

Approved for tabling ~~But~~ SNA

Paper laid

2/3/17

REPUBLIC OF KENYA

By the *Person*
Department of **PARLIAMENT OF KENYA LIBRARY** Committee



on Environment & Natural Resources

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION

on Thursday
2/3/2017
May

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE PETITION BY MOCHONGOI RESIDENTS REGARDING
DEGAZZETMENT AND ISSUANCE OF TITLE DEEDS IN MOCHONGOI
SETTLEMENT SCHEME

08

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

MARCH 2017

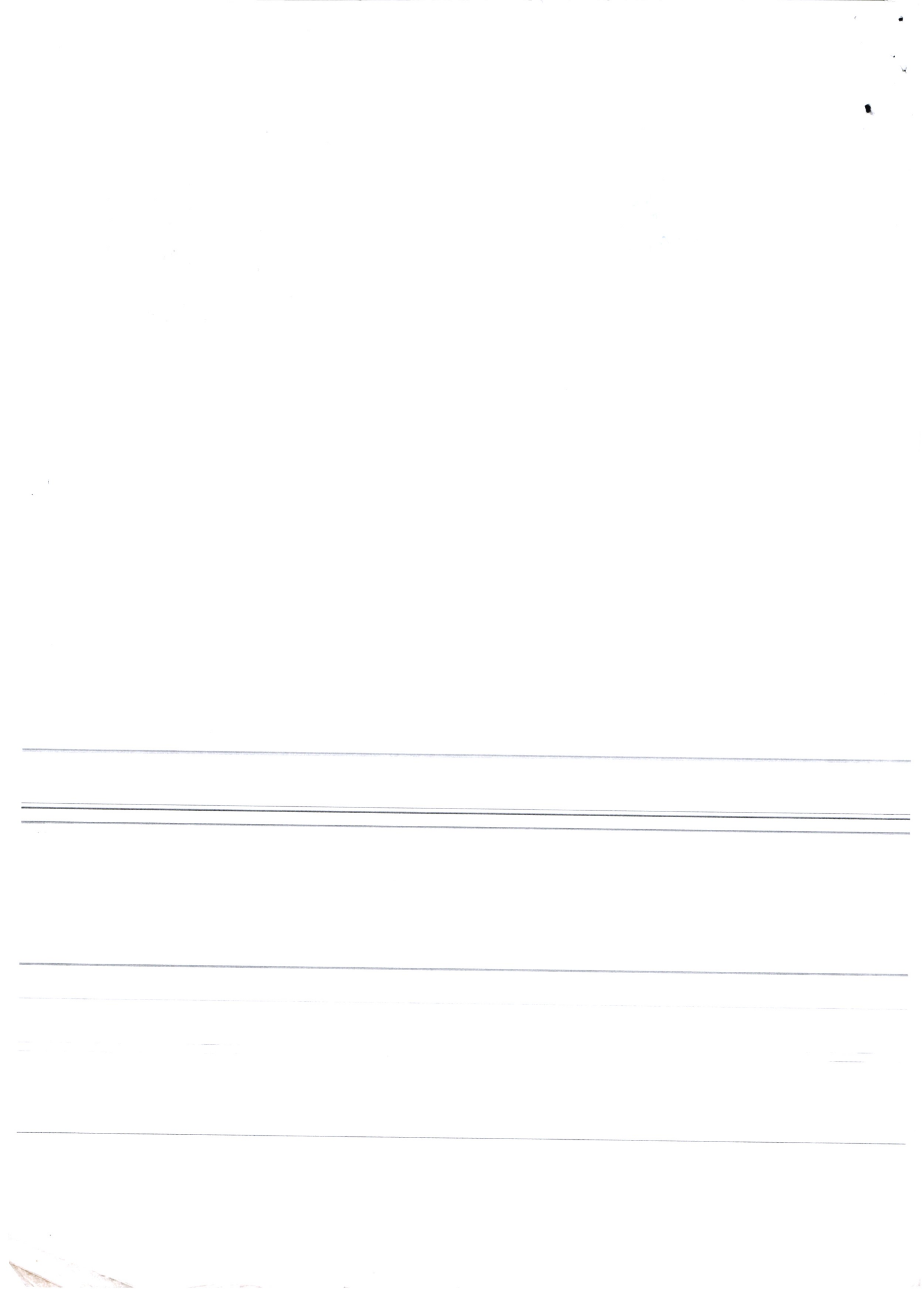
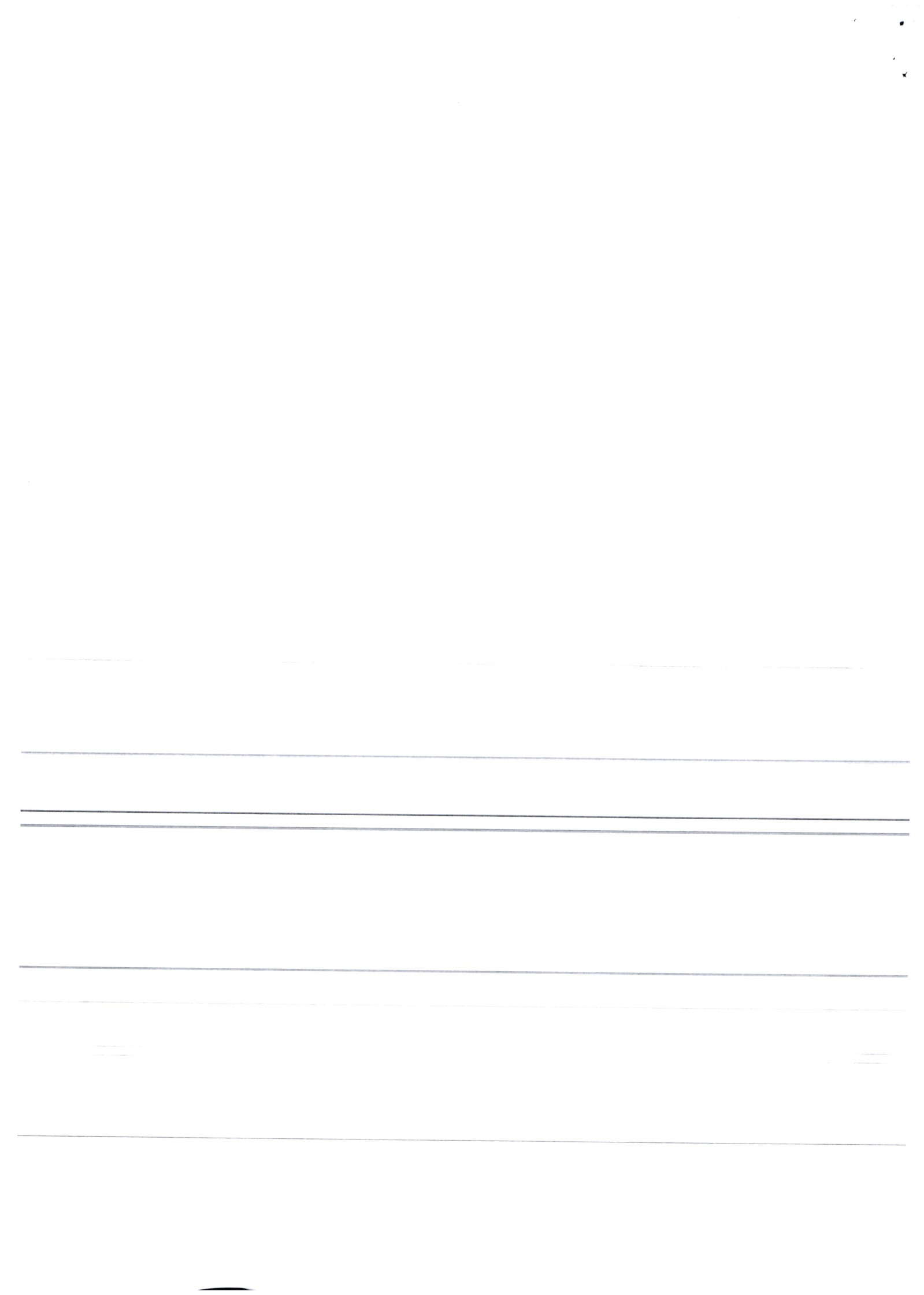


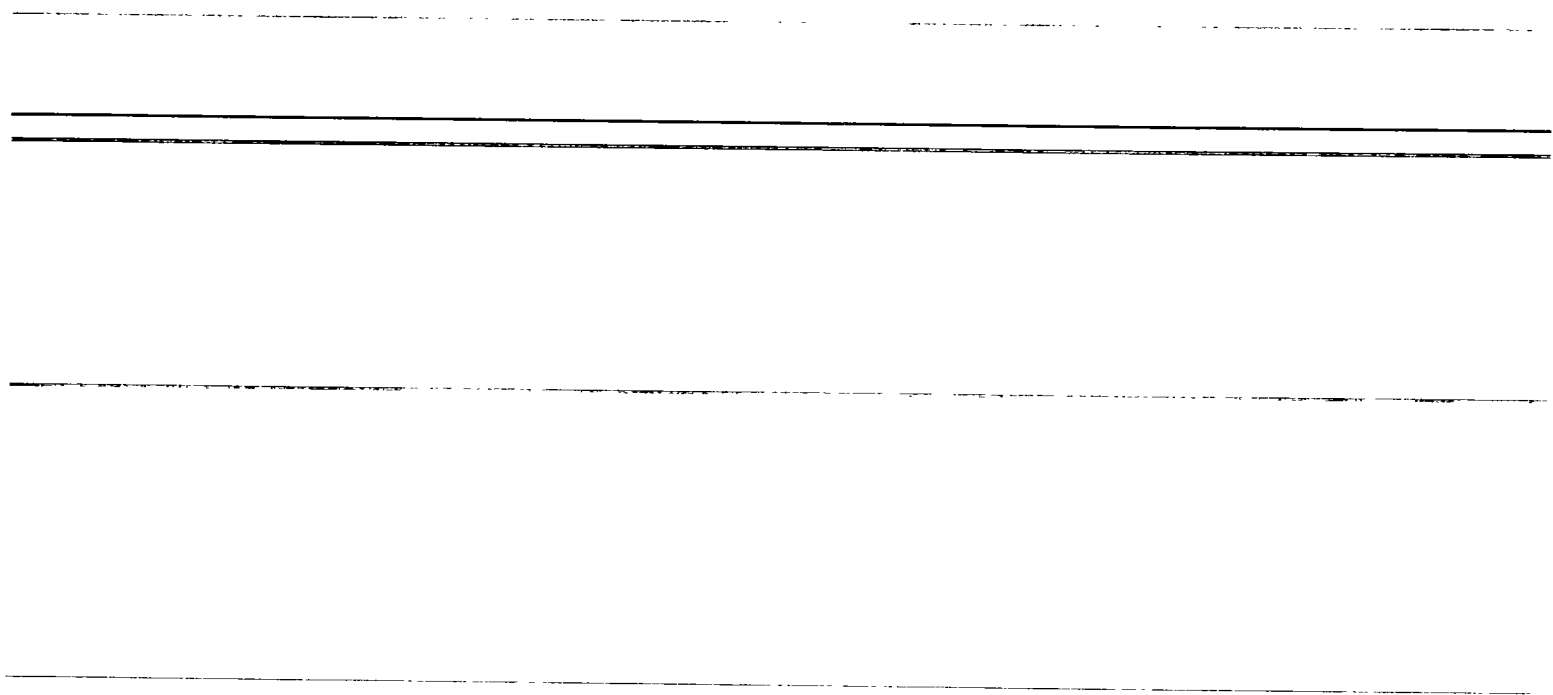
TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
ANNEXES	ii
CHAIRMAN'S FOREWORD.....	1
EXECUTIVE SUMMARY.....	2
MANDATE OF THE COMMITTEE	3
Oversight.....	3
Members of the Committee.....	4
Secretariat.....	4
List of Recommendations	5
1.0 INTRODUCTION ON THE PETITION.....	6
1.1 Prayers Sought.....	6
1.2 Legality of the Petition	6
1.2.1 Case No. 421 of 2002 by the Greenbelt Movement versus the Republic of Kenya.....	6
1.2.2 The Endorois Case	7
2.0 EVIDENCE COLLECTED.....	8
2.1 Evidence from the Member for Baringo South Constituency.....	8
2.2 Evidence from the Cabinet Secretary Ministry of Lands and Physical Planning.....	8
2.2.1 (A) Phase I - Block 107.....	9
2.2.2 (B) Phase II - Kimalel - Block 110.....	10
2.2.3 (C) Phase III - Kimoriot - Block 111.....	10
2.3 Evidence from the Deputy Governor, Baringo County	10
2.3.1 (A) Block I - SCHEME (5960.66) HA	11
2.3.2 (B) Block II - SCHEME 110 KAIMALEL (1779.7) HA.....	11
2.3.3 (C) Phase III - Kimoriot - Block 111 (2316) HA	12
2.4 Evidence from the Endorois community and other marginalized communities.....	12
2.5 Evidence from the Residents of Mochongoi Settlement Scheme	13
2.6 Evidence from the Cabinet Secretary Ministry of Environment and Natural Resources	14
3.0 FINDINGS	16
4.0 RECOMMENDATION.....	17



ANNEXES

- A. Committee Minutes
- B. Submission from Mochongoi Settlement Scheme Petitioners
- B. Submission from the Ministry of Lands, Housing and Urban Development
- C. Submission from the National Land Commission



CHAIRMAN'S FOREWORD

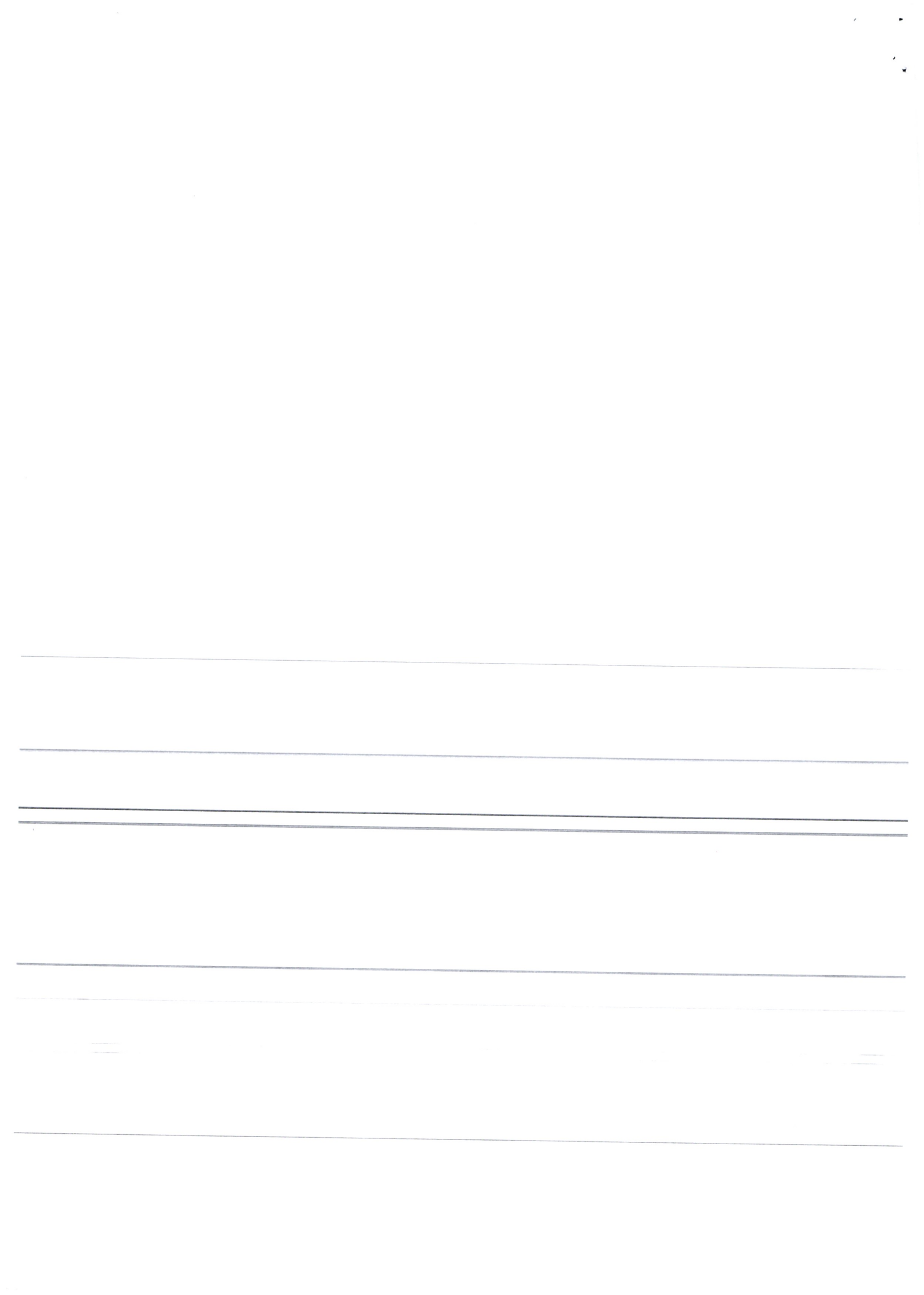
On Tuesday 23rd February 2016, a Petition was tabled before the House pursuant to Article 119 (1) of the Constitution of Kenya (2010) and Standing Order 219 by the Hon. Grace Kipchoim, M.P. on behalf of residents of Mochongoi Settlement Scheme, regarding the degazettment of Mochongoi Settlement Scheme.

The House, pursuant to Standing Order 227 referred the Petition to the Departmental Committee on Lands for processing and preparation of a Report. Subsequently, the Committee considered the prayers sought by the petitioners, namely the degazettment of Mochongoi settlement scheme and issuance of title deeds to all people settled in the scheme.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition. On behalf of the Committee and pursuant to Standing Order, 227 it is my duty and honour to table in the House the Report of the Committee on the petition.

SIGNED: DATE:

(HON. ALEX M. MWIRU, MP - CHAIRPERSON)
DEPARTMENTAL COMMITTEE ON LANDS

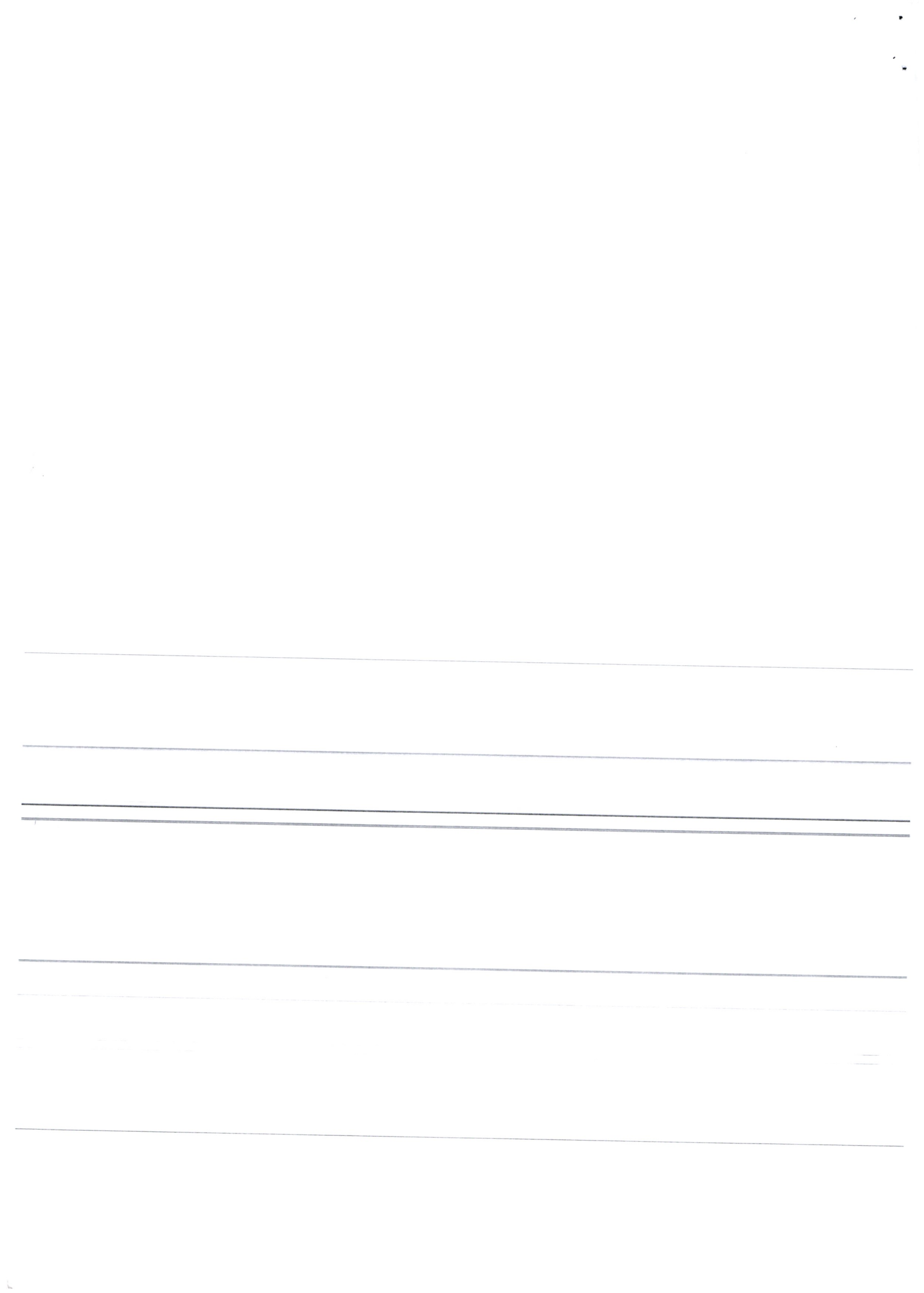


EXECUTIVE SUMMARY

This report is in response to the prayers sought by residents of Mochongoi Settlement Scheme in their petition to parliament. The Committee held meetings with various leaders, Government Officers, the actual Petitioners and other stakeholders, who in their interaction with the Committee made written and oral submissions.

The committee held consultations with the Member for Baringo South Constituency, the Hon. Grace Kipchoim, MP, and the Cabinet Secretary for Lands and Physical Planning, Prof. Jacob Kaimenyi. Other authorities consulted during the hearings for the petition included the Principal Secretary for land, Housing and Urban Development, Ms. Mariam El. Maawy and Hon. Mathew K. Tuitoek, the Deputy Governor, Baringo County. Further, the Committee undertook a fact finding tour of Mochongoi Settlement Scheme in Baringo South Constituency on 23rd April 2016

The Committee noted that the scheme was established in 1989, consisting of three phases of Blocks 107-Mochongoi, 110-Kaimalel and 111-Kimoriot. The three blocks of land measure approximately 10,000 Hectares and host over forty thousand people who access Government services such as schools, cattle dips and markets, among other public utilities within the Schemes. The area also enjoys massive infrastructural development.



MANDATE OF THE COMMITTEE

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

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

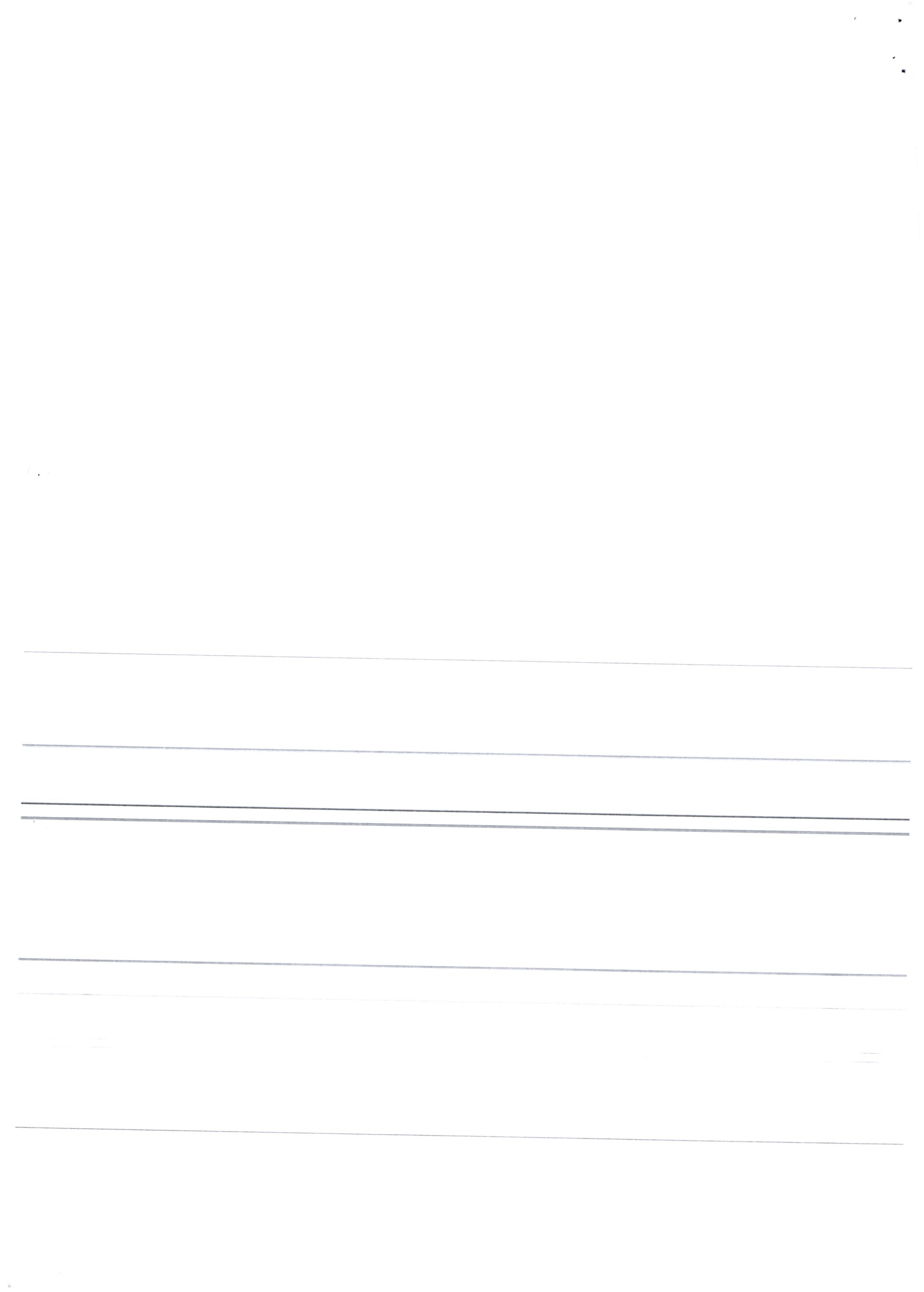
The Committee is mandated to Consider the following subjects:-

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

Oversight

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

- i. The Ministry of Lands and Physical Planning;
- ii. The National Lands Commission.

