

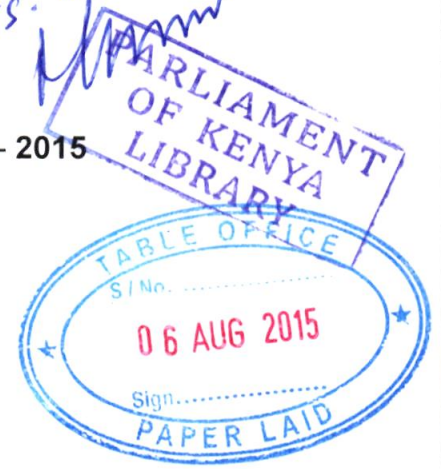
REPUBLIC OF KENYA



V. 18

*Paper Laid*  
*By Hon. Moses. Ole Sialao*  
*V/Chair - DC - Lands on*  
*Thurs. 06.08.2015 (PM)*  
*M. M. M.*

ELEVENTH PARLIAMENT - THIRD SESSION - 2015



NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE PETITION BY MAANONI DAM DISPLACED PERSONS ON  
DELAYED LAND AND CROP COMPENSATION

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

AUGUST, 2015



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## **1.0 PREFACE**

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report on the petition by Maanoni Dam Displaced Persons on delayed land and crop compensation.

The petition was tabled before the House pursuant to standing Order No. 225 (2)(a) by the Hon. Daniel Maanzo ,M.P on behalf of Maanoni Dam Displaced Persons.

## **1.1 MANDATE OF THE COMMITTEE**

The Committee is established pursuant to the provisions of Standing Order 216 with the following terms and reference:-

- a) To 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) To study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) To study and review all legislation referred to it;
- d) To 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) To 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) To vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204(Committee on Appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

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

and Management System.

## **1.2 COMMITTEE MEMBERSHIP**

The Committee comprises of the following Members:

1. The Hon. Alex Mwiru, M.P. **(Chairperson)**
2. The Hon. Moses Ole Sakuda, M.P **(Vice Chairperson)**
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Francis W. Nderitu, M.P.
7. The Hon. Francis Njenga, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Eusilah Jepkosgei, M.P.
10. The Hon. Benard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. Oscar Sudi, M.P.
13. The Hon. Hellen Chepkwony, M.P.
14. The Hon. Sarah Korere, M.P.
15. The Hon. Julius Ndegwa, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Kanini Kega, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Gideon M. Mung'aro, M.P.
20. The Hon. Hezron Awiti Bollo, M.P.
21. The Hon. Suleiman Dori Ramadhani, M.P.
22. The Hon. George Oner Ogalo, M.P.
23. The Hon. Lekidime Lempurkel Mathew, M.P.
24. The Hon. Shakila Abdallah, M.P.
25. The Hon. Paul Otuoma, M.P.
26. The Hon. Thomas Mwadeghu, M.P.
27. The Hon. Magwanga Joseph Oyugi, M.P.
28. The Hon. Aburi Lawrence Mpuru, M.P.

### **1.3 COMMITMENT AND CONSIDERATION OF THE PETITION**

- 1.3.1 Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Lands for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provision of Standing Order 227(1) and (2).
- 1.3.2 The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and scheduling meetings.
- 1.3.3 In considering the petition, the Committee invited and held meetings with the Ministry of Lands, Housing, and Urban Development and the National Land Commission. The meetings were aimed at responding to issues raised by the petitioners.
- 1.3.4 The Committee also undertook an inspection visit to Maanoni Dam in Maanoni Sub location, Kakutha Location in Mbitini Division between 5<sup>th</sup> and 7<sup>th</sup> March 2015. The objective of the visit was to assess the situation on the ground and collect views of the residents of Maanoni with an aim of recommending sustainable solution and settle outstanding issues.

### **1.4 COMMITTEE OBSERVATIONS**

Having held meetings and considered the submissions presented on the Petition, the Committee observed as follows, that:-

1. The Petitioners are currently living on the edge of Maanoni dam as squatters;
2. The Petitioners possess title deed for the Land they were allocated as compensation at Nguu Ranch settlement Scheme, which they could not occupy because of hostilities from squatters in Nguu who occupy large portions of the Land;
3. There is siltation in Maanoni dam due to the continuous subsistence farming by the squatters and the plans to expand the Dam have been hindered by the Petitioners;
4. The Government acquired farms belonging to 75 families with the view to

constructing Maanoni Dam.

## **1.5 RESPONSE TO PRAYERS IN THE PETITION**

### **1.5.1 The Petitioners had prayed that the National Assembly through the Committee,**

1. Intervenes to conduct a special inquiry into the circumstances behind the inordinate delay in compensating the victims and failure to have them resettled in the Nguu Settlement Scheme, even after being issued with allotment letters and having paid 10% to SFT in 2009;
2. Urges the Cabinet Secretary for Lands to expediently and justly compensate the victims who have waited for far too long;

### **1.5.2 In response to the above prayers, The Committee recommends that:**

1. The Ministry of Interior and Coordination of National government in conjunction with the County government of Makueni provides security and ensures that the 75 families from Maanoni settle in their allotted land in Nguu settlement scheme;
2. The National Land Commission expedites the formulation of laws to address Historical Land Injustices in the Country.
3. Resources are set aside in the Budget to resettle and compensate the Maanoni Dam Displaced Persons.

## **1.6 ADOPTION OF THE REPORT**

The Members of the Departmental Committee on Lands have pursuant to Standing order 199 adopted this Report on the Petition by Maanoni Dam Displaced Persons on Delayed Land and Crop Compensation as affirmed by the attached Annex I on Friday 29<sup>th</sup> May 2015.

## 1.7 ACKNOWLEDGEMENT

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.


The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this report possible.

The Committee is also grateful to all the witnesses who made submissions and presentations before the Committee during the fact finding visit. Their contributions gave the Committee the much needed insights into the issues under investigations and possible solutions.

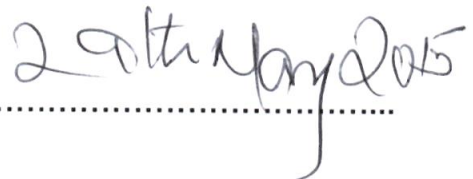
Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this report pursuant to the provisions of Standing Order 199(6).

Thank You,

SIGNED: .....



DATE: .....



(HON. ALEX M. MWIRU, MP)

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON LANDS

## 2.0 BACKGROUND INFORMATION

- 2.0.1 The Petition by Maanoni Dam Displaced Persons was presented to the House by Hon. Daniel Maanzo, M.P pursuant to Article 119. (1) of the Constitution of Kenya 2010 and pursuant to the provisions of Standing Order 225(2) (a);
- 2.0.2 Pursuant to House rules, the Petition was referred to the Committee on Thursday 12<sup>th</sup> February 2015 for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing order 227;
- 2.0.3 The Petitioners wished to draw to the attention of the House on the following, that:
- (i). Article 40(1) of the constitution entitles every Kenyan to the right to acquire and own property of any description in any part of the Country;
  - (ii). Land as a property is an important factor of production which supports livelihoods of many Kenyan household that thrive on farming;
  - (iii). Article 40(3)(b)(i) obligates Government to promptly and justly compensate persons from whom land is acquired for purposes of putting up public utilities;
  - (iv). In 1984, seventy five (75) plots belonging to residents of Kakutha/Kyemundu location in Mbitini Ward, Makueni Constituency in Makueni County was acquired by the Government to construct Maanoni Dam. The acquisition and subsequent clearance of the land so acquired led to the destruction of crops such as citrus fruits, coffee, arrow roots, sugarcane and a variety of vegetables that supported their livelihoods and earned them income;
  - (v). In 1995, the displaced persons were issued with allotment letters by the District Commissioner to settle in Nguu Settlement Scheme and in 1999, the displaced persons were further issued with acceptance letters by the Ministry of Lands after which they proceeded and paid 10% of the value of the allotted plots to the Settlement Fund Trustees. However, when the victims went to the allotted settlement scheme, they were repelled with

hostility by occupants of Nguu Settlement Scheme forcing them to live as vagrants;

- (vi). Notwithstanding the issuance of allotment letters and payment of 10% to Settlement Fund Trustees, efforts by administrators and Elected Leaders from the region to have these displaced persons settled at Nguu Settlement Scheme have yielded no fruit;
- (vii). These citizens whose goodwill caused them to surrender their land to the Government to pave way for construction of Maanoni dam for public good are now condemned to landlessness and abject poverty;
- (viii). Unwarranted delay by the Government to have Maanoni Dam displaced persons compensated or resettled, over thirty years down the line, is not only a miscarriage of justice but also a fragrant violation of their right to prompt and just compensation as contemplated under Article 40(3)(b)(i) of the Constitution.

