. Nduku confirmed that he had done a search at the Land registry and found that the land was indeed registered under the Sisal Estate. He noted that the following conditions were imposed on the lease document which the proprietor had not complied with and which required remedy.

- a) The proprietor of the land would fence the dam.
- b) The public would not be denied access to the water.
- c) The land would not be used for any other purposes including being used as collateral in bank.

Members noted that complying with condition (a) would have a negative impact on the rights contemplated in condition (b). Nduku noted that condition (c) was flouted since the land was charged against a loan of Kshs 65million.

4. Encroachments.-

A drawing showing the location of various encroachment as depicted on Goggle earth image under-laid to the survey plans was shown to members. For more clarity, Mr. Juma was mandated by the members to re-visit the ground and pick the external boundary defining the encroachment around Singila and present the report by 1st August 2016

MIN4/SE/2016-AOB

1. The historical report on sisal estate-

Mr. Nduku confirmed that he was preparing a comprehensive report on his finding as an investigator and wanted it to form part of the report. The Chair concurred with him and noted that the team had deliberately widened its scope to cover issues outside the survey profession. He was requested to ensure that the report is circulated to all members by 2nd August 2016 Via E-Mail address. Members would then decide on how to present the two reports.

2. Settlement of people encroaching on Sisal Land:

Mr Nduku made a passionate appeal to the Sisal Estate through the Estate surveyor to consider hiving out any land owned by the Sisal Estate but physically occupied by Wananchi. This he said would foster a harmonious relationship between the Sisal Estate and the Public.

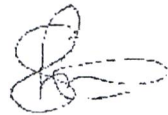
5. MIN5/SE/2016:-WAY FORWARD

After discussing the draft report, it was resolved that the draft report be circulated to all members for their input. Suggestion on improvement of the draft report should be circulated to all members by 1st August 2016. The next meeting would be organized soon after the members have given their input

There being no other business, the meeting adjourned at 12:55 pm after having a cup of tea.



Chairman..... Date: **23rd September 2016**
Confirmed



Secretary.....Date: **27th July 2016.**

Minutes of meeting between Director of Surveys office and Licensed Surveyors for Teita Sisal Estate and Taita Taveta Community held at Ardhi house Nairobi on 23rd September 2016

Members present

- | | |
|---------------------------|--|
| 1. Mr. Richard Amati | - Director of Surveys Office, Chairing |
| 2. Mr. Sammy Wambua | - Government Surveyor, Taita Taveta |
| 3. Mr. Paul Ndungu | - Director of Surveys office - Secretary |
| 4. Washington B. S. Weere | - Mwasima Mbuwa |
| 5. Thomas Nduku | - Mwasima Mbuwa |
| 6. John D. Obel | - Mwasima Mbuwa |

Absent with apology

- | | |
|-------------|----------------------|
| 1. Mr. Hime | -Teita Sisal Estates |
|-------------|----------------------|

The meeting started with a word of prayer from Mr. Ndungu at 10.45 am.

It was noted that the Chairman had been away and unwell after being involved in a road accident. Members of the committee were grateful that he was now healed and able to attend to duties.

Agenda

1. Reading and confirming of previous minutes
2. Matters arising
3. Way forward

MIN 06/SE 2016-READING AND CONFIRMING OF PREVIOUS MINUTES

The minutes were read and the following points were made note of;

- That in minute 2 the report from Mr. Hime was noted for further consideration.
- The report that the Chair had presented was not in power point but in 'word'.
- The subheading in minute should have been written 'Settlements' and that were as depicted on satellite image.

MIN 07/SE 2016-MATTERS ARISING

- Mr. Juma reported that he had picked the settlement, the road and the dam as had been tasked. These pickings will be depicted on the report. The railway station had not been picked as the extent of the land Kenya Railway Corporation (KRC) owned was not known. Mr. Juma was mandate by the committee to go and pick the station as it exists.

- Survey compilation was completed and towards the end of the meeting the committee was presented with the survey maps.
- It was noted that the survey data had not yet been circulated to the licensed surveyors, Mr. Obel and Hime.
- The committee was presented with a draft format for the report by a member. The rest will study it and recommend any adjustment. It is expected that we shall get an improved version after marrying it with a previous one which the chair had presented.
- Mr. Hime forwarded copies of the title documents for the four parcels of land Teita Sisal owns to all members. Hard copies were given to all the groups represented in the meeting.

Action: Sammy Juma, All members

MIN 08/SE 2016-WAY FORWARD

- i. The field data observed and the survey drawing in AutoCad format will be sent to the licensed surveyors for scrutiny/re-computation and rectification or concurrence. A report on their findings to be given in the next meeting or be sent to the Director of Surveys' representative for consideration if completed before the next scheduled meeting.
- ii. The legal and investigative team was tasked to draft letters to Kenya Railways Corporation (KRC), Kenya Airports Authority (KAA), Ministry of Education, Ministry of Water and Irrigation, Ministry of in charge of roads and any other organization from which he may need information to enable him complete his investigations on utilities within Teita Sisal Estate. The letters will also seek for information on the acreages of the utilities. The drafts will be given to the Chairman for adoption and be sent to the recipients officially from the Director of Surveys platform. The Central Bureau of Statistics will be asked to give statistical data showing the population trend within the settled areas.
- iii. Once the report is completed it will be forwarded to Parliament in response to the Directives that were given to Director of Surveys through the Cabinet Secretary.

Action: Thomas Nduku, Max Njuguna, Sammy Juma, Surveyor J. D. Obel, Surveyor Hime

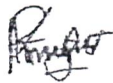
MIN 09/SE 2016-A.O.B

It was reported that despite Teita Sisal Estate (TSE) having been asked to maintain status quo until report was finalized, the estate has continued to arrest people and impound livestock that enter into the land for watering purposes. Committee recommended that Mr. Hime be written a letter to tell TSE to stop the arrests. The legal and investigative team

was tasked to give details on the violated status to the Director of Surveys to facilitate the communication with Hime.

Action: Thomas Nduku, R. Amati

The next meeting will be held on Friday 30th September 2016 at Ardhi House, Nairobi.



Chairman.....Date: 30th September 2016

Confirmed



Secretary.....Date: 23rd September 2016

MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE HELD AT ARDEH HOUSE NAIROBI ON 30TH SEPTEMBER 2016

Members present

- | | | |
|-----------------------------|---|--|
| 1. Mr. Richard K. Amati | - | Director of Surveys office, Chair |
| 2. Mr. John D. Obel | - | Lic. Surveyor, Mwasima Mbuwa |
| 3. Mr. Thomas Nduku | - | Investigator, Mwasima Mbuwa |
| 4. Mr. Washington B.S Weere | - | GIS Expert, Mwasima Mbuwa |
| 5. Mr. Sammy W. Juma | - | County Surveyor, Taita Taveta |
| 6. Mr. Max Njuguna | - | Director of Surveys office, Taking Minutes |

Absent with apology

- | | | |
|--------------------|---|-----------------------------------|
| 1. Mr. Wallis Hime | - | Lic. Surveyor, Teita Sisal Estate |
|--------------------|---|-----------------------------------|

Agenda.

1. Reading and confirmation of previous minutes
2. Matters arising
3. Way forward

MIN 10/SE/2016-READING AND CONFIRMATION OF PREVIOUS MINUTES

The Chairman called the meeting to order at 12:35 PM. The chairman welcomed all the members present. The secretary read through the previous minutes and the following correction were made

1. The second line of Min 06/SE/2016 was deleted.
2. The word '**encroachments**' in the minutes should be replaced with the word '**settlements**'.
3. Names in the minutes should be replaced with offices (Titles).

MIN 11/SE/ 2016- MATTERS ARISING

- The representative for Mwasima Mbuwa noted that the survey data and computations had not yet been circulated to them. To avoid further delay on this matter, the Chair gave out the data during the meeting. The chair informed members that he would scan the field notes and circulate them.
- The office of the County Surveyor Taita Taveta informed members that the location of the railway station as it existed on ground had been picked. The investigative team of the Committee informed members that the Kenya Railways had confirmed in writing that the Railway station measures 4.8 acres. Members requested the investigative team to follow-up with Kenya Railways and provide further details as regards the station; notably the LR NO of the land.

Action: Mr. Nduku

- It was observed that information from relevant offices as regards to utilities within the Estate was now being received by the investigative team.
- The office of the Director was requested to finalize the compilation of the improved fashion of the report and circulate it.

Action: Mr. Amati

MIN 12/SE/2016- WAY FORWARD

- Members tasked the investigative arm of the committee to finalize and circulate the report on their investigative work in comparison to what the Teita Sisal Estate had presented to parliament by 14th October 2016.

Action: Mr. Nduku

- The investigative arm of the committee was tasked to provide details of violations by Teita Sisal Estate to the community by 7th October 2016.


Action: Mr Nduku

- The Director of Surveys should be updated continuously on the progress being made

Action: Mr. Amati

MIN 13/SE/2016-AOB

There being no other business, the next meeting was scheduled to be held on 14th October 2016.



Chairman.....Date: 14th October 2016

Confirmed



Secretary.....Date: 30th September 2016

MINUTES OF MEETING BETWEEN DIRECTOR OF SURVEYS OFFICE AND LICENSED SURVEYORS FOR TEITA SISAL ESTATE AND TAITA TAVETA COMMUNITY HELD IN ARDHI HOUSE NAIROBI ON 14TH OCTOBER 2016

Members present

1. Mr. Richard Amati - Director of Surveys Office, Chairing
2. Mr. Max Njuguna - Director of Surveys office, Secretary
3. Mr. Thomas Nduku - Investigator, Mwasima Mbuwa
4. Mr. Washington Weere - GIS Expert, Mwasima Mbuwa
5. Mr. Wallis Hime - Lic. Surveyor, Teita Sisal Farm

Absent with apology

6. Mr. Sammy Wambua - County Surveyor, Taita Taveta
7. John D. Obel - Lic. Surveyor, Mwasima Mbuwa

The meeting started at 12.45 am.

Agenda

1. Reading and confirming of previous minutes
2. Matters arising
3. Emerging issues
4. Way forward

MIN 04/SE 2016-READING AND CONFIRMING OF PREVIOUS MINUTES

The minutes were read and the following points were made note of;

- Investigative team confirmed that there is a surveyed parcel of land under the railway station within the sisal estate; he was tasked to present a copy of the survey plan or documentation by 18th October 2016.
- The Chair apologized for not acting on finalization of the report due to emerging issues to be discussed in the meeting later.

MIN 05/SE 2016-MATTERS ARISING

- The leader, Investigative team reported that the Ministry of Education had confirmed that Mwandisha Primary School was built, owned and operated by the National Government. Investigative team was mandate by the committee to seek the ownership document of the school and its history and to provide this in a report. It was noted that the investigative team was taking too long to finalize their part of the work.

Action: Mr. Thomas Nduku

- The leader Investigative team asked the Chair for assistance in sending letters to Ministry of Water and irrigation, to know more of the rights and ownership of parcel L.R. No. 9487 (area under the dam) if this information was not available in the Lands registry. Another letter to Kenya Airport Authority asking for their interests in the ownership of the Teita Sisal Estate Airstrip. Finally a letter to confirm the status of ownership of the area under the police station within the Sisal estate in case there has been any excision. The letters will seek for information on the acreages of these utilities and presentation of ownership documents. The leader of the investigative team was tasked to draft the said letters and present them to the chairman for adoption and dispatch to the recipients officially from the Director of Surveys platform.

Action: Mr. Thomas Nduku, Mr. Amati

- The leader, Investigative team reported that locals (residents around Teita Sisal Estate Farm) continue to be deprived rights of way through the estate and rights to access water from the dam for their livestock consumption. He pointed out that it was against the parliamentary provisional rulings to have roads barricaded and locals experiencing police harassment over access of the Sisal Estate. The Teita Sisal Estate representative informed the meeting that indeed there were barriers set for security purposes and not to bar anyone wishing to use any of the roads. Thomas placed a call to a local, for a verbal confirmation to the committee. He was mandated by the committee to seek police reports on the cases filed by the Estate against the ‘trespassers’ and vise vasa.

Action: Mr. Thomas Nduku

MIN 06/SE 2016-EMERGING ISSUES

The chairman informed the members that the Mwasima Mbuwa Welfare Association had written a letter of complaint about the way the team conducted the re-establishment survey. This is what had discouraged the chairman from combining the two reports as per the last minutes. Surveyors for the disputing parties confirmed that the Director of Surveys had sent a copy of the complaint letter to them and sought their reaction on the same. There was therefore a suggestion from one of the members that the letter should not be a subject in the meeting until the addressed parties give their reply. The chairman however informed the members that he was not aware of the letters to the parties’ surveyors and he was expected to give a reply to the allegations and felt that it was necessary to get the committee’s input before giving the reply which he had to. After some deliberations it was resolved that the letters to the surveyors may have been the Director of Surveys’ way of doing independent investigation to the allegations hence the necessity to discuss the contents of the complaint letter.