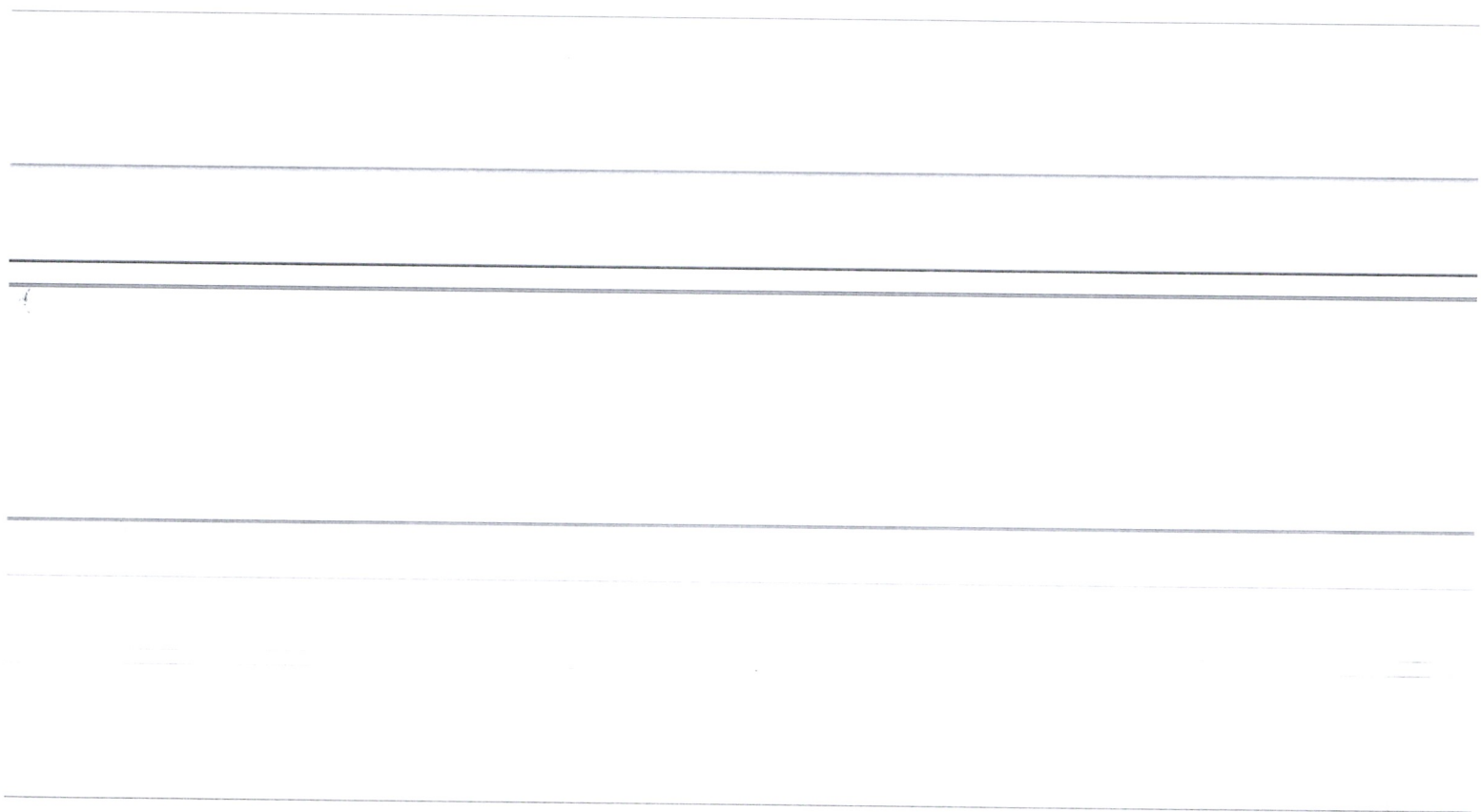


Members of the Committee

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

Secretariat

First Clerk Assistant	-	Mr. James Ginono
Third Clerk Assistant:	-	Ms. Joshua Ondari
Third Clerk Assistant	-	Mr. Emmanuel Muyodi



List of Recommendations

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

- a) **As per the first prayer:** “ *That the Committee intervenes to ensure that the Petitioners’ plight is addressed by degazetting the said piece of land and issue title deeds to all people settled in the scheme without further delay*”

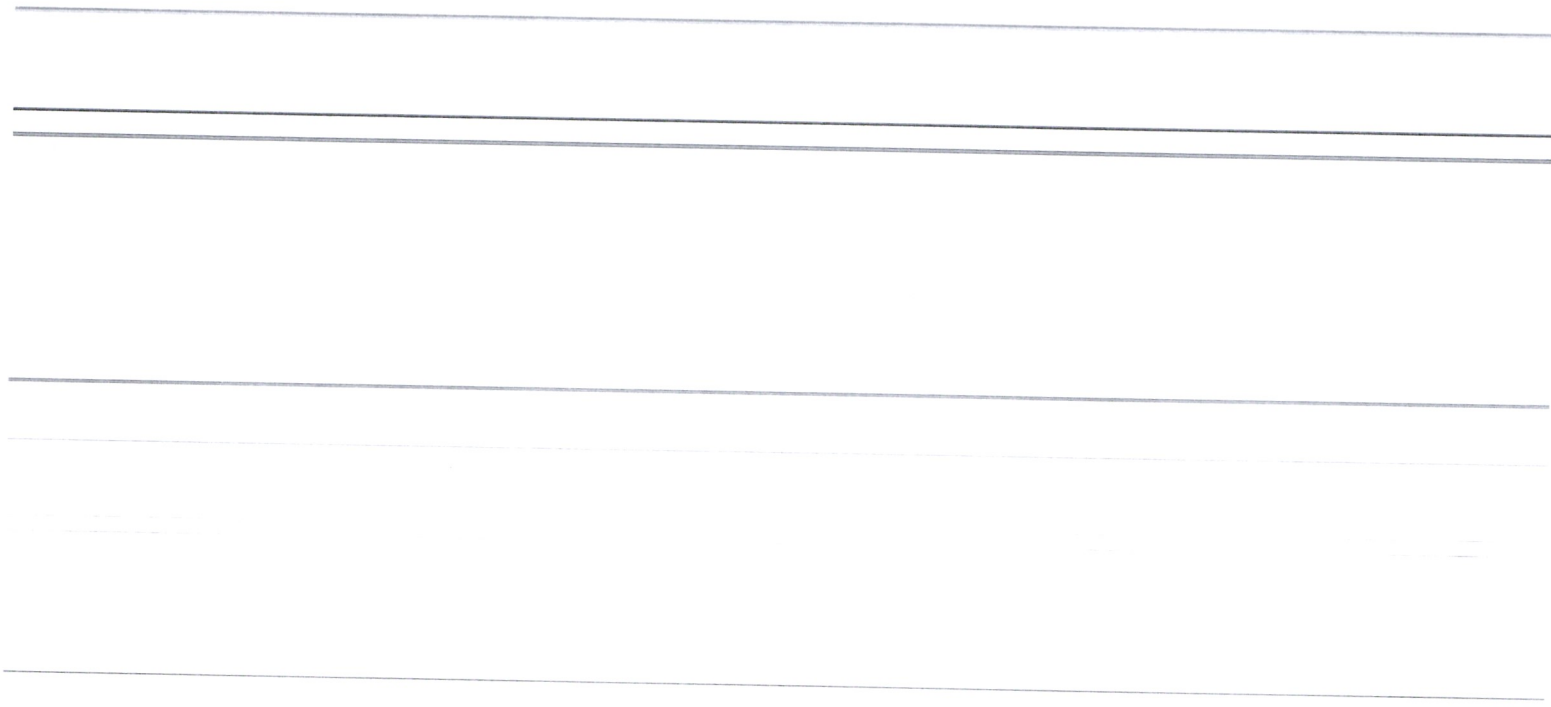
The Committee recommends that:

1. The Government through the Ministry of Environment and National Resources, Ministry of Lands and Physical Planning in conjunction with the National Land Commission amends, legal notice no. 7 of 29/1/1982 to include all areas occupied by settlers holding letters of offer and title deeds in specific blocks as follows;
 - a) Block 1 (1-1411)
 - b) Block 2 (1-550)
 - c) Block 3(1-465)
2. The Government through the Ministry of Environment and National Resources, Ministry of Lands and Physical Planning in conjunction with the National Land Commission should ensure that all other settlers not covered under (1) above are evicted and Kenya Forest Service in conjunction with the National Land Commission reclaims the Land.
3. The Ministry of Lands and Physical Planning in conjunction with the National Land Commission should ensure that all settlers with letters of offer are issued with title deeds and if there are any outstanding dues for SFT be collected.

- b) **As per the second prayer:** “*Makes any other recommendations that may be deemed fit in redressing the plight of the Petitioners*”

The Committee recommends that:

4. The Ministry of Environment and Natural Resources in conjunction with the Ministry of Lands and Physical Planning demarcates a clear and defined boundary between the schemes referred to in recommendation one (1) above and the forest.



1.0 INTRODUCTION ON THE PETITION

The Petitioners drew the attention of the House on the following, that:-

1. Mochongoi Settlement Scheme is located in Baringo South Constituency. The Scheme was established in 1989 by the Government consisting of three phases, that is phase I-Block 107-Mochongoi, Phase II-Block 110-Kaimalel and Phase III-Block 111-Kimoriot;
2. Phase I- Block 107-Mochongoi had 2673 plots and only 1411 plots had allotment letters/title deeds while the rest have no titles and the whole parcel has not been degazetted;
3. Phase II- Block 110-Kamaillel had a total of 1779.7 ha and 550 plots were issued with allotment letters and the Settlement Fund Trust (SFT) paid but no title deeds were issued;
4. Phase III-Block 111-Kimoriot had an acreage of 2316 Ha. Only 843 plots had allotment letters and SFT has been paid fully and the remaining ones have no allotment letters and SFT has not been paid: hence they have no title deeds;
5. The three blocks hosted over forty thousand people who access Government services, schools within the Scheme and with a massive infrastructural development. Regrettably many plots within the scheme had no titles hence hampering the rate of economic development in the area; and

1.1 Prayers Sought

The petitioners prayed that the National Assembly, through the Departmental Committee on Lands:-

1. Intervenes to ensure that the Petitioners' plight is addressed by degazetting the said piece of land and issue title deeds to all people settled in the scheme without further delays;
2. Makes any other recommendations that may be deemed fit in redressing the plight of the Petitioners.

1.2 Legality of the Petition

The Committee noted the existence of two court cases involving the Greenbelt Movement and the Endorois community against the Republic of Kenya regarding the Mochongoi settlement scheme;

1.2.1 Case No. 421 of 2002 by the Greenbelt Movement versus the Republic of Kenya

The Greenbelt Movement moved to court on grounds that the settlement scheme is occupying forest land which is not yet degazetted. The matter was stood over generally and later dismissed for want of prosecution.

Blank lined paper with horizontal ruling lines.

The Committee further noted the provision of the Standing Orders in regards to matters sub-judice “Pursuant to Standing Order 89(2), a matter shall be considered to be *sub-judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice it’s fair determination. Civil proceedings are deemed to be active when active arrangements for hearing, such as setting down a case for trial have been made, until the proceedings are ended by judgment or discontinuance.” This matter is not active in court hence not *sub-judice* since it was dismissed.

1.2.2 The Endorois Case

The Endorois community in Kenya had been forcibly removed from their ancestral land around Lake Bogoria without prior consultation and adequate and effective compensation. The Endorois people made an appeal/communication to the African Commission on Human and Peoples’ Rights (ACHPR), and the African Commission made a ruling in February 2010 emphasizing that the evictions were in violation of the African Charter on Human and Peoples’ Rights. The African Commission recommended that the ancestral land rights of the Endorois be recognized and restituted, that the Endorois community should have unrestricted access to Lake Bogoria, that compensation should be paid to the community for all the loss suffered and that the Endorois community should receive royalties from existing economic activities.

In September 2014, the Kenyan government created a task force for the implementation of the ACHPR’s ruling on the Endorois case. The taskforce was created mainly to study the decision, provide guidance on the political, security and economic implications of the decision and to examine the potential environmental impacts on Lake Bogoria and the surrounding area because of the implementation of the decision. The establishment of the task force could provide an opportunity to move the implementation process forward but the implementation of the ruling was pending.



2.0 EVIDENCE COLLECTED

2.1 Evidence from the Member for Baringo South Constituency

Hon. Grace Kipchoim, MP, informed the Committee as follows:-

1. Squatters were settled by the government in Mochongoi Settlement Scheme in 1988; However, to date they had not received any ownership documents;
2. The Scheme was established in 1989 by the Government consisting of three phases, that is Phase I-Block 107-Mochongoi, Phase II-Block 110-Kamailel and Phase III-Block 111-Kimoriot;
3. Mochongoi Settlement Scheme area had an estimated population of over 40,000; However many plots within the scheme have no titles;
4. Mochongoi Settlement Scheme had not been degazetted to allow subdivision so that the squatters receive the required land ownership documents; and
5. The residents were requesting for the scheme to be degazetted and title deeds issued.

2.2 Evidence from the Cabinet Secretary Ministry of Lands and Physical Planning

Prof. Jacob Kaimenyi, Cabinet Secretary for the Ministry of Lands and Physical Planning appeared before the Committee and informed the Committee that his Ministry had suspended the exercise of collecting Settlement Fund Transfer (SFT) monies from the allottees from September 2008 due to the following reasons:-

6. Mochongoi settlement scheme in Baringo County was established in 1989 and falls in between the boundary of Laikipia and Baringo counties;
7. It was created from parts of Marmanet and Ol-Arabel forests to settle people whose land had been acquired by the Government for public use for example, Kari dam which serves Kabarnet Municipality, schools, hospitals among other users
8. The land had not been de-gazetted and remained part of the forest to-date. It is not on record who gave authority for the settlement to be established on forest land but the entire exercise was initiated and spearheaded by the Provincial Administration;
9. Demarcation and survey works were undertaken by the department of survey and facilitated by the department of Land Adjudication and Settlement. The plot allocations were initially carried out by the Provincial administration rather than through the Director of Land Adjudication and Settlement who does it after planning;
10. Government procedures for allocating settlement plots were not followed as there are no minutes of the District Settler Selection Committee forwarding the list of allottees to the Permanent Secretary, Ministry of Lands for approval through the Director of Land Adjudication and Settlement. Instead records available indicate that the names of allottees were forwarded by the area District Officer Mochongoi to the Commissioner of Lands and thereafter, to the District Land Registrar for issuance of titles;
11. The District Development Committee (DDC), meeting held on 26th September, 2008, under

Blank page with faint horizontal lines.

Minutes 07/09/08 recommended that Mochongoi Settlement Scheme be degazetted. However, the DDC members did not direct the request to the then Ministry of Forestry and Wildlife under whose docket, the forest falls;

12. The total acreage of the scheme is 8,056.3 hectares and the grand total of S.F.T dues collected before the exercise was suspended in September, 2009 is Kshs. 13,945,011. The total number of allottees residing in the Scheme is 5,672. The initial number of plots realized from the three phases were 1411, 550 and 465 giving a total of 2426 plots;
13. The Registry Index Maps (R.I.M.S) were not amended to include the new numbers which came as a result of mutations carried out to cater for big number of people to be settled in the scheme;

The Ministry of Lands and Physical Planning suspended the exercise of collecting Settlement Fund Transfer (SFT) monies from the allottees from September 2008 due to:-

14. The pending court case where the Endorois community had accused the Republic of Kenya before the Africa Commission on Human and People's Right that their land had been allocated to strangers while they were left out and that the matter had not been finalized to date; and
15. That there exists a court case No. 421 of 2002 by the Greenbelt Movement against the Republic of Kenya on grounds that the settlement scheme is occupying forest land which is not yet degazetted.

2.2.1 (A) Phase I – Block 107

Prof. Kaimenyi further stated that the scheme is divided into three phases as follows:-

16. Mochongoi Block 107 had a total acreage of 5960.66 Ha and initially consisted of 1411 plots. The average plot sizes are 5 acres except for those that were reserved for the Ministry of Environment and Natural Resources. These included plot numbers; 8(28.7 ha), 11(73.8 ha), 29(4.1 ha), 216(2.4 ha), and 1405(2.8 ha);
17. The plots were registered in 1998 and title deeds issued without paying the S.F.T. dues. It was anticipated that each allottee would pay Kshs. 6,000 to the Settlement Fund Trustees. However, there is no communication on record to indicate who gave authority that the S.F.T loan recovery for the plots be waived except for a letter to the District Land Registrar advising him to collect registration fees for issuance of the titles;
18. Later on, mutations were carried out on those areas reserved for the Ministry of Environment and Natural Resources. The resultant plots were 2.5 acres which were allocated to individuals. Companies such as SCOOP, YELLOW BOOK, WINCE and the Commissioner of Lands were also allocated plots. This increased the plots from 1411 to 2,673; and
19. There is an extension area called Koitilil Block between the Mochongoi and Kobel Trading

Blank page with horizontal lines.

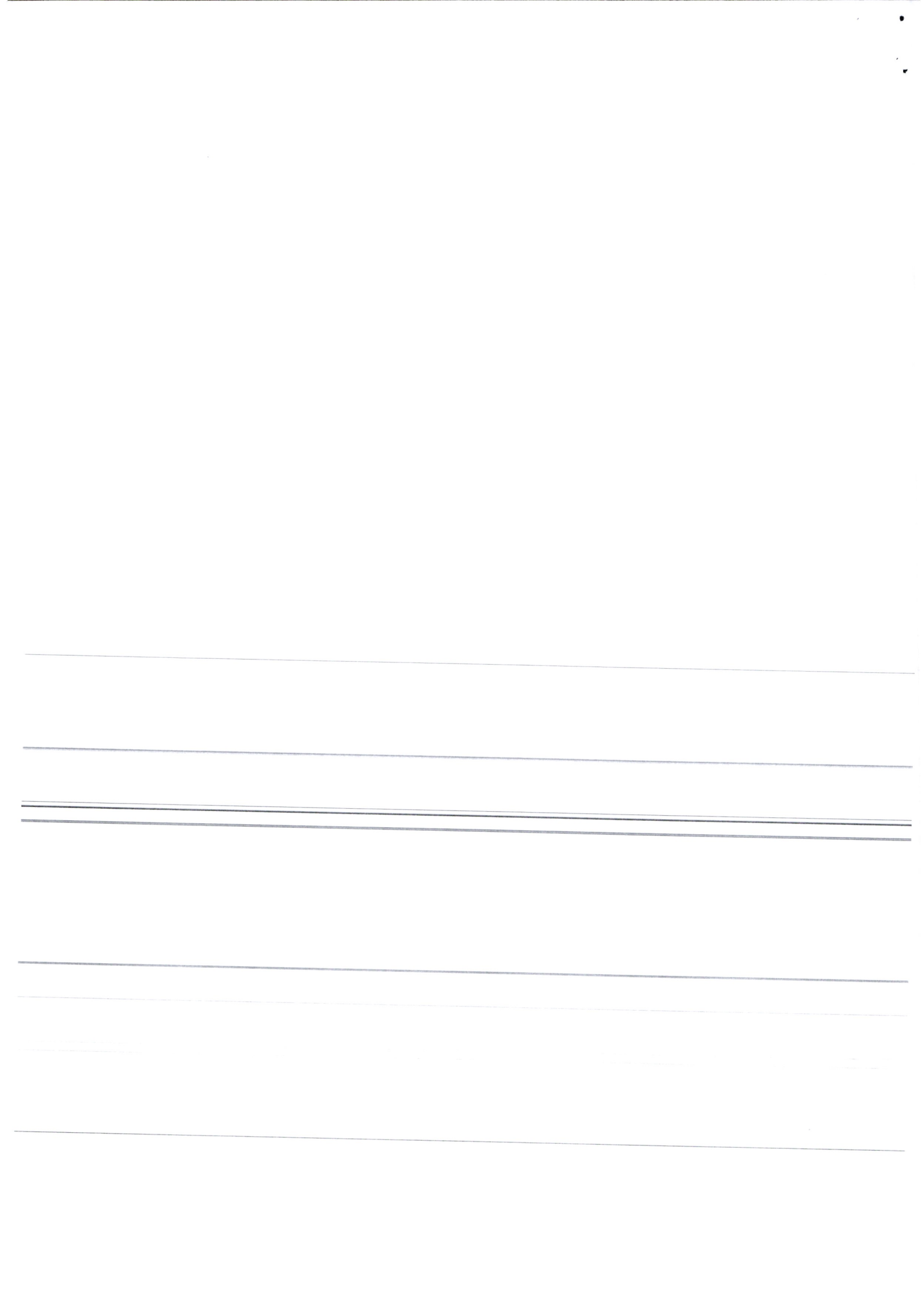
2.3.1 (A) Block I – SCHEME (5960.66) HA

H.E Hon. Mathew K. Tuitoek, stated as follows:-

29. The settlement scheme commenced in 1989 with the first phase of the scheme getting letters of offer after survey in 1998;
30. 1144 allottees were given offer letters and titles were also issued;
31. It was established by the Provincial Administration to cater for people whose land was acquired for public use and was not preceded with forest degazettement and reservation;
32. The letters of offer in this block for plot number 1-1411 are in District Land Adjudication Settlement Officer's office;
33. In the same block ,areas reserved as catchment or conservation areas were further excised to create 2.5 acres plot which were given to the people using papers from District officers office at Mochongoi; these were numbers 1412-2710, some of the plots in this block are not yet occupied;
34. Allocation of plots were done by various centers of power at that time thus creating a situation that resulted in double allocation; However plot demarcation and survey is presumed to be complete;
35. It is imperative to note that the verification against the original objective should be done to guide degazettement as well as streamline the record and ground status which is riddled with queries;
36. The pieces of paper used to allocate people land in this phase were prepared by the District Officer; a separate register was prepared that is currently under the custody of the Land Adjudication Officer Baringo County;
37. In this block people known as Endorois, formed a committee and started fixing others in plots they considered to be vacant in disregard of the names in the register;
38. Verification to ascertain the true extent of settlement was dogged with problems and has never been completed; the area between the Divisional Headquarter which is known as Koitelele Forest Block and Kabel Trading Centre is still forest land but was surveyed, mapped, numbers given and allocated;
39. The borne of contention between the Land Adjudication and Settlement Office and the local people is that they perceive the list of allottees to be foreigners, hence want a list of their own adopted;
40. They have also been threatening to evict anybody who might settle there without their consent.

2.3.2 (B) Block II – SCHEME 110 KAIMALEL (1779.7) HA

41. Initially, there were 550 allottees; their letters of offer are in District Land Adjudication Settlement officer's office;
42. Extensions from plot number 551 to 1148 were effected but these have no letters of offer;



43. This block does not have much problems apart from plots recorded in the names of Thompson Falls plot number 556, KARI and Baringo Farmers Institute which tend to elicit an outcry from the farmers.

2.3.3 (C) Phase III – Kimoriot – Block 111 (2316) HA

44. Initially 465 allottees with letters of offer were in District Land Adjudication Settlement Officers;
45. Extensions from plot number (I) 466 to 1148 were effected but these have no letters of offer; there was further extension from (II) 1149-1814 but they have no letters of offer;
46. In this block, there are elders who purported to place land seekers on plots which were not occupied. This happened in disregard of the list available at the Land Adjudication and Settlement office – Kabarnet. Public utility plots were also provided as per the table below.

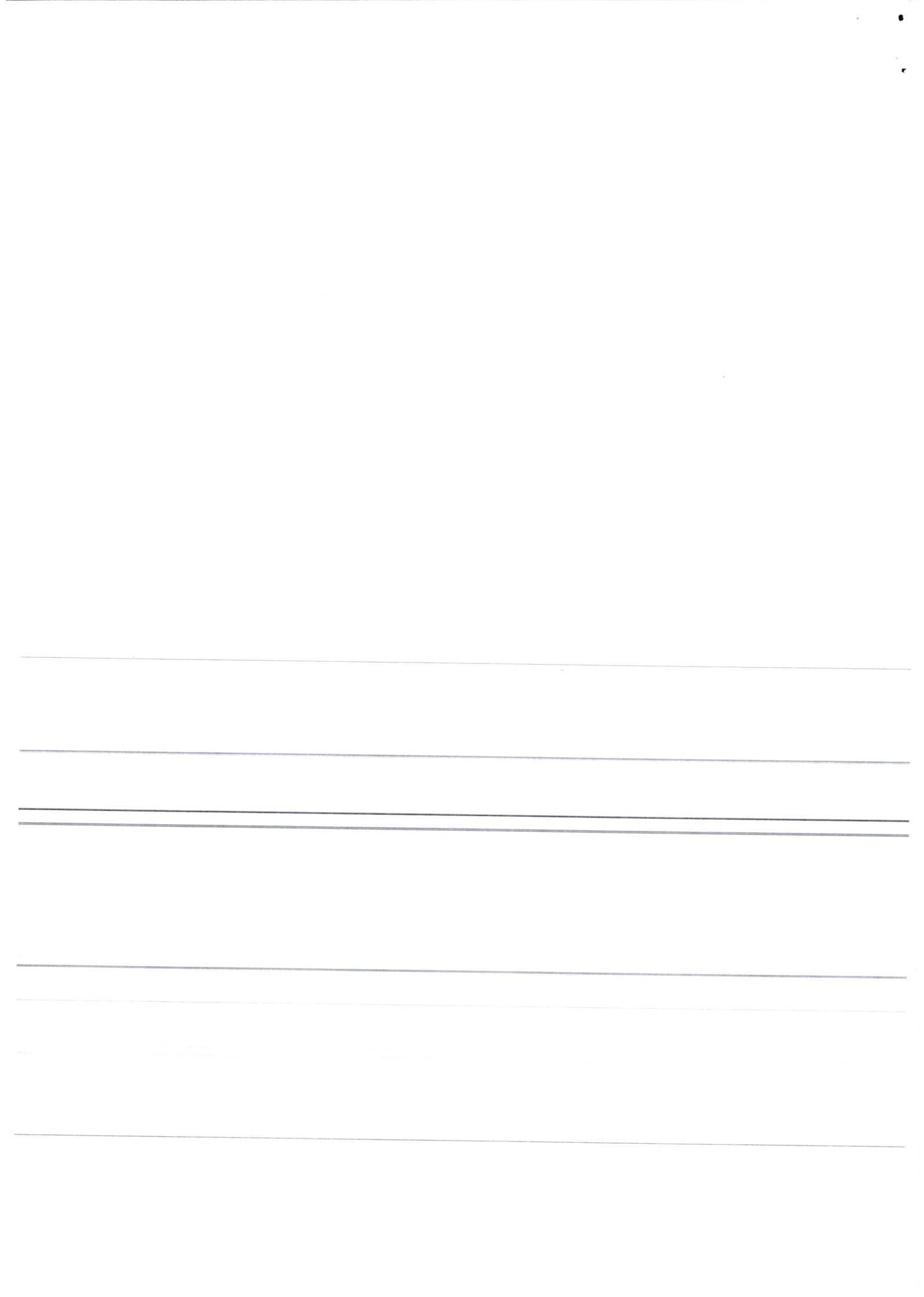
No	Type of Public Utility	Number of Public Utilities
1.	Trading centre's	5
2.	Schools	4
3.	Office of the President	1
4.	Health Centres	1
5.	Baringo County Council	1
6.	Dams	2
7.	MENR	6
8.	Water Points	2
	Total	22

Figure 1. *Some of the public utilities in Mochongoi Settlement Scheme*

2.4 Evidence from the Endorois community and other marginalized communities

Mr. Kipruto Chemuchuk, a resident of Mochongoi Mr. Evans Koech, Mochongoi Resident and Mr. Moses Lemeluk Chairman, Centre for Community Empowerment representing the Endorois Community and other marginalised communities in Mochongoi Settlement Scheme informed the Committee as follows :-

47. In the 1970s, the Kenyan government evicted hundreds of Endorois families from their land around the Lake Bogoria area in the Rift Valley to create a game reserve for tourism;
48. The Endorois, an indigenous people, had been promised compensation and benefits, but that was never fully implemented;
49. Mochongoi Settlement Scheme was established in 1989 as a result of the eviction of the squatters living in Ol Arabel Forest and Mochongoi Forest;
50. Although the settlement scheme was aimed at resettling the indigenous people of the area, they were left out during the settlement and adjudication process, as a result of which the

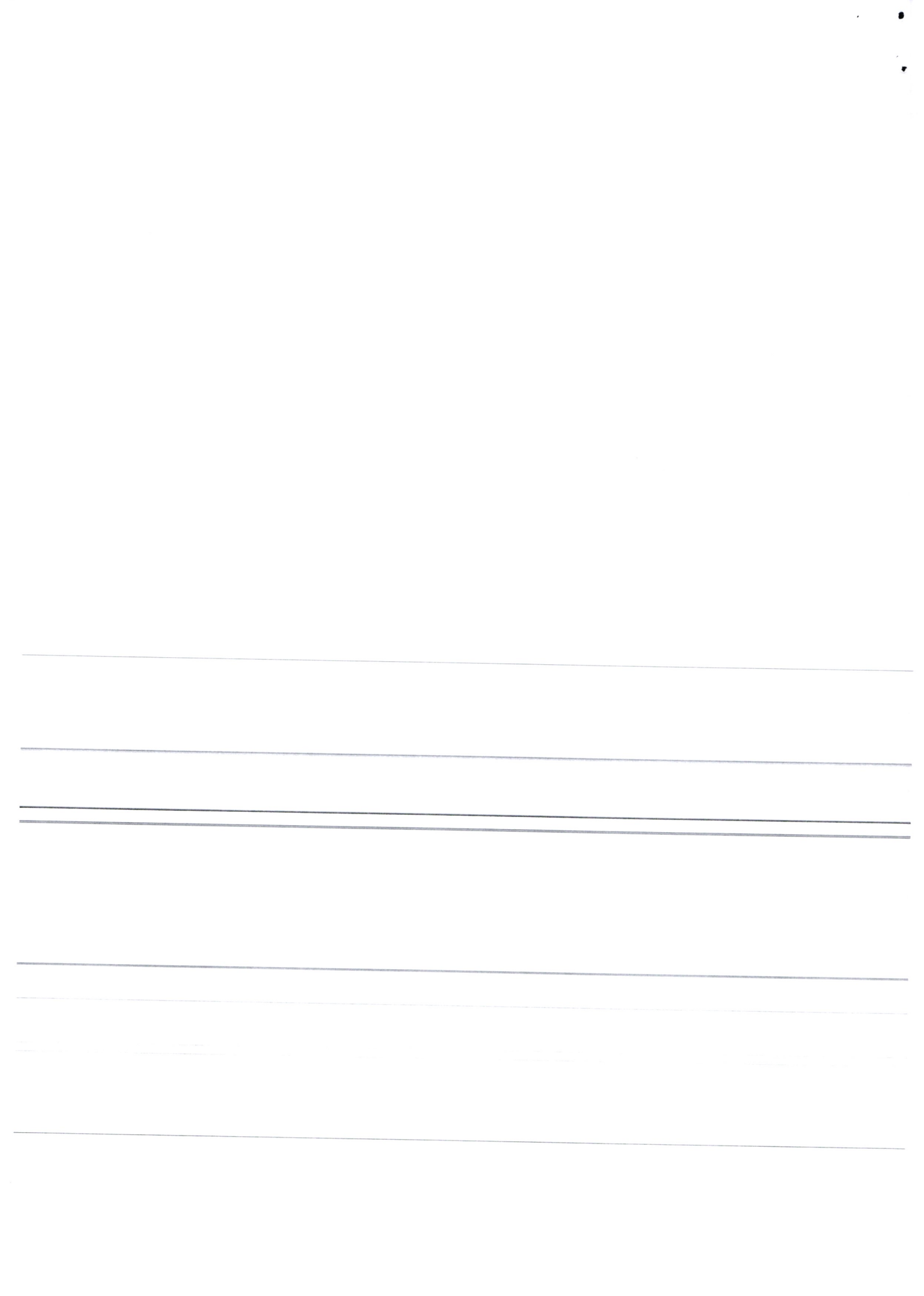


- Endorois community accused the republic of Kenya before the African Commission on People's Right;
51. Other communities were fraudulently allocated land at the District Land and Adjudication office at Kabarnet;
 52. During the initial allocation in 1989, the residents were allocated 5 acres each and there were no complaints. However, in 1997, interested groups from outside the area got involved and this resulting in people being allocated 2.5 acres each;
 53. This was the beginning of cases of double allocations, increased encroachment into the forest, complaints on ownership, succession and boundary disputes;
 54. The Endorois community was concerned about increased encroachment of the forest area by the strangers who have been allocated land without the knowledge of the area residents;
 55. Although a number of area resident have title deeds, some only have letters of offer but they are occupying land;
 56. The Endorois community clearly stated that they are not against the issuance of title deeds for the area residents; however they feel that justice was not done during the allocation of the land; Therefore they are asking for the proper audit of Mochongoi Settlement Scheme and the current ownership before the title deeds are issued.