2.0.4 The Committee held various sessions in Parliament and visited the area on 6<sup>th</sup> March 2015 with a view to receiving information regarding the petition.

### **3.0 SUBMISSIONS AND EVIDENCE**

Having been seized of the Petition, the Committee commenced its consideration by inviting the Cabinet Secretary for Lands, Housing and Urban Development and the Chairman, National Land Commission for meetings. During the meetings, written and oral evidence was adduced as recorded hereunder:-

#### **3.1 Meeting with the Principal Secretary Ministry of Lands, Housing, and Urban Development.**

The Principal Secretary, State Department of Lands, Ms. Mariamu El Maawy accompanied by Mr. Peter Kahuho, Ag. Secretary – Lands, informed the Committee as follows, that:-

- 3.1.1 Seventy five farms were acquired from the residents of Maanoni for the construction of Maanoni dam;
- 3.1.2 The displaced people were allocated land around Wayani area in Nguu ranch Settlement Scheme. However, they could not take up their farms due to hostilities

from the squatters on the ground who occupied large chunks of land and refused to move out denying the legal allottees access to their plots;

- 3.1.3 The government would resettle the displaced people subject to availability of suitable alternative land and funds for that purpose;
- 3.1.4 The Ministry does not have funds allocated for compensation of victims whose crops were destroyed. The matter can however be channeled through the Ministry of Environment, Water and Natural Resources for compensation.

### **3.2 Meeting with the Chief Executive Officer, National Land Commission**

Mr. Tom Aziz Chavangi, Chief Executive Officer accompanied by Mrs. Edith S.L. Olando, Deputy Director Land Administration informed the committee as follows, that:

- 3.2.1 The farms of 75 residents were acquired for the construction of Maanoni Dam;
- 3.2.2 The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme;
- 3.2.3 However they could not take up their farms due to hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots;
- 3.2.4 The displaced persons can only be resettled as suitable land is sourced and funds availed to purchase it.

### **3.3 Fact finding visit and meeting with the public at Maanoni Dam.**

Mr. Daniel M. Muthoka, representing the Deputy County Commissioner, Nzau sub County, Ms. Sabina W. Mule - Assistant County Commissioner, Mr. Shadrack Mulwa-Chief, Mr. Samson Mbiu- Ward administrator, Mr. Benedict M. Mijange - CDF Secretary Makeni, Ms. Phyliss Muindi - CDF representative, Mr. Titus K. Munuve - CDF representative, Mr. Bernard M. Kinyenye - Maanoni Dam Secretary, Mr. Francis Ndambuki- Maanoni Dam Vice Chairman made representations on behalf of the petitioners and informed the Committee as follows; that:-

- 3.3.1 The Maanoni dam was constructed after the Government acquired seventy five (75) plots of registered lands in 1984 from the people of Maanoni;
- 3.3.2 The residents were then evicted from their land on which they had planted crops

- such as coffee, citrus fruits, bananas, cassava, sugarcanes, arrowroots and a variety of vegetable which were destroyed and no compensation done;
- 3.3.3 In 1995, the displaced persons were issued with allotment letters to settle in Nguu settlement through the District Commissioner, in an attempt to re-settle them;
- 3.3.4 In 1999, they were also issued with acceptance letters by the Ministry of lands which enabled the victims to pay 10% of the value of the plots to the Settlement Fund Trustees, which they paid. Receipts are attached to each application(Annexe D);
- 3.3.5 In 2002, the then District Commissioner Hassan Farah and the survey officials tried to settle all the victims, in Nguu. However, this exercise failed due to the rebellion from squatters occupying Nguu;
- 3.3.6 With nowhere to go, they returned to Maanoni Damsite where they are now living as squatters;
- 3.3.7 The dam cannot be expanded, desilted or its water put into proper use because these people live on the edges of the dam;
- 3.3.8 There are plans to construct phase two of the dam but the residents are against it;
- 3.3.9 The affected families already have title deeds to the land they were evicted from.

### **3.0 COMMITTEE OBSERVATIONS**

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

1. The Petitioners are currently living on the edge of Maanoni dam as squatters;
2. The Petitioners possess title deed for the Land they were allocated as compensation at Nguu Ranch settlement Scheme, which they could not occupy because of hostilities from squatters in Nguu who occupy large portions of the Land;
3. There is siltation in Maanoni dam due to the continuous subsistence farming by the squatters and the plans to expand the Dam have been hindered by the Petitioners;
4. The Government acquired farms belonging to 75 families with the view to constructing Maanoni Dam.

#### **4.0 COMMITTEE RECOMMENDATIONS**

**The Committee recommends that:**

1. The Ministry of Interior and Coordination of National government in conjunction with the County government of Makueni provides security and ensures that the 75 families from Maanoni settle in their allotted land in Nguu settlement scheme;
2. The National Land Commission expedites the formulation of laws to address Historical Land Injustices in the Country.
3. Resources are set aside in the Budget to resettle and compensate the Maanoni Dam Displaced Persons.

## ATTENDANCE LIST

## DEPARTMENTAL COMMITTEE ON LANDS RETREAT

SERENA BEACH RESORT & SPA, MOMBASA 27<sup>TH</sup> – 31<sup>ST</sup> MAY, 2015DATE: 29<sup>th</sup> May 2015.AGENDA: ADOPTION OF THE REPORT ON THE PETITION BY MAANONI DAM  
DIPLACED PERSONS ON DELAYED LAND AND CROP  
COMPENSATION

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chairman	
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)	Vice Chair	
3.	The Hon. Onesmas Ngunjiri, M.P.	m -	
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	member	
7.	The Hon. Francis Njenga, M.P.	Member	
8.	The Hon. A. Shariff, M.P.	Member	
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	
10.	The Hon. Benard Bett, M.P. x	member	
11.	The Hon. Kipruto Moi, M.P.		
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P. x	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.		
19.	The Hon. Gideon M. Mung'aro, M.P. x	Member	
20.	The Hon. Hezron Awiti Bollo, M.P. x	Member	
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.	<del>MEMBER</del>	
23.	The Hon. Lekidime Lempurkel Mathew, M.P.	MEMBER	
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	m	
26.	The Hon. Thomas Mwadeghu, M.P.	Member	
27.	The Hon. Magwanga Joseph Oyugi, M.P.	Member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P. x	member	

Minutes

**MINUTES OF THE 129<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY, 3<sup>RD</sup>, MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT BUILDINGS, AT 10.00 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Shakila Abdallah, M.P.
12. The Hon. Dr. Paul Otuoma, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.
14. The Hon. Mpuru Aburi, M.P.
15. The Hon. Hezron Awiti Bollo, M.P.
16. The Hon. Julius Ndegwa, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Suleiman Dori, M.P.
5. The Hon. Gideon Mung'aro, M.P.
6. The Hon. Onesmus Ngunjiri, M.P.
7. The Hon. John Kihagi, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Thomas Mwadeghu, M.P.
12. The Hon. Patrick Makau, 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. Ruth Mwhaki Clerk Assistant III
3. Mr. Muyodi Emmanuel Clerk Assistant III

4. Mr. Lynnette Atieno                      Legal Counsel  
5. Mr. Ahmed Yakub                         Media Officer

**MINUTE NO. DCL/LN/2015/396              PRELIMINARIES**

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

**MINUTE NO. DCL/LN/2015/397    SUBMISSION FROM THE HON. DANIEL MAANZO**

While appearing before the Committee Hon. Daniel Maanzo informed the Committee as follows, that;

- a) The dam was constructed after the Government acquired seventy five (75) plots of registered lands in the year 1984 from the people of Manooni;
- b) The residents were then evicted from their land on which they had planted crops such as coffee, citrus fruits, bananas, cassava, sugarcanes, arrowroots and a variety of vegetable which were destroyed and no compensation done;
- c) In 1995, the displaced persons were issued with allotment latters to settle in Nguu settlement through the District Commissioner, in an attempt to re-settle them;
- d) In 1999, they were also issued with acceptance letters by the Ministry of lands which enabled the victims to pay 10% of the value of the plots to the land Fund Trustees, which they paid. Receipts are attached to each application;
- e) In 2002, the then District Commissioner Hassan Farah and the survey officials tried to settle all the victims, in Nguu, which failed after they were chased away from Nguu;
- f) With nowhere to go, they returned to Manooni Damsite where they are now living as squatters;
- g) The petitioners were praying that the government compensate them for the land compulsorily acquired and the crops destroyed that were destroyed.