The letter was then displayed and read through. It was then reviewed by the committee. The letter had been addressed to the Cabinet Secretary Ministry of Lands and Physical Planning, who then forwarded it to the Director of Survey and finally forwarded to the Chair of the committee

to give a reply. The allegations in the letter were touching on alleged professional misconduct of the survey team during the re-establishment survey of the boundary beacons defining Teita Sisal Estate Farm.

After the review, the committee noted that the complainant's allegation was as result of malice aforethought by some members of the Mwasima Mbuwa group. The meeting noted that on 27th June 2016, in a meeting held at the county headquarters Wundanyi (see attached minutes and attendance list), ground rules were laid down on the way to conduct the survey exercise. The main one was that the complainants' professional representative will be accompanying the government survey team during the re-establishment exercise. The membership of this committee was as a result of the all-inclusiveness resolution of the said meeting. The request by some members in the meeting to include other none professional members had been declined noting that this would cause confusion and delays. It had however been resolved the MCA would look for young men who had some knowledge on surveying to be deployed as casual workers so as to perform a double role as observers and part of the team.

The meeting noted that it was impolite for the Mwasima Mbuwa Welfare Association to doubt the credibility and competence the survey team while the team was still working on the report of the findings for presentation to parliament. The fact that there was no mention of the hired surveyors for the disputing parties was taken note of with concern by the meeting.

It was resolved that the chairman goes ahead to reply to the allegations as per the meeting's discussion.

MIN 06/SE 2016-WAY FORWARD

- i. Mr. Hime was tasked to notify his representative (Teita Sisal Estate Farm) that; access of public roads shouldn't be subjected to security measures as it is against the parliamentary ruling, that dam water usage by the community shouldn't be restricted and continuous arrests and harassments if any should be stopped.
- ii. The surveyors representing Mwasima Mbuwa group informed the meeting that they had been doing research on the parcels of land associated to the Teita sisal Estate and had proof that they owned more than the four title deeds that they presented to both Parliament and the surveying team. Members were at a loss as to why the surveyors had not brought up this information when the ground work was in progress. Members however gave time to the Mwasima Mbuwa surveyors to give a presentation of the research and its results. They informed the meeting that they were not ready to give a presentation at that time.

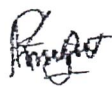
They proposed and promised to present the following in the next meeting:

- A graphical compilation including high resolution satellite imagery of scenarios to show analysis of the relationship between parcels L.R. Nos 3880, 3881, 6925, 3880/5, 11378 and 6924 which will be prove that Teita Sisal Estates may be owning more than the four title deeds they presented.

- A ten (10) years digital social mapping of household distribution since 1969, sourced from Central Bureau of Statistics authority, to give statistical data showing the population trend within the settled areas falling within the Teita Sisal Estate Land. This, even though it was not part of the parliamentary orders to the Ministry of lands, they argued that it may help Parliament when making decisions after the presentation of the final report.

MIN 07/SE 2016-A.O.B

The next meeting will be held on Friday 28th October 2016 at Ardhi House, Nairobi.



Chairman..... Date.....

Confirmed



Secretary..... Date 14TH OCTOBER 2016

MINUTES OF MEETING BETWEEN DIRECTOR OF SURVEYS OFFICE AND LICENSED SURVEYORS FOR TEITA SISAL ESTATE AND TAITA TAVETA COMMUNITY HELD IN ARDHI HOUSE NAIROBI ON 14TH OCTOBER 2016

Members present

- | | |
|-------------------------|---|
| 1. Mr. Richard Amati | - Director of Surveys Office, Chairing |
| 2. Mr. Max Njuguna | - Director of Surveys office, Secretary |
| 3. Mr. Thomas Nduku | - Investigator, Mwasima Mbuwa |
| 4. Mr. Washington Weere | - GIS Expert, Mwasima Mbuwa |
| 5. Mr. Wallis Hime | - Lic. Surveyor, Teita Sisal Farm |

Absent with apology

- | | |
|---------------------|---------------------------------|
| 6. Mr. Sammy Wambua | - County Surveyor, Taita Taveta |
| 7. John D. Obel | - Lic. Surveyor, Mwasima Mbuwa |

The meeting started at 12.45 am.

Agenda

1. Reading and confirming of previous minutes
2. Matters arising
3. Emerging issues
4. Way forward

MIN 04/SE 2016-READING AND CONFIRMING OF PREVIOUS MINUTES

The minutes were read and the following points were made note of;

- Investigative team confirmed that there is a surveyed parcel of land under the railway station within the sisal estate; he was tasked to present a copy of the survey plan or documentation by 18th October 2016.
- The Chair apologized for not acting on finalization of the report due to emerging issues to be discussed in the meeting later.

MIN 05/SE 2016-MATTERS ARISING

- The leader, Investigative team reported that the Ministry of Education had confirmed that Mwandisha Primary School was built, owned and operated by the National Government. Investigative team was mandate by the committee to seek the ownership document of the school and its history and to provide this in a report. It was noted that the investigative team was taking too long to finalize their part of the work.

Action: Mr. Thomas Nduku

- The leader Investigative team asked the Chair for assistance in sending letters to Ministry of Water and irrigation, to know more of the rights and ownership of parcel L.R. No. 9487 (area under the dam) if this information was not available in the Lands registry. Another letter to Kenya Airport Authority asking for their interests in the ownership of the Teita Sisal Estate Airstrip. Finally a letter to confirm the status of ownership of the area under the police station within the Sisal estate in case there has been any excision. The letters will seek for information on the acreages of these utilities and presentation of ownership documents. The leader of the investigative team was tasked to draft the said letters and present them to the chairman for adoption and dispatch to the recipients officially from the Director of Surveys platform.

Action: Mr. Thomas Nduku, Mr. Amati

- The leader, Investigative team reported that locals (residents around Teita Sisal Estate Farm) continue to be deprived rights of way through the estate and rights to access water from the dam for their livestock consumption. He pointed out that it was against the parliamentary provisional rulings to have roads barricaded and locals experiencing police harassment over access of the Sisal Estate. The Teita Sisal Estate representative informed the meeting that indeed there were barriers set for security purposes and not to bar anyone wishing to use any of the roads. Thomas placed a call to a local, for a verbal confirmation to the committee. He was mandate by the committee to seek police reports on the cases filed by the Estate against the 'trespassers' and vise vasa.

Action: Mr. Thomas Nduku

MIN 06/SE 2016-EMERGING ISSUES

The chairman informed the members that the Mwasima Mbuwa Welfare Association had written a letter of complaint about the way the team conducted the re-establishment survey. This is what had discouraged the chairman from combining the two reports as per the last minutes. Surveyors for the disputing parties confirmed that the Director of Surveys had sent a copy of the complaint letter to them and sought their reaction on the same. There was therefore a suggestion from one of the members that the letter should not be a subject in the meeting until the addressed parties give their reply. The chairman however informed the members that he was not aware of the letters to the parties' surveyors and he was expected to give a reply to the allegations and felt that it was necessary to get the committee's input before giving the reply which he had to. After some deliberations it was resolved that the letters to the surveyors may have been the Director of Surveys' way of doing independent investigation to the allegations hence the necessity to discuss the contents of the complaint letter.

The letter was then displayed and read through. It was then reviewed by the committee. The letter had been addressed to the Cabinet Secretary Ministry of Lands and Physical Planning, who then forwarded it to the Director of Survey and finally forwarded to the Chair of the committee

to give a reply. The allegations in the letter were touching on alleged professional misconduct of the survey team during the re-establishment survey of the boundary beacons defining Teita Sisal Estate Farm.

After the review, the committee noted that the complainant's allegation was as result of malice aforethought by some members of the Mwasima Mbuwa group. The meeting noted that on 27th June 2016, in a meeting held at the county headquarters Wundanyi (see attached minutes and attendance list), ground rules were laid down on the way to conduct the survey exercise. The main one was that the complainants' professional representative will be accompanying the government survey team during the re-establishment exercise. The membership of this committee was as a result of the all-inclusiveness resolution of the said meeting. The request by some members in the meeting to include other none professional members had been declined noting that this would cause confusion and delays. It had however been resolved the MCA would look for young men who had some knowledge on surveying to be deployed as casual workers so as to perform a double role as observers and part of the team.

The meeting noted that it was impolite for the Mwasima Mbuwa Welfare Association to doubt the credibility and competence the survey team while the team was still working on the report of the findings for presentation to parliament. The fact that there was no mention of the hired surveyors for the disputing parties was taken note of with concern by the meeting.

It was resolved that the chairman goes ahead to reply to the allegations as per the meeting's discussion.

MIN 06/SE 2016-WAY FORWARD

- i. Mr. Hime was tasked to notify his representative (Teita Sisal Estate Farm) that; access of public roads shouldn't be subjected to security measures as it is against the parliamentary ruling, that dam water usage by the community shouldn't be restricted and continuous arrests and harassments if any should be stopped.
- ii. The surveyors representing Mwasima Mbuwa group informed the meeting that they had been doing research on the parcels of land associated to the Teita sisal Estate and had proof that they owned more than the four title deeds that they presented to both Parliament and the surveying team. Members were at a loss as to why the surveyors had not brought up this information when the ground work was in progress. Members however gave time to the Mwasima Mbuwa surveyors to give a presentation of the research and its results. They informed the meeting that they were not ready to give a presentation at that time.

They proposed and promised to present the following in the next meeting:

- A graphical compilation including high resolution satellite imagery of scenarios to show analysis of the relationship between parcels L.R. Nos 3880, 3881, 6925, 3880/5, 11378 and 6924 which will be prove that Teita Sisal Estates may be owning more than the four title deeds they presented.

- A ten (10) years digital social mapping of household distribution since 1969, sourced from Central Bureau of Statistics authority, to give statistical data showing the population trend within the settled areas falling within the Teita Sisal Estate Land. This, even though it was not part of the parliamentary orders to the Ministry of lands, they argued that it may help Parliament when making decisions after the presentation of the final report.

MIN 07/SE 2016-A.O.B

The next meeting will be held on Friday 28th October 2016 at Ardhi House, Nairobi.

Signed:

Chairman..... Date.....

Confirmed

Secretary..... Date.....

MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE HELD AT ARDHI HOUSE NAIROBI ON 4TH NOVEMBER 2016

Members present

- | | | |
|-------------------------|---|-----------------------------------|
| 1. Mr. Richard K. Amati | - | Director of Surveys office, Chair |
| 2. Mr. John D. Obel | - | Lic. Surveyor, Mwasima mbuwa |
| 3. Mr. Thomas Nduku | - | Investigator, Mwasima Mbuwa |
| 4. Mr. Wallis Hime | - | Lic. Surveyor, Teita Sisal Estate |
| 5. Mr. Sammy W. Juma | - | County Surveyor, Taita Taveta |

Absent with apology

- | | | |
|-------------------------|---|---------------------------|
| 1. Mr. Washington Weere | - | GIS Expert, Mwasima Mbuwa |
|-------------------------|---|---------------------------|

Agenda.

1. Reading and confirmation of previous minutes
2. Matters arising
3. Way forward

MIN 8/SE/2016-READING AND CONFIRMATION OF PREVIOUS MINUTES

The Chairman called the meeting to order at 12:55 PM. The chairman welcomed all the members present. The Minutes of the previous meeting were read and confirmed to be true proceedings of what was discussed.


MIN 9/SE/ 2016- MATTERS ARISING

- It was reported that Kenya Railways had confirmed in writing that the railway station in Mwatate had a reservation of land measuring 4.8 acres. This land was not surveyed but Kenya Railways were in the process of contracting out survey services of the station among other stations Country wide.
- The Ministry of Education had confirmed in writing that indeed Mwandisha Primary school was a public school with the facilities therein having been built by the Government. However, this fact was disputed by the Teita Sisal Management through the Estate Lawyer who had also written a letter stating their position.
- The investigative Team presented the draft report to the committee on their investigative work. It was noted that the report should be none bias and as general as possible only pointing out the facts and be restricted to the Parliamentary Directives. The report should not be seen to be defending any party. The report was circulated to members for their input. The investigative team was requested to prepare a separate detailed report for the benefit of their clients for presentation to parliament as a separate report if they so wished.

- It was reported that the Kenya airport Authorities had not communicated to the investigative team on the status of the Mwatate Air strip. The investigative team was still making a follow up on the matter.

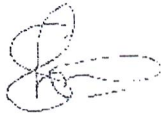
MIN 10/SE/2016- WAY FORWARD

1. Due to hitches in acquiring high resolution satellite imagery, the committee advised in the use of Goggle earth image as a provisional source of information for social mapping of household distribution and also in graphical representation of the extent of sisal estate.
2. The Committee resolved that the final report be prepared as per the parliamentary directive. The report should then be circulated to members for their input and or concurrence.
3. The next meeting to be held on 18th November 2016.