2.5 Evidence from the Residents of Mochongoi Settlement Scheme

Mr. Samuel T. Chepsat, teacher, Mrs. Truphena Kandie , farmer, Mr. James Kangogo, farmer, Mr. Isaac, resident and Mr. Kipsang K. Wycliffe, residents of Mochongoi Settlement Scheme, informed the Committee as follows:-

57. Mochongoi settlement scheme was allocated to Baringo County Residents on the basis of settling the landless people and to help alleviate food shortages in the County resulting from arid climatic conditions. Others whose land had been allocated to government projects like dams and institutions were compensated by the government. The Scheme consists of three phases;
 - i. Phase 1: Block 107-Mochongoi Scheme: 2,673 plots
 - ii. Phase 2: Block 110-Kamaile Scheme; 1,779.7 hectares
 - iii. Phase 3: Block 111-Kimoriot Scheme; 2,316 hectares
58. Residents were issued with allotment letters and demand notice to pay SFT which they responded positively. The residents initiated several projects as follows;
 - i. 36 primary schools;
 - ii. 8 secondary schools;
 - iii. 4 cattle dips;
 - iv. Several churches;
 - v. Several trading centres;
 - vi. 6 health facilities;
 - vii. 4 tertiary institutions;

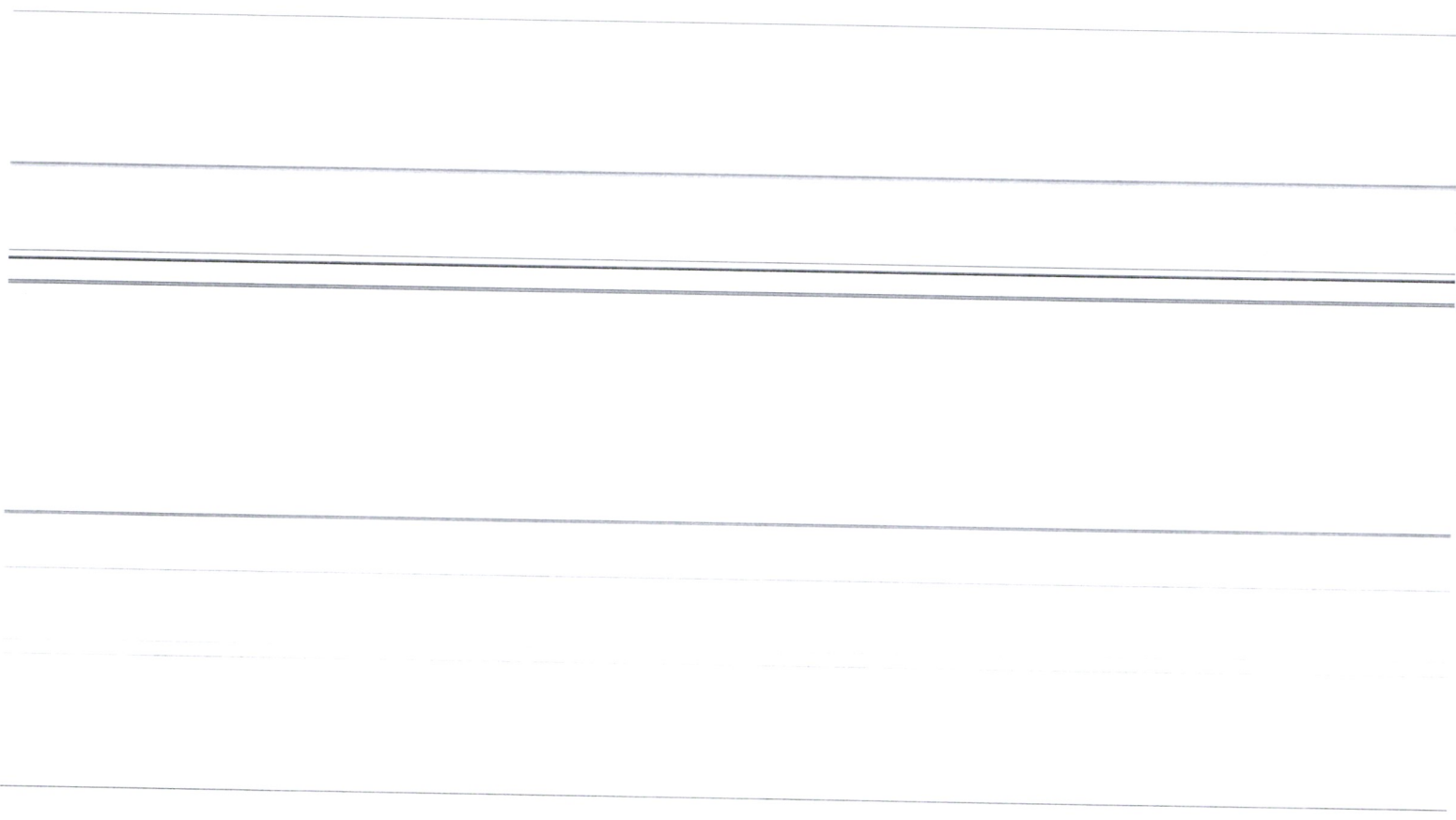


- viii. 5 financial institutions;
 - ix. 5 administrative units; and
 - x. Several permanent structures;
59. Phase I – Block 107 (Mochongoi) consisted of parcel Nos. 1 to 2673. Plot nos. 1 to 1411 were issued with letters of offer and title deeds issued, these are 5 acres plots. However, Plot nos. 1412 to 2673 have been subdivided into pieces of farms and allocated to prominent people; they request that any previous allotment be revoked forthwith. 382 parcels are within the contentious Koitilil Block between Kabel and Mochongoi which is a forest on the ground but allocation was done on the map;
60. The residents cited that there are parcels of land with double allocations. There were also some fictitious land companies or names that were believed to be farms belonging to individuals hiding behind the following names:
- i. Thomson Falls Plantation;
 - ii. Winch;
 - iii. Yellow Book;
 - iv. KARI; and
 - v. Sacho Investment, among others.
61. The residents noted that there are a number of absentee land owners some have up to date not shown any interest in developing the land hence paving way for speculative settlers to occupy;
62. The Petitioners are requesting for the degazettment of the said piece of land and issuance of title deeds to all people settled in the scheme, so that the residents can stop living in fear. The move would also boost the economic development of the area.

2.6 Evidence from the Cabinet Secretary Ministry of Environment and Natural Resources

Prof. Judi W. Wakhungu, the Cabinet Secretary, Ministry of Environment and Natural Resources appeared before the Committee and informed it as hereunder:

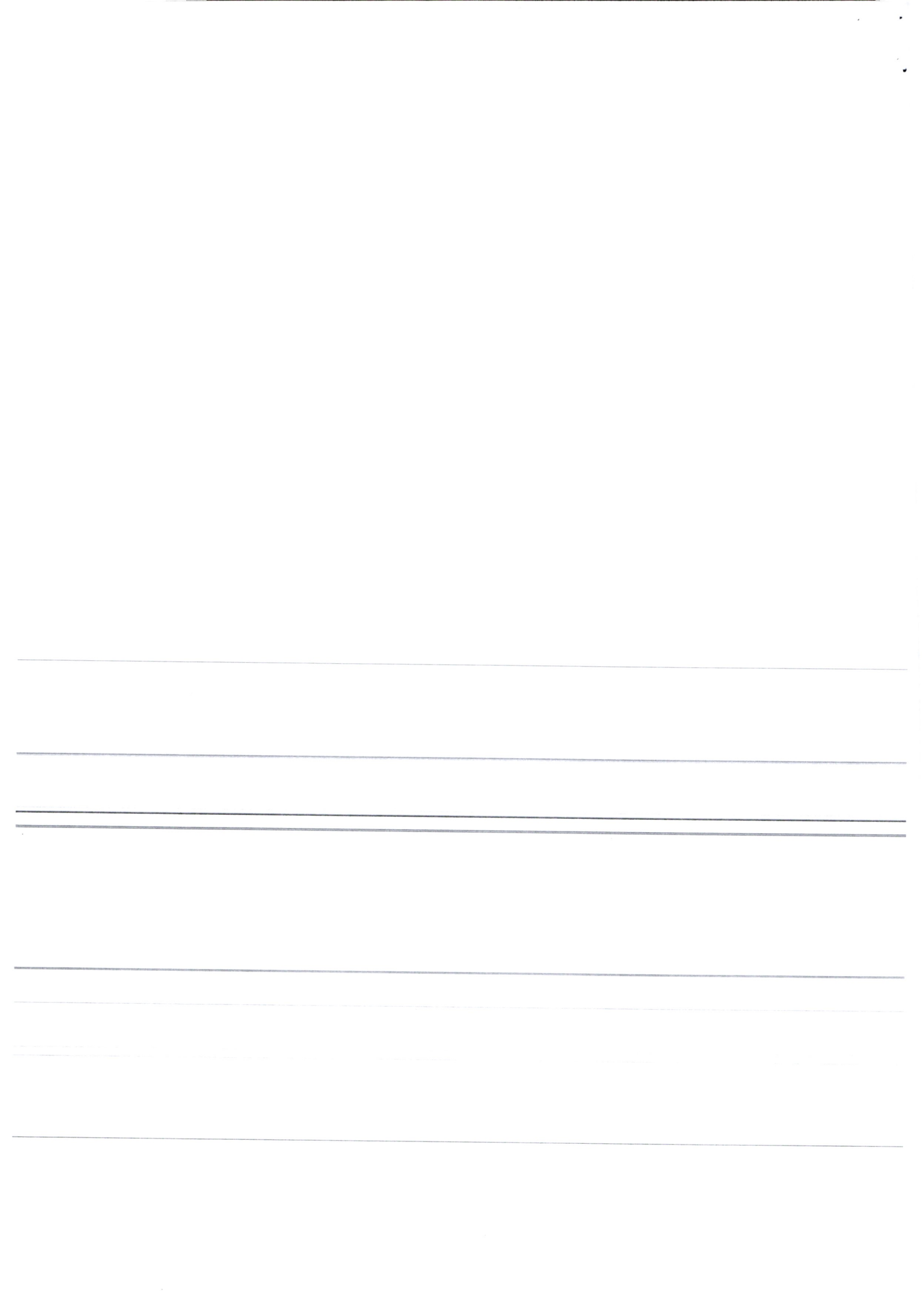
63. Mochongoi settlement scheme is located within Ol Arabel Forest Reserve, Baringo County;
64. The forest was gazetted as forest reserve vide proclamation no. 107 of 23rd December, 1941 and originally covered approximately 7,855.93 Ha. Thereafter 2258.5 Ha and an additional one acre of an adjacent trust land area called Lomawe were added to the forest vide legal notices Nos. 12 of 30/1/70 and 31 of 10/2/78 respectively. This brought the total area of the forest reserve to 9,982.7 Ha;
65. In 1982 a total of 618.1 Ha were excised for settlement vide legal notice no. 7 of 29/1/1982 reducing the forest reserve area to approximately 9364.6 Ha;
66. The settlement scheme was established between 1991 and 1999 and was initially planned to cover approximately 6273 Ha in three phases. However, between 1999 and 2000, squatters encroached on the neighboring Marmanet forest reserve in Laikipia District and occupied an area approximately 9,673 Ha. Out of this area, the initial settlement with



allotment letters comprise of 5,171.20 Ha. while the remaining 4, 501.8 Ha. is currently encroached by squatters;

The various phases comprising Mochongoi Settlement Scheme were as follows:-

67. Phase I – Block 107 (Mochongoi) This consists of parcel Nos. 1 to 2673 of which 1,411 parcels were issued with letters of offer and title deeds issued. These are 5 acres plots and cover an area of approximately 7,060 acres (2,857.14 ha). Plot nos. 1412 to 2673 have neither letters of offer nor title deeds. These parcels are mainly 2.5 acres plots and cover an area of approximately 3,152.5 acres (1,275.8 ha). This brings the total forest area allocated in phase one (Block 107) to 4,132.94 ha.
68. Phase 2 – Block 110 (Kamailel) - This comprises of parcel numbers 1 to 815. The parcel numbers 1 to 550 have letters of offers but no titles were issued. Parcels Nos. 551 to 815 (264 plots) have no letters of offer; neither do they have title deeds. Thus in total, the 815 parcels of five acres each in phase 2 translates to 4,075 acres (1,649.13 ha)
69. Phase 3 – Block 111 (Kimoriot) the block comprises of parcel numbers 1 to 1763. The plots that measure 5 acres each translate into an area of 8,815 acres (3,567.38 ha). Plot parcel numbers 466 to 1763 (1,297 plots) with a total area of 6,485 acres (2,594 ha) have no letters of offer, neither do they have titles. The settlement scheme has several public utility projects comprised of two secondary schools, five dispensaries, twenty one primary schools and twenty seven nursery schools, administrative offices and trading centres.
70. The Ministry of Environment and Natural Resources in 2014 carried out an inventory of all settlement schemes and irregularly allocated land within gazette forest reserves. This was informed by the report by the Commission of inquiry into the illegal/irregular Allocation of Public Land (The Ndungu Report of June, 2004);
71. In April, 2016 the Ministry of Environment and Natural Resources developed a Cabinet Memorandum highlighting all the settlement schemes within gazetted forests that required to be regularized through degazettment. The Cabinet Memorandum also sought policy guidance from the Cabinet on the other irregularly/illegally allocated forest land. The matter was still under review by the Cabinet and a policy direction on the same was expected soon;
72. Mandatory requirements for degazettment of any part of a gazette forest included:
 - i. The proposal has to be approved by the Forest Conservation Committee (FCC) for the area where the forest is situated after the Committee is satisfied that such degazettment shall not endanger any rare, threatened or endangered species and does not adversely affect the forest reserve's value as a water catchment area; and does not prejudice biodiversity conservation, cultural values, or use of the forest for education, recreational, health or research purposes.
 - ii. Independent Environmental Impact Assessment (EIA) must be conducted by the proponent of the settlement followed by issuance of an EIA license by NEMA;



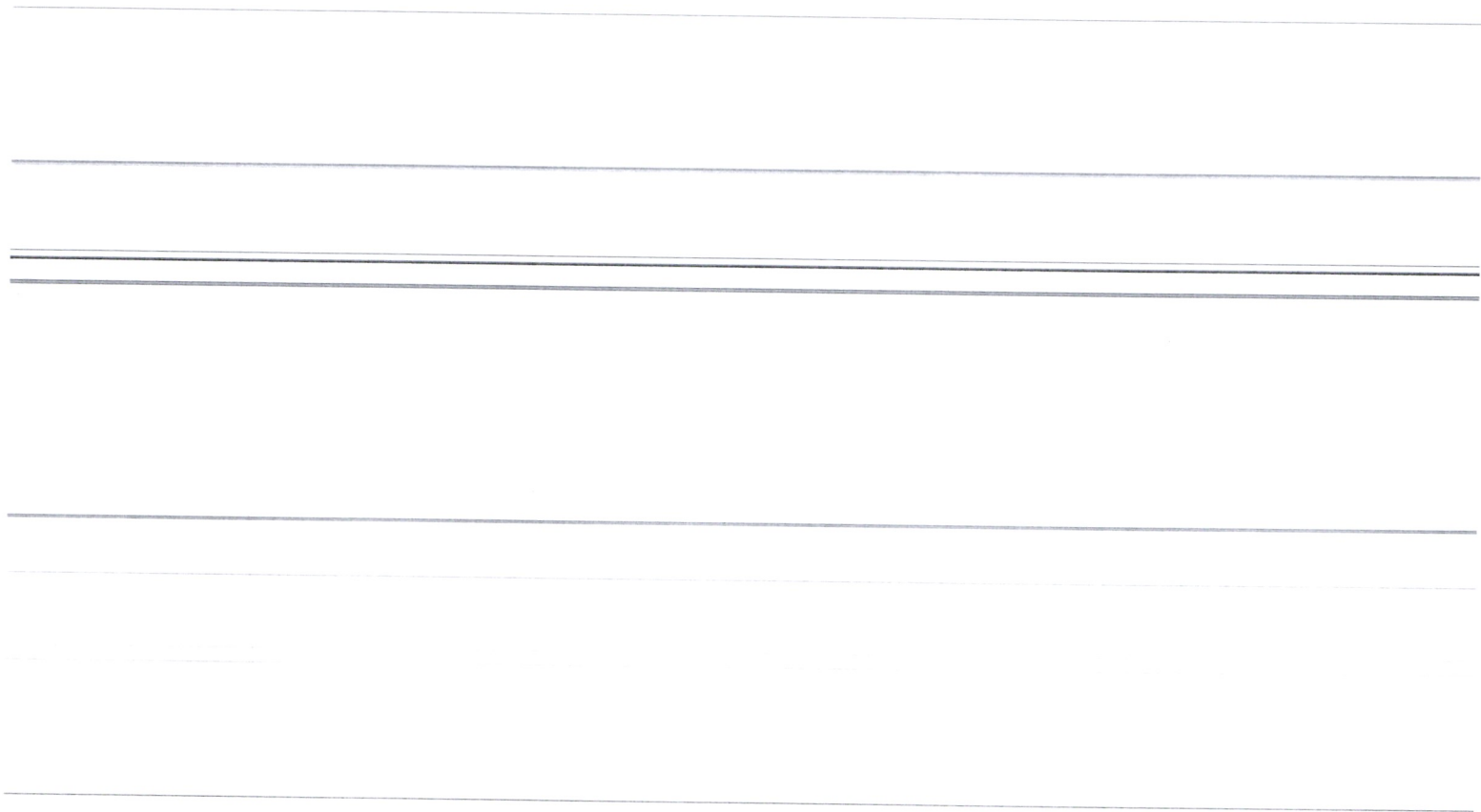
- iii. Public consultation must be conducted as stipulated in the Third Schedule of the Act;
- iv. Resolution (Approval) of Parliament upon recommendation by the Kenya Forest Service Board;
- v. The cost of undertaking the independent Environment Impact Assessment (EIA) study and public consultation shall be met by the proponent of the settlement scheme.

3.0 FINDINGS

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

1. Vide legal notice no.7 of 29/1/1982 an area of 618 Ha of Ol Arabel Forest was degazetted for the purpose of settlement;
2. The Commissioner of lands under Government Land Act Cap 280 now repealed, initiated the process of allocation of 2,426 plots arising from the (3) blocks namely, Mochongoi Block 107, Kamaili Block 110 and Kimoriot Block 111 to the allottees and issuance of title deeds;
 - a) There is evidence of other government agencies i.e Department of Survey and Land Adjudication and Settlement in regularizing the process;
 - b) There is evidence of settlers paying SFT dues to a tune of Kshs. 13, 957, 588.00;
 - c) There exists rampant cases of double allocation resulting in many complaints on ownership, succession and boundary disputes;
 - d) There is no defined boundary between the settlement scheme and the forest, a situation which has resulted in cases of increased encroachment into the forest;
 - e) There were suspect activities to increase the area of settlement after the earlier initiative of the Commissioner of Lands; and

Both the plots initially planned by the Commissioner of Lands and those suspiciously encroached lands are occupied and also host several public institutions..



4.0 RECOMMENDATION

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

- a. **As per the first prayer:** "That the Committee intervenes to ensure that the Petitioners' plight is addressed by degazetting the said piece of land and issue title deeds to all people settled in the scheme without further delay"

The Committee recommends that:

- 1) The Government through the Ministry of Environment and National Resources, Ministry of Lands and Physical Planning in conjunction with the National Land Commission amends, legal notice no. 7 of 29/1/1982 to include all areas occupied by settlers holding letters of offer and title deeds in specific blocks as follows;
 - a. Block 1 (1-1411)
 - b. Block 2 (1-550)
 - c. Block 3(1-465)
- 2) The Government through the Ministry of Environment and National Resources, Ministry of Lands and Physical Planning in conjunction with the National Land Commission should ensure that all other settlers not covered under (1) are evicted and Kenya Forest Service in conjunction with the National Land Commission reclaims the Land.
- 3) The Ministry of Lands and Physical Planning in conjunction with the National Land Commission should ensure that all settlers with letters of offer are issued with title deeds and any outstanding dues for SFT be collected

- b. **As per the second prayer:** "Makes any other recommendations that may be deemed fit in redressing the plight of the Petitioners"

The Committee recommends that:

- 4) The Ministry of Environment and Natural Resources in conjunction with the Ministry of Lands and Physical Planning demarcates a clear and defined boundary between the schemes referred to in recommendation (1) above and the forest.

SIGNED:

(HON. ALEX M. MWIRU, MP

DATE: 2nd March 2017

- CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON LANDS

- iii. Public consultation must be conducted as stipulated in the Third Schedule of the Act;
- iv. Resolution (Approval) of Parliament upon recommendation by the Kenya Forest Service Board;
- v. The cost of undertaking the independent Environment Impact Assessment (EIA) study and public consultation shall be met by the proponent of the settlement scheme.

3.0 FINDINGS





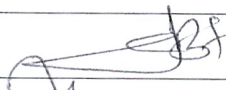
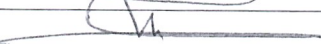


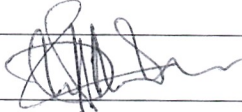
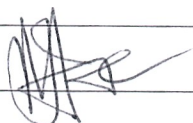
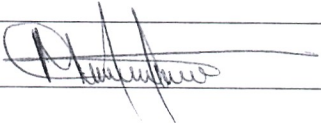
The Committee made the following observations from evidence adduced in meetings and the field visit, that:-

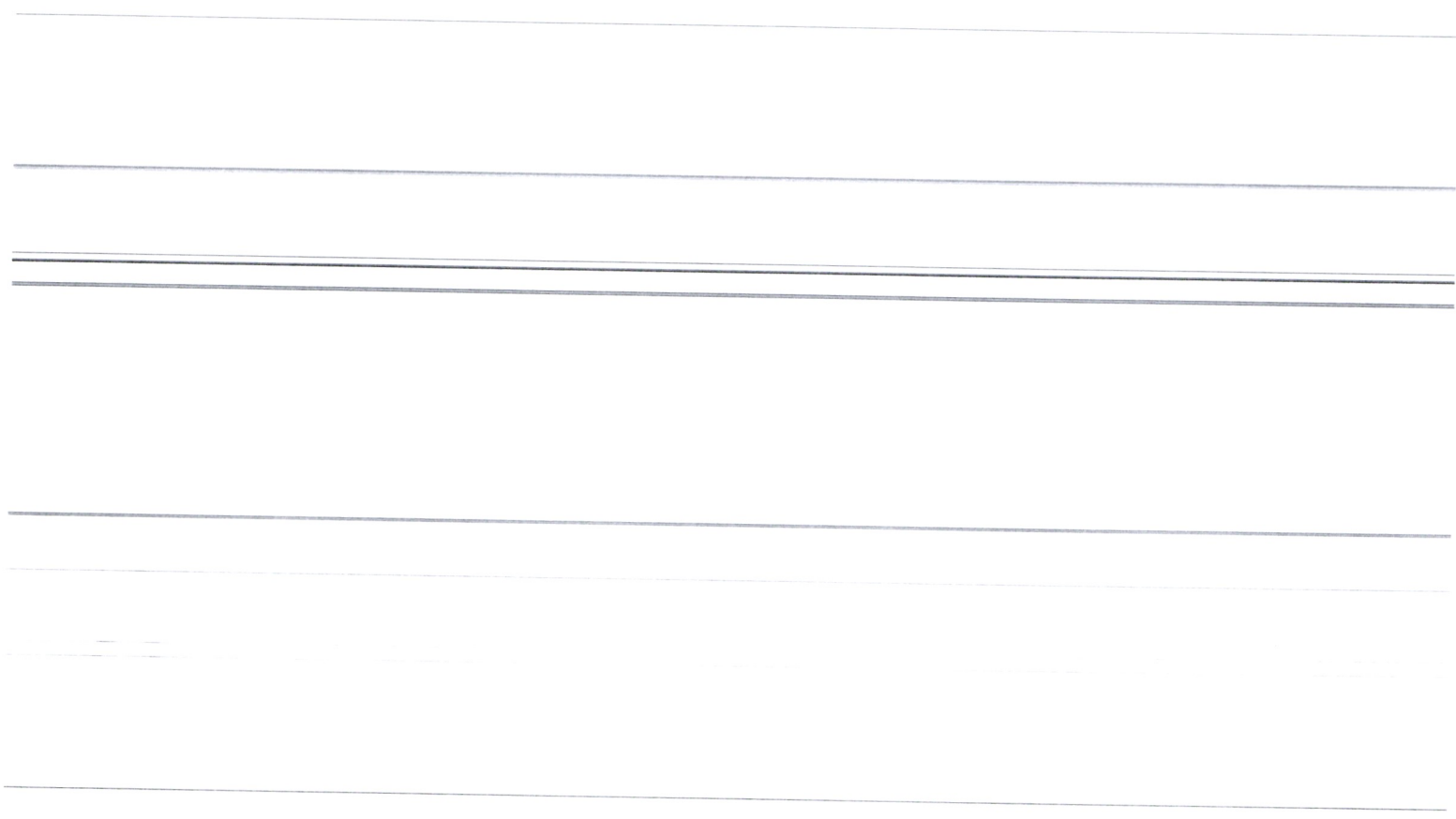
1. Vide legal notice no.7 of 29/1/1982 an area of 618 Ha of Ol Arabel Forest was degazetted for the purpose of settlement;
2. The Commissioner of lands under Government Land Act Cap 280 now repealed, initiated the process of allocation of 2,426 plots arising from the (3) blocks namely, Mochongoi Block 107, Kamailel Block 110 and Kimoriot Block 111 to the allottees and issuance of title deeds;
 - a) There is evidence of other government agencies i.e Department of Survey and Land Adjudication and Settlement in regularizing the process;
 - b) There is evidence of settlers paying SFT dues to a tune of Kshs. 13, 957, 588.00;
 - c) There exists rampant cases of double allocation resulting in many complaints on ownership, succession and boundary disputes;
 - d) There is no defined boundary between the settlement scheme and the forest, a situation which has resulted in cases of increased encroachment into the forest;
 - e) There were suspect activities to increase the area of settlement after the earlier initiative of the Commissioner of Lands; and

~~Both the plots initially planned by the Commissioner of Lands and those suspiciously encroached lands are occupied and also host several public institutions..~~

DEPARTMENTAL COMMITTEE (K) ON LANDS RETREAT HELD ON SATURDAY 10TH DECEMBER 2016 IN 4TH AT SUN AND SAND RESORT HOTEL, MOMBASA AT 2.00 AM

ADOPTION OF THE PETITION REPORT BY RESIDENTS OF MOCHONGOI ON THE DEGAZETTING OF MOCHONGOI SETTLEMENT SCHEME

NAME	SIGNATURE
1. The Hon. Alex Mwiru M.P. Chairperson	
2. The Hon. Moses Ole Sakuda M.P. - Vice - Chairperson	
3. The Hon. John Kihagi M.P.	
4. The Hon. Bernard Bett M.P.	
5. The Hon. Hellen Chepkwony M.P.	
6. The Hon. Benson Mbai M.P.	
7. The Hon. Hezron Awiti Bollo M.P.	
8. The Hon. Onesmus Ngunjiri M.P.	
9. The Hon. George Oner M.P.	
10. The Hon. Thomas Mwadeghu M.P.	
11. The Hon. Joseph Oyugi Magwanga M.P.	
12. The Hon. A. Shariff M.P.	
13. The Hon. Francis Njenga Kigo M.P.	
14. The Hon. Shakila Abdallah M.P.	
15. The Hon. Mutava Musyimi M.P.	
16. The Hon. Kanini Kega M.P.	
17. The Hon. Suleiman Dori M.P.	
18. The Hon. Mathew L. Lempurkel M.P.	
19. The Hon. Dr. Paul Otuoma M.P.	
20. The Hon. Patrick Makau M.P.	
21. The Hon. Sarah Korere M.P.	
22. The Hon. Julius Ndegwa M.P.	
23. The Hon. Francis W. Nderitu M.P.	