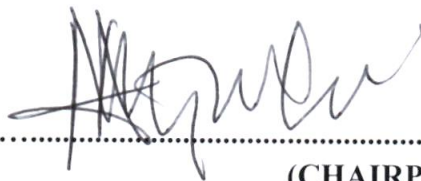
**Committee resolution:-**

Members resolved to conduct the visit to Makueni, between Thursdays 5<sup>th</sup> – Saturday 7<sup>th</sup> March 2015.

**MINUTE NO. DCL/LN/2015/398              ADJOURNMENT & DATE OF THE NEXT  
SITTING**

And the time being twenty Minutes past twelve O'clock, the Chairperson adjourned the Sitting to Thursday 4<sup>th</sup> March 2015 at 10.00am.

**SIGNED**



A handwritten signature in black ink, appearing to read 'M. J. ...', written over a horizontal dotted line.

**(CHAIRPERSON)**

**DATE**

10th March 2015

**MINUTES OF THE 130<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 5<sup>TH</sup> MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT BUILDINGS, AT 10.00 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Dr. Paul Otuoma, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Hellen Chepkwony, M.P.
2. The Hon. Shakila Abdallah, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Patrick Makau, 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. Ruth Mwhaki - Clerk Assistant III
3. Mr. Muyodi Emmanuel - Clerk Assistant III
4. Mr. Noah Arap Too - Research and Policy Analyst
5. Mr. Lynnette Atieno - Legal Counsel
6. Mr. Ahmed Yakub - Media Officer

### MINUTE NO. DCL/LN/2015/402

### PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

### MINUTE NO. DCL/LN/2015/403

### SUBMISSIONS FROM THE PRINCIPAL SECRETARY LANDS ON THE PETITION BY THE RESIDENTS OF MAANONI DAM, MAKUENI

Ms. Mariamu El Maawy, Principal Secretary, State Department of Lands accompanied by Mr. Peter Kahuho Ag. Lands Secretary informed the Committee as follows, that:

The Committee was informed as follows, that:-

- a) Seventy five (75) farms were acquired from the residents of Maanoni for the construction of the dam. The displaced people were allocated land around Wayani area in Nguu ranch Settlement Scheme;
- b) However, they could not take up their farms due to hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying the legal allottees access to their plots;
- c) The government would resettle the displaced people subject to availability of suitable alternative land and funds for that purpose;
- d) The Ministry does not have funds allocated for compensation of victims whose crops were destroyed. The matter can however be channeled through the Ministry of Environment, Water and Natural resources for compensation.

### Committee observation:

The Committee observed that the residents were displaced and never resettled as they faced hostility while attempting to settle at Nguu Settlement Scheme while the Ministry of Environment already acquired the land and utilized it for the intended purpose.

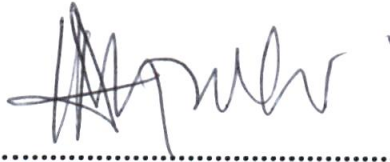
**Committee Resolution:**

The Committee resolved that the Ministry of Lands, Housing and Urban Development together with the National Land Commission looks into the matter and reports back on progress by 26<sup>th</sup> March 2015.

**MINUTE NO. DCL/LN/2015/404**      **ADJOURNMENT & DATE OF THE NEXT**  
**SITTING**

And the time being thirty six Minutes past one O'clock, the Chairperson adjourned the Sitting to Friday 6<sup>th</sup> March 2015.

SIGNED



.....  
(CHAIRPERSON)

DATE

6<sup>th</sup> March 2015  
.....

**MINUTES OF THE 130<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 5<sup>TH</sup> MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT BUILDINGS, AT 10.00 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Dr. Paul Otuoma, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Hellen Chepkwony, M.P.
2. The Hon. Shakila Abdallah, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Patrick Makau, 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. Ruth Mwhaki - Clerk Assistant III
3. Mr. Muyodi Emmanuel - Clerk Assistant III
4. Mr. Noah Arap Too - Research and Policy Analyst
5. Mr. Lynnette Atieno - Legal Counsel
6. Mr. Ahmed Yakub - Media Officer

### MINUTE NO. DCL/LN/2015/402

### PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

### MINUTE NO. DCL/LN/2015/403

### SUBMISSIONS FROM THE CHIEF EXECUTIVE OFFICER NATIONAL LAND COMMISSION ON THE PETITION BY RESIDENTS OF MAANONI DAM, MAKUENI COUNTY

Mr. Tom Aziz Chavangi, Chief Executive Officer, National Land Commission accompanied by Mrs. Edith S.L. Olando, Deputy Director Land Administration informed the Committee as follows, that:

- a) The farms of 75 residents were acquired for the construction of Maanoni Dam. The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme;
- b) However they could not take up their farms due to hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots;
- c) The displaced persons can only be resettled as suitable land is sourced and funds availed to purchase it.

### MINUTE NO. DCL/LN/2015/404

### ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being thirty six Minutes past one O'clock, the Chairperson adjourned the Sitting to Friday 6<sup>th</sup> March 2015.

SIGNED

*M. M. M.*

(CHAIRPERSON)

DATE

*6th March 2015*

**MINUTES OF THE 131<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY, 6<sup>TH</sup> MARCH, 2015 MAANONI DAM, MAKUENI CONSTITUENCY, AT 12.50 P.M**

**PRESENT:**

1. The Hon. Dr. Paul Otuoma, M.P.-**Chairing**
2. The Hon. Francis W. Nderitu, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Julius Ndegwa, M.P.
8. The Hon. Francis Kigo Njenga, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. Hellen Chepkwony, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Shakila Abdallah, M.P.
15. The Hon. Mpuru Aburi, M.P.
16. The Hon. Hezron Awiti Bollo, M.P.
17. The Hon. Mutava Musyimi, M.P.
18. The Hon. Kanini Kega, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Gideon Mung'aro, M.P.
21. The Hon. Onesmus Ngunjiri, M.P.
22. The Hon. A. Shariff, M.P.
23. The Hon. Sarah Korere, M.P.
24. The Hon. Esther Murugi, M.P.
25. The Hon. Thomas Mwadeghu, M.P.
26. The Hon. Patrick Makau, M.P.

**ABSENT WITHOUT APOLOGY**

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

**IN ATTENDANCE**

**MAANONI RESIDENTS**

**KENYA NATIONAL ASSEMBLY**

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

4. Mr. Ahmed Yakub

- Media Officer

**MINUTE NO. DCL/LN/2015/406**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

**MINUTE NO. DCL/LN/2015/407**

**SUBMISSIONS FROM THE RESIDENTS OF  
MAANONI DAM**

The Committee was informed as follows, that;

- a) The above dam was constructed after the Government acquired seventy five (75) plots of registered lands in the year 1984 from the people of Manooni;
- b) The residents were then evicted from their land on which they had planted crops such as coffee, citrus fruits, bananas, cassava, sugarcanes, arrowroots and a variety of vegetable which were destroyed and no compensation done;
- c) In 1995, the displaced persons were issued with allotment letters to settle in Nguu settlement through the District Commissioner, in an attempt to re-settle them;
- d) In 1999, they were also issued with acceptance letters by the Ministry of lands which enabled the victims to pay 10% of the value of the plots to the land Fund Trustees, which they paid. Receipts are attached to each application;
- e) In 2002, the then District Commissioner Hassan Farah and the survey officials tried to settle all the victims, in Nguu, which failed after they were chased away from Nguu;
- f) With nowhere to go, they returned to Manooni Damsite where they are now living as squatters;
- g) The dam cannot be expanded, sited or its water put into proper use because these people live on the edges of the dam;
- h) There are plans to construct phase two of the dam but the residents are against it.