Chairman.....Date: 18th November 2016

Confirmed



Secretary.....Date: 4th November 2016

**MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE
HELD AT ARDHI HOUSE NAIROBI ON 18TH NOVEMBER 2016**

Members present

- | | | |
|-------------------------|---|--|
| 1. Mr. Richard K. Amati | - | Director of Surveys office - Chairing |
| 2. Mr. John D. Obel | - | Lic. Surveyor, Mwasima Mbuwa |
| 3. Mr. Thomas Nduku | - | Investigator, Mwasima Mbuwa |
| 4. Mr. Wallis Hime | - | Lic.Surveyor, Teita Sisal Estate |
| 5. Mr. Sammy W. Juma | - | County Surveyor, Taita Taveta -Secretary |
| 6. Mr. Washington Weere | - | GIS Expert, Mwasima Mbuwa |

AGENDA

1. Presentation of reports
2. Way forward

The chairman called the Meeting to order at 10:30 AM.

MIN 11/SE/2016:- PRESENTATION OF DRAFT REPORT BY THE CHAIR.

The chairman presented the report he had prepared and the following observations were made

1. There was need to ascertain on the numbering of LR No 3880/5-follow up on the genesis from LR No 3880/4/R, 3880/4/2 to 3880/5. The ownership issue was also raised but this was adequately addressed from the fact only a portion of LR No 3880/4 was excised from the mother title of LR No 3880/4. Hence the remainder of the title remained with the original owner. The investigative team was tasked to produce a report on their findings instead of continuously disputing an entry on the presented title deed without giving the members any report on the findings.
2. There was needed to make a follow-up on how Mugeno Ranch acquired LR No 3880/4/1. This issue was noted not to be within the directives, however it was resolved that there was no harm in providing any available extra information that my help in resolving land issues in Taita Taveta County.
3. There was need to recommend on the adjudication of the remainder of LR No 3880/3 (part to the south of the railway line) to the people resident therein. Other people may be settled on the vacant portions in this land. It was resolved that this be put as part of the recommendations to Parliament even though it was outside the scope of the directives being addressed.
4. There was need to give general comments on the status of LR No 3880 and 3881. The Director of Surveys will be asked to give the surveying history while the investigative team was tasked to provide ownership history.

Action: Amati, Nduku

MIN 12/SE/2016:- PRESENTATION BY MR. WEERE

The report dwelt on analysis of various scenarios based on evidence presented by various parties in parliament. The report also covered the social (social mapping) aspect particularly on the area around Singila Majengo. From the analysis presented the following observations were made:

1. The report should only cover the parliamentary directives without dwelling much on what each party presented before parliament which makes the report bulky with no value addition on the ground findings.
 2. The committee advised that the presenter should finalize with the report on social mapping by 22nd November and share it by E-mail. This would form part of the annexure of the final report.
 3. It was pointed out that the final report must firstly point out the facts with no bias. Acting on the facts, recommendation will then be made. Members were reminded that the report to Parliament had to be nothing but factual and neutral and if any team wished to make a presentation on behalf of their clients, then the Cabinet Secretary Lands may be asked to request Parliament to provide such space.
- Action: Weere**

The insinuations by a member that the boundary LR No 3880/5 was the Railway line as per history was discussed during the presentation. However, this was found to differ with the existing survey plans which showed that the Railway line and the Voi-Mwatate Road used to traverse or run through LR. NO. 3880 and there has never been a time when the railway line formed a boundary to any parcel. It was further clarified that during the subdivision survey that created LR No 3880/3 and 3880/4, the Voi - Taveta road was adopted as the boundary between the two parcels.

MIN 13/SE/2016 – PRESENTATION BY THE INVESTIGATIVE TEAM

The investigative Team started their presentation of the draft report to the committee on their investigative work. The report covered mainly on the utilities within the Estate. It was noted that the report was not neutral as had been agreed. A member requested that due to the length of time that the meeting had taken and him having some appointment elsewhere, the meeting should be adjourned to the following week. Members agreed hence the report was not fully discussed, however, the investigative team was tasked to polish their report reiterating that the report should be as neutral as possible only pointing out the facts. The investigative team promised to finalize their report and circulate it to members by 22nd November 2016 for their input.

Action: Nduku

WAY FORWARD:

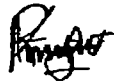
The Technical team was in agreement that the technical aspect of the report and the findings therein as regards to the four parcels of the Teita Sisal Estate was in order. To finalize the report, the investigative team was requested to hasten in preparing the neutral report and circulate by 22nd November 2016. Further Mr. Washington Weere was tasked to finalize his

write-up/presentation on the settlements and share with other members by **22nd November 2016**. This presentation would be considered for enriching the section highlighted under Singila Majengo.

Action: Nduku, Weere

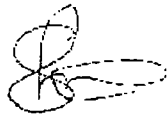
There being no time for other business the meeting was adjourned at 7.45pm.

The next meeting is scheduled for **25th November 2016** at 10am in Ardhi House. It was agreed that this would be the last meeting.



Chairman.....Date: **25th November 2016**

Confirmed



Secretary.....Date: **18th November 2016**

MINUTES OF MEETING FOR REPORT WRITING OF SISAL ESTATE HELD AT
ARDHI HOUSE NAIROBI ON 25TH NOVEMBER 2016

Members Present:

- | | | |
|--------------------|---|--|
| 1. Mr. R.K Amati | - | Director of Surveys office- Chairing |
| 2. Mr. Wallis Hime | - | Lic. Surveyor, Teita Sisal Estate |
| 3. Sammy. W Juma | - | County Surveyor, Taita Taveta - taking Minutes |

Absent with Apology

- | | | |
|------------------------|---|-----------------------------|
| 1. Mr. John D. Obel | - | Lic. Surveyor, Mwasma Mbuwa |
| 2. Mr. Thomas Nduku | - | Investigator, Mwasima Mbuwa |
| 3. Mr Washington Weere | - | GIS Expert, Mwasima Mbuwa |

AGENDA

1. Reading and confirming previous minutes
2. Matters arising
3. Discussion of report

The Chairman called the meeting to order at 10:15 AM.

MIN 13/SE/2016: OPENING REMARKS BY THE CHAIR.

The chair started by registering the apology of Mr. J. D Obel and his team who had informed him that they would not be attending the meeting. He reported that Mr. Obel had made a request that the day's meeting be postponed to 2nd December 2016. This was to enable his team complete their reports. However, this request had come too late (6:45 PM on 24th November 2016) when other members had already travelled and were in Nairobi and hence it was impractical to call off the meeting at that late hour. As a result, the chair had informed Mr. Obel that the meeting would proceed as planned. He would later inform him on the resolution of the meeting.

MIN 14/SE/2016: READING AND CONFIRMING OF THE PREVIOUS MINUTES

The previous minutes were read and confirmed to be a true recording of the proceedings of the previous meeting.

MIN 15/SE/2016: MATTERS ARISING.


1. It was reported that the investigative team had not circulated their report to members by 22nd November 2016 as agreed in the previous meeting. A reminder text sent to Mr. Thomas Nduku by Mr. R. Amati had not been replied to by the time of the meeting.
2. The report on social mapping and analysis had not been received by 22nd November 2016 as agreed in the previous meeting. A reminder text sent to Mr. Washington Weere by Mr. R. Amati had not been replied to by the time of the meeting.

MIN 15/SE/2016: WAY FORWARD

Due to non circulation of the above reports which were to be discussed in the meeting and their non-availability at the time of the meeting, the committee resolved to allow the investigative team a further one week to finalize and provide their report for discussion.

Having no other business the meeting ended at 11:05 A.M.

The next meeting will be held on 2nd December 2016 at 10.0 am in Ardhi House.



Chairman.....Date: **2nd December 2016**

Confirmed



Secretary.....Date: **25th November 2016**

MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE HELD
AT ARDHI HOUSE NAIROBI ON 2ND DECEMBER 2016

Members present

- | | | |
|-------------------------|---|---|
| 1. Mr. Richard K. Amati | - | Director of Surveys' office, Chairing |
| 2. Mr. John D. Obel | - | Lic. Surveyor, Mwasima Mbuwa |
| 3. Mr. Thomas Nduku | - | Investigator, Mwasima Mbuwa |
| 4. Mr. Wallis Hime | - | Lic. Surveyor, Teita Sisal Estate |
| 5. Mr. Sammy W. Juma | - | County Surveyor, Taita Taveta - Secretary |
| 6. Mr. Washington Weere | - | GIS Expert, Mwasima Mbuwa |

In Attendance

- | | | |
|------------------------|---|--------------------------|
| 1. Mr. Peter K. Kahuho | - | Land Secretary, observer |
|------------------------|---|--------------------------|

AGENDA

1. Comments by members
2. Discussion of report
3. Way forward

The Chairman called the meeting to order at 10:45 AM. He pointed out that this was expected to be the last meeting. He hoped that the technical experts were ready with their report as per their promise when giving apologies not to attend the last scheduled meeting. If this was the case then they would be allowed to make their presentation as the first item noting that this was what had delayed the finalization of the joint report. To start off, he invited all members to give their comments on the report development so far.

MIN 16/SE/2016: COMMENTS BY MEMBERS

1. Mr. John D. Obel:

He was concerned that matters discussed in meetings by the committee were leaked to Teita Sisal Estate, thus lacking confidentiality. This he said had made their client lose trust in his team.

He was however in agreement that the technical aspects of the report were in order and as per the ground measurements done. It was therefore acceptable.

He told members that the circulated report looked final and conclusive hence wondered how their input would be incorporated in the report. In the circumstances, he suggested that they be allowed to give a separate report.

He stated that their team had done a lot of research on the Sisal Estate dating back to pre-colonial period. He pointed out that the History cannot be wished away. This led to the request that their research outcome be part of the final report instead of just sticking to the technical aspects and the parliamentary directives.

He was of the opinion that public utilities and classified roads within the Estate land should be excised and given separate registration as per the law.

He urged members of the committee to give recommendations that would make it easy for Parliament to come up with a solution to the benefit of both the Teita Sisal Estate and the public.

2. Mr. Washington B. Weere:

He was concerned that the minutes for the meeting held on 18th November 2016 had not been circulated to members.

He observed that there should be a proper format of the report agreeable to all.

He generally concurred to Mr. Obel's sentiments and comments.

3 Mr. Thomas Nduku:

He questioned/doubted the authenticity of the entry No. 8 in the title document of LR No 3880/5.

He requested that the Teita Sisal Estate produce the Auction documents through which they claim to have acquired the Estate.

He observed that the correspondence file for Estate land had not been availed yet he felt that it was necessary for scrutiny on the transactions of the Estate land.

He requested members to give a recommendation that the settlement of people around Singila Majengo should be ratified and ownership documents be processed in their favour.

He claimed that most of the Utilities were on LR No 3880/5 and it is on this part of the Estate land which was a major source of dispute.

He requested the chair to provide information on all the LR No's originating from LR NO 3880 and what became of LR No's 3880/1 and 3880/2

4 Mr. Wallis Hime:

He observed that the re-survey was correct as per the survey plans. He noted that the recommendations had tried to solve some of the problems raised by the community. He informed a member who had been questioning the authority which he used to reestablish beacons of the estate land in the 1980s that a reestablishment exercise needs no formal/statutory authority. All that was needed was engagement by the registered proprietor.

He reiterated that the laws of the Country must be upheld in all that is done and when giving recommendations to parliament. Otherwise if people should be permitted to invade private land and get their way then the country may be plunged into anarchy.

5. Mr. Sammy J. Wambua

He had no comments to make since he had no notable issues to raise on both the July field work and the draft report.

6. Mr. Richard Amati

In response, he regretted that the team representing Mwasima Mbuwa Welfare Association did not accord him the maximum co-operation in the report writing. He observed that he had been

implored the investigative team and the GIS expert to provide their report with very little success. He said that he had observed that apart from not providing or sharing their reports all they did was to come to the meeting to look for errors or what they did not like in the draft report without any addition to improve it. He assured the members that the circulated draft report was not yet final and it was the subject of discussion in this meeting and all should be free to point out any issues they have with the draft and provide objective suggestions on how to improve the draft. He pointed out that the report was in soft format and therefore any part can be erased from it and any new factual material can be added to it to make it better.

To address a member's concerns of what came of LR. No. 3880 he promised to request the Cadastral Division of the Survey Department to provide a write-up on the subdivision history of LR No 3880 and the subsequent numberings. He asked the Investigative team to provide information on what was in the Land Register for same number. Mr. Nduku was urged to work closely with Madam Sarah Maina in order to get information from the Register. He requested the Lands Secretary (Mr. Peter Kahuho) who was in attendance to assist Mr. Thomas Nduku representing the investigative team in accessing any information pertaining to the ownership of the four parcels of land under investigation. Mr. Kahuho agreed to the request and asked Mr. Nduku to get in touch with him any time he needs any information from Lands.

He asked the members if they had any reports to present noting that their lack of disclosing whatever they had written may be the fear that it may be leaked to the Sisal Estate management. He however said that since they were at liberty to inform their clients on the progress of their investigations and the deliberations in the meeting, similarly the representative of the Teita sisal estate had the right to inform his client of the progress. He cautioned members to only give their clients necessary information that may not jeopardize the good work so far done by the committee.