24. The Hon. Eusilah Ngeny M.P.	
25. The Hon. Kipruto Moi M.P.	
26. The Hon. Esther Murugi M.P.	
27. The Hon. Omar Mwinyi M.P.	Handwritten signature
28. The Hon. Charles Nyamai M.P.	Handwritten signature



MINUTES OF THE 85TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 9TH DECEMBER 2016, SUN AND SUND BEACH HOTEL, MOMBASA AT 10.00 AM

PRESENT:

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 3) The Hon. Omar Mwinyi, M.P.
- 4) The Hon. Onesmus Ngunjiri, M.P.
- 5) The Hon. John Kihagi, M.P.
- 6) The Hon. Hezron Awiti Bollo, M.P.
- 7) The Hon. Benson Mbai, M.P.
- 8) The Hon. Julius Ndegwa, M.P.
- 9) The Hon. Mathew L. Lempurkel, M.P.
- 10) The Hon. A. Shariff, M.P.
- 11) The Hon. Kanini Kega, M.P.
- 12) The Hon. George Oner, M.P.
- 13) The Hon. Charles Nyamai, M.P.

ABSENT WITH APOLOGIES:

- 1) The Hon. Esther Murugi, M.P.
- 2) The Hon. Shakila Abdallah, M.P.
- 3) The Hon. Hellen Chepkwony, M.P.
- 4) The Hon. Thomas Mwadeghu, M.P.
- 5) The Hon. Mutava Musyimi, M.P.
- 6) The Hon. Eusilah Ngeny, M.P.
- 7) The Hon. Sarah Korere, M.P.
- 8) The Hon. Dr. Paul Otuoma, M.P.
- 9) The Hon. Francis Njenga Kigo, M.P.
- 10) The Hon. Patrick Makau, M.P.
- 11) The Hon. Suleiman Dori, M.P.
- 12) The Hon. Francis W. Nderitu, M.P.
- 13) The Hon. Bernard Bett, M.P.
- 14) The Hon. Joseph Oyugi Magwanga, M.P.
- 15) The Hon. Kipruto Moi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Joshua Ondari | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 4. Mr. Jonathan Lemurt | Fiscal Analyst |

MINUTE NO. DCL/LN/2016/354

PRELIMINARIES

The chairman called the meeting to order at 10.15 a.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/355

CONSIDERATION AND ADOPTION OF
REPORT ON THE PETITION BY RESIDENTS
OF MOCHONGOI ON THE DEGAZETMENT
OF MOCHONGOI SETTLEMENT SCHEME;

Observations

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

1. Vide legal notice no.7 of 29/1/1982 an area of 618 Ha of Ol Arabel Forest was degazetted for the purpose of settlement;
2. The Commissioner of lands under Government Land Act Cap 280 now repealed, initiated the process of allocation of 2,426 plots arising from the (3) blocks namely, Mochongoi Block 107, Kamail Block 110 and Kimoriot Block 111 to the allottees and issuance of title deeds;
 - a) There is evidence of other government agencies i.e Department of Survey and Land Adjudication and Settlement in regularizing the process;
 - b) There is evidence of settlers paying SFT dues to a tune of Kshs. 13, 957, 588.00;
 - c) There exists rampant cases of double allocation resulting in many complaints on ownership, succession and boundary disputes;
 - d) There is no defined boundary between the settlement scheme and the forest, a situation which has resulted in cases of increased encroachment into the forest;
 - e) There were suspect activities to increase the area of settlement after the earlier initiative of the Commissioner of Lands; and

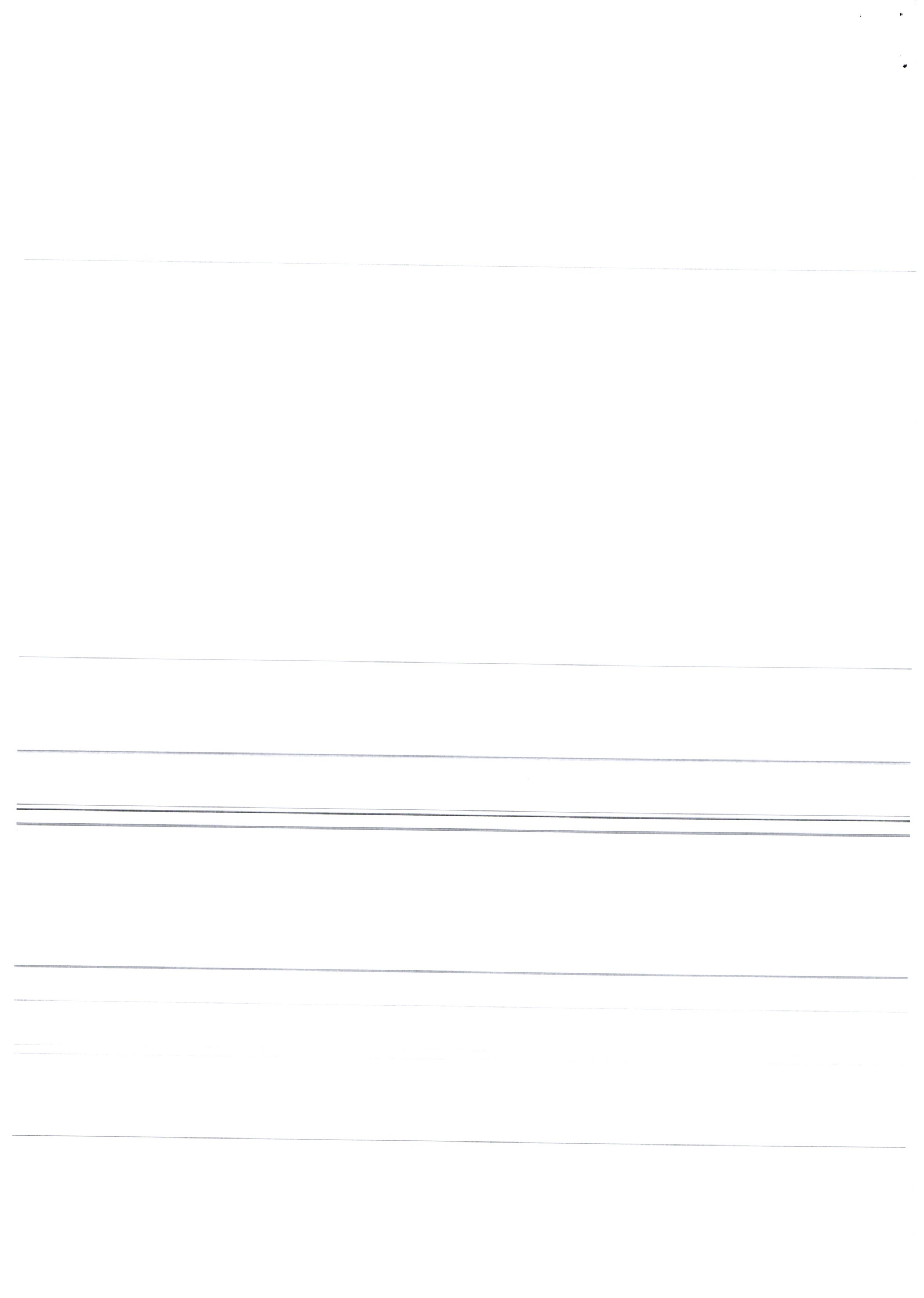
Both the plots initially planned by the Commissioner of Lands and those suspiciously encroached lands are occupied and also host several public institutions.

Recommendations

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

- a. **As per the first prayer:** "That the Committee intervenes to ensure that the Petitioners' plight is addressed by degazetting the said piece of land and issue title deeds to all people settled in the scheme without further delay"

The Committee recommends that:



**MINUTES OF THE 38TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD
ON SATURDAY 23RD APRIL 2016 IN MOCHOGOL, BARINGO COUNTY AT 10.00 AM**

PRESENT

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Onesmus Ngunjiri, M.P.
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. Kipruto Moi, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Eusilah Ngeny, M.P.
7. The Hon. John Kihagi, M.P.
8. The Hon. Kanini Kega, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Francis W. Nderitu, M.P.
13. The Hon. Francis Kigo Njenga, M.P.
14. The Hon. Bernard Bett, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Julius Ndegwa, M.P.
3. The Hon. Dr. Paul Otuoma, M.P.
4. The Hon. Patrick Makau, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Suleiman Dori, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Mutava Musyimi, M.P.
10. The Hon. Mpuru Aburi, M.P.
11. The Hon. Sarah Korere, M.P.
12. The Hon. A. Shariff, M.P.
13. The Hon. Shakila Abdallah, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Joshua Ondari | Clerk Assistant III |
| 3. Mr. Muyodi Emmanuel | Clerk Assistant III |
| 4. Mr. Noah Too | Research Officer I |
| 5. Ms. Zainabu Wario | Searjant -at-Arms |

6. Ms. Rehema Chepkirui

Audio Officer

BARINGO SOUTH CONSTITUENCY

1. Hon. Grace Kipchoim, MP

BARINGO COUNTY GOVERNMENT

- | | |
|-----------------------------|--------------------|
| 1. Hon. Mathew K. Tuitoek | Deputy Governor |
| 2. Mr. William K. Chelal | S.C.A |
| 3. Mr. Richard C. Tumeiyo | Ward Administrator |
| 4. Mr. Ezekiel Kim Kipkorir | Physical Planner |

MINUTE NO. DCL/LN/2016/164

PRELIMINARIES

The Chairperson called the meeting to order at 10.15 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2016/165

MEETING WITH THE HON. GRACE KIPCHOIM, M.P

While appearing before the Committee the Member of Baringo South Constituency informed the Committee as follows that:-

1. Squatters were settled by the government in Mochongoi Settlement Scheme in 1988; However, to date they have not received any ownership documents;
2. The Scheme was established in 1989 by the Government consisting of three phases, that is Phase I-Block 107-Mochongoi, Phase II-Block 110-Kamailel and Phase III-Block 111-Kimoriot;
3. Mochongoi Settlement Scheme area has an estimated population of over 40,000; However many plots within the scheme have no titles;
4. Mochongoi Settlement Scheme has not been degazetted to allow subdivision so that the squatters receive the required land ownership documents;
5. The residents are requesting for that the scheme be degazetted and title deeds issued.

~~**MINUTE NO. DCL/LN/2016/166**~~

~~**MEETING WITH THE DEPUTY GOVERNOR, BARINGO COUNTY**~~

While appearing before the Committee Hon. Hon. Mathew K. Tuitoek, Deputy Governor, Baringo County, Mr. William K. Chelal S.C.A, Mr. Richard C. Tumeiyo, Ward Administrator, Mr. Ezekiel Kim Kipkorir, Physical Planner, informed the Committee as follows that:-

1. Mochongoi Settlement Scheme was established in 1989 by the Government through a verbal directive by the former president H.E Daniel Toroitich Arap Moi; that the people who had surrendered their land for the construction of Kirandich dam, schools, churches, the airstrip and the Kenya School of Government (KSG) to be allocated land at Mochongoi;
2. The Scheme has three (3) blocks, namely i. Mochongoi Block 107, ii. Kamailel Block 110 and iii. Kimoriot Block 111; the three (3) blocks have a total acreage of (10062.4)HA and the area has an estimated population of over 40,000;
3. **Block I – SCHEME (5960.66)HA**
 - a. The settlement scheme commenced in 1989 with the first phase of the scheme getting letters of offer after survey in 1998;

- b. 1144 allottee were given letters of offers and titles were also issued;
 - c. It was established by the provincial Administration to cater for people whose land was acquired for public use and was not preceded with forest degazettement and reservation
 - d. The letters of offer in this block for plot number 1-1411 are in District Land Adjudication Settlement Officer's office;
 - e. In the same block areas reserved as catchment or conservation areas were further excised to create 2.5 acres plot which were given to the people through chits of paper from District officers office at Mochongoi; these were numbers 1412-2710, some of the plots in this block are not yet occupied;
 - f. Allocation of plots were done by various centers of power at that time thus created a situation that resulted to double allocation; However plot demarcation and survey is presumed complete to date in this block;
 - g. It is imperative to note that the verification against the original objective should be done to guide degazettement as well as streamline the record and ground status which is riddled with queries;
 - h. The chits of paper used to allocate people land in this phase were prepared by the District Officer; a separate register was prepared that is now under the custody of Land Adjudication Officer Baringo County;
 - i. In this block people known as Endorois, formed a committee and started fixing others in plots they consider to be vacant in disregard of the names in the register;
 - j. Verification to ascertain the true extent of settlement was dogged with problems and has never been completed ; the area between the Divisional Headquarter which is known as Koitelele Forest Block and Kabel Trading Centre is still forest land but was surveyed, mapped, numbers given and allocated;
 - k. The borne of contention between the Land Adjudication and Settlement Office and the local people is that they perceive the list of allottees to be foreigners, hence wanted a list of their own adopted;
 - l. They have also been threatening to evict anybody who might settle there without their consent;
4. **Block II – SCHEME 110 KAIMALEL (1779.7)HA**
- a. Initially, there were 550 allottees; their letters of offer are in District Land Adjudication Settlement officer's office;
 - b. Extension from plot number 551 to 1148 were effected but these have no letters of offers;
 - c. This block does not have much problems apart from plots recorded in the names of Thompson Falls plot number 556, KARI and Baringo Farmers Institute which tend to elicit farmers outcry;
5. **Block II – SCHEME 110 KAIMALEL (1779.7)HA**
- a. Initially 465 allottees with letters of offer are in District Land Adjudication Settlement Officer's;
 - b. Extensions form plot number (I) 466 to 1148 were effected but these have no letters of offer; there was further extension from (II) 1149-1814 but have no letters of offer;
 - c. In this block, there are elders who purported to place land seekers on plots which are not occupied. This happened in disregard of the list available at the Land Adjudication and Settlement office – Kabarnet;
6. **PAYMENT OF SFT DUES**
- Block 107 P/No's 1-2710
 - Block 110 P/No's 1-1148
 - Block 107 P/No's 1-1799
- a. The allottees shall be allowed to pay once the County plot allocation Committee is satisfied with

their occupation and also after acceptance from the Director of Land Adjudication and Settlement – Nairobi;

- b. The County Surveyor, formally District Surveyor had started map rectification exercise which was to end by 15th January, 2016 but the same was suspended owing to squabbles from Endorois leaders. The same has never been completed to date hence important to resume the exercise;

7. Some of the public utilities in Mochongoi Settlement Scheme

a.

- 1. Number of public utilities – 22
- 2. Trading centre's - 5
- 3. Schools - 4
- 4. Office of the President - 1
- 5. Health Centres - 1
- 6. Baringo County Council - 1
- 7. Dams - 2
- 8. MENR - 6
- 9. Water Points - 2

- b. Some of diskettes of these plots especially for new plots were left with some interested parties who shall use them alongside our documents;
- c. It is important to note that the entire settlement scheme has been subject of Ndugu Commission of Enquiry into illegal allocation of public land, communication 276/2003 before the African Commission on Human and Peoples Rights and also miscellaneous Civil Application no. 421/2002 which are all being handled by the Attorney General's Office in conjunction with Lands Ministry Headquarter;
- d. Other technicalities involve the pending degazettement of the forest land for settlement purposes which led to stalling of ground verification work in 2005,
- e. The cutline establishment shall guide the Government in the forest degazettement process;

8. County Government Recommendations

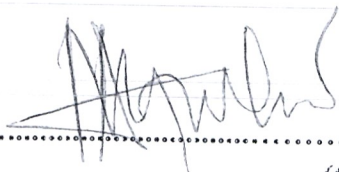
- a. The County Government recommends for the degazettement of Mochongoi Settlement Scheme;
- b. It further recommends issuance of all legal ownership documents for the three blocks.

MINUTE NO. DCL/LN/2016/167

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 12.10 pm the Chairperson adjourned the sitting.

SIGNED



.....
(CHAIRPERSON)

DATE

5/5/2016
.....

MINUTES OF THE 39TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS
HELD ON SATURDAY 23RD APRIL 2016, AT MOCHONGOI, BARINGO SOUTH
CONSTITUENCY AT 2.30 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Onesmus Ngunjiri, M.P.
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Joseph Oyugi Magwanga, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Kanini Kega, M.P.
11. The Hon. George Oner, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Kipruto Moi, M.P.
14. The Hon. Eusilah Ngeny, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Shakila Abdallah, M.P.
4. The Hon. Suleiman Dori, M.P.
5. The Hon. Esther Murugi, M.P.
6. The Hon. Patrick Makau, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. A. Shariff, M.P.
11. The Hon. Mutava Musyimi, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. Julius Ndegwa, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|-------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Joshua Ondari | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 4. Mr. Noah Too | Research Officer |
| 5. Ms. Zainabu Wario | Searjant at Arms |
| 6. Ms. Rehema Chepkurui | Audio Officer |

MOCHONGOI SETTLEMENT SCHEMMENT,

- | | |
|----------------------------|--|
| 1. Mr. Kipruto Chemucho | Resident |
| 2. Mr. Evans K. Koech | Resident |
| 3. Mr. Moses Lemelok | Chairman, Centre for Community Empowerment |
| 4. Mr. Samuel T. Chepsat | Teacher |
| 5. Mrs. Truphena Kandie | Farmer |
| 6. Mr. James Kangogo | Farmer |
| 7. Mr. Isaac Chemobo | Resident |
| 8. Mr. Kipsang K. Wycliffe | Resident |

MINUTE NO. DCL/LN/2016/168

PRELIMINARIES

The Chairman called the meeting to order at 2.15 p.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/169

SUBMISSIONS FROM A GROUP REPRESENTING THE
ENDOROIS COMMUNITY AND OTHER
MARGINALISED COMMUNITIES IN MOCHONGOI
SETTLEMENT SCHEME

~~Mr. Kipruto Chemuchuk, Mochongoi resident, Mr. Evans Koech, Mochongoi Resident and Mr. Moses Lemeluk Chairman, Centre for Community Empowerment representing the Endorois Community and other marginalised communities in Mochongoi Settlement Scheme informed the Committee as follows, that:-~~

1. In the 1970s, the Kenyan government evicted hundreds of Endorois families from their land around the Lake Bogoria area in the Rift Valley to create a game reserve for tourism;
2. The Endorois, an indigenous people, had been promised compensation and benefits, but these were never fully implemented;
3. Mochongoi Settlement Scheme was established in 1989 by former President Daniel Arap Moi, as a result of evictions of the squatters living in Ol Arabel Forest and Mochongoi Forest;
4. Although the settlement scheme was aimed at resettling the indigenous people of the area, they were left out during the settlement and adjudication process, as a result the Endorois community accused the republic of Kenya before the African Commission on People's Right;
5. Other communities were fraudulently allocated land at the District Land and Adjudication office at Kabarnet;
6. Letters of allotment were issued irregularly for parcels of land owned by absentee land lords;
7. During the initial allocation in 1989, the residents were allocated 5 acres each and there were no complaints; however in 1997, that is when interested groups from outside the area got involved and

- this resulted to people being allocated 2.5 acres each;
8. This was the beginning of cases of double allocations, increased encroachment into the forest, complaints on ownership, succession and boundary disputes;
 9. The Endorois community is complaining of increased encroachment of the forest area by the strangers who have been allocated land without the knowledge of the area residents;
 10. Although a number of area resident have title deeds, some only have letters of offer but they are occupying land;
 11. The Endorois community clearly stated that they are not against the issuance of title deeds for the area residence; however they feel that justice was not done during allocation of the land; Therefore they are asking for proper audit of Mochongoi Settlement Scheme and the current ownership before the title deeds are issued;

MINUTE NO. DCL/LN/2016/170

SUBMISSIONS FROM RESIDENTS OF MOCHONGOI
SETTLEMENT SCHEME

Mr. Samuel T. Chepsat, teacher, Mrs. Truphena Kandie , farmer, Mr. James Kangogo, farmer, Mr. Isaac, resident and Mr. Kipsang K. Wycliffe, resident informed the Committee as follows, that:-

1. Mochongoi settlement scheme was allocated was allocated to Baringo County Residents on the basis of settling the landless people and help to elevate food shortages to the county resulting from arid and semi-arid areas;
2. Others were compensated by the government whose land were allocated to government projects like dams and institutions;
3. The Scheme consists of three phases;
 - a. Phase 1: Block 107-Mochongoi Scheme: 2,673 plots
 - b. Phase 2: Block 110-Kamailed Scheme; 1,779.7 hectares
 - c. Phase 3: Block 111-Kimoriot Scheme; 2,316 hectares
4. Residents were issued with allotment letters and demand notice to pay SFT which they responded positively;
5. Mochongoi Scheme residents initiated several projects as follows;
 - a. 36 primary schools;
 - b. 8 secondary schools;
 - c. 4 cattle dips;
 - d. Several churches;
 - e. Several trading centres;
 - f. 6 health facilities;
 - g. 4 tertiary institutions;
 - h. 5 financial institutions;
 - i. 5 administrative units;
 - j. Several permanent structures;
6. The residents claim that Koitilil Block Phase 1: Block 107-Mochongoi Scheme; 2,673, which forms part Of 1-1411-5 acres of land and 1412-2673 acres of land in Mochongoi location has been subdivided into pieces of farms and allocated to prominent people; they request that any previous allotment be revoked forthwith 382 parcels are within the contentious Koitilil Block between Kabel and Mochongoi which is a forest on the ground but allocation was done on the map;
7. The residents sited that there are parcels of land which were doubly allocated to individuals;

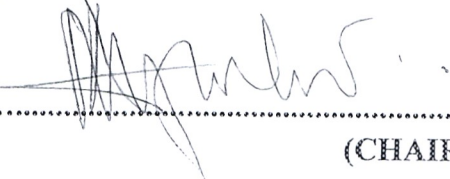
8. There are also some fictitious land companies or names that they are believed to be farms belonging to individuals hiding behind the following names:
 - a. Thomson Falls Plantation;
 - b. Winch;
 - c. Yellow Book;
 - d. KARI; and
 - e. Sacho Investment, among others.
9. The residents noted that there are numbers of absentee land owners some whom upto date have not shown any interest of developing the land hence paving way for speculative settlers to occupy;
10. The Petitioners are requesting for the degazettment the said piece of land and issue of title deed to all people settled in the scheme, so that the residents can stop living in fear and also it will also boost the economic development of the area.

MINUTE NO. DCL/LN/2016/171

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 5.15 pm, the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE.....

5/5/2016



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT
(FOURTH SESSION)

PUBLIC PETITION BY RESIDENTS OF MOCHONGO ON THE
DEGAZETTMENT OF MOCHONGOI SETTLEMENT SCHEME

I, the undersigned, on behalf of citizens of Kenya and residents of Mchongoi Settlement Scheme in Baringo South constituency,

DRAW the attention of the House to the following:-

- i. THAT, the Mochongoi Settlement scheme is located in Baringo South constituency. The said scheme was established in 1989 by the Government consisting of three phases, that is Phase I- Block 107-Mochongoi, Phase II- Block 110-Kamailel and Phase III-Block 111-Kimoriot ;
- ii. THAT, Phase I- Block 107-Mochongoi has 2673 plots and only 1411 plots have allotment letters/titles while the rest have no titles and the whole parcel have not been degazetted;
- iii. THAT, Phase II- Block 110-Kamailel has a total of 1779.7 ha and 550 plots were issued with allotment letters and the Settlement Fund Trust (SFT) paid but no title deeds were issued;
- iv. THAT, Phase III-Block 111-Kimoriot has acreage of 2316 Ha. Only 843 plots have allotment letters and SFT has been paid fully and the remaining ones have no allotment letters and no SFT paid hence they have no title deeds ;
- v. THAT, the three blocks hosts over forty thousand people who access government services such as health services, schools within the Scheme and with a massive infrastructural development. Regrettably many plots within the

scheme have no titles hence hampering with the rate of economic development in the area;

THEREFORE your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:-

- (i) Intervenes to ensure that the petitioners' plight is addressed by degazetting the said piece of land and issue title deeds to all people settled in the scheme without titles without further delays.;
- (ii) Makes any other recommendations that may be deemed fit in redressing the plight of the petitioners

And your **PETITIONERS** will ever pray.