**Committee Resolution**

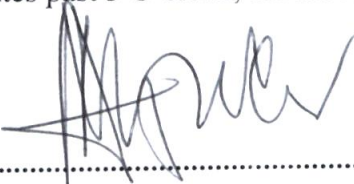
The Committee Resolved that a detailed list of the original inhabitants evicted from Maanoni and those with title deeds be forwarded through Hon.Maanzos office.

**MINUTE NO. DCL/LN/2015/408**


**ADJOURNMENT & DATE OF THE NEXT  
SITTING**

And the time being thirty six Minutes past 3 O'clock, the meeting was adjourned .

**SIGNED**

  
.....  
**(CHAIRPERSON)**

**DATE**

  
.....

Annex II

Petition by Hon. Daniel Maanzo.

139



THE NATIONAL ASSEMBLY  
 RECEIVED  
 12 FEB 2015  
 DIRECTOR COMMITTEE SERVICE

**NATIONAL ASSEMBLY**

**Directorate of Legislative and Procedural Services**

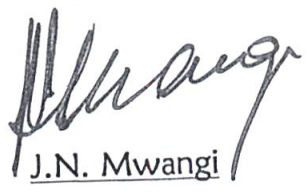
**MEMO**

FROM : DIRECTOR, L&P SERVICES  
 TO : DIRECTOR, COMMITTEE SERVICES  
 DATE : 11<sup>TH</sup> FEBRUARY 2015  
 SUBJECT : PUBLIC PETITION

Pursuant to *Standing Order 220*, the following Petition was presented to the House on Wednesday, 11<sup>th</sup> February, 2015;

- Petition presented by Hon. Daniel Maanzo, MP, on behalf of a group referring themselves as Manooni Dam Displaced Persons, regarding compensation of internally displaced persons.

Please find the enclosed Petition for your action.

  
 J.N. Mwangi

Copy to: Clerk of the National Assembly

*Cumtore*  
 -----  
 pls deal  
 FA  
 12/2

## PUBLIC PETITION

### BY MANOONI DAM DISPLACED PERSONS ON DELAYED LAND AND CROP COMPESATION

---

I, THE UNDERSIGNED, on behalf of Manooni Dam Displaced Persons,

DRAW the attention of the House to the following;

- i) THAT, aware that Article 40(1) entitles every Kenyan to the right to acquire and own property of any description in any part of the country;
- ii) THAT, land as a property is an important factor of production which supports livelihoods of many Kenyan households that thrive on farming;
- iii) THAT, Article 40(3)(b)(i) obligates the Government to promptly and justly compensate persons from whom land is acquired for purposes of putting up public utilities;
- iv) THAT, in 1984, 75 plots belonging to residents of Kakutha/Kyemundu Location in Mbitini Ward, Makueni Constituency in Makueni County was acquired by the Government to construct Manooni Dam;
- v) THAT, the acquisition and subsequent clearance of the land so acquired led to destruction of crops such as citrus fruits, coffee, arrow roots, sugarcane and a variety of vegetables that supported their livelihoods and earned them income;
- vi) THAT, in 1995, the District Commissioner issued the displaced persons allotment letters to settle in Nguu Settlement Scheme;
- vii) THAT, in 1999, the displaced persons were issued with acceptance letters by the Ministry of Lands, after which they proceeded and paid 10% of the value of the allotted plots to the Settlement Fund Trustees;
- viii) THAT, when the victims went to the allotted Settlement Scheme, they were repelled with hostility by occupants of the land, forcing them to live as vagrants;
- ix) THAT, notwithstanding the issuance of allotment letters, acceptance letters and payment of 10% to the Settlement Fund Trustees, efforts by Government administrators and elected leaders from the region to have these displaced persons settled at the Nguu Settlement Scheme have yielded no fruit;

Petition is hereby approved  
Rat  
SNA

PUBLIC PETITION

BY MANOONI DAM DISPLACED PERSONS ON DELAYED  
LAND AND CROP COMPESATION

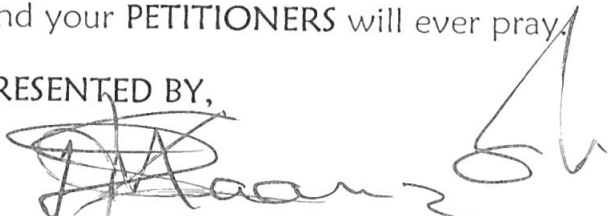
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- x) THAT, these citizen's whose good will caused them to surrender their land to the government to pave way for construction of Manooni dam for public good are now condemned to landlessness and abject poverty;
- xi) THAT, the unwarranted delay by the Government to have the Manooni Dam displaced persons compensated and resettled, over thirty years down the line, is not only a miscarriage of justice but also a flagrant violation of their right to prompt and just compensation as contemplated under Article 40(3)(b)(i) of the Constitution;
- xii) THEREFORE your humble petitioner PRAYS that the National Assembly, through the Departmental Committee on Lands:
- (a) Intervenes to conduct a special inquiry into the circumstances behind the inordinate delay in compensating the victims and failure to have them resettled in the Nguu Settlement Scheme, even after being issued with allotment letters, acceptance letters and having paid 10% to the Settlement Fund Trustees in 1999; and
- (b) Urges the Cabinet Secretary for Lands to expediently and justly compensate the victims who have waited for far too long;

THAT, to the best of our knowledge, there is no pending case before any court of law in respect to this matter.

And your PETITIONERS will ever pray.

PRESENTED BY,



HON. DANIEL K. MAANZO, EBS., MP  
MEMBER FOR MAKUENI CONSTITUENCY

DATE: .....10.02.2015.....

AS PER PREVIOUS MEMORANDUMS, DISTRICTS UPDATED

	<u>NAME</u>	<u>PLOT NO</u>	<u>ID/NO</u>	<u>PHONE NO</u>	<u>SIGN</u>
1	BERNARD KINYENZE	2773	2604601	0731783168	
2	BENARD K. KISIVU	2774	10979189	0713900263	
3	KINYENZE KIMWELI	2634	4360595	0731783168	
4	KISIVU KINYENZE	2685	1931850	0726751105	
5	DOMINIC KISIVU	2686	11258789	0717086939	KISIVU
6	KINYENZE KIMWELI	2770	7360595	0731783168	DKIL
7	JOSEPH L. LUNGU	2574	5059427	0705269866	
8	PIUS N. KIMWELI	2676	10739731	0725684519	Mubi red
9	TITUS M. NTHITU	2677	2604694	0734225997	Pius N
10	MULOOTE KIMWELI	2689	7046143	0704582880	Pius Nthitu
11	ALBERT K. NDOLO	2591	2604775	0715390429	
12	PETER M. MAWEU	2809	1342354	0727854026	Aldolo
13	KINYILI MAWEU	2673	9634428	0721440212	ITHELO
14	ROBERT M. MAWEU	2672	1342865	0736274470	ITHELO'S F
15	MUTEZI NDIVO	2622	6263517	0732591486	RM Mawe
16	NDIVO KILOKYA	2602	2605956	0732591486	
17	KILOKO NDIVO	2631	6263337	0786195588	
18	KASUNI KIMWELI	2524	7785493	0715848109	Mato
19	MBITHI KASUNI	2523	6128005	<del>078411</del>	Mbithi
20	KASUNI KIMWELI	2771	7785493	11	Mbithi
21	MWAO KIMWELI	2678	7361003	0786204234	Mbithi
22	MAKENGA KISINGU	2563	2601760	0724688804	KATUNGE
23	MUSYOKA MUTUNGI	2606	96395845	0729924331	Mkenge
24	MUTUNGA MUTUNGI	2676	9634164	0717765135	MS
25	MUTUNGI KIMWELI	2577	5059439	0729924331	MS
26	KALVEN M. KIMWELI	2650	6929545	0739953379	makal
27	MUNYAO NDIVO	2605	7360787	0738939260	
28	MWILU KIMWELI	2772	8804006	0731856201	
29	KISUI NDIVO	2621	N/A	0726691314	
30	MATHIVA MUNYAO	2635	1900202	0738939260	Hygo
31	JOSEPH M. WAEMA	2592	7046102	0714508150	Alguni
2	ALBERT W. NGUMBI	2593	7046102	0714508150	Alguni