On the issue of utilities, he noted that if members had cared to read the draft report objectively, all their concerns on utilities had been addressed in the report. He further requested them that they should actively participate when going through the report and point out what they think is not factual in the report. He reminded them that the report was designed to be a representation of facts and not aimed at favouring any party in the divide. The report would give recommendations for consideration by parliament.

The member who had had expressed concerns with entries in the title deed was informed that all the entries were done in the land registry and not by the title deed holders. Therefore if he had any issues with any entries, he should seek clarification from the Chief Land Registrar which was part of what he had been tasked to do as a member of the investigative team. More over the Parliamentary committee must have done due diligence on all documents presented to them before giving directives on issues that needed further investigation.

He was sorry about not circulating minutes of previous meetings on the internet. He promised to circulate the day's minutes together with other unshared minutes by 5th December, 2016.

Action R. Amati

MIN 17/SE/2016: DISCUSSION OF REPORT.

The draft report which had been prepared and circulated to members was projected on the screen. Members were informed that save for the formatting and general rearrangement, the report had not changed in content. The chair affirmed that the report basically covered the technical aspect of the assignment. The committee went through the report and made corrections to the

satisfaction of everyone in the meeting. Amongst the changes was the bid to separate the issue of ownership and the technical aspect, the committee resolved to use the LR Nos in question rather than the proprietor's name 'Teita Sisal Estate' throughout the report.

The chair noted that the write-up for Majengo Singila had not yet been received from the investigative team as agreed in the meeting of 18th November 2016. This part of the report therefore remained highlighted depicting lack of completeness. It was agreed that the GIS expert and the investigative team finalize with their write-up on settlements and in particular Singila Majengo and utilities respectively and share by 6th December 2016 before the next meeting.

Action: Nduku and Weere

Members declined to discuss the part of the report on **conclusion, way forward and recommendation** citing lack of vital information gathered from their over 10 years investigation. This information was in their yet to be disclosed report that would help in objectively handling the said parts.

MIN 18/SE/2016: WAY FORWARD

To hasten in finalizing the report, the chair immediately circulated the report (with the amendments of the day) to all members for their scrutiny. He urged the members to read through the draft on their own and if they had any suggested changes they come with it for discussion in the next meeting which all agreed would be the last. The investigative team and the GIS expert were once again earnestly asked to finalize their write-up on the part of Singila Majengo and any other without further excuses. They both promised to finalize their respective parts before the next meeting.

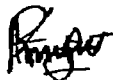
Action: Nduku and Weere

It was agreed that each member had to come up with their version of conclusions and recommendations to be discussed in the next meeting.

Action: all members


There being no other business, the meeting ended at 3:45 PM.

The next meeting will be held on 8th December 2016 at Ardhi House, Nairobi



Chairman.....Date: **8th December 2016**

Confirmed



Secretary.....Date: **2nd December 2016**

MINUTES OF MEETING FOR REPORT WRITING OF TEITA SISAL ESTATE HELD
AT ARDHI HOUSE NAIROBI ON 8TH DECEMBER 2016

Members present

- | | |
|-------------------------|---|
| 1. Mr. Richard K. Amati | - Director of Surveys office, Chair |
| 2. Mr. John D. Obel | - Lead Surveyor, Mwasima Mbuwa |
| 3. Mr. Thomas Nduku | - Investigative team, Mwasima Mbuwa |
| 4. Mr. Wallis Hime | - Teita Sisal Estate Surveyor |
| 5. Mr. Sammy W. Juma | - County Surveyor, Taita Taveta - Secretary |
| 6. Mr. Washington Weere | - Mwasima Mbuwa |

Agenda

1. Confirmation of previous minutes
2. Matters arising
3. Reports:

The Chairman called the meeting to order at 1:00 P.M. He welcomed all members for the day's meeting. He noted that since this was the last meeting, every member was expected to have his proposed conclusions and recommendations for deliberations and inclusion in the final combined report. The chair then circulated all the previous minutes to members for their scrutiny and subsequent endorsement.

1. Min/19/se/2016: Confirmation of previous minutes.

The previous minutes were read and confirmed to be a true recording of the proceedings of the day

2. Min 20/se 2016: Matters arising.

The investigative team reported that some correspondence files for Teita Sisal Land had been found. He reported that he had not scrutinized them but would get time to peruse through them.

Mr. Hime reported that Teita Sisal Estate had acquired the land through purchase .it is T&T who acquired the land through auction.

The Chair requested the investigative team to provide the committee with a write-up on the issues they wanted clarified concerning LR NO 3880/5. The Chair would then seek clarification from the Chief Land Registrar.

The chair gave an account on all the subdivisions arising from LR NO 3880. He also clarified on the issue of Numbering that affected LR No 3880/4/R which evolved to 3880/4/2 and finally to 3880/5

A member representing Mwasima Mbuwa group alleged that the total acreage of LR No 3880/5 was 16,719 acres (as per his computation). Mr. Obel noted that he had not done the computation to confirm the allegations. All other technical officers (surveyors) confirmed that their computation yielded to 16,875 acres. The chair implored members to carry out proper computation to ascertain the acreage of the land and be sure before making any size discrepancy allegations.

The investigative team noted that Entry No 8 on the search document talks about T&T instead of Teita Sisal Estate. After deliberations, it was resolved that the matter would be easily clarified by the Chief Land Registrar who the lead investigator had unlimited access to.

Min/21/SE/2016: Presentation of reports

1. Report by Mr. Thomas Nduku:

The report covered on the findings of the investigative team. The report dwelt on utilities and settlement within the Sisal Estate. The committee however cautioned against commenting on technical surveying matters and just dwell on the investigative work.

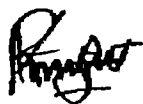
2. Report by Mr. Washington Weere:

The presenter provided a report in a slightly different format from what had been prepared by the Chair and discussed in every meeting. He noted that his format needed to be harmonized with the format prepared by the chair. The report basically provided an in-depth analysis of the settlement within Singila Majengo covering the historical and social aspect of the settlement. The two reports were to be presented to the chair for circulation to members who would provide their input on the reports.

Min 22/SE/2016: Way forward

All members to study the reports and give comments/ recommendations to enable preparation of the final report.

Having no other business, the meeting ended at 6:20 PM.



Chairman.....

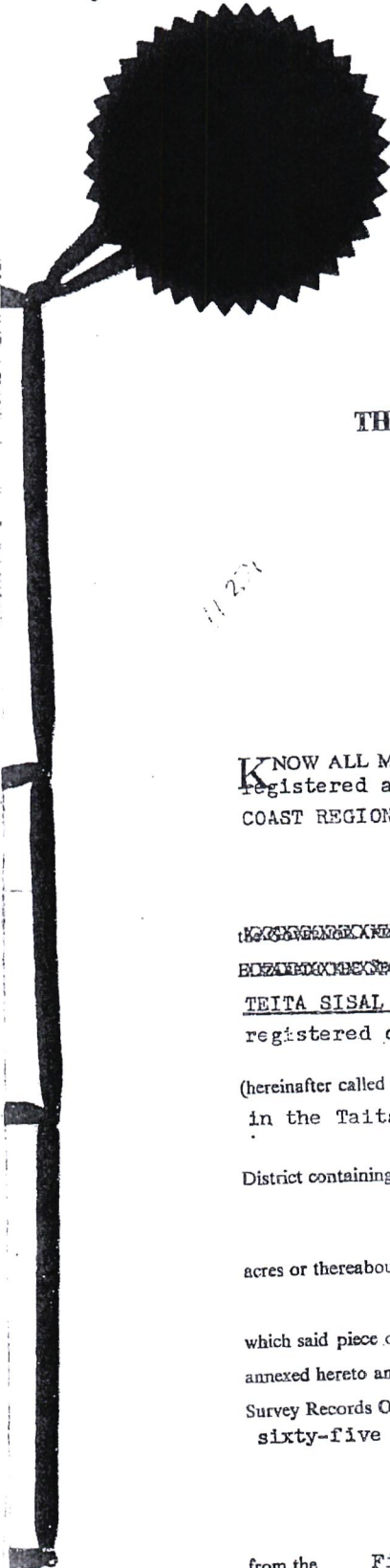


Secretary.....Date: 8th December 2016

Ref 30535/2
27/10/63



35/-
12/3



GOVERNMENT OF KENYA

THE REGISTRATION OF TITLES ORDINANCE
(Chapter 281)

GRANT: NO. I.R.19682

ANNUAL RENT: Shs. 385/- (revisable)

TERM: 965 years and 10 months
from 1.7.1963

11/27/63

KNOW ALL MEN BY THESE PRESENTS that in pursuance of a Surrender registered as Number I.R.2682/7 the REGIONAL ASSEMBLY OF THE COAST REGION

~~BEFORE ME, the undersigned, being a duly qualified and authorized Officer of the Lands Office, in the presence of the following witnesses, the said~~

hereby GRANTS unto TEITA SISAL ESTATES LIMITED a Limited Liability Company having its registered office at Nairobi (Post Office Box Number 30345) Kenya

(hereinafter called "the Grantee") ALL that piece of land situate South-West of Voi Township in the Taita

District containing by measurement Three thousand three hundred and forty-four

acres or thereabouts that is to say Land Reference Number 11378

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 79938 deposited in the Survey Records Office at Nairobi TO HOLD for the term of Nine hundred and sixty-five years and ten months

from the First day of July One thousand nine hundred and sixty-three SUBJECT to (a) the payment in advance on the first day of January in each year of the rents hereinafter prescribed (namely):—

Original Sighted & Verified Declaration
I, Rachel Musanyie here by certify
this is a true copy & correct copy of original as at 10/04/2015
PW ID: 1322355 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking

264/1

- (i) from the First day of July One thousand nine hundred and sixty-three until the thirty-first day of December One thousand nine hundred and ninety an annual rent of Shillings Three hundred and eighty-five;
- (ii) from the first day of January One thousand nine hundred and ninety-one until the thirty-first day of December Two thousand and twenty an annual rent calculated at the rate of two per centum on the unimproved value of the land in the year One thousand nine hundred and ninety;
- (iii) for every subsequent period of thirty years an annual rent calculated at the rate of three per centum on the unimproved value of the land in the last year of the preceeding period of thirty years;

(b) the provisions of the Crown Lands Ordinance (Chapter 280)

Original Sighted & Verified Declaration
 I, Rachel Musonye here by certify
 this is a true copy & correct copy of original as at 10/04/2018
 PW ID: 1322385 Signature: [Signature]
 Designation: COM
 For: Standard Chartered Bank (K) Ltd
 Commercial Banking.

and (c) the following Special Conditions (namely):—

SPECIAL CONDITIONS

1. The land shall be used for agricultural purpose only.
2. The value of the developments required by Section 33 of the said Crown Lands Ordinance to be effected on the land within the first three years and the first five years respectively of the term shall be Shillings Eighteen thousand one hundred and seventy-six (Shs.18,176/-) and Shillings Twenty-seven thousand two hundred and sixty-four (Shs.27,264/-) of which sums Shillings Six thousand and Shillings Nine thousand shall be in respect of permanent developments.

~~PROVIDED that any developments which may have been effected on the land in conformity with the covenant of this lease contained in the Crown Lands Ordinance by virtue of which the land was formerly held shall be deemed to have been effected in pursuance of this covenant.~~

SIGNED by JAMES ALOYSIUS O'LOUGHLIN)
 the Commissioner of Lands thereto)
 lawfully authorised on behalf of the)
 Coast Regional Assembly this 14th)
 day of August)
 One thousand nine hundred and sixty-)
 three in the presence of:-)

[Handwritten signature]
 J.A.O. - R. Ch

New Grant

COLONY & PROTECTORATE OF KENYA

DISTRICT OF TAITA

Locality *S. W. of Voi Township*

Meridional District *South A. 37, 3, & 6*
U. III. b.