PRESENTED BY,

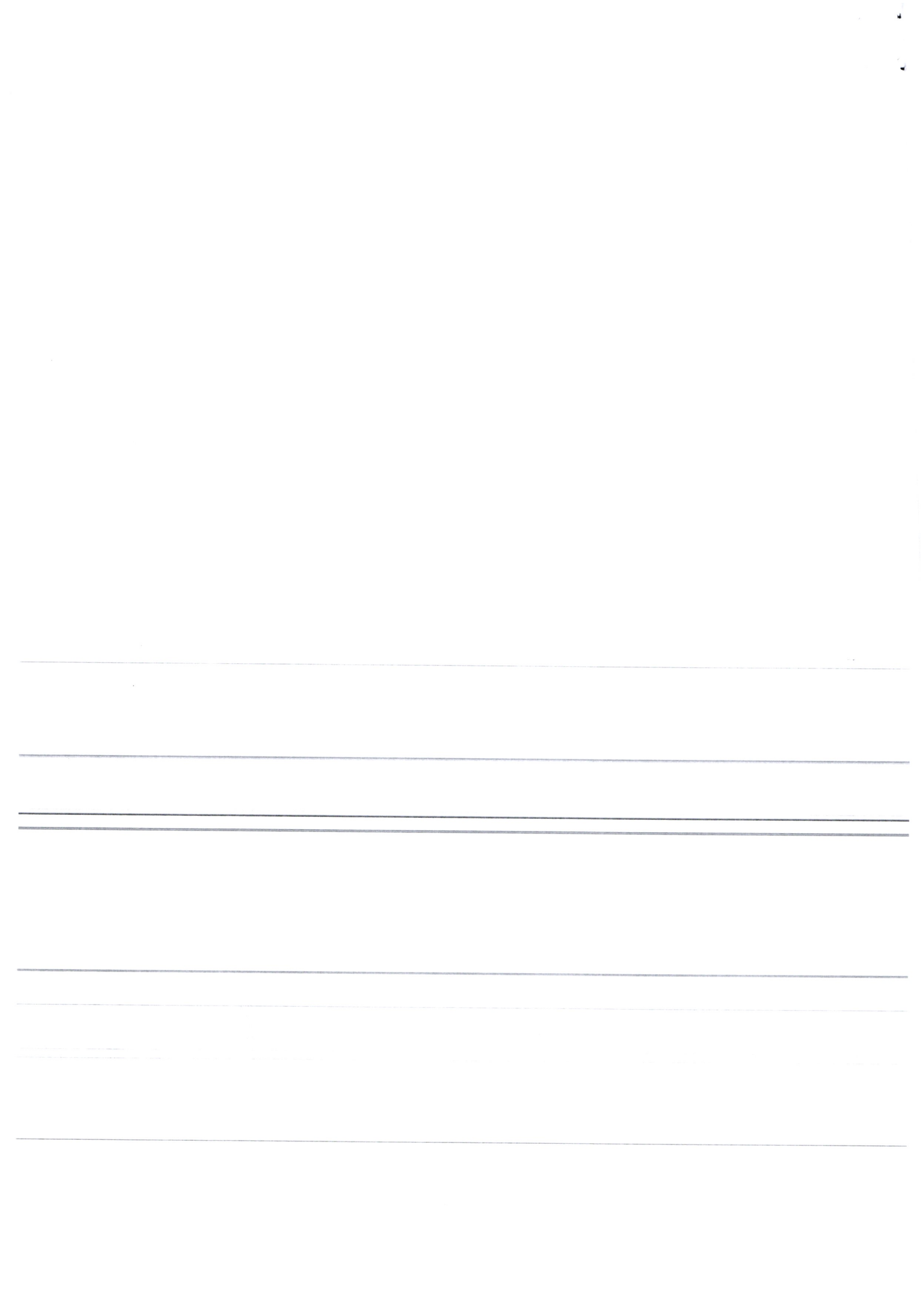
Grace Kipchoim

HON. GRACE KIPCHOIM, M.P.
BARINGO SOUTH CONSTITUENCY

DATE: *23/02/2016*.....

MOCHONGOI SETTLEMENT SCHEME-RESIDENTS

NAME	ID.NUMBER	ADDRESS	SIGNATURE
ANTHONY CHEBII	0339054	P.O BOX 19-30403 MARIGAT	<i>Anthony Chebii</i>
JAMES BOIT	6104903	P.O BOX 19-30403 MARIGAT	<i>James Boit</i>
DAVID MAKILGUT	7086551	P.O BOX 19-30403 MARIGAT	<i>David Makilgut</i>
ELIJAH KIPTOON	9676670	P.O BOX 19-30403 MARIGAT	<i>Elijah Kiptoon</i>
RICHARD KIPCHUMBA	5201904	P.O BOX 19-30403 MARIGAT	<i>Richard Kipchumba</i>
WILLIAM NG'ETICH	62341112	P.O BOX 19-30403 MARIGAT	<i>William Ng'etich</i>
RICHARD CHESANG	60429712	P.O BOX 19-30403 MARIGAT	<i>Richard Chesang</i>
BENJAMIN KANGOGO	22828411	P.O BOX 19-30403 MARIGAT	<i>Benjamin Kangogo</i>
JAMES TUNAI	5307944	P.O BOX 19-30403 MARIGAT	<i>James Tunai</i>
SALINA KIBON	5960523	P.O BOX 19-30403 MARIGAT	<i>Salina Kibon</i>
PAUL N. KOECH	11844039	P.O BOX 19-30403 MARIGAT	<i>Paul N. Koech</i>



STATEMENT BY THE CABINET SECRETARY PROF. JUDI W. WAKHUNGU, MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES PRESENTED TO THE PARLIAMENTARY COMMITTEE ON LANDS ON 18th OCTOBER, 2016

Honourable Chair, following invitation by the Parliamentary Committee on Lands for a meeting today to consider petitions by Hon. Grace Kipchoim, MP regarding Mochongoi Settlement Scheme and Kiboroa Squatters Alliance regarding alleged eviction from their ancestral land, I wish to respond as follows:

(1) PETITION BY HON. GRACE KIPCHOIM, MP REGARDING THE DEGAZETEMENT OF MOCHONGOI SETTLEMENT SCHEME

Honourable Chair, the Honourable Member of Parliament had petitioned to know:

(a) The status of the said forest and the size of the forest which has been encroached by the squatters

Mochongoi Settlement Scheme is located within Ol Arabel Forest Reserve, Baringo County. The forest was gazetted as a forest reserve vide Proclamation No. 107 of 23rd December, 1941 and originally covered approximately 7,855.93 hectares. Thereafter, 2,258.5 hectares and an additional one acre of an adjacent Trust Land area called Lomawe were added to this forest vide Legal Notices Nos. 12 of 30/1/70 and 31 of 10/2/78 respectively. This brought the total area of the forest reserve to 9,982.7 hectares.

In 1982, a total of 618.1 hectares were excised for settlement vide Legal Notice No. 7 of 29th January 1982, reducing the forest reserve's area to approximately 9,364.6 hectares.

The Settlement Scheme was established between 1991 and 1999, and was initially planned to cover approximately 6,273 hectares in three phases. However, between 1999 and 2000, squatters encroached on the

neighbouring Marmanet forest reserve in Laikipia district and occupied an area approximately 2,400 hectares, bringing the total area settled to approximately 9,673 hectares. Out of this area, the initial settlement with allotment letters comprise of 5,171.20 hectares while the remaining 4,501.8 ha is currently encroached upon by squatters.

Honourable Chair, the various phases comprising Muchongoi Settlement Scheme are as indicated below:

(i) Phase One - Block 107 (Mochongoi)

This consists of parcel Numbers 1 to 2673 of which 1,411 parcels were issued with letters of offer and title deeds issued. These are 5 acre plots and cover an area of approximately 7,060 acres (2,857.14 ha.). Plot numbers 1412 to 2673 have neither letters of offer nor title deeds. These parcels are mainly 2.5 acre plots and cover an area of approximately 3,152.5 acres (1,275.8 hectares). This brings the total forest area allocated in phase one (Block 107) to 4,132.94 hectares.

(ii) Phase Two - Block 110 (Kamailel)

This comprises of parcel numbers 1 to 815. The parcel numbers 1 to 550 (i.e 550 plots) have letters of offer but no title deeds were issued. Parcel Nos. 551 to 815 (264 plots) have no letters of offer, neither do they have title deeds. Thus in total, the 815 parcels of five acres each in phase 2 translates to 4,075 acres (1,649.13 Ha).

(iii) Phase Three - Block 111 (Kimoriot)

This block comprises of parcel numbers 1 to 1763. The plots that measure five acres each translates into an area of 8,815 acres (3,567.38 ha). Plot Parcel numbers 466 to 1763 (1,297 plots) with a total area of 6,485 acres (2,594 ha.) have no letters of offer, neither do they have titles.

In addition to the above plots, the Settlement Scheme has several public utility projects comprised of two (2) secondary schools, five (5) dispensaries, twenty one (21) primary schools and twenty seven (27) nursery schools, Administrative offices and trading centres.

b) Honourable Chair, the Member of Parliament also petitioned to know what my Ministry is doing with regard to degazetting part of Ol Arabel Forest occupied by squatters.

Honourable Chair, my Ministry in 2014 carried out an inventory of all settlement schemes and other irregularly allocated land within gazetted forest reserves. This was informed by the report by the Commission of inquiry into the Illegal/Irregular Allocation of Public Land (The Ndungu Report of June 2004). In April 2016, my Ministry developed a Cabinet Memorandum highlighting all the settlement schemes within gazetted forests that require to be regularized through degazettment. In addition, the Cabinet Memorandum also sought policy guidance from the Cabinet on the other irregularly/illegally allocated forest land. The matter is still under review by the Cabinet and a policy direction on the same is expected soon.

(c) Any other information relevant to the matter.

Honourable Chair, below are the mandatory requirements for degazettment of any part of a gazetted forest reserve pursuant to the Forests Act no. 7 of 2005:

- a) The proposal has to approved by the Forest Conservation Committee (FCC) for the area where the forest is situated after the Committee satisfied that such degazettment:
- i) *Shall not endanger any rare, threatened or endangered species;*
 - ii) *Does not adversely affect the forest reserve's value as a water catchment area;*
 - iii) *Does not prejudice biodiversity conservation, cultural values, or use of the forest for educational, recreational, health or research purposes.*

- b) An independent Environmental Impact Assessment (EIA) must be conducted by the proponent of the settlement; followed by issuance of an EIA Licence by NEMA;
- c) Public consultation must be conducted as stipulated in the Third Schedule of the Act;
- d) Resolution (Approval) of Parliament upon recommendation by the Kenya Forest Service Board.

The cost of undertaking the independent Environmental Impact Assessment (EIA) study and public consultation shall be met by the proponent of the settlement scheme.

2. PETITION BY KIBOROA SQUATTERS ALLIANCE REGARDING ALLEGED EVICTION FROM THEIR ANCENTRAL LAND.

Honourable Chair, the Honourable Member of Parliament had petitioned to know:

(a) The status of Kiborua Forest and Saboti Forest

Honourable Chair, Kiborua forest refers to the parcel of land L.R. No. 6992/2 commonly known as Ex Sorenson farm. The land originally belonged to a white settler by the name of Mr. K L. Sorenson. The land was purchased and acquired by the then Ministry of Environment and Natural Resources in 1975 from the original owner for establishment of pulpwood plantations to supply wood material to the Pan African Paper Mills at Webuye. The Land in question measures approximately 252.53 ha and was gazetted on 16th December, 2012 vide Legal Notice No. 23 as Makunga forest reserve, which is one of the blocks forming Saboti forest station in Trans Nzoia county. A land buying company by name Chorlim Multipurpose Society have been claiming ownership of this land after members were duped to contribute money towards purchase of the same land.

Saboti forest comprises of the six parcels of land purchased from white settlers measuring 1,981 hectares. These parcels of land were gazetted

Tabled by Samuel Mwachepo
on 23/4/2016 at Mochongoi
Settlement Scheme.

MOCHONGOI SETTLEMENT SCHEME MEMORANDUM ON SUPPORT OF
DEGAZETEMENT PETITION ON 23RD APRIL 2016

James
Omari

MEMBERS PRESENT

NO.	NAME	PHONE NUMBER	SIGNATURE
1.	MICHAEL MBUGUA	0722584590	
2.	PATRICK C. KAMAREI	0725523223	
3.	SAMUEL CHEPSAT	0722698308	
4.	SAMUEL KIBON	0726417303	
5.	STANLEY CHEMITEI	0720308605	
6.	JAMES TUNAI	0724755409	
7.	JAMES KANGOGO	0720398227	
8.	JOSEPH BARSEMOI	0716850681	
9.	JOSEPH BURETI	0723389342	
10.	JULIUS CHUMALIMA	0716071731	
11.	SALINA KIBON	0728148433	
12.	JENNIFFER CHERUIYOT	0723768545	
13.	MARY CHEPYATOR	0714001923	
14.	JOSEPH SEURI	0725201129	
15.	JOSAAC KELWON	0720456191	
16.	DAVID BUNDOTICH	0710464348	
17.	JONATHAN NGETUNY	0711876448	
18.	ELIJAH BAKAE	0710174626	
19.	JAMES LEKATEIYA	0724796306	
20.	JOHN CHESUMO	0728832599	
21.	RICHARD CHESANG	0729757172	
22.	ALEX CHEPTIRIM	0711839616	
23.	TARUS NEHEMIA	0726682104	
24.	WILSON KAPTUNAI	0724970616	
25.	SYMON OMARI	0720046678	

The deliberations cited below acts as a memorandum of the people of Mochongoi settlement scheme over the above mentioned issue.

In reference to the petition dated Wednesday 24th February 2016, at 2.30pm, the degazetement of Mochongoi settlement schemes tabled by Hon Grace Jelagat Kipchoim on behalf of over forty thousand residences allocated by the Kenyan Government, Mochongoi settlement schemes was allocated to Baringo county Residents on the basis of settling the landless people and help to alleviate food shortages to the county resulting from arid and semi arid areas. Others were compensated by the government whose land were allocated to government projects like dams and institutions.



B. Double allocation

The members sited that there are parcels of land which were doubly allocated to individuals. they proposed that, to resolve this, a committee of people conversant with the areas of controversy be established so that they make an overhaul audit of this and other related challenges, like water catchment and water towers.

C. Fictitious land companies or names

It was noted that there are some fictitious land companies or names that they are believed to be farms belonging to individuals hiding behind those names.

Such Companies are;

- i. Thomson Falls plantations
- ii. Winch
- iii. Yellow Book
- iv. KARI
- v. Sacho investment among others

They proposed that those farms be converted to be used for public utilities.

D. Boundary establishment

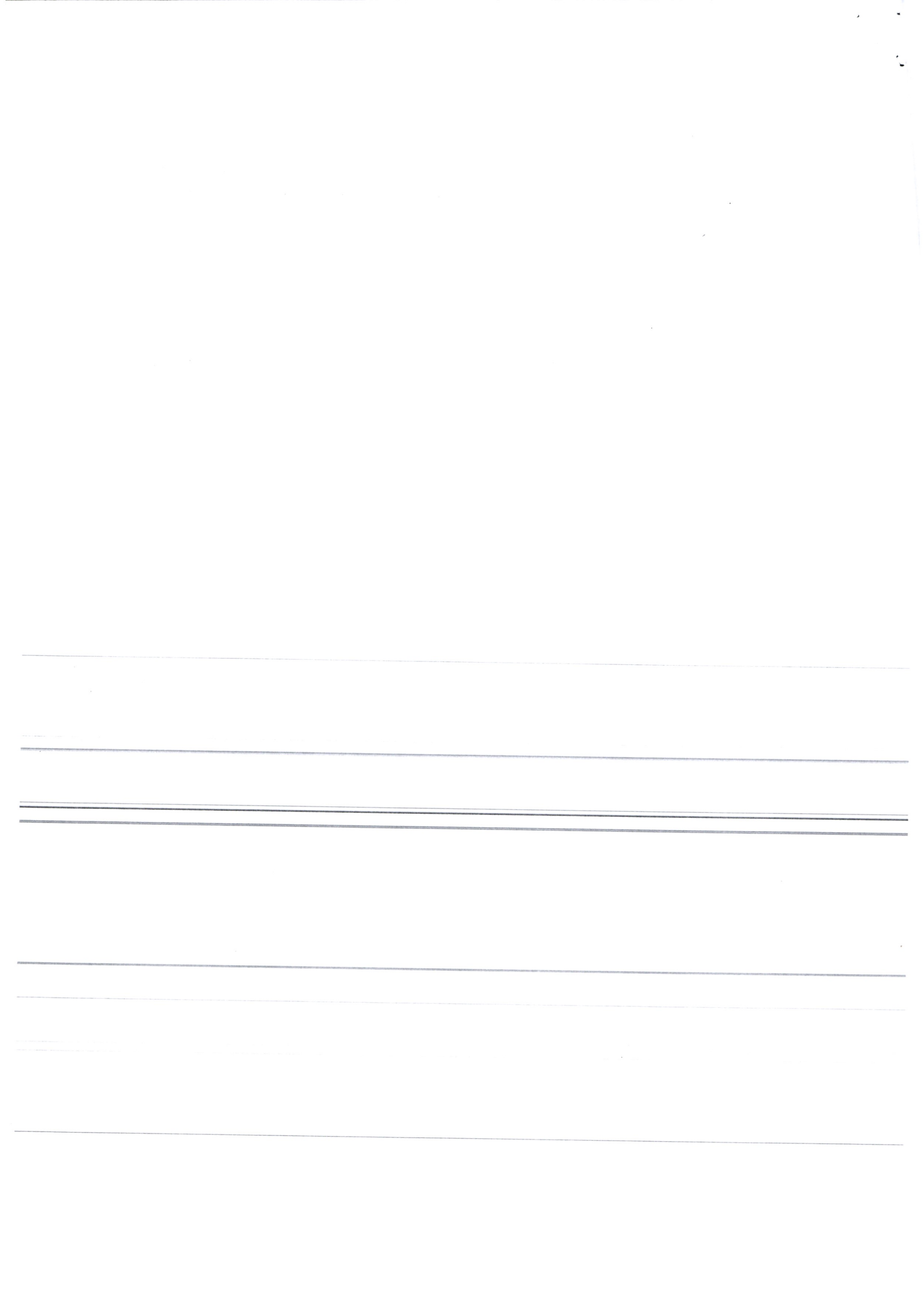
The members requested that some people from the community or locality be incorporated as part of the team on the establishment of of the scheme.

E. Absentee Land owners.

Its noted that there are a number of absentee landowners some up to means and to date have not 27 years have not shown any interest of developing the land paving way for speculative settlers to occupy. The audit committee should be mandated to decide on its utility.

After living in the scheme for all that length of time, we therefore request the government to legalize our being here as per the petition.

Thank you



The scheme consists of three phases:

Phase 1: Block 107-Mochongoi Scheme; 2,673 plots

Phase 2: Block 110-Kamalel Scheme; 1,779.7 hectares

Phase 3: Block 111-Kimoriot Scheme; 2,316 hectares

Residents were issued with allotment letters and demand notice to pay SFT which they responded positively.

The residents in the schemes has initiated several projects as follows:-

- 36 primary schools
- 8 secondary schools
- 4 cattle dips
- several churches
- several trading centre
- 6 health facilities
- 4 tertiary institutions
- 5 financial institutions
- 5 administrative units
- several permanent structures

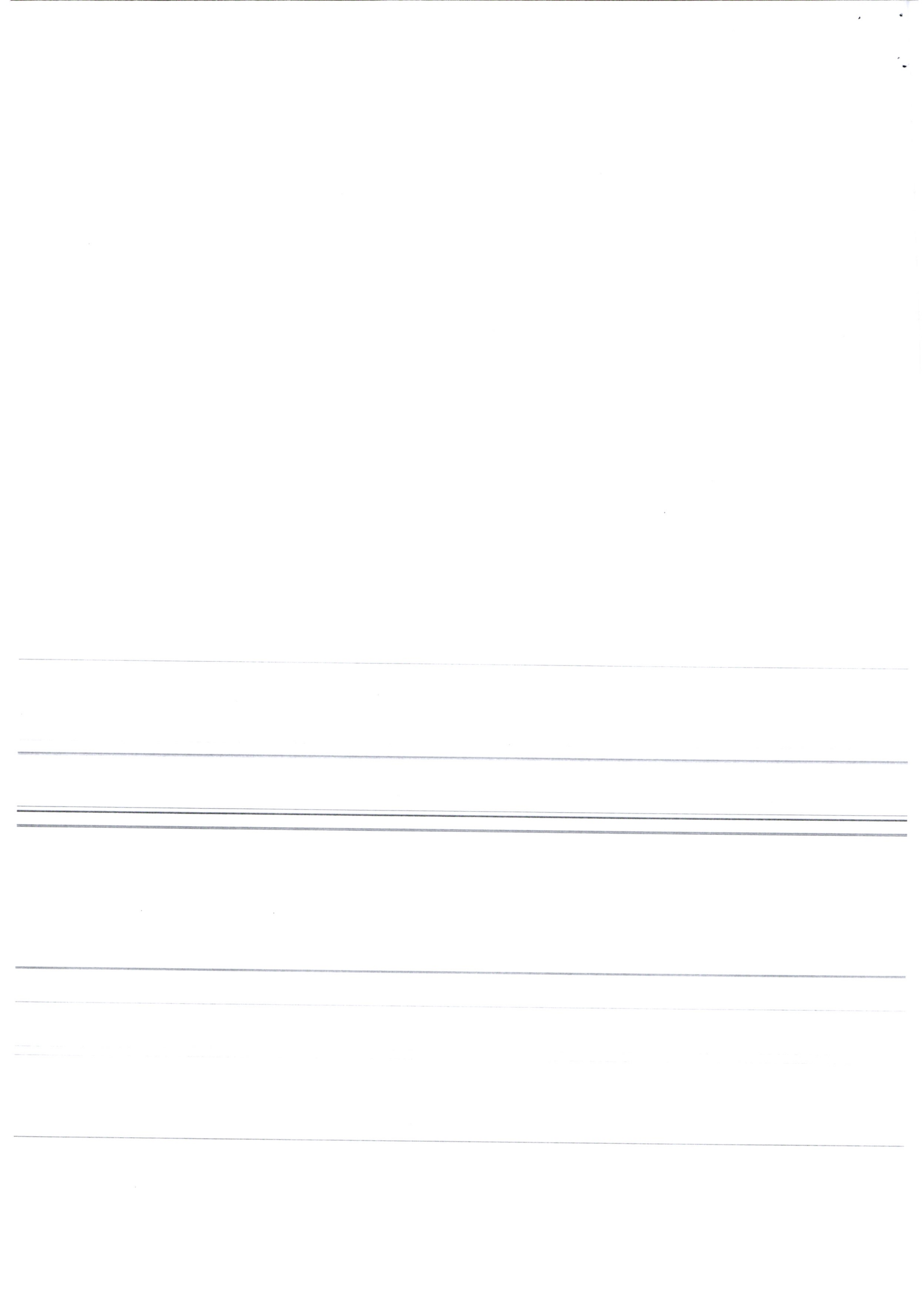
The residents has lived the scheme for over 27 years therefore, we kindly request the government to legalize the settlement scheme by degazetting as per the tabled petition.

However, they had the following issues which they requested to be addressed fully for better coexistence in the scheme which is not hindrance to degazetement of the scheme

Koitolil Block Phase 1: Block 107-Mochongoi Scheme; 2,673 plots

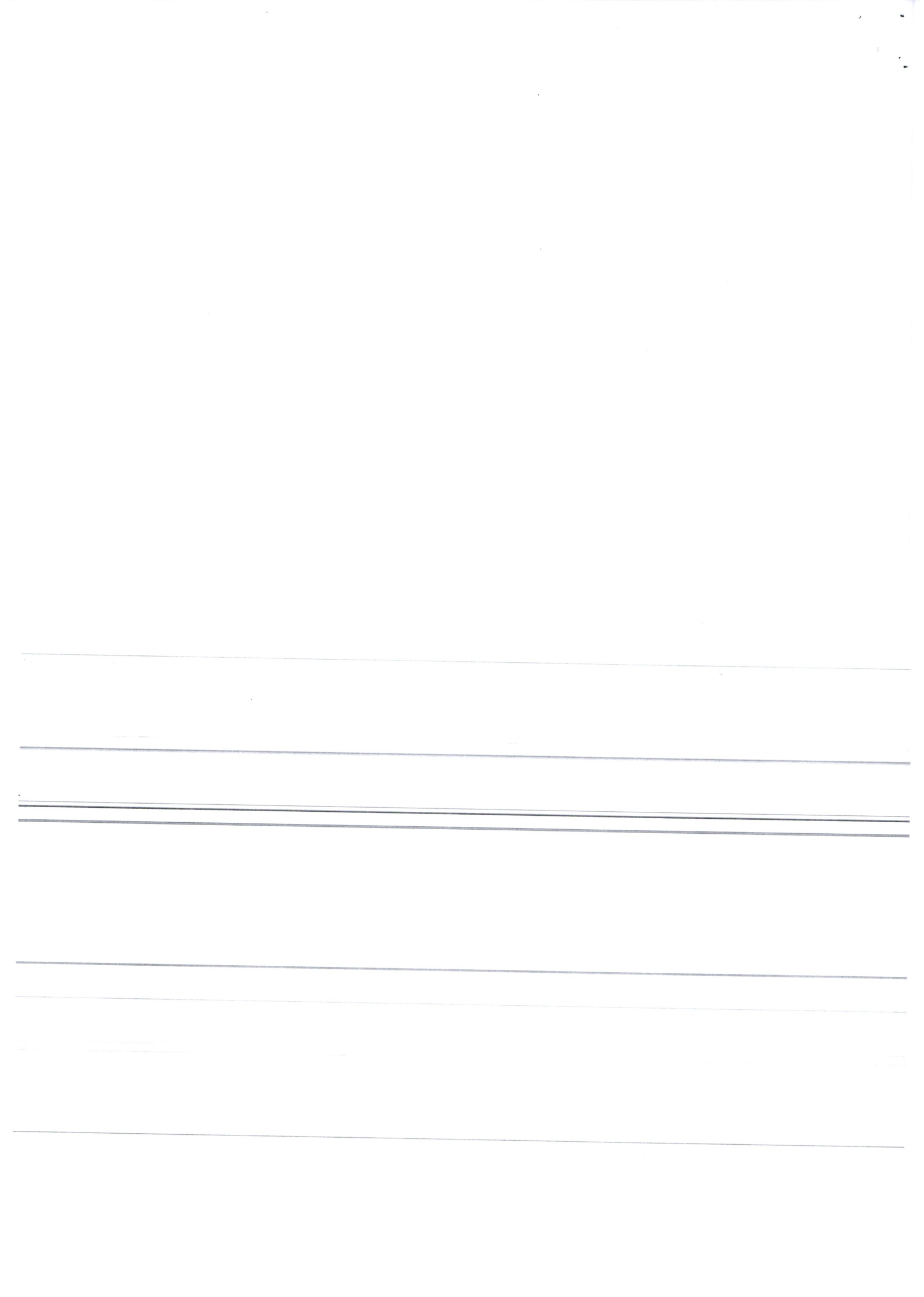
This forms part of 1-1411 - 5 acres land and 1412-2673 2.5 acres parcels of land.

The above is in Mochongoi location on the way to Mochongoi Divisional Headquarters. The residents assume that the above has been subdivided into pieces of farms and allocated to prominent people. They said they are against this and proposed that any previous allotment be revoked forthwith 382 parcels are within the contentious Koitolil Block between Kabel and Mochongoi which is a forest on the ground but allocation done on the map.



Cc.

- Copies to
- Cs ministry of lands
- Cs ministry of environment
- Chair national land commission
- Chair parliamentary committee lands
- Governor Baringo County
- Count Commissioner Baringo County
- Mp Baringo South
- Director Kenya forestry service
- Director land adjudication and settlement
- DCC Marigat
- ACC Mochongoi



Tabled by
Baringo
Ced
got
23/4/2016

BARINGO COUNTY GOVERNMENT

Tel/Fax: 053-21709

Email: ceclandsurbanbaringo@gmail.com



P.O. Box 53-30400

KABARNET

14/04/2016

OFFICE OF THE COUNTY EXECUTIVE

LANDS, HOUSING AND URBAN DEVELOPMENT

PRESENTATION ON MOCHONGOI SETTLEMENT SCHEME, BARINGO SOUTH CONSTITUENCY, BARINGO COUNTY TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

1.0 Background

Mochongoi Settlement Scheme was established in 1989 by the Government through a verbal directive by the former president H. E. Daniel Toroitich Arap Moi that the people who had surrendered their land for the construction of Kirandich dam, schools, churches, the airstrip and the Kenya School of Government (KSG) to be allocated land at Mochongoi.