	NAME	Plot No	ID/NO	PHONE NO	SIG
33	KYALO MALAU	2675	11380950		
34	ANSELM M. MATHYA	2777	2601797	0739953379	Kyalo
35	MAWEU MANGOLA	2699	12723653	0719568074	Bonsu
36	KIMINZA KASINGI	2603	2601928	0720799502	Mq. W. W.
37	COSMAS K. MULOTE	2744	9634328	0713529458	BHASSAN K.
38	MULOTE KIMWELI	2679	7046143	0704582880	<del>Handwritten</del>
39	FRANCIS K. KISINGU	2573	1883079	0704582880	<del>Handwritten</del>
40	NGUNU KITUKU	2680	?	0722794930	Fusing
41	NDUNGE KITUKU	2769	16075329	0720171859	<del>Handwritten</del>
42	MARLO NDAMBUKI USA	2792	5059214	0720171859	<del>Handwritten</del>
43	KAMARA KALOKI	2768	7360960	0725757995	<del>Handwritten</del>
44	JOSEPH KIMINZA MATHYA	2776	2605931	0723327215	<del>Handwritten</del>
45	FRANCIS K. MULWA	2765	1372519		Joseph K. Kiio
46	MUURIBI MUNYERE	2561	2605920	0716429389	Kiio
47	ALFONCE M. MUUMBI	2562	5059365	0725464271	<del>Handwritten</del>
48	NDAMBUKI MUTWII	2688	2609594	0725464271	<del>Handwritten</del>
49	FRANCIS M. NDAMBUKI	2683	1352867	0724342923	<del>Handwritten</del>
50	BONIFACE MUSOMBA	2682	2608518	0724342923	<del>Handwritten</del>
51	PASCAL M. KIOKO	2516	7360813	0718186534	<del>Handwritten</del>
52	DANIEL M. MUEWE	2796	26051508	0712381311	<del>Handwritten</del>
53	JOHN NGINYA NZUKUNA	2447	6262429	0715719947	Kavutha
54	MARTIN M. MUTUA	2798	1014574	0739979465	CHP
55	BERNARD M. MUTUA	2648	5044445	0726713143	M. Mutua
56	KAMENE NZUKUNA	2745	2605979	0712919632	<del>Handwritten</del> B. Mutua
57	WAMBUA LUNDU	2651	2609663	0732289659	CHP
58	MUTUNGA NDOLO	2520	2604123	0718186534	<del>Handwritten</del>
59	KYALO NDOLO	2620	7809266	075643974	M. Ndo.
60	NGOLYA KAMUU	2767	2609416	0710367946	Undolo
61	MUNYILI KANUA	2649	5058187	0739902090	<del>Handwritten</del>
62	NZUKUNA MUUMBI	2615	5053938	0726691314	<del>Handwritten</del>
63	KAMUTI MBAA	2619	?	0725464271	<del>Handwritten</del>
64	MUNGALA WAMBUA	2762	2601514	0725464271	<del>Handwritten</del>
				0755381453	<del>Handwritten</del>

BERNARD M. KINYENZÉ  
 Box 166 - 90140 - MATILLY  
 TEL. 0731 783 168. OR 0726 691 314.

~~XXXXXXXXXX~~

CROPS COMPENSATION

THE ABOVE LIST IS FORWARDED TO YOU THROUGH THE CHAIRMAN OF: MANDONI DAMSITE ZAMB DISPLACES AND

Joseph

Home No. ~~XXXXXXXXXX~~  
 Phone No. ~~XXXXXXXXXX~~  
 SIGNED ~~XXXXXXXXXX~~

NAME	Plot No	Plot No.	Phone No.
NBANGWA MUTA	1071	2361861	
BEATRICE KASIVA	2778	7709579	0733381453
MWANIAMUBWA	2764	7521416	0733381453
MUNANYE NDENGU	2815	2601876	0725387204
NYAMAI NDENGU	2810	29835442	0725387204
KITUNGU KISIMBU	2564	7046357	0705269866
AMBROSE NDAWURU	2793	7360787	0725757995
MUNYAO NDIVO	2632	7360787	0738939260
NITU WAMBWA	2761	7360111	0733381453
MARTIN NDAWURU	2795	5059315	0714548836
KIMINZA MATIYA	2775	77962568	

Annex III.

Letter by Sen. Mutula Kilonzo Jr.



REPUBLIC OF KENYA  
THE SENATE

**Senator Mutula Kilonzo Junior**

Advocate LLB(Hons) NAG, ACI Arb, CPS(K)

**Makueni County**

Vice Chairperson - Information, Communication & Technology Committee

Member - Legal Affairs & Human Rights Committee

Member - Finance, Commerce & Economic Affairs

Parliament Buildings

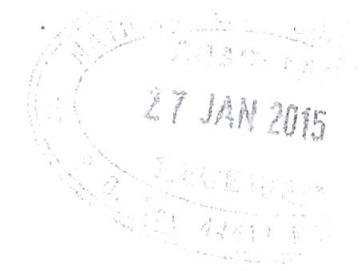
Tel: +254 20 222 1291

P. O. Box 41842 - 00100 Nairobi, Kenya

Mobiles: 0722 474 695

Email: senator@makuenisenator.com

Website: www.makuenisenator.com



26<sup>th</sup> January 2015

Hon. Charity Ngilu  
Cabinet Secretary  
Land, Housing and Urban Development  
Ardhi House, Ngong Road  
P.O Box 30450

**NAIROBI**

*Dear Hon Ngilu,*

**RE: MANOONI DAMSITE SQUATTERS - COMPULSORY ACQUISITION OF LAND**

Greetings,

The above dam was constructed after the Government acquired seventy five (75) plots of registered lands in the year 1984 from the people of Manooni.

The residents were then evicted from their land on which they had planted crops such as coffee, citrus fruits, bananas, cassava, sugarcanes, arrowroots and a variety of vegetables which were destroyed and no compensation done.

In 1995, the displaced persons were issued with allotment letters to settle in Nguu Settlement Scheme through the District Commissioner, in an attempt to re-settle them.

In 1999, they were also issued with acceptance letters by the Ministry of Lands which enabled the victims to pay 10% of the value of the plots to the Land Fund Trustees, which they paid. Receipts are attached to each application.

In 2002, the then District Commissioner Hassan Farah and the survey officials tried to settle all the victims, in Nguu, which failed after they were chased away from Nguu.

With no where to go, they returned to Manooni Damsite where they are now living as squatters.

The dam can not be expanded, silted or its water put into proper use because these people live on the edges of the dam.

The puzzle now is:-

1. If their land was compulsorily acquired, why were they not compensated?
2. If the Government had plans to re-settle them, why has this exercise failed?

Kindly, find attached herewith a list of the 75 people affected and their supporting documents to this matter.

Kindly, intervene as the squatters are living in squalor conditions with no where to go.

Yours Faithfully,



**MUTULA KILONZO JUNIOR**

Cc:Chairman  
National Lands Commission  
Ardhi House, Ngong Road  
P. O Box 44417  
**NAIROBI**  
Attention Dr. Muhammad A. Swazuri, OGW

Cc:Mr. Benard Kinyenze  
Chairman  
Manooni Damsite Squatters  
P.O Box 156-90140  
**MATILIKU**  
Tel: **0731783168**

## Annex IV .

Submissions from the Ministry of  
Lands, Housing and Urban Development.

DD/Committee

377 193

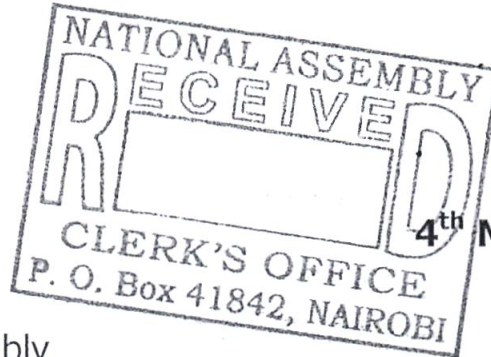
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**MINISTRY OF LAND, HOUSING & URBAN DEVELOPMENT**

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

ARDHI HOUSE  
1<sup>st</sup> NGONG AVENUE  
OFF NGONG ROAD  
P.O. BOX 30450  
NAIROBI



**Ref: MOLHUD/ADM/56**

**4<sup>th</sup> March 2015**

Justin Bundi, CBS  
Clerk of the National Assembly  
Parliament Chambers  
**NAIROBI.**

**DEPARTMENTAL COMMITTEE ON LANDS – SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE COMMITTEE**

Please refer to your letter ref. KNA/DCL/CORR/2015(113) dated 20<sup>th</sup> February 2015 over the above mentioned subject.