Scale: 1 in. 62500 or 520833 Feet to 1 Inch

Land Reference No. 11378

(Orig. No. _____)

Subdivision No. _____ (Orig. No. _____)

of Section No. _____

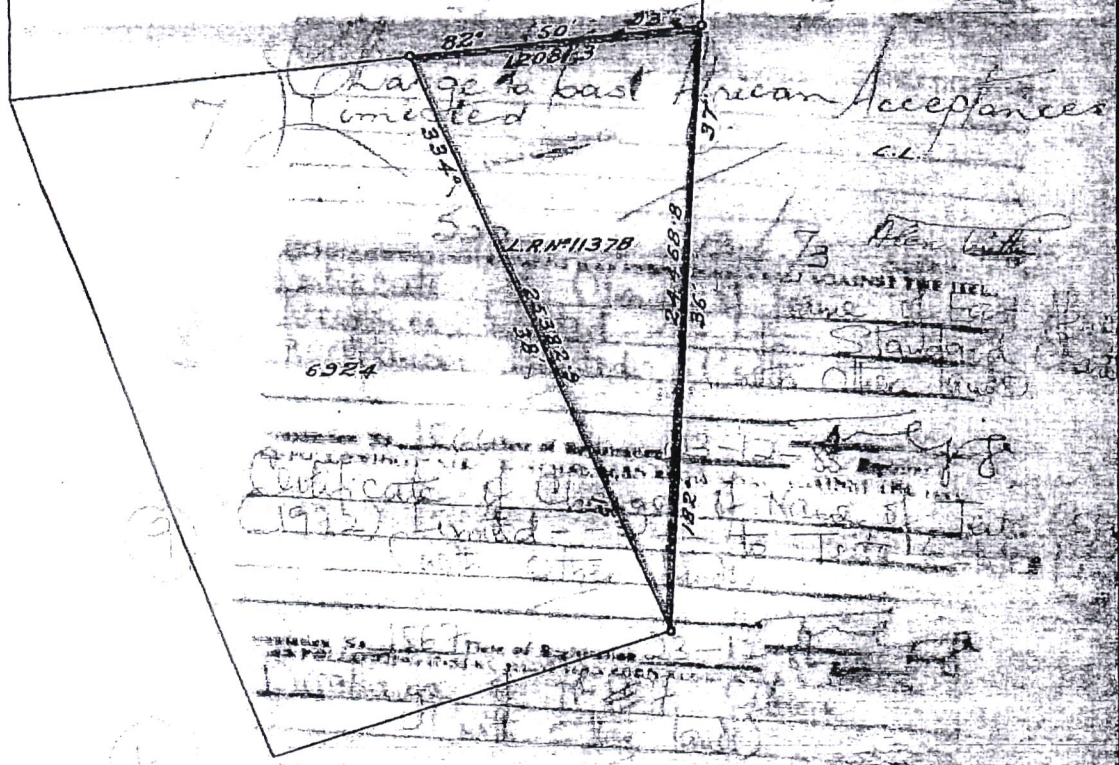
Area = 3344 Acres (Approx)

Bearings	Distances
o	Fest.

Original Sighted & Verified Declaration
 I, Rachel Musonye here by certify
 this is a true copy & correct copy of original as at 10/04/2018
 PW ID: 1322355 Signature: [Signature]
 Designation: CCM
 For: Standard Chartered Bank (K) Ltd
 Commercial Banking.

3880/4/R

Transfer to Tecta Estate (1972)
united & free from encumbrances



A. F. TAYLOR

for Director of Survey

Nairobi MAY 15 1963 196

P. Matchman
Licensed Surveyor

Traced by
Compared by

Please quote this PLAN No. 79938

INSTRUMENT HAS BEEN REGISTERED AGAINST THE LAND
transfer to T & T Sisal company limited

2

Instrument No. 1082 Date of Registration 30.5.64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE LAND
Charge to The Standard Bank Limited
and Ralli Brothers Limited
(with other lands)

3
(IR 2682)

Instrument No. 24 Date of Registration 1.7.64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE LAND
Charge to Teita Sisal Estates Limited
Subject to No. 3 above
(with other lands)

4
(IR 2682)

Instrument No. 120 Date of Registration 6.8.64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE LAND
Charge to The Standard Bank Limited
and Ralli Brothers Limited
Subject to Nos 3 & 4 above
(with other lands)

5
(IR 2682)

Instrument No. 241 Date of Registration 7-10-64

6 Transfer to Teita Estate (1972) Limited & free from encumbrances

Instrument No. 521 Date of Registration 13.4.73
Charge to East African Acceptances Limited

Instrument No. 522 Date of Registration 13.4.73
Certificate of Change of Name of East African Acceptances Limited to Standard Chartered Acceptances Limited (with other lands)

Instrument No. 1566 Date of Registration 23-12-88
Certificate of Change of Name of Teita Estate (1972) Limited to Teita Estate Limited (with other lands)

Instrument No. 1567 Date of Registration 23-12-88
Discharge of M&F Above (with other lands)

Instrument No. 1568 Date of Registration 23-12-88

Checked & Verified Declaration
Rachel Mwanje
this is a true copy & correct copy of original as at here by verify
PIN ID: 1388335
Designation: CCM
Signature: [Signature]
For: Standard Chartered Bank (K) Ltd
Commercial Banking

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
① Change to Standard Chartered Bank
Kenya Limited
(with other lands).

11

Instrument No. 1569 Date of Registration 23-12-88
FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Further charge to Standard Chartered Bank Kenya
limited

12

subject to No 11 above (with other lands)
Instrument No. 730 Date of Registration 23-1-95

Original Sighted & Verified Declaration
I, Rachel Musonye - here by certify
this is a true copy & correct copy of original as at 10/04/2015
PW ID: 1322355 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

72

Original Signed & Verified Declaration
 Rachel Musekiye
 copy & correct copy of original as at 10/1/1963
 PW 10/1/1963
 Signature: *Rachel Musekiye*
 Designation: *CCM.*
 Standard Chartered Bank (K) Ltd
 Commercial Banking.

9

4
W
111



REGISTRY OF TITLES
 (INLAND DISTRICT)

TITLE NUMBER I.R. 19682

ANNUAL RENT SHS. 385/- (Revisable)

TERM 965 YEARS AND 10 MONTHS FROM 1.7.1963

1082



T R A N S F E R.

11378

TEITA SISAL ESTATES LIMITED a limited liability company having its registered office at Nairobi in Kenya of Post Office Box Number 30345 Nairobi aforesaid (hereinafter called "the Company") being registered as proprietor as Lessee from the Regional Assembly of the Coast --- Region for a term of 965 years and 10 months from First July One --- thousand nine hundred and sixty three (subject to such charges leases and encumbrances as are notified on Memorandum written hereon and to the covenants conditions restrictions stipulations and easements --- contained in the undermentioned Grant and the annual revisable rent thereby reserved) of ALL THAT piece of land situate to South West of Voi Township in the Teita District of Kenya containing by measurement Three thousand three hundred and forty four (3,344) acres or ----- thereabouts that is to say Land Reference Number 11378 which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the Plan annexed to a Grant registered at the Registry of Titles at Nairobi as Number I.R.19682/1 and more particularly on Land Survey Plan Number 79938 deposited in the Survey Records Office at Nairobi IN CONSIDERATION of the sum of Shillings Sixteen million five hundred and thirty two thousand (Shs.16,532,000/-) paid to the Company by T & T. SISAL COMPANY LIMITED a limited liability company having its registered office at Nairobi (Post Office Box Number 20231) for the piece of land hereby transferred and for the premises shortly described in the Schedule hereto (the receipt and payment whereof the Company hereby acknowledges) HEREBY TRANSFERS unto the said T & T -- SISAL COMPANY LIMITED ALL the Company's right title and interest in and to the said piece of land and in and to the improvements erected and being thereon.

IN WITNESS WHEREOF the Company has caused its Common Seal to be hereunto affixed this 14th day of MAY One thousand nine hundred and sixty four.

SCHEDULE

LAND REFERENCES

TITLE NUMBERS

L.R.No.3380/5

I.R.2682

L.R.No.6924

I.R.3383

L.R.No.9487

C.R.N.9

SEALED with the COMMON SEAL of)
TEITA SISAL ESTATES LIMITED in)
the presence of:

J. A. Mackay Director

[Signature] Director

DALGETY (SECRETARIAL AND ADMINISTRATION) LIMITED.
[Signature] Secretaries

MEMORANDUM OF CHARGES LEASES AND ENCUMBRANCES

N I L.

LAND TITLES REGISTRY—NAIROBI, KENYA
REGISTRATION OF TITLES ACT

REGISTERED AS No. I.R.19682/2

Presented 30.5.1964

Time 9.55a.m. *[Signature]*

Registrar of Titles.

Original Sighted & Verified Declaration
by *Rachel Misonye* here by certify
this is a true copy & correct copy of original as at *14/04/2018*
PWID: *1322355* Signature: *[Signature]*
Designation: *CCM*
For: Standard Chartered Bank (K) Ltd
Commercial Banking

Dated this 14th day of MAY 1964

TETA SIAL ESTATES LIMITED

- TO -

T & T SIAL COMPANY LIMITED

T R A N S F E R

L.R.No.11378

B. SRIEY & CO.,
ADVOCATES,
SILOPARK HOUSE,
MADHOBI.

Original Sighted & Verified Declaration
this is a true copy & correct copy of original as at 14/5/2018
PW ID: L:322355 Signature: [Signature]
Designation: CCM
For Standard Chartered Bank (K) Ltd
Commercial Banking.

30535

DE
SS
370

Stamp Duty ... Shs. 110/-
Registration Fees ... Shs. 20/-



P. 669/29
R. 53.
E.

Original Signed & Verified Declaration
Rachael Musingye
this is a true copy & correct copy of original as of 10/07/2016
PW ID: 13022355 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

COLONY OF KENYA.
REGISTRY OF TITLES.

(Inland District)
Title No. I.R. 2682.

Annual Rent Shs. 3,600/- (Revisable as herein provided)
Term 999 years from 1.4.1927 to 1.4.2926.

3880/1

KNOW ALL MEN BY THESE PRESENTS that I JACOB WILLIAM BARTH
(Knight) Commander of the Most Excellent Order of the British
Empire the ACTING GOVERNOR and COMMANDER-IN-CHIEF of the Colony of
Kenya on behalf of HIS MOST GRACIOUS MAJESTY KING GEORGE THE FIFTH
do hereby under and by virtue of the powers vested in me GRANT
unto CHARLES SYDNEY GOLDMAN of Salisbury House London England
Gentleman (hereinafter referred to as the Grantee which expression
shall where the context so admits include his executors
administrators and assigns) ALL THOSE TWO pieces of land situate
to S.W. of Voi Township in the Teita District of the said Colony
containing together by measurement Sixty Thousand Seven Hundred
and Eighty-Four acres more or less that is to say Land Reference
Numbers 3880 and 3881 of Meridional Districts South A. 37 ³ and
U. III. a. ³ U. III. b. ³ which said pieces of land with the dimensions
abuttals and boundaries thereof are bordered red and delineated on
the plans drawn on these presents and more particularly on Land

Survey Plans Numbers 23542 and 23543 deposited in the Land Surveys. Office at Nairobi excepting and reserving out of the Grant hereby made an area of One Hundred and Ninety-Five acres more or less in respect of the several road reserves marked respectively "Road Reserve 120' wide" together with an area of Three Hundred and Twenty Four acres more or less in respect of Railway Reserve 100' on each side from the centre line of rails in the approximate position shown on the said plans making a nett area of Sixty Thousand Two Hundred and Sixty-Five acres more or less the subject of this Grant TO HOLD for the term of Nine hundred and ninety-nine years from the First day of April One thousand nine hundred and twenty-seven subject to the payment therefor for the said term the respective rents ----- following:

- (a) From the First day of April One thousand nine hundred and twenty-seven until the Thirty-first day of March One thousand nine hundred and thirty a rent of Shillings Three Thousand Six Hundred in respect of the whole of that ----- period of three years payable on or before the said Thirty first day of March One thousand nine hundred and thirty.
- (b) From the First day of April One thousand nine hundred and thirty until the Thirty-first day of December One thousand nine hundred and forty-five an annual rent of ----- Shillings Twelve thousand and Fifty-Three payable in ----- advance on the First day of January in every year and so in proportion for any less period than one year the first of such payments to be made on the First day of January. - One thousand nine hundred and thirty-one.
- (c) From the First day of January One thousand nine hundred and forty-six until the Thirty-first day of ----- December One thousand nine hundred and seventy-five an ----- annual rent payable in advance as aforesaid calculated at the rate of one per centum on the unimproved value of the

Originals & Vendors Declaration
hereby
this is a true copy & correct copy of original as at
1322355
Signature
For Standard Chartered Bank (K) Ltd
Commercial Banking

land hereby granted in the year One thousand nine ----
hundred and forty-five.

(d) From the First day of January One thousand nine ---
hundred and seventy-six until the Thirty-first day of --
December Two thousand and five an annual rent payable in
advance as aforesaid calculated at the rate of Two per -
centum on the unimproved value of the land hereby granted
in the year One thousand nine hundred and seventy-five.

(e) For every subsequent period of Thirty years -----
thereafter to expire on the Thirty-first day of December
in every thirtieth year following until the expiration -
or sooner determination of the term hereby granted an --
annual rent payable in advance as aforesaid calculated -
at the rate of Three per centum on the unimproved value
of the land hereby granted in the year preceding the ---
first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions ----
contained in the Crown Lands Ordinance (Chapter 140 of the Revised
Edition of the Laws of Kenya) (excepting Part Eleven thereof and -
as is herein otherwise provided) and to the Registration of Titles
Ordinance (Chapter 142 of the Revised Edition of the Laws of ----
Kenya) and also to the Special Conditions hereunder written:-

SPECIAL CONDITIONS.

1. Commencing on the First day of April One thousand -
nine hundred and twenty-nine and within one year thereof
the Grantee will expend the sum of not less than -----
Shillings Sixty Thousand on improvements to the land ---
hereby granted of the nature specified in the Schedule -
hereto.
2. The Grantee during the further period of nine years
commencing on the First day of April One thousand nine

Original Sighted & Verified Declaration
Rachel Mucony
this is a true copy & correct copy of original
PIN ID: 1322356
Designation: CAM
For Standard Chartered Bank (K) Ltd
Commercial Banking

hundred and thirty will expend not less than the further sums of Shillings Sixty Thousand year by year on ----- improvements to the land hereby granted of the nature --- specified in the Schedule hereto making together a total sum of not less than Shillings Six Hundred Thousand in all to be expended during the aggregate period of Ten years.