The Scheme has three (3) blocks, namely

- i. Mochongoi Block 107
- ii. Kamailel Block 110 and
- iii. Kimoriot Block 111

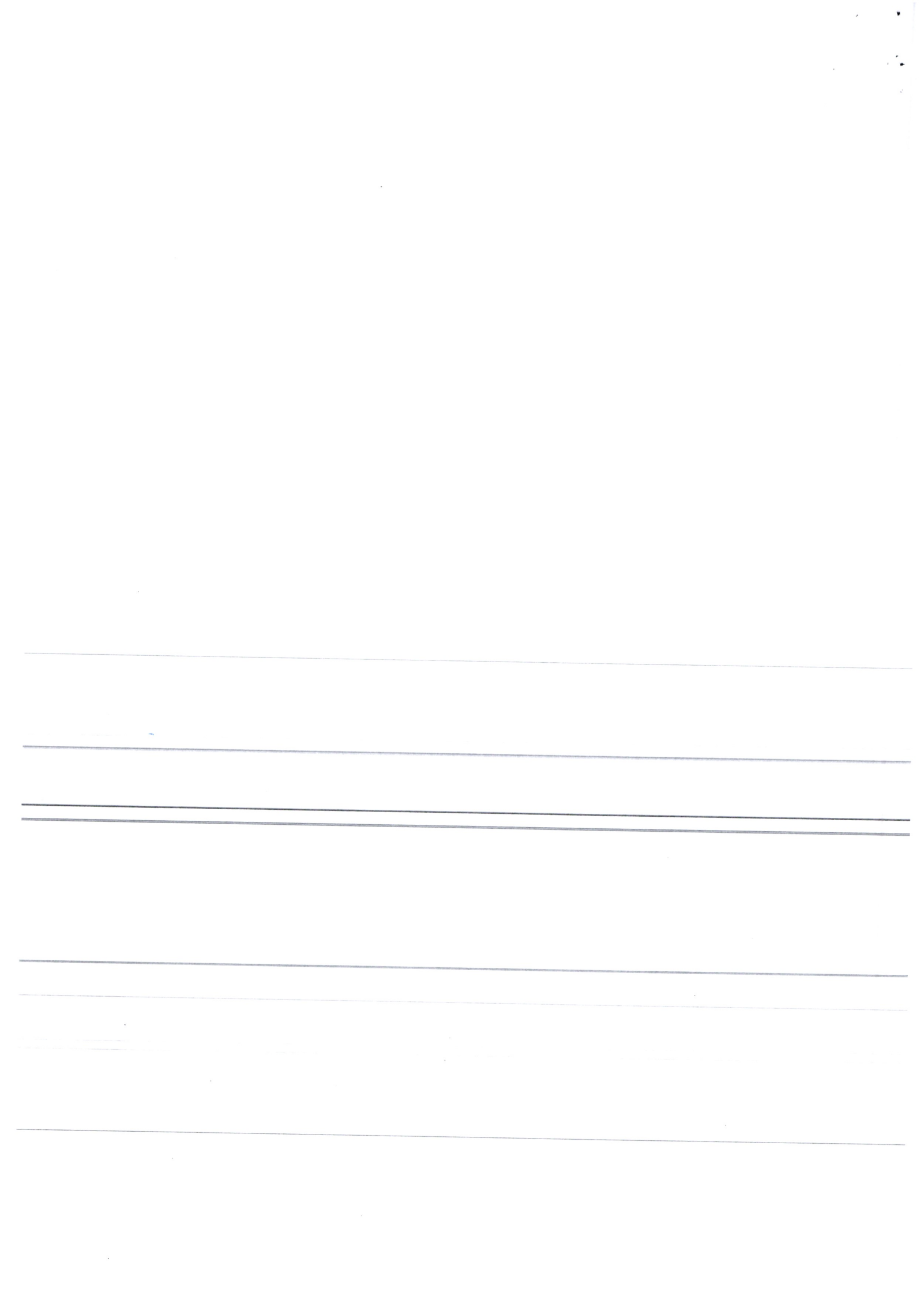
The three (3) blocks have a total acreage of (10062.4)HA The area has an estimated population of over 40,000.

i. BLOCK I – SCHEME (5960.66)HA

This settlement scheme commenced in 1989 with the first phase of the scheme getting letters of offer after survey in 1998. 1411 allottees were given letters of offer and titles were also issued. It was established by the provincial Administration to cater for people whose land was acquired for public use and was not preceded with forest degazettement and reservation.

The letters of offer in this block for plot number 1-1411 are in District Land Adjudication Settlement Officer's office under lock and key. In the same block areas reserved as catchment or conservation areas were further excised to create 2.5 acres plot which were given to the people through chits of paper from District Officer's office at Mochongoi. These were numbers 1412 – 2710. Some of the plots in this block are not yet occupied.

Allocation of plots were done by various centres of power at that time thus created a situation that resulted to double allocation. However,



plot demarcation and survey is presumed complete to date in this block.

It is imperative to note that the verification against the original objective should be done to guide degazettement as well as streamline the record and ground status which is riddled with queries. The chits of paper used to allocate people land in this phase were prepared by District Officer. A separate register was prepared that is now under the custody of Land Adjudication Officer Baringo County. In this block also people calling themselves Endorois, formed a committee and started fixing others in plots they consider to be vacant in disregard of the names in our register.

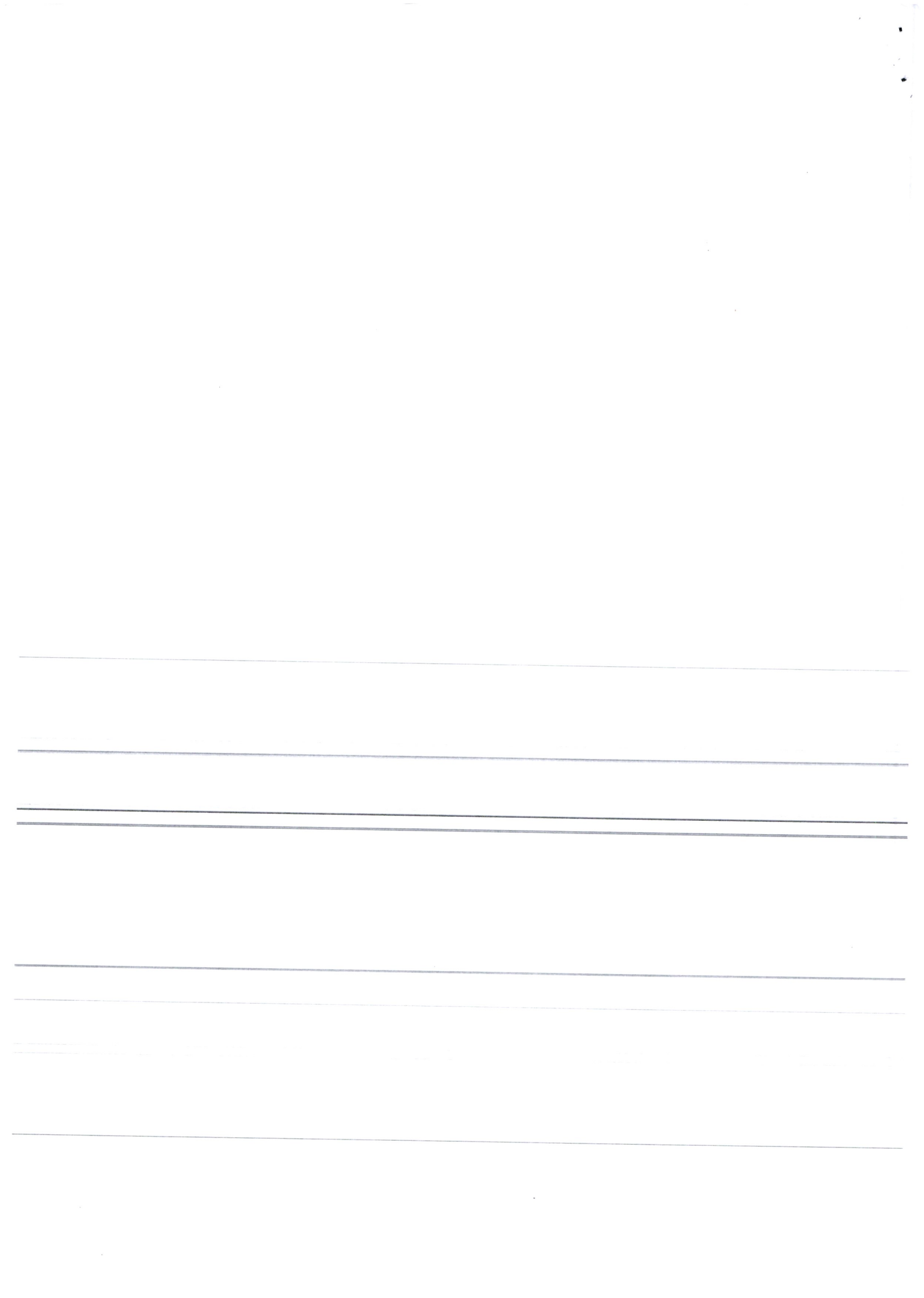
Verification to ascertain the true extent of settlement was dogged with problems and has never been completed. The area between the Divisional Headquarter which is known as Koitilele Forest Block and Kabel Trading Centre is still forest land but was surveyed, mapped, numbers given and allocated.

The borne of contention between the Land Adjudication and Settlement Office and the local people is that they perceive the list of allottees to be for foreigners, hence wanted a list of their own adopted. They have also been threatening to evict anybody who might settle there without their consent. Their proposal list is in the scheme file.

Block No. I	No of Parcels	Areas (HA)	Titles Issued	NO. Of Public Utilities	Parcel s with Letters of offer	Parcels Without letters of offer and Titles	Remarks
I scheme 107	2710	5960. 66	1411	55	1-1411	1411 - 2710=129 9	

ii. BLOCK II - SCHEME 110 KAMAILEL (1779.7)HA

Initially, there were 550 allottees. Their letters of offer are in District Land Adjudication Settlement Officer's office under lock and key. Extensions from plot number 551 to 1148 were effected but these have no letters of offer. This block does not have much problems apart from plots recorded in the names of Thompsons Falls plot number 556, KARI and Baringo Farmers Institute which tend to elicit farmers outcry.



Block No. II	No of Parcels	Areas (HA)	Titles Issued	NO. Of Public Utilities	Parcels with Letters of offer	Parcels Without letters of offer	Remarks
II Scheme Kamaile 110	1148	1779.7	NIL	27	1-550	551 - 1148 = 597	

iii. BLOCK III - SCHEME III KIMORIOT

Initial 465 allottees with letters of offer are in District Land Adjudication Settlement Officer's office under lock and key. Extensions from plot number (1) 466 to 1148 were effected but these have no letters of offer. There was further extension from (II) 1149 - 1814 but have no letters of offer.

Block No. III	No of Parcels	Areas (HA)	Titles Issued	NO. Of Public Utilities	Parcels with Letters of offer	Parcels Without letters of offer	Remarks
III - Scheme Kimoriot 111	1814	2316	NIL	25	1-465	466-1814 = 1348	

In this block, there are elders who purported to place land seekers on plots which are not occupied. This happened in disregard of the list available at the Land Adjudication and Settlement office - Kabarnet.

iv - PAYMENT OF SFT DUES

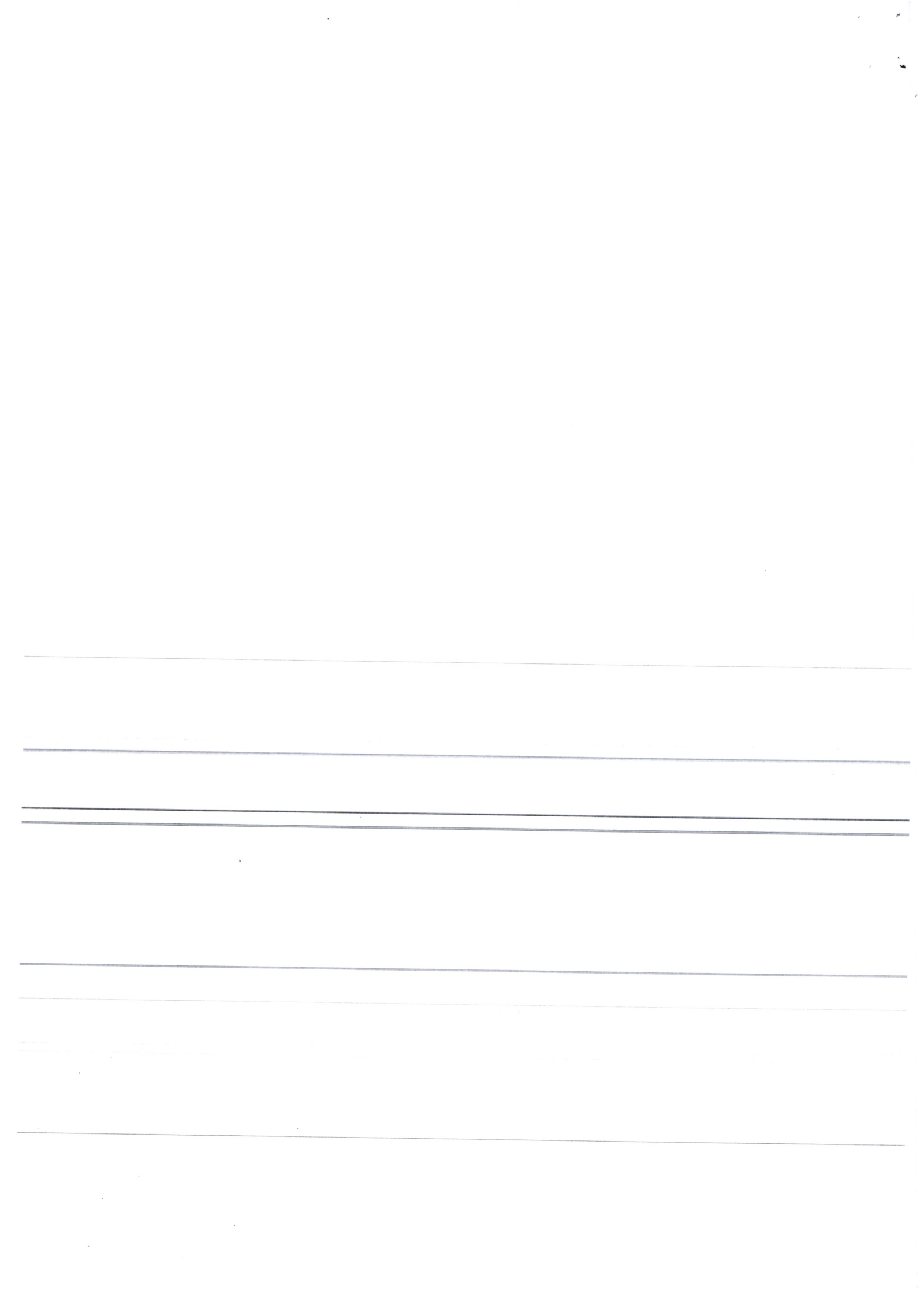
Block 107 P/No's 1 - 2710

Block 110 P/No's 1 - 1148

Block 111 P/No's 1 - 1799

The allottees shall be allowed to pay once the County plot allocation Committee is satisfied with their occupation and also after acceptance from the Director of Land Adjudication and Settlement - Nairobi.

The County Surveyor, formally District Surveyor had started map rectification exercise which was to end by 15th January, 2016 but the same was suspended owing to squabbles from Endorois leaders. The same has never been completed to date hence important to resume the exercise.



v. Number of public utilities	-	22
Trading centre's	-	5
Schools	-	4
Office of the President	-	1
Health Centres	-	1
Baringo County Council	-	1
Dams	-	2
MENR	-	6
Water points	-	2

The list of other public utilities in Mochongoi Settlement Scheme are as attached in appendix I here below (from 170-285) Exclude 1-169 ~~from~~ CEC lands

NB: Some diskettes of these plots especially for new plots were left with some interested parties who shall use them alongside our documents. It is important to note that the entire settlement scheme has been a subject of Ndungu Commission of Enquiry into illegal allocation of public land, communication 276/2003 before the African Commission on Human and Peoples Rights and also miscellaneous Civil Application no. 421/2002 which are all being handled by the Attorney General's Office in conjunction with Lands Ministry Headquarter.

Other technicalities involve the pending degazettement of the forest land for settlement purposes which led to stalling of ground verification work in 2005.

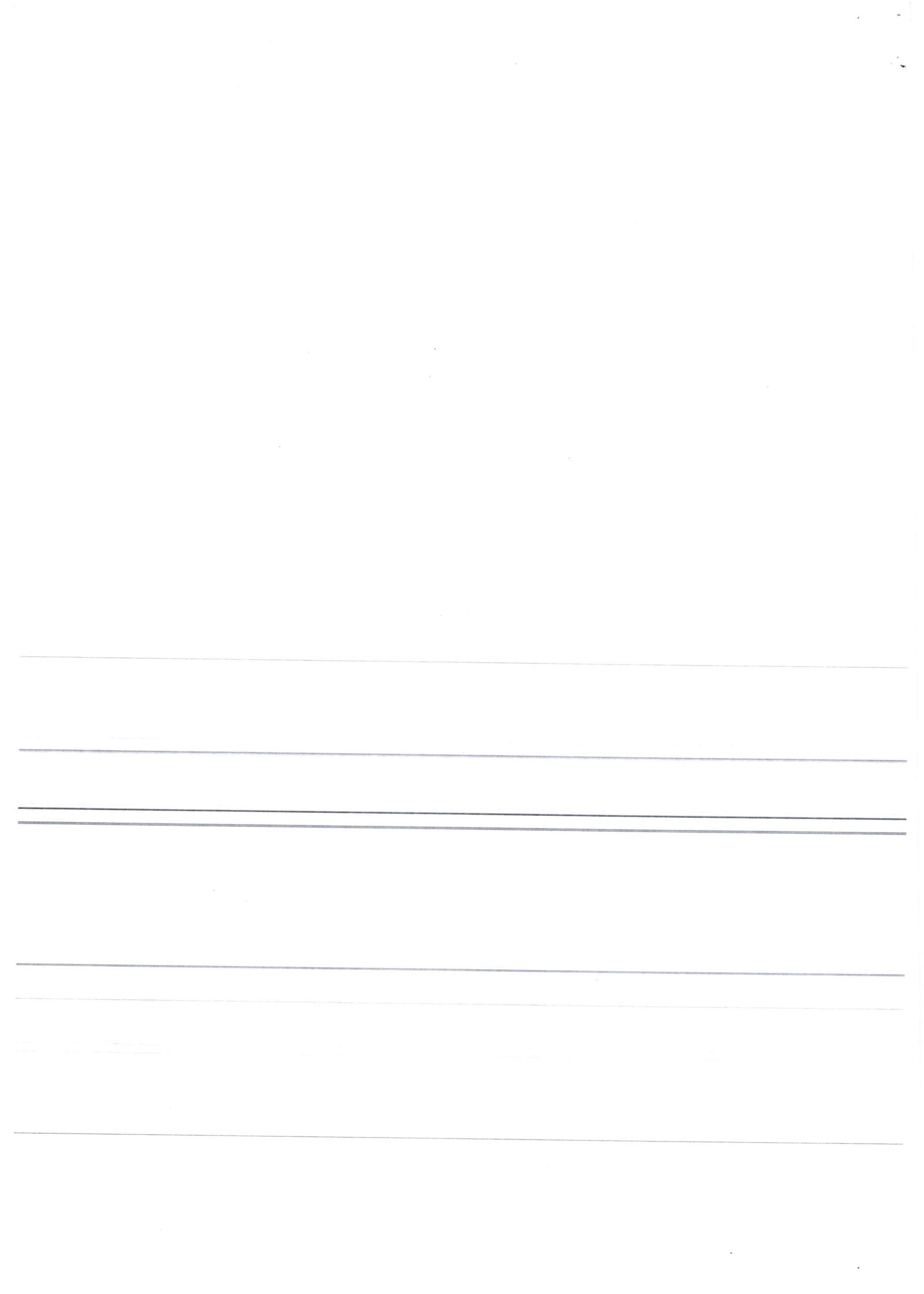
The cutline establishment shall guide the Government in the forest degazettement process.

County Government Recommendation.

- i. The County Government recommends for the degazettement of Mochongoi Settlement Scheme
- ii. It further recommends issuance of all legal ownership documents for the three blocks



Hon. Edwin M. Riamangura
CECM, LANDS, HOUSING & URBAN DEVELOPMENT



v – SCHEME MAPS

The following are RIMs for Mochongoi Settlement Scheme blocks I, II & III

Block I – Sheet No. 1, 17, 13, 11, 3, 7, 16, 12, 14, 9, 4, 15, 18, 26, 3T, 10T, 4T, 9T, 8T and 6T

Block II – Sheet No. 1 & 2 only

Block III – Sheet No. 9, 7, 6, 10, 3, 4, 6, 8, 1, 3, 4T and 6T

vi – Summary

Block 1 (107) – (5960) HA

i.	Scheme size	-	5960HA
ii.	Total number of parcels	-	2710
iii.	Parcels with letters of offer	-	1-1409 (4659.66)HA
iv.	Parcels with title deeds	-	1-1409
v.	Number of public utilities	-	57
	Trading centre's	-	5
	Schools	-	11
	Recreation Park	-	1
	Dams	-	2
	Churches	-	7
	MENR	-	26
	Airstrip	-	1
	Water point	-	2
	Cattle dips	-	2

Block II (110) – (1779) HA

vi.	Scheme size	-	1779HA
vii.	Total number of parcels	-	1148
viii.	Parcels with letters of offer	-	550 (1060)HA
ix.	Parcels with title deeds	-	Nil
x.	Number of public utilities	-	27
	Trading centre's	-	4
	Schools	-	7
	Dams	-	3
	Churches	-	3
	MENR	-	7
	Water point	-	3

Block III (111) – (2316) HA

i.	Scheme size	-	2316HA
ii.	Total number of parcels	-	1814
iii.	Parcels with letters of offer	-	465
iv.	Parcels with title deeds	-	Nil



APPENDIX I

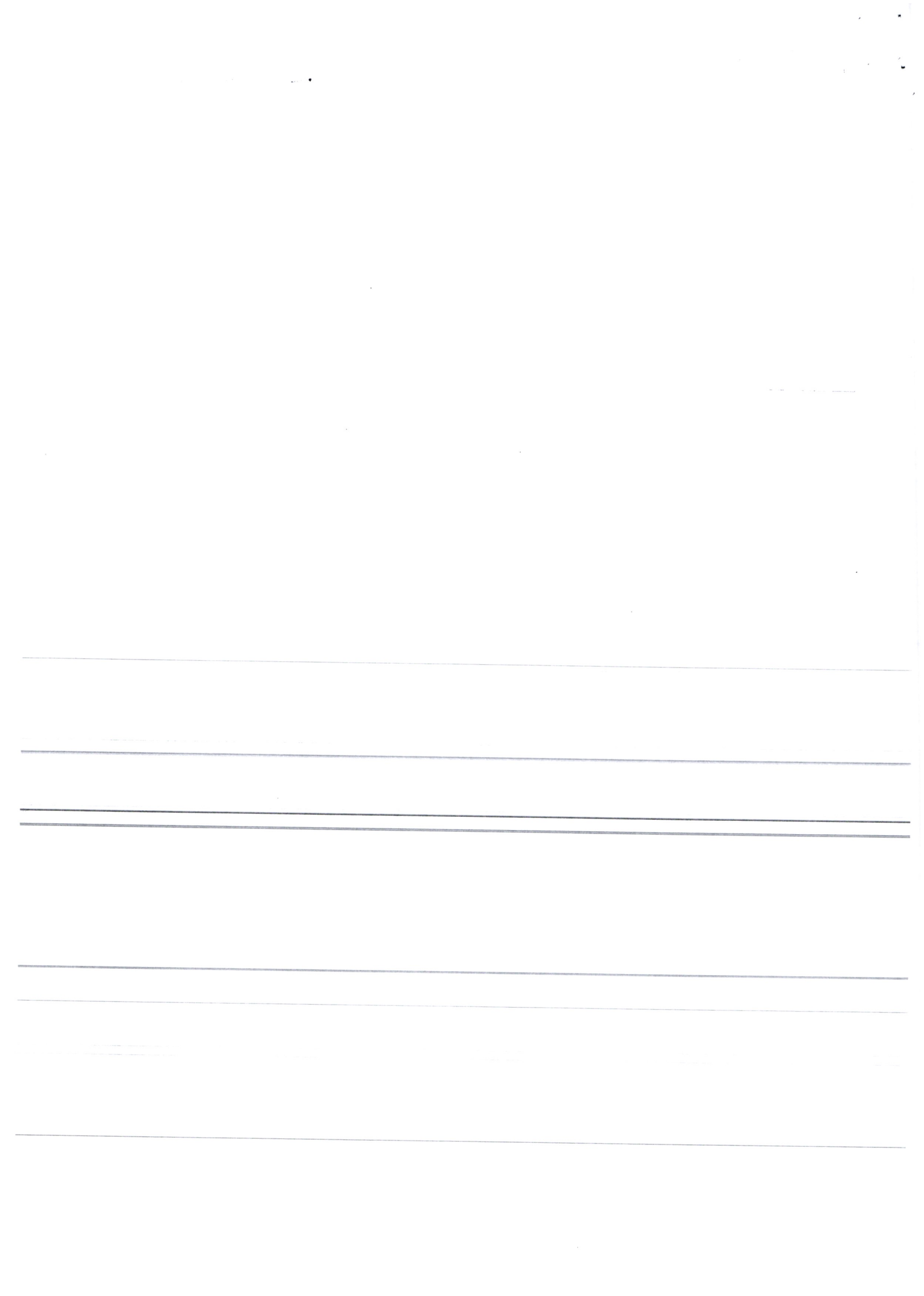
S/NO	CURRENT USAGE	ACRES	WARD	LOCATION	SUB-LOCATION
X 1	NYIMBEI SEC. SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 2	SAMBAKA SEC. SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 3	KASIELA SEC. SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 4	NYIMBEI PRY. SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 5	CHEBINYINY PRY SCHOOL	20 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 6	SAMBAKA PRY SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 7	KIRIM PRY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 8	KASIELA PRY SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 9	SINONI PRY SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 10	SOSIONTE NURSERY SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 11	NOIWE NURSERY SCHOOL	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 12	MATARE NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
13	OLKALOU NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
14	SERETON NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	KASIELA
15	KORKORON NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 16	CHEBIREBEI NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 17	KIPTONYON NURSERY SCHOOL	5 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 18	KIRIM BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 19	KIRIM DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 20	CHEBINYINY DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 21	NYIMBEI BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 22	SAMBAKA DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 23	SOSIONTE DAM	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 24	SOSIONTE BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
X 25	SAMBAKA BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 26	MATARE DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 27	NYIMBEI DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 28	CHEBINYINY BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 29	CHEBINYINY DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
X 30	KAPLELACH PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
31	KASOK PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
32	KAPKOIT PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
33	KOIBOBEI BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
34	NYALILBUCH BORE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA



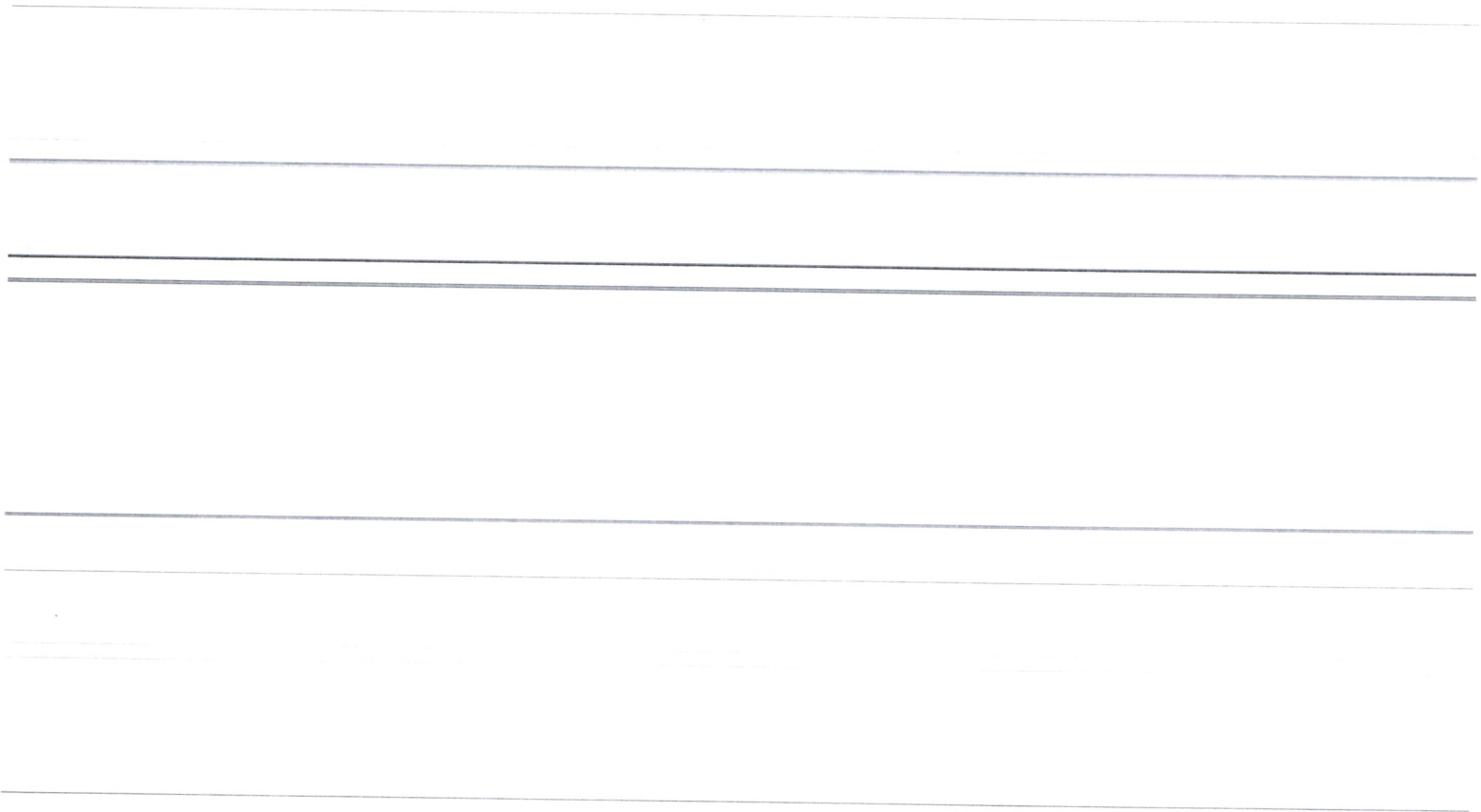
	HOLE				
35	MUTARAN DAM	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
36	KAPLOCH DAM	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
37	KAPULPUL PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
38	KAORKORON PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
39	LOMULEL DAM	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
40	CHEPNGANIAN PAN	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
41	KAPKERTICH DAM	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
42	SINONI BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
43	KOIKUNUR BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
44	KASIELA SPRINGS	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
45	KASIELA BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
46	SERETON BORE HOLE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
47	NYIMBEI DISPENSARY	5 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
48	SAMBAKA DISPENSARY	10 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
49	SINONI DISPENSARY	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
50	NYIMBEI CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
51	SABAKA CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
52	ALKALAN CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
53	KIRIM CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
54	CHEBINYINY CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
55	KASIELA CATTLE DIP	5 acres	MOCHONGOI	CHEBINYINY	KASIELA
56	SINONI CATTLE DIP	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
57	NYIMBEI CATHOLIC	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
58	NYIMBEI FGCK	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
59	SAMBAKA CATHOLIC CHURCH	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
60	SAMBAKA FGCK	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
61	SAMBAKA REDEEM CHURCH	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
62	SAMBAKA AIC	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
63	KIRIM AIC	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
64	CHEBINYINY CATHOLIC	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
65	SOSIONTE FGCK	1 acres	MOCHONGOI	CHEBINYINY	KASIELA
66	SOSIONTE SDA	1 acres	MOCHONGOI	CHEBINYINY	KASIELA
67	KIRIM CATHOLIC	1 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
68	SINONI CATHOLIC	1 acres	MOCHONGOI	CHEBINYINY	KASIELA
69	SINONI FGCK	1 acres	MOCHONGOI	CHEBINYINY	KASIELA
70	SINONI MITUME	1 acres	MOCHONGOI	CHEBINYINY	KASIELA
71	KASIELA AIC	15 acres	MOCHONGOI	CHEBINYINY	KASIELA
72	KASIELA CATHOLIC	10 acres	MOCHONGOI	CHEBINYINY	KASIELA
73	NYIMBEI TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
74	SOSIONTE TRADING	2 acres	MOCHONGOI	CHEBINYINY	KASIELA



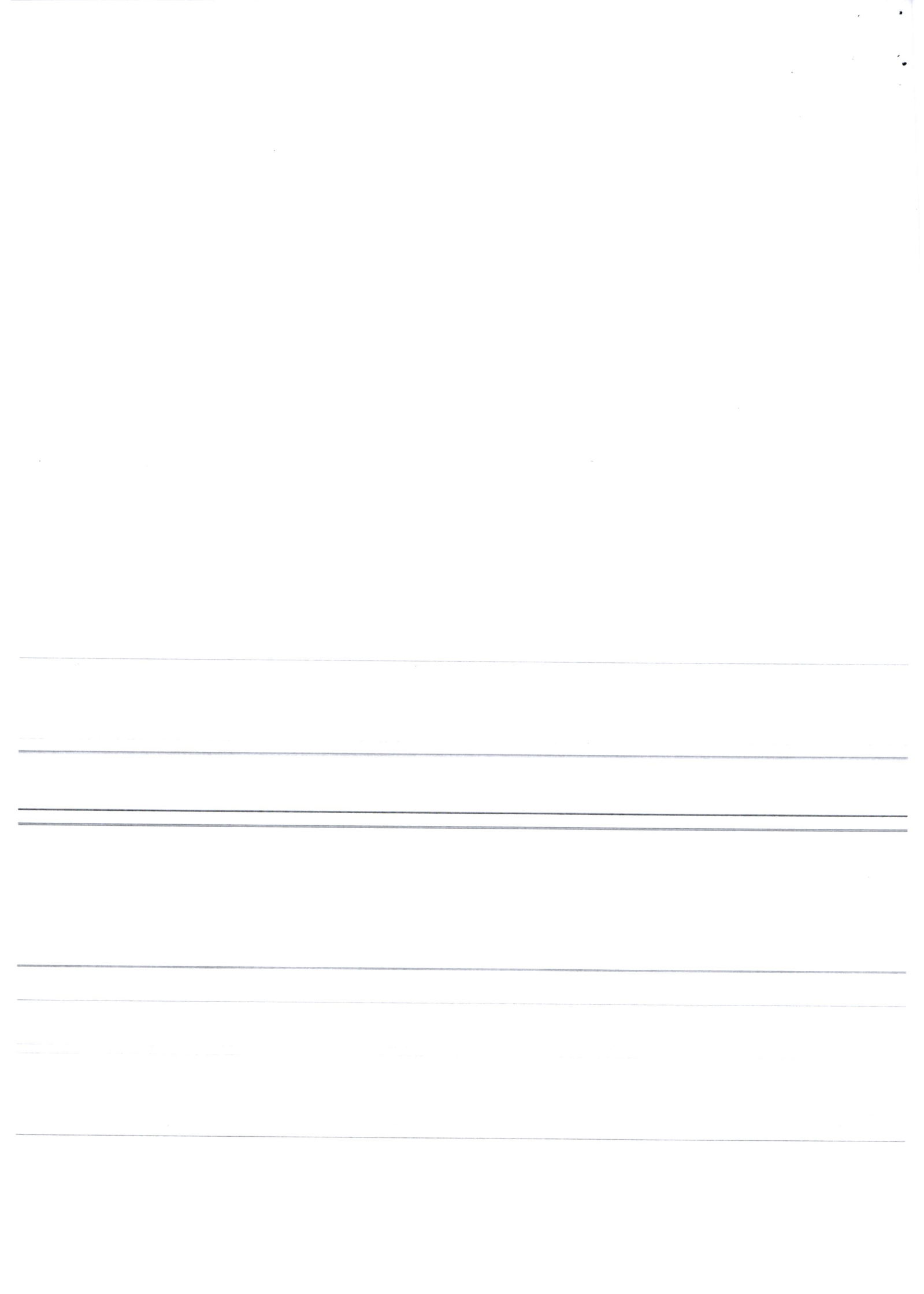
	CENTRE				
75	KIRIM TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
76	SAMBAKA TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
77	CHEBINYINY TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	CHEBINYINY
78	KASIELA TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
79	SINONI TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
80	CHEPNGANIAN TRADING CENTRE	2 acres	MOCHONGOI	CHEBINYINY	KASIELA
81	SANDAI AIC CHURCH	2 acres	MOCHONGOI	SANDAI	SANDAI
82	SANDAI CATHOLIC CHURCH	1.5 acres	MOCHONGOI	SANDAI	SANDAI
83	SANDAI FGCK	1 acres	MOCHONGOI	SANDAI	SANDAI
84	SANDAI T CENTRE	30 acres	MOCHONGOI	SANDAI	SANDAI
85	PROPOSED MBECHOT T CENTRE	50 acres	MOCHONGOI	SANDAI	MBECHOT
86	KAATIN T CENTRE	10 acres	MOCHONGOI	SANDAI	MBECHOT
87	SANDAI PRY SCHOOL	15 acres	MOCHONGOI	SANDAI	SANDAI
88	CHEPLOCH PRY SCHOOL	5 acres	MOCHONGOI	SANDAI	SANDAI
89	TEMBERERWE PRE SCHOOL	2 acres	MOCHONGOI	SANDAI	SANDAI
90	CHUINEE CONSERVANCY	2000 acres	MOCHONGOI	SANDAI	SANDAI
91	TUIYONO PRE SCHOOL	3 acres	MOCHONGOI	SANDAI	SANDAI
92	CHEPKOTOYAN PRIMARY SCHOOL	10 acres	MOCHONGOI	SANDAI	MBECHOT
93	MBECHOT PRIMARY SCHOOL	20 acres	MOCHONGOI	SANDAI	MBECHOT
94	SANDAI DAY SEC SCHOOL	15 acres	MOCHONGOI	SANDAI	SANDAI
95	SANDAI CATTLE DIP	2 acres	MOCHONGOI	SANDAI	SANDAI
96	CHUINEE PAN DAM	1 acre	MOCHONGOI	SANDAI	SANDAI
97	MBECHOT PAN DAM	1 acre	MOCHONGOI	SANDAI	MBECHOT
98	KESUBO SWAMP	200 acres	MOCHONGOI	SANDAI	MBECHOT
99	KIBORGOCH	700 acres	MOCHONGOI	SANDAI	SANDAI/ MBECHOT
100	KELELWE PAN DAM	1 acre	MOCHONGOI	SANDAI	MBECHOT
101	TEMBERERWE PAN DAM	1 acre	MOCHONGOI	SANDAI	SANDAI
102	LOBOI LOCATION CHIEF'S OFFICE	1 acre	MOCHONGOI	LOBOI	MAJI NDEGE
103	LOBOI CATTLE DIP	2 acres	MOCHONGOI	LOBOI	MAJI NDEGE
104	LOBOI DISPENSARY	5 acres	MOCHONGOI	LOBOI	MAJI NDEGE
105	LOBOI PRY SCHOOL	15 acres	MOCHONGOI	LOBOI	CHELABA
106	LAKE BOGORIA SEC. SCHOOL	20 acres	MOCHONGOI	LOBOI	MAJI NDEGE
107	LAKE BOGORIA PRY SCHOOL	5 acres	MOCHONGOI	LOBOI	MAJI NDEGE
108	KIBORGOCH SWAMP	500 acres	MOCHONGOI	LOBOI	CHELABA/common
109	KESUBO SWAMP	300 acres	MOCHONGOI	LOBOI	MAJI NDEGE/common
110	LAKE BOGORIA GAME	107KM sq	MOCHONGOI	LOBOI	CHELABA



	RESERVE				
111	LAKE BOGORIA GATE AND STAFF QUARTETERS	30 acres	MOCHONGOI	LOBOI	CHELABA
112	CHEPKOIMET BORE HOLE	1 acre	MOCHONGOI	LOBOI	CHELABA
113	CHELABA PAN DAM	2 acres	MOCHONGOI	LOBOI	CHELABA
114	CHEPKOIMET PAN DAM	2 acres	MOCHONGOI	LOBOI	CHELABA
115	KAMASKOI CANAL & INTAKE AND PIPING	10 Kms	MOCHONGOI	LOBOI	CHELABA
116	LOBOI LORWAI CANAL AND INTAKE	10.1 kms	MOCHONGOI	LOBOI	CHELABA
117	PROPOSED SUGUTEK PRY SCHOOL	5 acres	MOCHONGOI	LOBOI	CHELABA
118	KOIMUGUL PAN DAM	2 acres	MOCHONGOI	LOBOI	MAJI NDEGE
119	OL ARABAL WATER SUPPLY PROJECT	10 Kms	MOCHONGOI	LOBOI	MAJI NDEGE
120	LOBOI PRE SCHOOL	2 acres	MOCHONGOI	LOBOI	CHELABA
121	PROPOSED SIRACHO PAN DAM	2 acres	MOCHONGOI	LOBOI	MAJI NDEGE
122	ST. JOSEPH LOBOI CATHOLIC CHURCH	3 acres	MOCHONGOI	LOBOI	MAJI NDEGE
123	AIC MAJI NDEGE BOGORIA	3 acres	MOCHONGOI	LOBOI	MAJI NDEGE
124	FULL GOSPEL CHURCH LOBOI	1 acre	MOCHONGOI	LOBOI	MAJI NDEGE
125	SEVENTH DAY ADVENTIST CHURCH	1 acre	MOCHONGOI	LOBOI	MAJI NDEGE
126	PROPOSED LOBOI YOUTH POLYTECHNIC	4 Acre	MOCHONGOI	LOBOI	CHELABA
127	LOBOI MARKET AND TRADING CENTRE (MAJI-NDEGE)	4 Acre	MOCHONGOI	LOBOI	MAJI NDEGE
128	MINISTRY OF AGRICULTURE AND LIVESTOCK OFFICES	0.5 Acres	MOCHONGOI	LOBOI	MAJI NDEGE
129	LOBOI CATCHMENT NJOORO	5 acres	MOCHONGOI	LOBOI	CHELABA
130	LORWAI WATER CATCHMENT WATER POINT	1 acre	MOCHONGOI	LOBOI	CHELABA
131	BEECHU LOLONG CATCHMENT	1 acre	MOCHONGOI	LOBOI	CHELABA
132	TUIYOBEL CATCHMENT	1 acre	MOCHONGOI	LOBOI	MAJI NDEGE
133	PROPOSED KAMONONG WATER PAN	2 acres	MOCHONGOI	LOBOI	MAJI NDEGE
134	CHEPNGERECHI PAN DAM	2 acres	MOCHONGOI	LOBOI	CHELABA
135	PROPOSED MBORONG PRY SCHOOL	5 acres	MOCHONGOI	LOBOI	CHELABA
136	PROPOSED KAPTELIN PRY SCHOOL	5 acres	MOCHONGOI	LOBOI	CHELABA
137	PROPOSED CHELABA PRE SCHOOL	5 acres	MOCHONGOI	LOBOI	CHELABA
138	TABARWECH E BORE HOLE	1 acre	MOCHONGOI	KAPKUIKUI	KAPTOMBES
139	KAPTOMBES BORE HOLE	1 acre	MOCHONGOI	KAPKUIKUI	KAPTOMBES

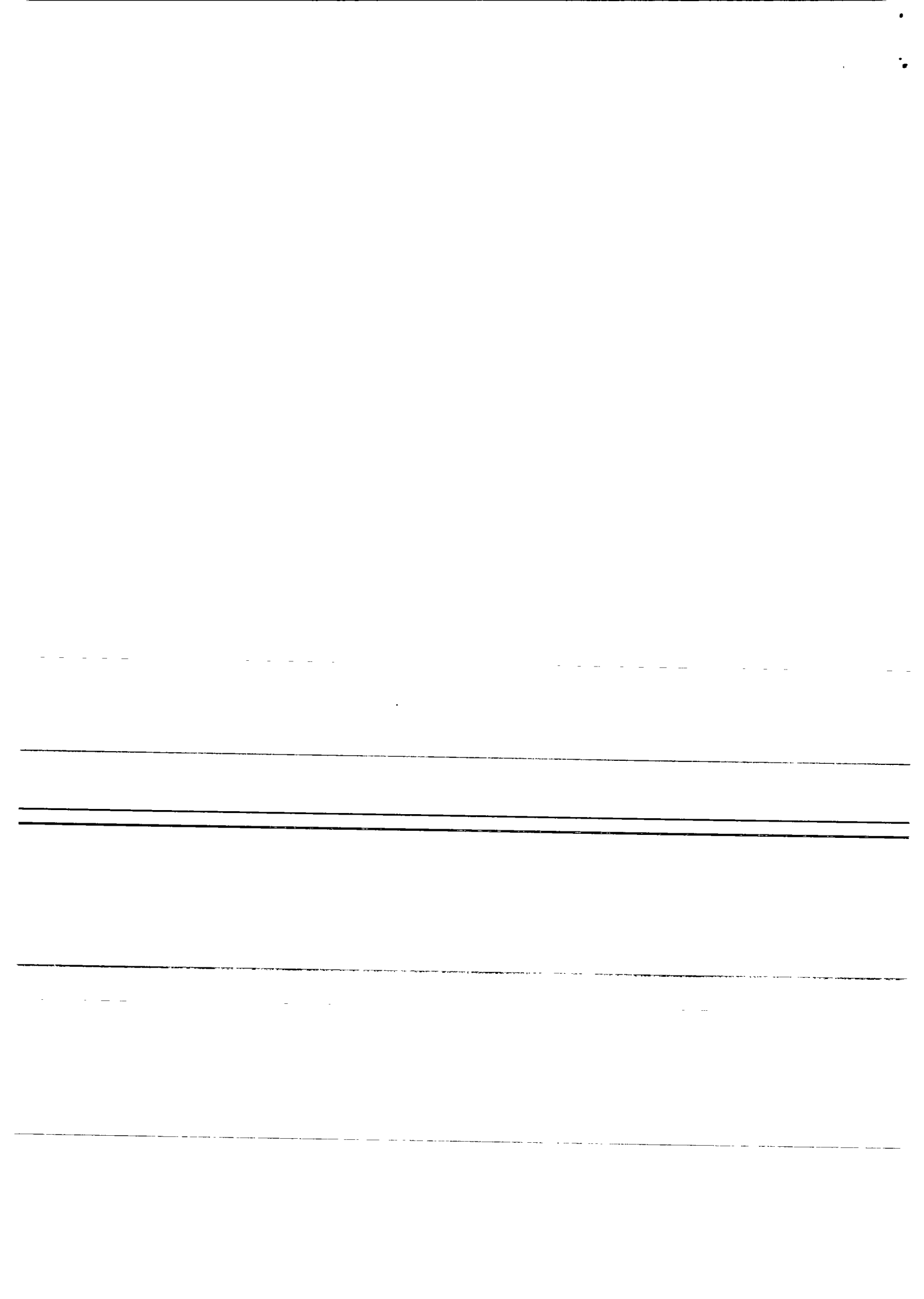


X 140	POI BORE HOLE	1 acre	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
X 141	KAPKUKUI CANAL	18 kms	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
X 142	IRONG COMMUNITY CONSERVANCY	2000 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
X 143	KAPKUIKUI DISPENSARY		MOCHONGOI	KAPKUIKUI	KAPKUIKUI
X 144	KAPKUIKUI SWAMP	1800 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
X 145	PROPOSED TABARWECHE DISPENSARY		MOCHONGOI	KAPKUIKUI	KAPKUIKUI
146	PROPOSED KAPTOMBES DISPENSARY		MOCHONGOI	KAPKUIKUI	KAPTOMBES
147	KAPTOMBES SEC SCHOOL	25 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
148	KAPKUIKUI LIVESTOCK IMPROVEMENT		MOCHONGOI	KAPKUIKUI	KAPKUIKUI
149	PROPOSED MBECHOT SEC SCHOOL	15 acres	MOCHONGOI	SANDAI	MBECHOT
150	PROPOSED SANDAI POLYTECHNIC	5 acres	MOCHONGOI	SANDAI	MBECHOT
151	PROPOSED MBECHOT DISPENSARY	5 acres	MOCHONGOI	SANDAI	MBECHOT
152	AIC KAPKUIKUI	5 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
153	KAPKUIKUI CATHOLIC	1 acre	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
154	AIC KAPTOMBES	2 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
155	KAPKUIKUI CENTRE	30 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
156	KAPTOMBES CENTRE	80 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
157	TABARWECHE CENTRE	20 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
158	KAPKUIKUI CHIEF'S OFFICE	1 acre	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
159	KAPKUIKUI PRY SCHOOL	45 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
160	KAPTOMBES PRY SCHOOL	50 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
161	TABARWECHE PRE SCHOOL	20 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
162	POI HILL SCHOOL	5 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
163	KAPKUIKUI CATTLE DIP	2 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
164	PROPOSED KAPTOMBES CATTLE DIP	2 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
165	CHEULE PAN DAM	2 acres	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
166	KIPCHEBII PAN DAM	2 acres	MOCHONGOI	KAPKUIKUI	KAPTOMBES
167	MUTARAN DAM	1 acre	MOCHONGOI	KAPKUIKUI	KAPTOMBES
168	KAPTALAM PAN DAM	1 acre	MOCHONGOI	KAPKUIKUI	KAPKUIKUI
169	KAPTOMBES PAN DAM	1 acre	MOCHONGOI	KAPKUIKUI	KAPTOMBES
170	KIMORIOT DISPENSARY		MOCHONGOI	KIMORIOT	KIMORIOT ✓
171	OL ARABEL/MUTITU DISPENSARY		MOCHONGOI	KIMORIOT	KAMAILEL ✓
172	TUIYOBEI		MOCHONGOI	KIMORIOT	KIMORIOT ✓



	DISPENSARY				
173	SITOTWE DAM		MOCHONGOI	KIMORIOT	KIMORIOT ✓
174	CHEMARIACH DAM		MOCHONGOI	KIMORIOT	KAMAILEL ✓
175	TENDENBEI DAM		MOCHONGOI	KIMORIOT	KIMORIOT ✓
176	KABURWO DAM/SPRINGS		MOCHONGOI	KIMORIOT	KIMORIOT ✓
177	KIMORIOT PLOT WETLAND		MOCHONGOI	KIMORIOT	KIMORIOT ✓
178	NENR PLOT SITOTWE WETLAND		MOCHONGOI	KIMORIOT	KIMORIOT ✓
179	NENR PLOT SITOTWE WETLAND		MOCHONGOI	KIMORIOT	KIMORIOT ✓
180	NENR PLOT SITOTWE WETLAND		MOCHONGOI	KIMORIOT	KIMORIOT ✓
181	NENR PLOT/ KAABEI QUARRY		MOCHONGOI	KIMORIOT	KIMORIOT ✓
182	KAABEI PLOT NPC WATER POINT		MOCHONGOI	KIMORIOT	KIMORIOT ✓
183	BARINGO CATCHMENT AREA		MOCHONGOI	KIMORIOT	KIMORIOT ✓
184	TUIYOBEI WATER CATCHMENT		MOCHONGOI	KIMORIOT	KIMORIOT ✓
185	KAPNGANO FOREST		MOCHONGOI	KIMORIOT	KIMORIOT ✓
186	KIMORIOT CENTER MARKET CENTER		MOCHONGOI	KIMORIOT	KIMORIOT ✓
187	KIBAGENGE MARKET CENTER		MOCHONGOI	KIMORIOT	KIMORIOT ✓
188	KAABEI TRADING CENTER		MOCHONGOI	KIMORIOT	KIMORIOT ✓
189	TUIYOBEI MARKET CENTER		MOCHONGOI	KIMORIOT	KIMORIOT ✓
190	KABURWO MARKET CENTER		MOCHONGOI	KIMORIOT	KIMORIOT ✓
191	NGENYILEL MARKET CENTER		MOCHONGOI	KIMORIOT	KAMAILEL ✓
192	KONGASIS MARKET CENTER		MOCHONGOI	KIMORIOT	KAMAILEL ✓
193	KAMAILEL MARKET CENTER		MOCHONGOI	KIMORIOT	KAMAILEL ✓
194	KAPKOROS MARKET CENTER		MOCHONGOI	KIMORIOT	KAMAILEL ✓
195	KIBAGENGE CATTLE DIP		MOCHONGOI	KIMORIOT	KIMORIOT ✓
196	KONGASIS PROPOSED POLYTECHNIC		MOCHONGOI	KIMORIOT	KAMAILEL ✓
197	KIBAGENGE PROPOSED POLYTECHNIC		MOCHONGOI	KIMORIOT	KIMORIOT ✓
198	TUIYOBEI PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
199	TUIYOBEI SEC SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
200	KIBAGENGE PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
201	SINENDET PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
202	MWENGE PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
203	MWENGE SEC SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT ✓
204	KIMORIOT PRY		MOCHONGOI	KIMORIOT	KIMORIOT ✓

	SCHOOL				
205	KABURWO PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT
206	TENDENBEI PRY SCHOOL		MOCHONGOI	KIMORIOT	KIMORIOT
207	NG'ENYILEL PRY SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
208	NG'ENYILEL SEC SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
209	KONG'ASIS PRY SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
210	TULWOBSSO PRY SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
211	KAMAILEL PRY SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
212	MUTITO PRY SCHOOL		MOCHONGOI	KIMORIOT	KAMAILEL
213	KIMORIOT QUARRY		MOCHONGOI	KIMORIOT	KIMORIOT
214	PROPOSED MILK COOLANT PLANT-KONGASIS		MOCHONGOI	KIMORIOT	KAMAILEL
215	PROPOSED CATTLE DIP- KIMORIOT		MOCHONGOI	KIMORIOT	KIMORIOT
216	PROPOSED NATIONAL CEREAL BOARD-KIMORIOT		MOCHONGOI	KIMORIOT	KIMORIOT
217	MOCHONGOI DISPENSARY		MOCHONGOI	MOCHONGOI	MOCHONGOI
218	LOMAIWE/TUIYOTICH DISPENSARY		MOCHONGOI	MOCHONGOI	KAPKECHIR
219	KOIMUGUL DISPENSARY		MOCHONGOI	MOCHONGOI	KAPNOROK
220	MOCHONGOI CATTLE DIP		MOCHONGOI	MOCHONGOI	MOCHONGOI
221	KABEL MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPKECHIR
222	MOCHONGOI MARKET CENTRE		MOCHONGOI	MOCHONGOI	MOCHONGOI
223	NGARIE MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPNOROK
224	TUIYOTICH MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPKECHIR
225	KAPKECHIR MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPKECHIR
226	KINEROI MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPNOROK
227	KOIMUGUL MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPNOROK
228	KEON MARKET CENTRE		MOCHONGOI	MOCHONGOI	MOCHONGOI
229	EL BOR MARKET CENTRE		MOCHONGOI	MOCHONGOI	KAPKECHIR
230	PROPOSED MOCHONGOI TEACHER TRAINING COLLEGE		MOCHONGOI	MOCHONGOI	KAPKECHIR
231	PROPOSED NGARIE/MANWARI STADIUM		MOCHONGOI	MOCHONGOI	KAPKECHIR
232	PROPOSED MOCHONGOI		MOCHONGOI	MOCHONGOI	MOCHONGOI



	STADIUM				
233	KEON VIEW POINT		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
234	KINEROI/KAPYEMIT CONSERVACY		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
235	KAPSING'OWO CONSERVANCY		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
236	MOCHONGOI CONSERVACY		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
237	KABEL PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
238	MOCHONGOI PRY SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
239	MOCHONGOI SEC SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
240	YEMIT CATCHMENT		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
241	KABEL BOREHOLE		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
242	MOCHONGOI BOREHOLE		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
243	NGARIE BOREHOLE		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
244	KINEROI DAM/STREAM		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
245	NGARIE 1 AND 2 SPRINGS		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
246	LOLYENG'A WATER STREAM		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
247	MANWARI/KABEL STREAM		MOCHONGOI	MOCHONGOI	KAPKECHIR/KAPNOROK ✓
248	KAPYEMIT WATER STREAM		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
249	KAPKITAMBAA WATER STREAM		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
250	LOMOIWE PAN DAM		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
251	NDOROTE WETLAND		MOCHONGOI	MOCHONGOI	MOCHONGOI/KAPNOROK ✓
252	SOGEE WATER PAN		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
253	PROPOSED SOGEE BOREHOLE		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
254	SAOS/KABEL WETLAND		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
255	NYANYAWE /KAPKECHIR WETLAND		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
256	KINEROI FOREST		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
257	NGARIE SEC SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
258	TUIYOTICH SEC SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
259	KAPKECHIR PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
260	TUIYOTICH PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
261	LAMAIWE PRE SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
262	NAULA PRE SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
263	KOIMUGUL PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
264	PROPOSED MOCHONGOI TRAINING INSTITUTE		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
265	SOGEE PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓



266	LEKETETWO PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
267	PROPOSED LEKETETWO CATTLE DIP		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
268	KAPYEMIT PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
269	PROPOSED KOITILIL AIRSTRIP		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
270	MOCHONGOI PRY SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
271	YEMIT PRY SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
272	KOITILIL PRY SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
273	KABEL PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
274	KEON PRY SCHOOL		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
275	KARNE PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
276	KINEROI PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
277	NGARIE PRY SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓
278	MOCHONGOI POLICE LINE		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
279	KOITILIL BLOCK FOREST		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
280	SLAUGHTER SLAB KABEL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
281	D.O'S OFFICE MOCHONGOI		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
282	MOCHONGOI AGRICULTURE		MOCHONGOI	MOCHONGOI	MOCHONGOI ✓
283	AP LINE KABEL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
284	WARD OFFICE KABEL		MOCHONGOI	MOCHONGOI	KAPKECHIR ✓
285	NGARIE SEC SCHOOL		MOCHONGOI	MOCHONGOI	KAPNOROK ✓



Tabled on 23/4/2016 at
Mochongi Settlement scheme
~~the~~
James Gwona

Chair: Cmmr. Otende Amollo, EBS
V. Chair: Dr. Regina G. Mwachiro, MBS
Member: Cmmr. Saadia A. Mohamed, OCM, MBS



THE
COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman"

OUR REF: CAJ/M.LAN/022/835/2013-SAK
YOUR REF: NLC/CHAIRMAN/VOL.V/24

27th March 2014

Dr. Muhammad Abdalla Swazuri
Chairman
National Land Commission
12th Floor, Ardhi House, 1st Ngong Avenue
P.O. Box 30450 – 00100,
NAIROBI

Dear Sir,

RE: A COMPLAINT REGARDING MOCHONGOI SETTLEMENT SCHEME

Kindly receive warmest compliments from the Commission on Administrative Justice (Office of The Ombudsman).