Enclosed find the statements as requested.

**A. A. Ombima**  
**FOR: PRINCIPAL SECRETARY**

## **2. Petitions by residents of Maanoni Dam, Makueni County**

- a. When will the Displaced Persons Maanoni Dam be resettled.
- b. What plans does the government put in place to compensate the victims whose crops were destroyed.
- c. Is the government setting aside funds or land to compensate the victims;
- d. Any other information relevant to the subject matter.

### **Answers**

Seventy Five farms were acquired from the residents of Maanoni for the construction of Manoni Dam. The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme

However they could not take up their farms due to the hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots.

The government will resettle the displaced people subject to availability of suitable alternative land and funds for the purpose.

This ministry does not have funds allocated for compensation of victims whose crops were destroyed. The matter can be channeled through the Ministry of Environment, Water and Natural Resources for compensation.

## **3. Kamae Resettlement Scheme**

- (a) Information regarding the ownership, allocation, subdivision or transfer of L.R. Nos. 11026/R and 11026/2;
- (b) Any other information as may be relevant to the matter.

## **Answers**

- (a) Kamae Settlement Scheme is situated on L.R. No. 11026 which measures approximately 447.3 Ha.

The land is owned by Kenyatta University for a term of 99 years from 1<sup>st</sup> October 1977. The land stretches from Thika Road on the East to Kamiti Prison on the West. To the North and South it is bordered by the Northern Bypass and Kahawa West Estate respectively.

In 1984, through a Presidential directive the University Council approved excision of 30.82 acres to settle 670 squatters that had informally occupied the land. This parcel was surveyed as L.R. No. 11026/4.

A deed plan for it was prepared by the Director of Surveys and issued to the Commissioner of Lands for titling. However, before the titling process could begin the University Council resolved to add another 10 acres to be surrendered together with L.R. No. 11026/4 to make a total of 40.82 acres. The extra 10 acres was added to compensate those whose plots had fallen on the riparian reserve.

A plan based on the surrendered land was prepared and produced 736 plots ranging from parcel no. 1404 to 2139. It is alleged, there was a further Presidential directive in November 2000 to Kenyatta University to surrender further 70 acres. In our records there is no proof to support the year 2000 directive neither do we have anything in records to show that Kenyatta University were in agreement with the referred directive. However, letters of allotment were prepared labeled Kamae Resettlement Scheme Phase two.

The authority to allocate land in phase two was based on a recommendation from the Provincial Commissioner Nairobi. A total of 1,737 letters of allotment were issued to individual beneficiaries even though the process of Kenyatta University surrendering the land to the Government had not been done.

As a result of the above allocations a dispute arose between Kenyatta University and the squatters, and Cases No. 1460 of 2002, 922 of

# Annex I,

Submissions from the National Lands  
Commission



# **NATIONAL LAND COMMISSION**

## **DEPARTMENTAL COMMITTEE ON LANDS**

### **SUBMISSION OF INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE PARLIAMENTARY COMMITTEE ON LANDS**

**REPORT PREPARED BY:**

**CHIEF EXECUTIVE OFFICER  
NATIONAL LAND COMMISSION**

**5<sup>TH</sup> MARCH 2015**

---

## 2) Petition by Residents of Maanoni Dam, Makueni County

---

The farms of 75 residents were acquired for the construction of Maanoni Dam. The displaced people were allocated land around Wayani area in Nguu Ranch Settlement Scheme.

However they could not take up their farms due to hostilities from the squatters on the ground who occupied large chunks of land and refused to move out denying legal allottees access of their plots.

The displaced [persons can only be resettled as suitable land is sourced and funds availed to purchase it.

## 3) Kamae Resettlement Scheme

---

### **a) Information regarding the ownership, allocation, sub division or transfer on LR nos. 11026/R and 11026/2;**

Kamae settlement scheme is situated on LR. NO. 11026 which measures approximately 4473 Ha and currently owned by Kenyatta University. The term is 99 years with effect from 1<sup>st</sup> October, 1977.

Physically the land stretches from Thika road on the East to Kamiti Prison to the West. To the North is the Northern bypass and Kahawa West Estate to the South.

In the year 1984, there was a presidential directive to the University Council to excise 30.82 acres for the purposes of resettling six hundred and seventy (670) squatters that had informally occupied the land. This parcel was then surveyed as LR. NO. 11026/4 and deed plan for title preparation issued.

However, before the Commissioner of Lands finalized the title preparation, the University Council resolved to excise a further 10 acres and add to LR 11026/4 totaling to 40.82 acres. This was to compensate those whose plots had encroached on the riparian reserve. A sub division scheme plan was done and 736 plots were realized ranging from parcels 1404 – 2139.

In November 2000, there was an allegation of another presidential directive to further excise 70 acres. There is no recorded proof, however with the backing of the Provincial Commissioner, letters of allotment labeled Kamae resettlement scheme Phase II were prepared. A total of 1,737 letters of allotment were issued

# Annex VII.

List of Displaced People in  
Maganooie Dam site Area  
as submitted by the Deputy  
County Commissioner

## MANOONI DAM SITE AREA

KYEMUNDU LOCATION NZAUI SUB-COUNTY, MAKUENI COUNTY

Please find below the names of the affected families within the above Dam site area.

S/NO	NAME	TITLE DEED/ PLOT NO	APPROXIMATE AREA
	Kiminza Kasingi	Mbitini/Kyemundu/197	0.14 Ha
	Mwanduu Mulumbi	Mbitini/Kyemundu/195	0.04 Ha
	Albert Waema Ngumbi	Mbitini/Kyemundu/324	7.2 Ha (1.86 Ha covered by dam)
	Francis kingola kisingu	Mbitini/kyemundu/221	1.5 Ha
	Francis kingola kisingu	Mbitini/kyemundu/194	0.32 Ha
	Joseph lungu kisingu	Mbitini/kyemundu/945	0.09 Ha
	Kitunguu w/o kisingu	Mbitini/kyemundu/167	0.09 Ha
	Ndambuki Kamuu	Mbitini/kyemundu/990	8.4 Ha
	Ndambuki usia	Mbitini/kyemundu/342	0.23 Ha
	Ndangwa w/o mutual	Mbitini/kyemundu/322	0.02 Ha
	Peter mwau maweu	Mbitini/kyemundu/341	0.18 Ha
	Maliko ndambuki usia	Mbitini/kyemundu/171	2.4 Ha( 0.6 Ha covered by dam)
	Maliko ndambuki usia	Mbitini/kyemundu/166	0.05 Ha
	Maliko ndambuki usia	Mbitini/kyemundu/193	0.18 Ha
	Maliko ndambuki usia	Mbitini/kyemundu/190	0.02 Ha
	Ngoloma mbiu kilelo	Mbitini/kyemundu/472	3.4 Ha (1.5 Ha covered by dam)
	Maliko ndambuki usia	Mbitini/kyemundu/189	0.02 Ha
	Kinyenze kimweli	Mbitini/kyemundu/343	0.8 Ha
	Kinguu mwonga	Mbitini/kyemundu/354	7.8 Ha (0.5 ha covered by dam)
	Kasuni kimweli	Mbitini/kyemundu/345	0.9 Ha
	Kinyenze kimweli	Mbitini/kyemundu/347	1.3 Ha
	Mutungu kimweli	Mbitini/kyemundu/346	1.4 Ha
	Munyao ndivo	Mbitini/kyemundu/466	0.5 Ha
	Muumbi kaia Kioko musiu Ngolya kamuu }	Mbitini/kyemundu/520	1.9 Ha
	Muvaka mwangu	Mbitini/kyemundu/164	0.09 Ha
	Mwina nzoka	Mbitini/kyemundu/163	7.6 Ha (0.5 Ha covered by dam)
	Masuni mueke	Mbitini/kyemundu/196	0.01 Ha
	Munyili kinyua	Mbitini/kyemundu/191	0.05 Ha
	Kamuti mbaa	Mbitini/kyemundu/321	0.02 Ha
	Muumbi kaia Kioko musiu Ngolya kamuu }	Mbitini/kyemundu/344	3.8 Ha
	Mutua mueke	Mbitini/kyemundu/168	0.09
	Maweu mangoka	Mbitini/kyemundu/169	0.04
	Maweu magoka	Mbitini/kyemundu/328	0.23 Ha
	Kiio mulwa	Mbitini/kyemundu/340	0.46 Ha
	Francis kingola kisingu	Mbitini/kyemundu/889	0.4 Ha