3. The Grantee will at all times after the said First day of April One thousand nine hundred and twenty-nine -- during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept the ----- improvements to be effected by virtue of the preceding -- conditions in that behalf Provided that the said annual sum of Shillings Sixty Thousand shall be expended ----- personally by the Grantee and shall not include the rent hereby reserved the expenses of survey and expenses of a like nature or any other sum or sums (whether spent on --- improvements or not) which may be spent by sub-lessees or other persons deriving title through the Grantee or being in any other manner in occupation of the said land.

4. If during the said period of ten years the amounts - expended as aforesaid by the Grantee at the end of any -- year shall not in the aggregate be the equivalent of the said sum of Shillings Sixty Thousand for each year elapsed then in respect of each sum of Shillings Sixty Thousand -- of the total sum of Shillings Six Hundred Thousand so --- unspent Six Thousand acres being portion of the said --- land shall be selected for surrender by the Grantee and - shall be forfeited Provided however that in such case the incidental costs shall be paid by the Grantee and that --- such areas of Six Thousand acres forfeited as aforesaid - need not necessarily be contiguous.

5. By virtue of Section Eighty-six of the said Crown --

Original Signed & Verified Declaration
this is a true copy & correct copy of original as at 10/04/2018
PW ID: 1382355
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking
hereby certify
Rajeev

Lands Ordinance it is inter alia an implied condition of this Grant and in order to emphasize the same it is --- herein expressly agreed and declared that any portion of the land contained in this Grant in the actual occupation of natives at the date hereof shall so long as it is --- actually occupied by them be deemed to be excluded from this Grant.

IN WITNESS WHEREOF I the said Acting Governor have hereunto set my hand and the seal of the Colony this *Thirteenth* day of *May* One thousand nine hundred and twenty-nine in the presence of:-

W. J. G. G.

Acting Commissioner of Lands:
By Order of the Acting Governor.

S. P. Robinson
Registrar of Titles.

SCHEDULE.

- Farm buildings of all descriptions.
- Fencing.
- Water Furrows.
- Planting trees or live hedges.
- Walls.
- Wells.
- Draining land or reclamation of swamps.
- Road making.
- Bridges.
- Clearing of land for agricultural purposes.

Original Sighted & Verified by
Rachel Musonye
this is a true copy & correct copy of original as at *10/04/2008*
PW ID: *1322355* Signature: *[Signature]*
Designation: *CCM*
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

SCHEDULE (Continued)

- Laying out and cultivating gardens and nurseries.
 - Water boring.
 - Water races.
 - Sheep or cattle dips.
 - Embankments or protective works of any kind.
 - Planting of long lived crops.
 - Water tanks.
 - Irrigation works.
 - Fixed machinery.
 - Reservoirs.
 - Dams of a permanent nature.
 - Dwelling houses occupied by the Grantee or some person or persons in their permanent employ.
 - Live stock.
 - Agricultural implements and machinery.
 - Dairy appliances.
- Provided that the same are the Property of the Grantee and are kept or used on the premises hereby granted or some part thereof.

Registered at the Registry of Titles at Nairobi

this Fourteenth day of May 1929.

Time 11-6 A. m.

No. I.R. 2682/1

Presentation No. P.B. 9.669/29.

[Signature]
Registrar of Titles.

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

No. I. R. 2682/2 DATE OF REGISTRATION 16th May 1929.

Transfer to Teila Concessions Limited

[Signature]
REGISTRAR OF TITLES

NAIROBI, THE 16th DAY OF May 1929.

Original Sighted & Verified Declaration
 this is a true copy & correct copy of original as at 14/05/2018
 PW ID: 1322355
 Designation: CCM
 For Standard Chartered Bank (K) Ltd
 Commercial Banking.

2.

EMERALD PROTECTORATE OF KUNYA

DISTRICT OF TELIA

(Orig. No. 250)

Locality, to S.W. of Voi Township

Subdivision No. (Orig. No. of Section No.)

Meridional District South A 57 3
U. M. B.

Scale: 1 in = 125000 or 1041666 feet to 1 inch

Total Area - 36517.0 Acres (Approx.)

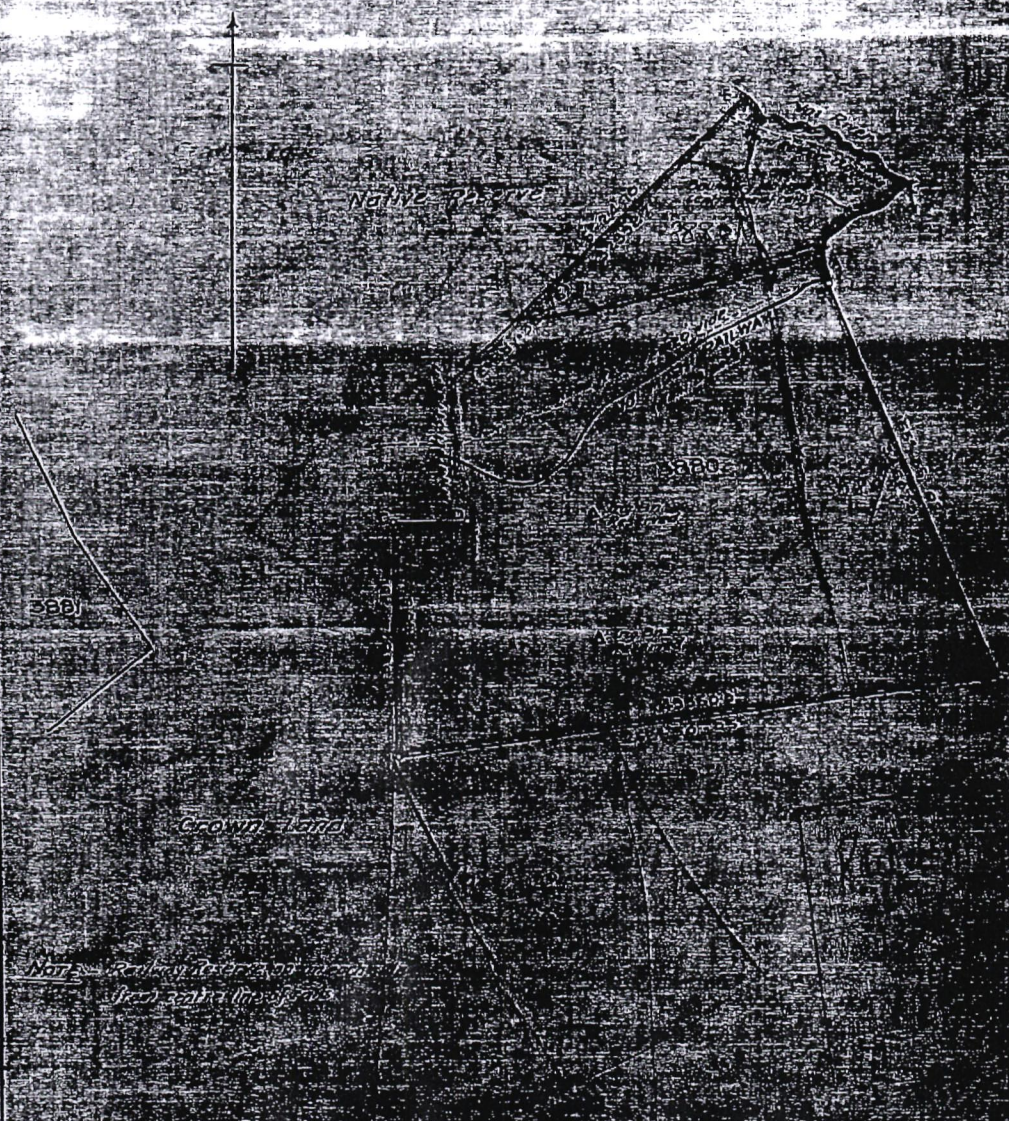
Road Reserve - 136.0

Railway Reserve - 197.0

Nett Area - 36184.0 Acres (Approx.)

Bearings		Distances	
A-B	B-C	1	2
14 25	21 00	100	100
C-D	BB	27 00	100

(C-D by 650B)



certify
10.4.2018



DISTRICT OF TEMA

Locality, to S.W. of Voi Township

Meridional District South A 37
U. T. E.

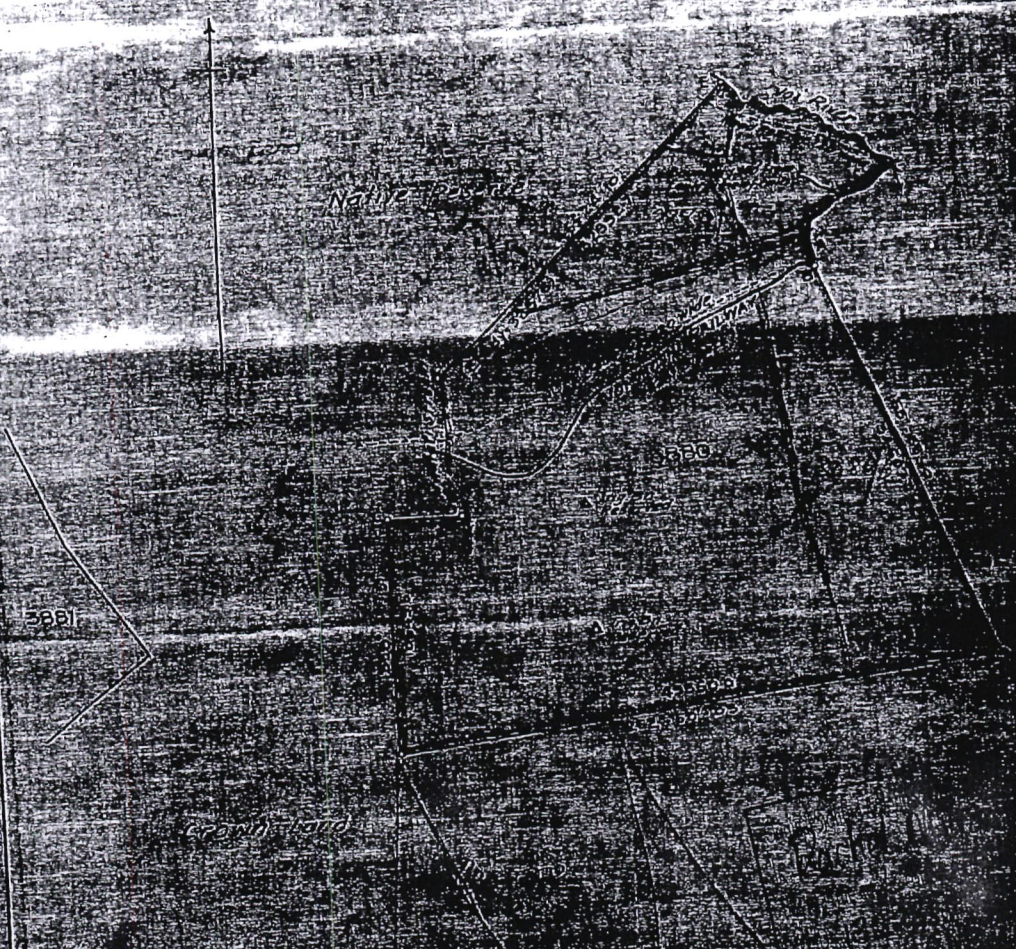
Plan Reference No. 3890
(Orig. No. _____)

Subdivision No. _____ (Orig. No. _____)
of Sections No. _____

Scale: 1 in 125000 or 10416.66 Feet to 1 Inch

Total Area: 36517.0 Acres (Approx)
Road Reserve: 136.0
Railway Reserve: 197.0
Net Area: 36184.0 Acres (Approx)

Bearings			Distances	
A-B	145	21	122	61800 (C-241 6508)
B-C	238	24	100	
C-D	55	27	100	



Note: Railway to be located on the
road reserve and to be
constructed in accordance with the
Railway Act, 1904.

[Handwritten signature]
Surveyor General

Placed in file 21/11/1922

713

018

Original Signed & Verified Declaration

I, Rachel Musonye here by certify
this is a true copy & correct copy of original as at 10/04/2018
PW ID: 1399358 Signature: Rachel

Designation: CCM
For Standard Chartered Bank (K) Ltd
Commercial Banking

~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE~~
The within written grant has been surrendered
(Vide No. 18.2682/51)
In respect of 4000 ac. less 35 ac. R.R.L.R. No. 3880/1
& 3880/1/1.