We acknowledge receipt of your letter dated 14th March 2014, and the contents therein. We also note that your response hereto has been prompt and effective and commend you for this.

We recognise and appreciate the efforts put by the Commission in dealing with this matter, having noted the various irregularities in the allocation of the plots within the Settlement Scheme and verily believe you will find a lasting solution to this matter.

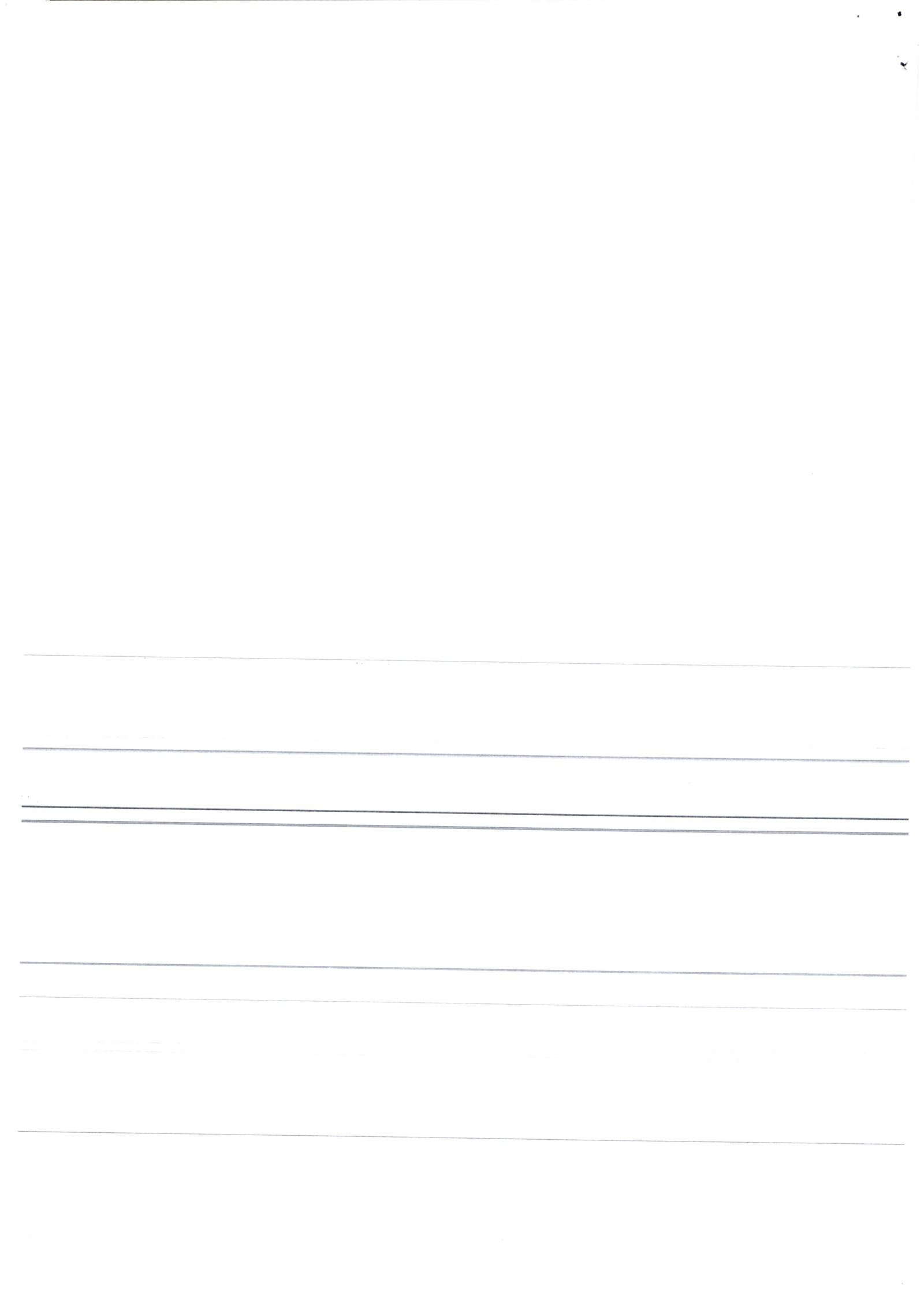
We assure you of our highest regards, and continued cooperation.

Sincerely,

CMMR. OTIENDE AMOLLO, EBS
CHAIRPERSON OF THE COMMISSION

CC:

Mochongoi Residents- (Kindly find herein enclosed the letter from the National Land Commission who are now seized of the matter)



2

OUR REF: CAJ/M.LAN/022/835/2013-SAK

5th March 2014

Dr. Muhammad Abdalla Swazuri
Secretary
National Land Commission
12th Floor, Ardhi House, 1st Ngong Avenue
P.O. Box 44417 - 00100,
NAIROBI

Dear Sir,

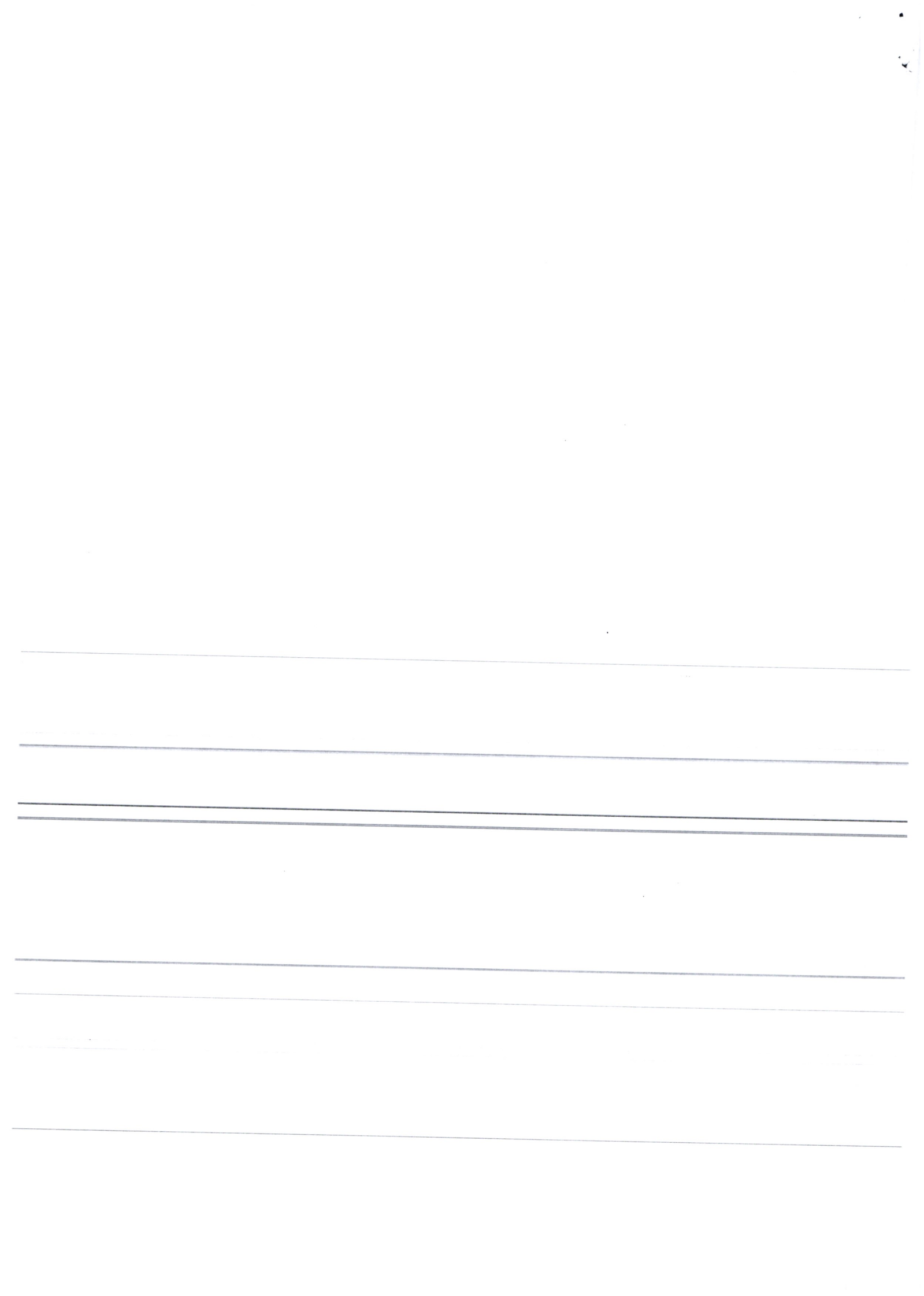
RE: A COMPLAINT REGARDING MOCHONGOI SETTLEMENT SCHEME

Kindly receive warmest compliments from the Commission on Administrative Justice (Office of The Ombudsman).

The Commission is in receipt of a complaint from the Residents of Mochongoi that was sent to the Ministry of Lands, and copied to your office and our office. The particulars are as follows:

- That the Mochongoi Settlement Scheme was established in 1989 by former President Daniel Arap Moi as a result of evictions of the squatters living in Ol Arabel Forest and Mochongoi Forest
- That the settlement scheme was aimed at resettling the indigenous people of the area.
- That during the settlement and adjudication process, most of the indigenous community was left out of the location, and other communities were allocated the land.
- That there are fraudulent dealings at the District Land and Adjudication office at Kabarnet who issue irregular allocation letters, for parcels of land owned by absentee land lords, who were fraudulently allocated the land in the first instance.
- That there are over 146 landless squatters who ought to be allocated land within the settlement scheme.

We have considered the facts of this matter in light of Article 67 of the Constitution and are of the opinion that your office is best suited to handle this matter. We hereby forward this complaint to your office for your appropriate action.



C 24/335 0410



NATIONAL LAND COMMISSION

ARDHI HOUSE
NGONG ROAD
P.O. Box 30450
NAIROBI

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

REF: NLC/CHAIRMAN/VOL.V/24

Date: 14th March, 2014

Chairperson
Commission on Administrative Justice
West End Towers 2nd Flr. – Waiyaki Way
P. O. Box 20414 – 00200
NAIROBI

A COMPLAINT REGARDING MOCHONGOI SETTLEMENT SCHEME

Thank you for your letter dated 5th March, 2014 on the above issue. The National Land Commission has reacted by obtaining a background brief and current status of the said scheme (details attached). Today the 13th March, 2014 two Commissioners have been dispatched to visit the area and come up with suggestions on how to go about the issue.

We have also responded to the issue after receiving complaints from several persons (copy attached). We hope that an amicable solution shall be finalized after the visit by our Commissioners.

Thank you.

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

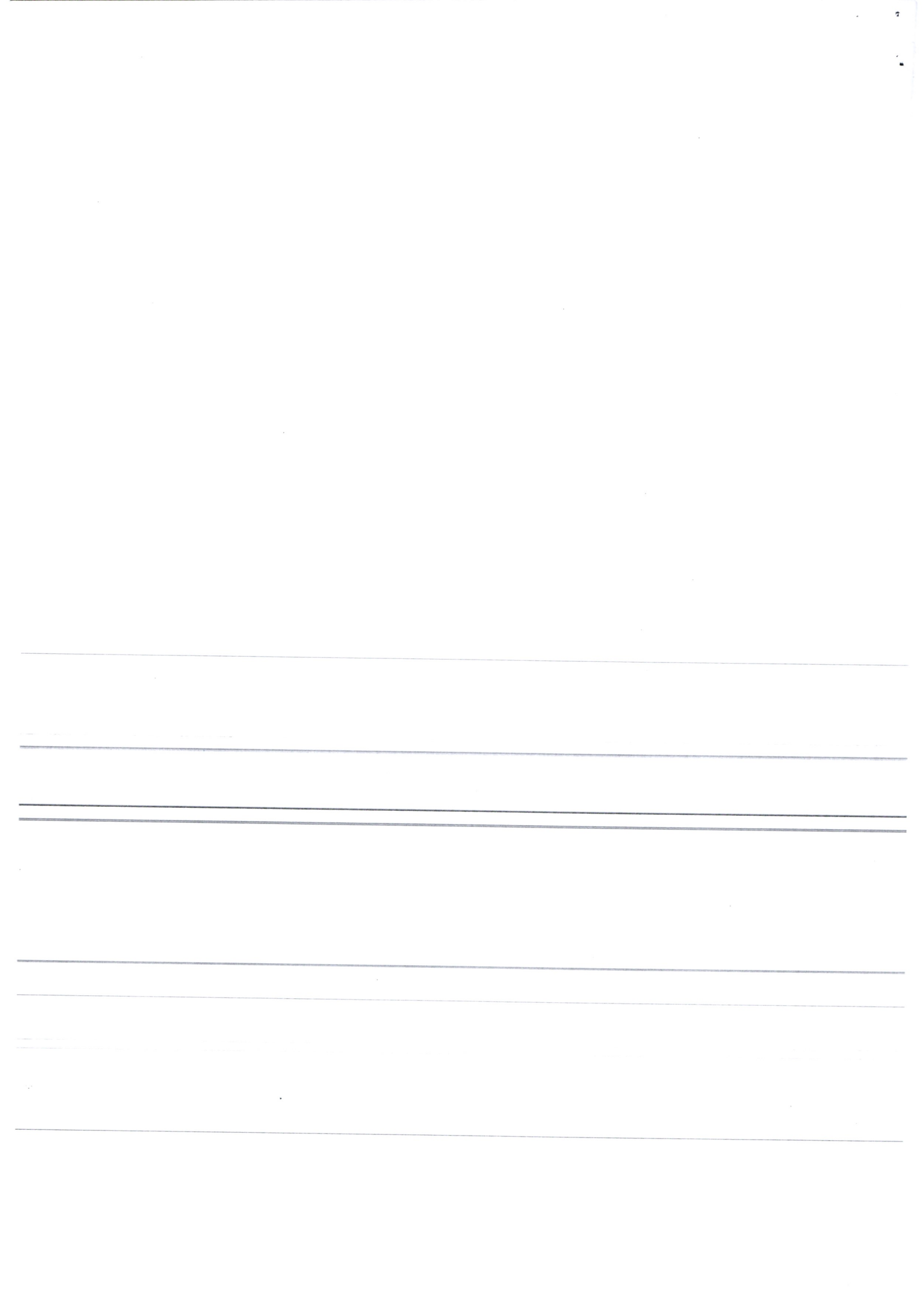


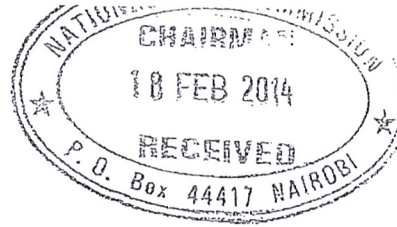
c.c.
Hon. Kipchoim G. K.
MP. for Baringo
South Constituency

Commr. Clement Lenashuru

Commr. Abdulkadir Khalif

Director Land Adjudication & Settlement
Ardhi Hse





MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

Ardhi House
Ngong Road
Nairobi

P. O. Box 30450-00100
Tel: +254(0)20 2718050
Fax: +254(0)20 2724470
Telegrams: Lands

INTERNAL MEMO

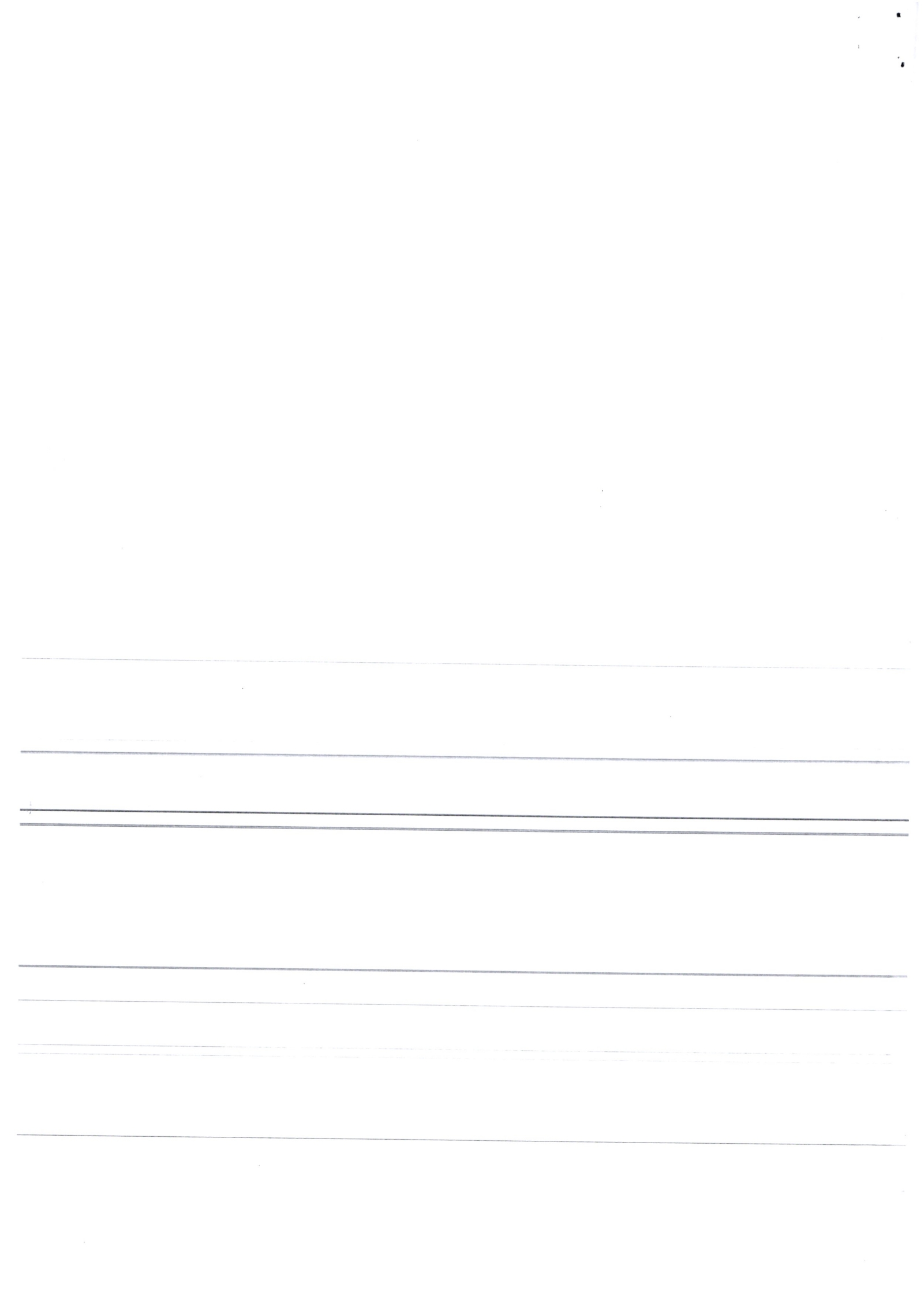
To: Chairman, National Land Commission
From: Director of Land Adjudication and Settlement
Ref: DS/C/35 VOL.IV/26
Date: 18th February, 2014

BRIEF ON MOCHONGOI SETTLEMENT SCHEME

Background:

Mochongoi settlement scheme in Baringo County was established in 1989 and falls in the boundary between Laikipia and Baringo counties. It was created from parts of Marmanet and Ol Arabel forests to settle people whose land had been acquired by the Government for public use, for example, Kari dam which serves Kabarnet Municipality, schools, hospitals among other users. The land has not been de-gazetted and remains part of the forests to-date. It is not on record who gave authority for the settlement to be established on forest land but the entire exercise was initiated and spearheaded by the Provincial Administration.

Demarcation and survey works were undertaken by the Department of Survey and facilitated by the Department of Land Adjudication and



- There are so many complaints on ownership, succession and boundary disputes.
- Some allottees took title deeds without repaying S.F.T. loans and have sold their plots off.
- Endorois community accused the Republic of Kenya before the African Commission on People's Rights. Their complaint was that their land had been allocated to strangers while they had been left out. The matter has not been finalized to-date.
- Registered Index Maps (R.I.M.s) were not amended to reflect mutations done to create new parcels.
- There is a court case No. 421 of 2002 by the Greenbelt Movement versus the Republic of Kenya on grounds that the Settlement Scheme is occupying forest land which is not yet degazetted.

Conclusion

The settlement programme remains stalled in spite of the fact that, the Department of Land Adjudication and Settlement had collected thirteen million, nine hundred fifty seven thousand, five hundred and eighty eight Kenya shillings (Kshs. 13,957,588) from 2,983 out of 5,672 settlers.

Therefore, it is advisable that issues leading to the stalemate of activities in the Scheme are resolved to facilitate formalization of the Scheme and issuance of titles to the settlers.



PAUL K.MWANGI
FOR: DIRECTOR OF LAND ADJUDICATION AND SETTLEMENT





REPUBLIC OF KENYA
PARLIAMENT

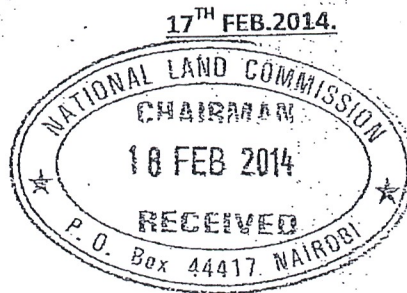
Hon. Grace (Kimooi) Kipchoim, MP.
Baringo South Constituency

Parliament Buildings
Fax: +254 20 245473
P. O. Box 41842 - 00100,
Nairobi, Kenya

Harambee Plaza, 9th Flr. Rm.11
Mobile: +254 722 424131
+254 728 577 006
kipchoimg@yahoo.com

Ref.No. BSC/MSC/02/2014(01)

THE CHAIRMAN,
NATIONAL LAND COMMISSION,
P.O BOX 30450,
NAIROBI.



Dear Madam,

RE: TITLES FOR THE MOCHONGOI SETTLEMENT SCHEME.

I am writing to request for the above. The mentioned scheme (Mochongoi settlement scheme) was allotted to wananchi in 1989 by the Kenyan government and it's in three (3) blocks as follows;

BLOCK	NAME	ALLOTTEES
I	MOCHONGOI	1-2710
II	KAMAILEL	1-1148
III	KIMORIOT	1-1814

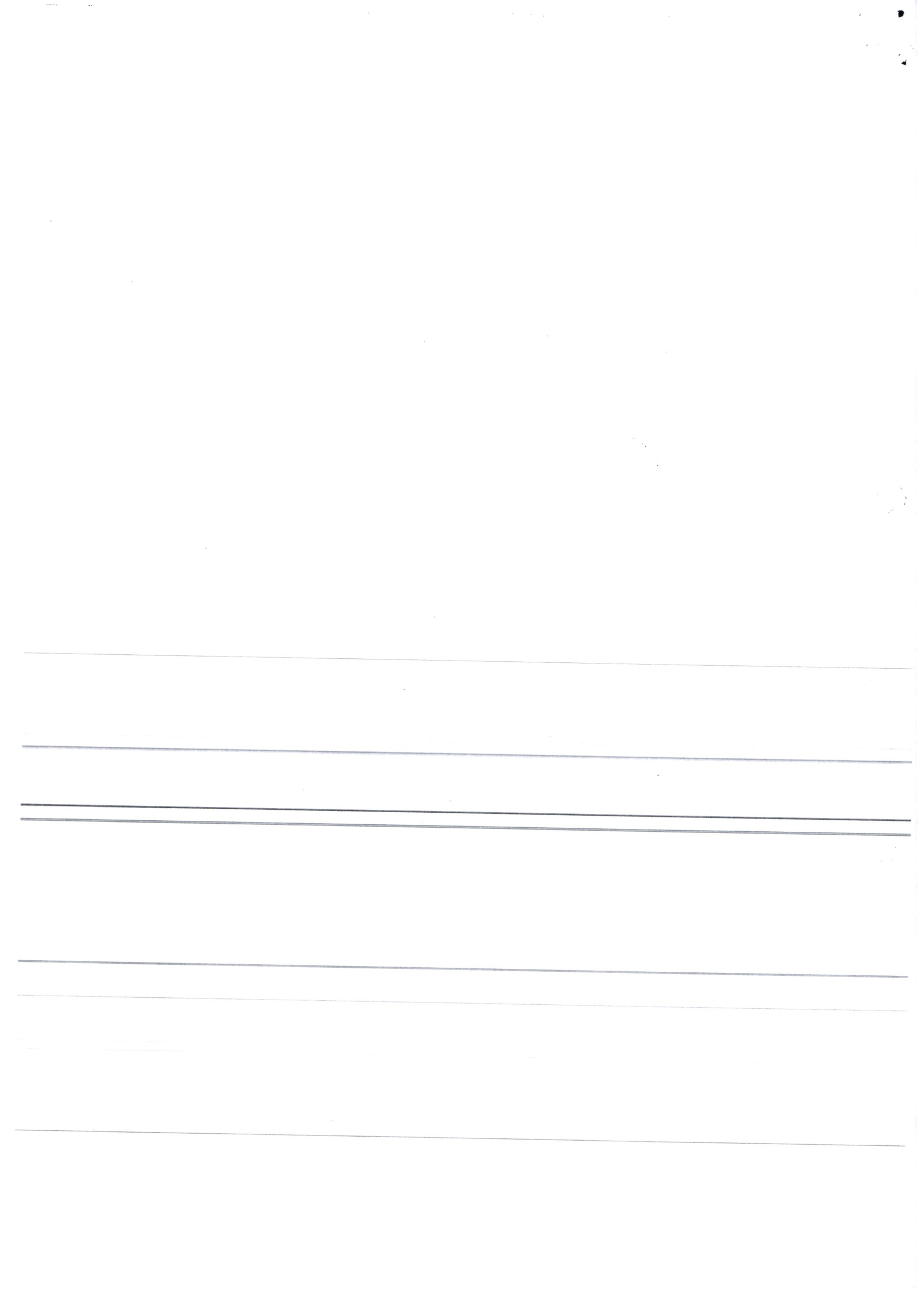
To date, the settlers have not received ownership. The purpose of this letter is to request your Good office that, the allottees be given their ownership in form of Tittles to enable them develop their farms and get return for their toils.

Thank you.

HON. KIPCHOIM GK. (MP)
BARINGO SOUTH CONSTITUENCY

CC: The Deputy President.

: Cabinet secretary-ministry of lands.



MDCHONGOI SETTLEMENT SCHEME
BLOCK III (KIMORIOT BLOCK)
SCALE 1 : 5000