Ngolya kakuu Muthiani kinyae Kamala kaloki	Mbitini/kyemundu/323	0.37 Ha
Bernard mwanzia mutua	Mbitini/kyemundu/192	0.05 Ha
Wambua lundu	Mbitini/kyemundu/165	0.03 Ha
Ndivo kilokya	Mbitini/kyemundu/355	39 Ha (5.163 Ha covered by Dam)
Muumbi kai Ndunge kituku	Makueni/kakutha/1019	0.05 Ha
Albert kiswii ndolo	Makueni/kakutha/1014	0.79 Ha
Kyalo ndolo	Makueni/kakutha/1011	0.63 Ha
Mailu kituku Ndunge kituku	Makueni/kakutha/1018	0.43 Ha
Mwongeli nzukuna	Makueni/kakutha/988	1.92 Ha
Muumbi kaia Kioko musiu Ngolya kamuu	Makueni/kakutha/907	0.41 Ha
Musyimi muteti	Makueni/kakutha/987	0.19 Ha
Mwilu kimweli Mwau kimweli	Makueni/kakutha/1021	1.34 Ha
Bernard mavindu kinyenze	Makueni/kakutha/1020	0.13 Ha
Kasuni kimweli Kinyenze kimweli	Makueni/kakutha/1022	0.01 Ha
Kiminza Nthakyo	Makueni/kakutha/1013	0.75 Ha
Kasiva Wambua	Makueni/kakutha/1026	1.9 Ha
Beatrice kasiva wambua	Makueni/kakutha/1344	1.85 Ha
Kiio mulwa	Makueni/kakutha/1025	0.41 Ha
Waita muli	Makueni/kakutha/1076	0.03 Ha
Kelvin paul makau	Makueni/kakutha/918	1.2 Ha
Ngumu kituku Mulote kimweli Ndunge kituku	Makueni/kakutha/991	0.12
Mwau kimweli	Makueni/kakutha/994	1.28 Ha
Pius nthitu kimweli	Makueni/kakutha/995	1.51 Ha
Beatrice kasiva wambua	Makueni/kakutha/1344	1.85 Ha
Munanie ndeengu	Makueni/kakutha/1017	0.12 Ha
Munanie ndeengu	Makueni/kakutha/1035	2.36 Ha

N/b The acreage given per each plot derived from the official search certificates from the lands registry office Makueni.



Daniel Muthoka  
For: Deputy county commissioner  
NZAUI SUB-COUNTY

Annex VII.

Submissions by Residents  
of Maanoni Dam site.

OFFICE OF THE PRESIDENT

Telegrams: "DISTRICTER" Makueni  
Telephone: Makueni 33166  
Fax: 33138  
When replying please quote  
Ref. No. C&S.25/5/VOL.X/152  
and date



DISTRICT COMMISSIONER  
P.O. Box 1  
MAKUENI  
15th February, 2002

The District Officer,  
MBITINI DIVISION

RE: PEOPLE EVICTED FROM MANOONI DAM

This is to remind you about the plight of the above people. I understand they now want to take the law into their own hands and close the pipes allowing water from the Dam as they say the government is unable to settle them as agreed.

~~This is therefore to ask you to urgently meet with them and pledge that the government is still committed to settling them at Mvuu. We shall arrange for security to evict those illegally occupying the said land in Nguu and have Manooni people settled.~~

Further, you are asked to get in touch with me soonest so that we can lay strategies to solve this problem once and for all.

Please expedite.

*Hassan O. Farah*  
(HASSAN O. FARAH)  
DISTRICT COMMISSIONER  
MAKUENI

20/8/11 20/8/11

Tabled before the DC on land  
at Makueni on 6/2/15  
*J. G. G. G.*

OFFICE OF THE PRESIDENT

Telegrams: "DISTRICTER", Makueni

Telephone: Makueni 114 and 115

When replying please quote

Ref. No. WD. 33/7/VOL. I/54.  
and date



DISTRICT COMMISSIONER

P.O. Box 1

MAKUENI

4th March ..... 1996

Mr. A.W. Ngumbi,  
Chairman,  
Manooni Damsite Plot Owners,  
P.O. Box 113,  
MATILIKU.

Dear Sir,

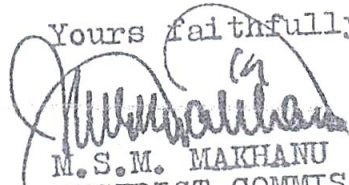
MANOONI DAMSITE OWNER CROP COMPENSATION

Thank you for your letter dated 27th January 1996 on the above subject matter.

Records held in this office show that soon after the acquisition of plots surrounding Manooni Dam a decision was made to compensate those plot owners with land elsewhere. This was done last year and all those whose land and crops were affected were given land in Nguu Ranch.

There is therefore no further compensation that I am aware of.

Yours faithfully,


  
M.S.M. MAKHANU  
DISTRICT COMMISSIONER  
MAKUENI

c.c

District Officer  
MULALA

13. Last Comm.  
to the D.P.

Tabled before the  
D.C on lands at  
Manooni on  
6/2/15

  
J. G. Mwangi

MINISTRY OF LANDS AND SETTLEMENT

59  
EX

Department of Land Adjudication  
and Settlement,  
P.O. Box 30449,  
NAIROBI.

C/DS/013/A/ 552:

29th September, 1995.

Mzalio Ndolo  
C/o District Land Adjudication  
and Settlement Officer,  
P.O. Box 364,  
MAKUENI.

Dear Sir/Madam,

SETTLEMENT PLOT - LETTER OF OFFER

I am pleased to inform you that your application for a Settlement Plot has been successful.

The Government, through the Settlement Fund Trustees and with the advice of the District Settlement Plot Selection committee has offered you Plot No. 2620 of approximately 1.04 hectares at MONGU RANCH Settlement Scheme in Makueni District.

In pursuant thereto, please note that you are required to report to the District Land Adjudication and Settlement Officer, MAKUENI DISTRICT so that you are shown the plot boundaries and be issued with a letter confirming this before documentation.

This offer is valid for 90 days from the date of this letter. Within this period you should pay the 10% deposit for the plot and be documented accordingly; failure to which will lead to cancellation of the offer without further notice.

Yours faithfully,



A. K. TOMBO  
DIRECTOR OF LAND ADJUDICATION & SETTLEMENT.

c.c.

The Permanent Secretary,  
Ministry of Lands & Settlement,  
P.O. Box 30450,  
NAIROBI.

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

The District Land Adj/Sett. Officer,  
P.O. Box 364,  
MAKUENI.

Tabled before the  
Deputy Land  
At Makueni  
CA 6/2/2015



MINISTRY OF LANDS & SETTLEMENT

Land Adjudication & Settlement  
P.O. Box 364,  
MAKUENI.

LA/MKN/

154/2795/2

Date 15th April

19

The Director,  
Land Adjudication & Settlement,  
P.O. Box 30297,  
NAIROBI.

RE: LETTER OF ACCEPTANCE PLOT NO. 796 AGUA LUNCH SCHEME

This is to confirm that.....

ID/..... is the legal owner of Plot No. 796 in..... Settlement Scheme.

The plot comprises of..... hectares according to the scheme Register. The allottee has been shown the plot boundaries, accepted and has no objection.

**B.K. MBITI**

B.K. MBITI

SENIOR LAND ADJUDICATION/SETTLEMENT OFFICER,  
MAKUENI DISTRICT.

c.c.