Registration No. 2368 Date of Registration 7-9-44 J. J. J. J.
REGISTRAR OF TITLES
7/9/44

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Surrender to Crown
12.045 acres less 12 acres road reserve + 33 acres Rly reserve
L.R. No. 3880/3

Presentation No. 2185 Date of Registration 15/4/53 R. J. J. J.
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to NGERENYI PLANTATIONS LIMITED
(with other lands) 24267 acres less
59 ac. Rd. Res + 127 ac. Rly. Res. L.R. No. 3881
Annual Rent Shs. 4816/80 (Rev.)
(vide certificate of title 149822)
Registration No. 1244 Date of Registration 29/6/53 H. J. J. J.
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to Yeta Sical Estates Limited
(with other lands) 20440 acres less Road Reserve 80 acres and
Railway Reserve of 141 acres L.R. No. 3880/4
Annual Rent Shs. 2199/-
Presentation No. 711 Date of Registration 24. 4. 1967 Amey
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Surrender to The Regional Assembly of the
Coast Region
3344 acres L.R. No. 3880/4/1 Annual Rent Shs. 385/-
In exchange for a new Grant L.R. 1372.
Registration No. 515 Date of Registration 17-8-63 M. J. J. J.
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to T & T Sical Company Limited
17096 acres less road reserve of 80 acres and
less 141 acres railway reserve L.R. No. 3880/5 (Orig. No. 3880/4/2)
Annual Rent Shs. 1814/- (revisable) Wesley
Registration No. 1081 Date of Registration 30.5.64 Wesley
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Change to The Standard Bank Limited
and Kalli Brothers Limited
(with other lands)
Registration No. 24 Date of Registration 1.7.64 Wesley
REGISTRAR OF TITLES

3

4

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795

10

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to Teita Sisal Estates Limited
Subject to No. 9 above.
(with other lands)

Presentation No. 120 Date of Registration 6-8-64 Registrar of Titles

11

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to The Standard Bank Limited
and Ralli Brothers Limited.
Subject to Nos 9 & 10 above.
(with other lands)

Presentation No. 241 Date of Registration 7-10-64 Registrar of Titles

12

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Caveat by General Manager of East African Railways + Harbours claiming
as lessee's interest on L.R. No. 3880/5.

Presentation No. 807 Date of Registration 28.2.64 Registrar P. I. S. H. Dal

13

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Withdrawal of Caveat No. 12 above.

Presentation No. 520 Date of Registration 19.4.73 Registrar Alex Withie

14

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Teita Estate (1972) Limited free from encumbrances.
(with other lands)

Presentation No. 521 Date of Registration 19.4.73 Registrar Alex Withie

15

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to East African Acceptances Limited

Presentation No. 522 Date of Registration 19.4.73 Registrar Alex Withie

(IR 19682)

Original Sighted & Verified Declaration
Rachel Musonwe here by certifying
this is a true copy & correct copy of original as at 10/04/2018
PW ID: 1322355 Signature: CCM
Designation: CCM
For Station: Commercial Banking

15. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
Certificate of Change of Name of East African
Acceptances Limited - - - - - to Standard Charters
Acceptances Limited. (with other lands).

16. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
1566 Date of Registration 23-12-88. ~~Register~~
Certificate of Change of Name of Teta Estate
(1972) Limited - - - - - to Teta Estate Limited
(with other lands).

17. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
1567 Date of Registration 23-12-88. ~~Register~~
Discharge of No 15 above.
(with other lands).

18. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
1568 Date of Registration 23-12-88. ~~Register~~
Charge to Standard Chartered Bank
Kenya Limited.
(with other lands).

19. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
1569 Date of Registration 23-12-88. ~~Register~~
Further charge to Standard Chartered Bank
Kenya limited
subject to No. 19 above. (with other lands)

20. ~~THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE~~
730 Date of Registration 23-1-95. ~~Register~~

Original Sighted & Verified Declaration
I, Rachel Musonye, here by certify
this is a true copy & correct copy of original as at 10/04/2018
PWID: 1322355 Signature: [Signature]
Designation: CCM.
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

TITLE NO. 10.2682

264/7/2

Ton

Dated this

8/8/82

1982

THE HON. CHIEF JUSTICE
KENYA HIGH COURT

CHARLES STEVEN GOLDMAN

G.R.N.T.

L. Ref. Nos. 2880 and 3891

District: Delta

Title No. 10.2682

Registry of Titles
Kenya

Original Sighted & Verified Declaration
 by Rachel Musonye here by cert.
 this is a true copy & correct copy of original as at 10/04/2018
 PW ID: 1322355 Signature: Rachel
 Designation: CCM
 For: Standard Chartered Bank (K) Ltd
 Commercial Banking

COLONY OF KENYA
REGISTRY OF TITLES

(Inland District)

Title No. I. R. 5325

Annual Rent Shs. 2002/- (Revisable as herein provided).

Term 99 years from 1.5.1930 to 1.5.2929.

Development to be effected by 1.5.1933 Shs. 44,840/-
of which Shs. 6,000/- shall be permanent improvements.

Development to be effected by 1.5.1935 Shs. 67,260/-
of which Shs. 9,000/- shall be permanent improvements.

16924

Know All Men by these presents that in consideration of the
sum of Shillings Twenty thousand and twenty
by way of Stand Premium as to Shillings Two thousand and
two already paid (the receipt whereof is hereby
acknowledged) and as to the balance of Shillings eighteen thousand and
eighteen to be paid by nine equal annual instalments
of Shillings two thousand and two
on the First day of January in each year the first of such payments to be made on the first
day of January One thousand nine hundred and thirty-one

the Governor and Commander-in-Chief of the Colony of Kenya on behalf of His most
Gracious Majesty King George the Fifth do hereby under and by virtue of the powers
vested in me GRANT unto CHARLES SYDNEY GOLMAN of Salisbury House
London Wall London E.C. Merchant

16211

hereinafter referred to as the Grantee which expression shall where the context so admits
include His executors administrators and assigns
ALL THAT piece of land situate to S.M. of Voi Township
in the Voi District



Original Signed & Verified Declaration
Rachel Musonye here by
this is a true copy & correct copy of original as at 10/04/2018
PW ID: 132235 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

of the said Colony containing the Government Title Enclosed and Several other
reference or less than is to say Land

Reference Number 61024 of Meridional District
South E. 37

U. III. D. which said piece of land with the dimensions, abutments and boundaries
thereof is delineated on the plan drawn on this present and more particularly on Land

Survey Plan Number 28867 deposited in the Survey and Registration Dept

at Nairobi excepting and reserving out of the Grant hereby made
an area of sixty-three acres more or less in respect of a
road reserve in the approximate position shown on the said
plan by a dotted line and marked "Road Reserve 100' wide"
making a net area of ten thousand and ten acres more or less
the subject of this Grant

TO HOLD for the term of Nine hundred and ninety-nine years from the First

day of May One thousand nine
hundred and thirty subject to the payment thereof for the said term the
respective rents following payable in advance on the First day of January in every year and
so in proportion for any less period than one year namely:-

(a) From the First day of May One thousand
nine hundred and thirty until the Thirty first day of December

One thousand nine hundred and forty five an annual rent of Shillings Two
thousand and two.

(b) From the First day of January One thousand nine hundred and forty six until the
Thirty first day of December One thousand nine hundred and seventy five an annual
rent calculated at the rate of one per centum on the unimproved value of the land
hereby granted in the year One thousand nine hundred and forty five.

(c) From the First day of January One thousand nine hundred and seventy six until the
Thirty first day of December Two thousand and five an annual rent calculated at
the rate of two per centum on the unimproved value of the land hereby granted in
the year One thousand nine hundred and seventy five.

(d) For every subsequent period of thirty years thereafter to expire on the Thirty first
day of December in every thirtieth year following until the expiration or sooner
determination of the term hereby granted an annual rent calculated at the rate of
three per centum on the unimproved value of the land hereby granted in the year
preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands
Ordinance (Chapter 14C of the Revised Edition of the Laws of Kenya) excepting Part Eleven

Original Sighted & Verified Declaration
Rachel Mucany here by certify
this is a true copy & correct copy of original as at 10/04/2018
PW ID: 1322355 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking.

whereof one to the registration of titles Ordinance (Chapter 122 of the said Laws).

In WITNESS WHEREOF I Humphrey
H. J. Martin
Commissioner of Lands have by
order of the Governor hereunto
set my hand and seal this
Sixth day of July
One thousand nine hundred and
thirty in the presence of:-

H. J. Martin

[Signature]
Registrar of Titles.

Registered at the Registry of Titles at Nairobi

This *Sixth* day of *July* 193*3*.

Time *11.10 A.* m.

No. *52 3583/1*

Presentation No. *1652*

[Signature]
REGISTRAR OF TITLES.

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

No. *1 R 3383/2* DATE OF REGISTRATION *12th August 1933*

Transfer to Tecta Concessions

WASOBI, THE *12th* DAY OF *October* 193*3*

[Signature]
REGISTRAR OF TITLES

Original Signed & Verified
by Rachel Musonye here by entry
No. 1322355 Correct copy of original
Signature
LCM.
Placed in the presence of
for Standard Chartered Bank (K) Ltd
Commercial Banking
14/07/2018
Roupe

3

IR 2682

Transfer to Teela Sival Estate Limited
(with other lands)

Registration No 711 Date of Registration 24.7.1961 *Bole*
Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to T & T Sival Company Limited

Ceskel

Registration No 1083 Date of Registration 30.5.64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to The Standard Bank Limited and
Ralli Brothers Limited
(with other lands)

Ceskel

Registration No 24 Date of Registration 1.7.64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to Teela Sival Estates Limited
Subject to No. 5 above
(with other lands)

4

5
(IR 2682)

6
(IR 2682)

7

8
(IR 2682)

9
(IR 19962)

Original Copy of Title Deed
hereby certify
Rachel Murray
M.D. 13.8.85
Designation
For Standard Chartered Bank (S.C.B.) Ltd
Commercial Banking

Original Copy of Title Deed
hereby certify
M. [Signature]
Designation
For Standard Chartered Bank (S.C.B.) Ltd
Commercial Banking

Registration No 120 Date of Registration 6.8.64 *Rahob*
Registrar of Titles
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
DECLARATION by the Crown dated 31st May 1963
relating to the annual rent payable for the land comprised in the within written
Grant/Conveyance of Title to be Sh. 1201/
with effect from 1st January 1961.

Registration No 672 Date of Registration 26.8.64 *Rahob*
Registrar of Titles
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to The Standard Bank Limited
and Ralli Brothers Limited
Subject to Nos. 5 & 6 above
(with other lands)

Registration No 241 Date of Registration 7.10.64 *Rahob*
Registrar of Titles
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Teela Estate (1972)
in def'd free from encumbrances

Registration No 521 Date of Registration 13.4.73 *Allen Huttig*
Registrar of Titles

COLONY & PROTECTORATE OF KENYA.

Land Reference No 6924
(Orig. No.)

DISTRICT OF TEITA

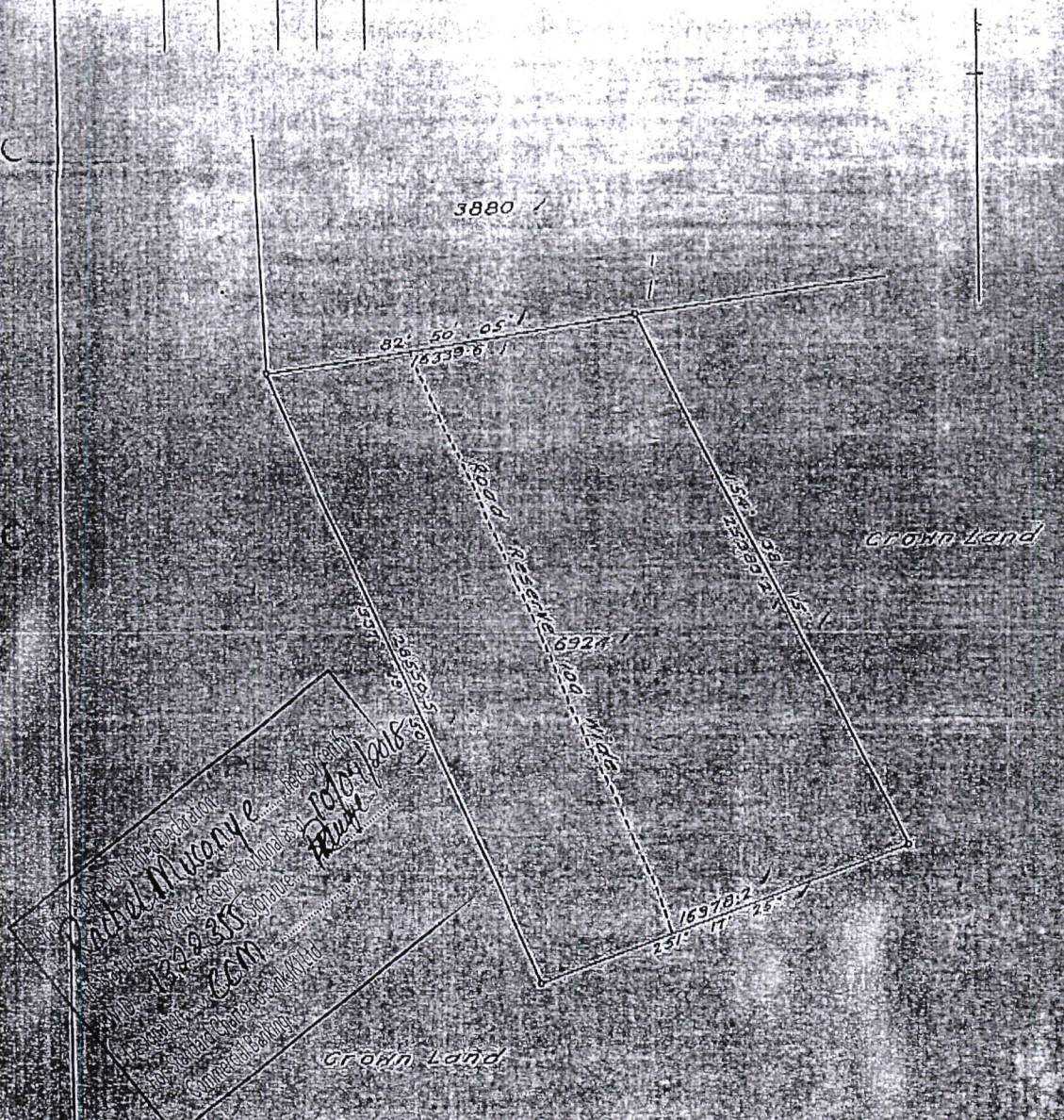
Locality, to S.W. of Voi Township

Subdivision No. (Orig. No)
of Section No.