D. M. Mutua Munge

P.O. BOX 152

*Tabled before the  
Deon Lands at  
Mau Mau on  
6/2/15  
J. G. Mwangi*



REPUBLIC OF KENYA

THE REGISTERED LAND ACT  
(Chapter 300)

# Land Certificate

TITLE NUMBER MBITINI/KYEMUNDU/341

*This is to certify that* PETER MWAU HAVBU

ID/1342354/64

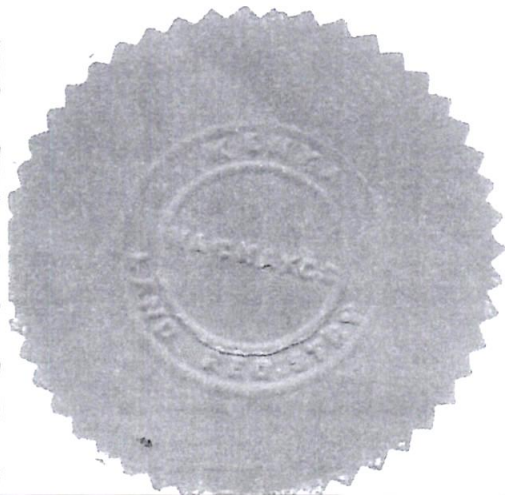
of Kyemundu, Mbitini location

is ~~(are)~~ now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

M a c h a k o s District Land Registry

this twenty-sixth day of August, 19 85.



Land Registrar







REPUBLIC OF KENYA

---

THE REGISTERED LAND ACT  
(Chapter 300)

**Land Certificate**

---



REPUBLIC OF KENYA

THE REGISTERED LAND ACT  
(Chapter 300)

# Land Certificate

TITLE NUMBER MBITINI/KYERUNDU/180

*This is to certify that* PETER HMAU MAWU

ID/1542554/64

of Kyerundu, Mbitini location

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.



GIVEN under my hand and the seal of the  
Machakos District Land Registry

this twenty-sixth day of August, 19 85

Land Registrar







REPUBLIC OF KENYA

---

THE REGISTERED LAND ACT  
(Chapter 300)

# Land Certificate

---

OFFICE OF THE PRESIDENT  
PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY

Telegraphic address: "RAIS"  
Telephone: Nairobi 27411  
When replying please quote  
ref. No. OF/116/018 Vol. IV/113.  
and date

5th January,

Mr. Albert Waema Ngumbi,  
P.O. Box 84,  
SULTAN

RE: MANOOMI EARTH DAM CONSTRUCTION LAND AND  
CROP COMPENSATION SCHEME

I refer to your letter dated 10th December, 1986.  
Since this appears to be a closed case judging  
from the correspondence from the District Commissioner  
Machakos, it is not our wish that the case be revived

  
( A.A. MUSASIA )  
for: PERMANENT SECRETARY/ADMINISTRATION

Tabled before the DC in  
Lands at Maamoni  
On 6/2/15

  
J. G. Mwangi

"DISTRICTS"

Machakos 21501

When replying please quote

K. F. No. .... and date

OFFICE OF THE DISTRICT COMMISSIONER  
MACHAKOS

P.O. Box 1

MACHAKOS

1977-12-15, 19...

Mr. Robert Ny. M., Chairman  
Mwani Primary School,  
P.O. Box 63,  
MATILIKU.

Dear Sir,

RE: MANOONI BARTH DAM COMPENSATION SCHEME

I have seen a copy of your letter of 10th October, 1986 addressed to the District Officer, Makuani, raising the question of compensation regarding Murodi Bar.

Please note that compensation was not part of the deal in this project and the community of Manooni were properly constantly made aware of this condition to which they consented prior to implementation thereof. We are not switching the clock back.

Yours faithfully,

~~\_\_\_\_\_~~

( N.P.M. SAISI )  
DISTRICT COMMISSIONER  
MACHAKOS

C.C.

The District Water Engineer,  
P.O. Box 662,  
MACHAKOS.

The M.P.O.,  
M.I.D.P.,  
P.O. Box 662,  
MACHAKOS.

Hon. Professor P.M. Swabi (M.P.)  
P.O. Box 63,  
MATILIKU.

Tabled before the  
DC on Lands  
on 6/2/15

~~\_\_\_\_\_~~  
J. Givoni

THE DISTRICT COMMISSIONER,  
MARUMBI DISTRICT,  
P.O. Box 1,  
MARUMBI.

SIR,

RE: MARUMBI EARLH DAM CONSTRUCTION.

Enclosed herewith, please find a list of the names of the persons whose parcels of land were acquired to construct the above dam. We wish to request you kindly to assist those helpless families to acquire land elsewhere in the Republic of Kenya preferably Ngus settlement stream scheme.

Thanking you in anticipation.

Yours faithfully,  
~~BERNARD M. KINYENZE~~

BERNARD M. KINYENZE AND OTHERS.

C.C. 1. THE DISTRICT OFFICE  
MULALA DIVISION  
P.O. Box 43, EMUALI.

2. THE CHIEF  
KHEMUNDU LOCATION  
P.O. Box 43, EMUALI.

3. HON. PETER M. MARUMBU  
MARUMBI CONSTITUENCY  
P.O. Box 1, MARUMBI.

File copy ✓

Talked before the  
De on Lands  
at Marumbi  
on 6/3/15

~~BBM~~  
1/1/15

BERNARD M. KINYENZE + OTHERS  
YUUNI PRIMARY SCHOOL  
P.O. Box 84  
SULTAN HANUWA  
24 - 3 - 1993.

1

~~AND HECTARES~~

LIST OF PLOT NUMBERS, NAMES ~~AND HECTARES~~ OF  
MANDONI DAM DISPLACED TO NGUU SETT. SCH - SHEET 1

NAME	PLOT NO.	X HECTARES X	SIGN
1 BERNARD M KINYENZE	2773	2.27	
2 BERNARD K. KISIVU	2774	2.28	
3 KISIVU KINYENZE	2685	1.79	
4 DOMINIC KISIVU	2686	2.04	
5 KINYENZE KIMWELI	2634	1.91	
6 KINYENZE KIMWELI	2770	2.22	
7 JOSEPH LUNGU KISINGU	2574	2.75	
8 PIUS NTHITU KIMWELI	2676	2.58	Pius
9 MUSYOKI NTHITU	2677	2.14	Pius Nth
10 MULOTE KIMWELI	2689	1.88	Mulot 2
11 ALBERT K. NDOLO	2591	1.83	
12 PETER M. MAWEU	2809	2.07	
13 KINYILI MAWEU	2673	1.54	
14 ROBERT M. MAWEU	2672	1.82	
15 MUTETI NDIVO	2622	2.58	
16 NDIVO KILOKYA	2602	2.71	
17 KIOKO NDIVO	2631	2.44	Makelo
18 KASUNI KIMWELI	2524	1.80	Mbin
19 MBIHI KASUNI	2523	1.75	Mbin
20 KASUNI KIMWELI	2771	2.23	Mbin
21 MWAU KIMWELI	2678	2.60	Katake
22 MAWENGA KISINGU	2563	2.50	
23 MUSYOKA MUTUNGI	2606	1.87	Mutu
24 MUTUNGA MUTUNGI	2576	1.87	Mutu
25 MUTUNGI KIMWELI	2577	1.89	Mutu
26 MULOTE KIMWELI	2679	2.47	Mulot 2
27 KALVEN MAKAU	2650	2.50	Kimelkan
28 MUNYAO NDIVO	2605	1.90	
29 MWILU KIMWELI	2772	2.29	Mulu
30 KISILI NDIVO	2621	2.81	Kisili
31 MAEMWA MUNYAO	2635	1.72	

Annex viii

Answer to a parliamentary question  
Concerning Macroni During the  
10<sup>th</sup> Parliament.



## MINISTRY OF LANDS

### PARLIAMENTARY QUESTION NO.357

The member for Makueni (Mr. Peter Kiilu) to ask the Minister for Lands:

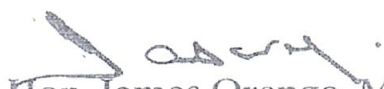
#### QUESTION

- a) Is the Minister aware that seventy-five (75) families in Manooni Sub-Location, Kakutha Location in Mbitini Division whose land was acquired by the Government in early 1980's for construction of Manooni Dam have not been resettled, and have since become internally displaced persons (IDPs) living with relatives?
- b) What urgent steps has the Ministry taken to compensate and resettle these families?

#### ANSWER

*Mr. Speaker Sir, I beg to reply:*

- a) The Government did not compulsorily acquire any land for construction of Manooni Dam in early 1980's.
- b) Since the Government was not involved in compulsory acquisition of the said land, the question of compensation does not arise and the issue of resettling of families cannot be considered in the context of the alleged acquisition.

  
Hon. James Orengo, MP  
MINISTER FOR LANDS

13<sup>th</sup> October 2008

*Tabled before the  
DC on Land at  
Manooni on  
12/10/08*