Meridional District South-A. 37
U. III. 6 51

Scale: 1 in 62500 or 520833 Feet to 1 Inch
Total Area - 10073.0 Acres (Approx)
Road Reserve - 63.0
Nett Area - 10010.0 Acres (Approx)

Bearings	Distances
"	Feet



Watermark:
Data from
Radu Muonye
www.radumuonye.com
315355
Copyright © 2015
All rights reserved
Commercial Company

W. Marshall
Surveyor

J. W. Allen
Surveyor General
Nairobi 15th April 1920

Traced by
Checked by

Please quote this PLAN No 28967.

Charge to East African Acceptances Limited.

(12) 1986

Registration No. 522 Date of Registration 13.4.73

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Certificate of Change of Name of East African Acceptances Limited to Standard Chartered Acceptances Limited. (with other lands).

(11)

Registration No. 1566 Date of Registration 23-12-88

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Certificate of Change of Name of Teita Estate (1992) Limited to Teita Estate Limited. (with other lands).

(12)

Registration No. 1567 Date of Registration 23-12-88

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Discharge of No 10 Above. (with other lands).

(13)

Registration No. 1568 Date of Registration 23-12-88

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Charge to Standard Chartered Bank Kenya Limited. (with other lands).

(14)

Registration No. 1569 Date of Registration 23-12-88

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE Further Charge to Standard Chartered Bank Kenya Limited subject to No 14 above. (with other lands).

(15)

Registration No. 730 Date of Registration 23-1-95

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

Original Sighted & Verified Declaration
I, Rachel Musonye, here by certifying
this is a true copy & correct copy of original as at 10/04/2018.
PW ID: 132235 Signature: [Signature]
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking

164/11

Datefile of day of 1930

HIS MOST GRACIOUS
MAYESTY KING GEORGE
THE FIFTH
AD

CHARLES HANCOCK GOLDFINCH

GRANDE

Plot/L.R. No. 6924

Township

District

15176

Registry of Titles
Kenya

Original sighted & Verified Declaration
Rachel Masoye here by certifying
this is a true copy & correct copy of original as at 10/04/2018
PIN ID: 132235 Signature: *Rachel*
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking



COLONY AND PROTECTORATE OF KENYA

THE REGISTRATION OF TITLES ORDINANCE

(Chapter 160)

GRANT: No.C.R.N. 9

ANNUAL RENT: Sh. 500/-

TERM: 99 years from 1.1.1950

Original Sighted & Verified Declaration
 I, Rachel Musonye, here by certify
 this is a true copy & correct copy of original as at 10/02/2008
 PW ID: 132835 Signature: [Signature]
 Designation: CCM
 For: Standard Chartered Bank (K) Ltd
 Commercial Banking.

KNOW ALL MEN BY THESE PRESENTS that for consideration of the sum of ~~Shillings~~

by way of Stand Premium Paid on or before the execution hereof the GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY AND PROTECTORATE OF KENYA under and by virtue of the powers vested in him by the Native Lands Trust Ordinance (Chapter 100) hereby GRANTS unto TEITA CONCESSIONS LIMITED having its registered office at Nairobi (Post Office Box Number 96) in the said Colony

(hereinafter called "the Grantee ") ALL that piece of land situate South-West of Voi Township in the Teita

District of the said Colony containing by measurement fifty-five acres or thereabouts that is to say Land Reference Number 9487 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 66894 deposited in the Survey Records Office at Nairobi To HOLD for the term of ninety-nine years from the first day of January One thousand nine hundred and fifty SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of Shillings Five hundred (b) the provisions of the said Native Lands Trust Ordinance (Chapter 100) (c) the Town Planning Ordinance (Chapter 134) and (d) the following Special Conditions (namely):—

SPECIAL CONDITIONS

1. The land shall only be used for the purpose of constructing a dam.
2. The Grantee shall permit the African inhabitants of the Teita District of the Coast Native Land Unit to abstract water from the dam for domestic use and for the watering of livestock PROVIDED that the abstraction of water for the afore-said purposes (whilst unlimited as to quantity) shall be subject to such conditions to prevent pollution as may be prescribed by the Grantee such conditions to be approved by the District Commissioner and the Medical Officer of Health.
3. The Grantee shall ring-fence the land with an adequate fence constructed of proper materials and in a workmanlike manner.
4. The Grantee shall not alienate the land or any part thereof by charge mortgage transfer of possession sublease bequest or otherwise howsoever without the previous consent in writing of the Provincial Commissioner in accordance with Section 34(1) of the Native Lands Trust Ordinance (Chapter 100).
5. The Governor may by giving six months' notice in writing in that behalf revise the rent hereby reserved on the thirty-third and sixty-sixth anniversaries of the date of the commencement of the term hereby created to a sum equal to five per centum of the full capital value of the land (excluding permanent improvements) as at the date of such revision PROVIDED however that the rent revised as aforesaid shall not exceed Shillings Seven hundred and fifty (Shs:750/-).

IN WITNESS WHEREOF I, CARRUTHERS MELVILL JOHNSTON, C.M.G., the Chief Native Commissioner have by Order of the Governor hereunto set my hand this 8th day of December One thousand nine hundred and fifty-nine in the presence of :-

C. M. Johnston

[Signature]
REGISTRAR OF TITLES

Original Certified & Verified Declaration
this is a true copy & correct copy of original as at
PW/D: 1323355
Designation: CCM.
For: Standard Chartered Bank (K) Ltd
Commercial Banking
here by certify
10/12/59
1323355

BAND TITLES REGISTRY—COLONY OF KENYA
Coast District of Kenya—Registration No. C.R.V. 91
PRESENTED 23-12-59
11-23-59
REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to Teita Tribal Estates Limited
(with other lands)

2

Registration No. 20 Date of Declaration 5-9-61

Registrar of Titles

COLONY & PROTECTORATE OF KENYA

DISTRICT OF TEITA
 Locality S.W. of Voi Township

Land Reference No. 9487
 (Orig. No. _____)

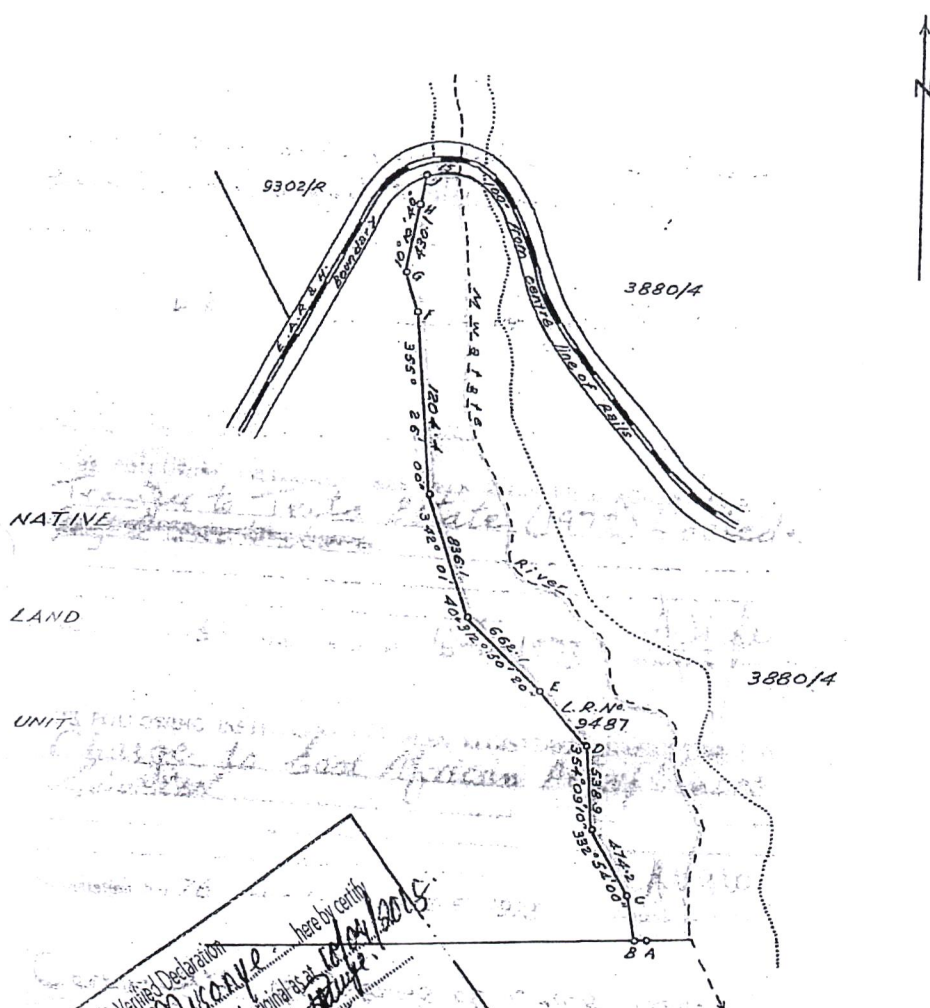
Meridional District South A.37 2
U. III. 6

Subdivision No. _____ (Orig. No. _____)
 of Section No. _____

Scale: 1 in. 10000 or 833.33 Feet to 1 Inch

Area = 55 Acres (Approx.)

	Bearings			Distances Feet	
	o	'	"		
A-B	86	8	27	00	63.5 (A-Boundary=320)
B-C	34	9	18	20	309.9
C-E	32	0	32	00	456.9
F-G	34	3	25	40	257.7
H-J	14	0	6	00	195.8



Original Signed & Verified Declaration here by certifying
Rachel Mucave
 this is a true copy & correct copy of original as a **1000/1000**
 PW ID: **138235** Signature
 Designation: **CCM**
 For Standard Chartered Bank (K) Ltd
 Commercial Banking

E. AVELING
 for Director of Surveys
 Nairobi JAN 22 1958

Traced by *R*
 Compared by

Please quote this PLAN No. 66894

Transfer to T & T Sisal Company Limited

3)

35 Date of Registration 4-1-64
Charge to Ralli Brothers Limited and The Standard Bank Limited

4

36 Date of Registration 4-7-64
Charge to Teita Sisal Estates Limited
Subject to No. 4 above

5

40 Date of Registration 10-8-64
Charge to Ralli Brothers Limited and The Standard Bank Limited subject to Nos. 4 and 5 above

6

48 Date of Registration 7-10-64

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:
Transfer to Teita Estate (1972) Limited.
~~Subject to Nos. 4, 5 and 6 above.~~

7

Registration No. 59 Date of Registration 16-4-1973
Ayale

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:
Charge to East African Acceptances Limited.

8

Registration No. 76 Date of Registration 17-9-1973
Ayale

Certificate of Change of name from
Teita Estate (1972) Limited
To: TEITA ESTATE LIMITED

9

227 18-12-89

Certificate of Change of name of East African Acceptances Limited to Standard Chartered Acceptances Limited.

10

228 18-12-89

Original Sighted & Verified Declaration
this is a true copy & correct copy of original as at 1.01.2018
here by certify
Rachel Mucanyu
Signature
PW ID: 1322355
Designation: CCM
For: Standard Chartered Bank (K) Ltd
Commercial Banking

Discharge of Charge of entry 119, 8 above.

11

229

18-12-89

Charge to Standard Chartered Bank,
Kenya Limited.

12

230

18-12-89

Further Charge to Standard Chartered
Bank Kenya Limited.

13

368

22.2.95

Original Sighted & Verified Declaration
 I, Rachel Musanya here by certify
 this is a true copy & correct copy of original as at 10/04/2018
 PW ID: 1382355 Signature: [Signature]
 Designation: CCM
 For Standard Chartered Bank (K) Ltd
 Commercial Banking.

