

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY  
TENTH PARLIAMENT –FOURTH SESSION

DEPARTMENTAL COMMITTEE ON LANDS AND NATURAL RESOURCES

REPORT ON THE  
PUBLIC PETITION BY THE KIBOROA SQUATTERS  
ALLIANCE, TRANS-NZOIA REGION PRESENTED

BY THE  
HON. DR. BONNY KHALWALE, MEMBER FOR  
IKOLOMANI

CLERK'S CHAMBERS  
NATIONAL ASSEMBLY  
NAIROBI

June 2011

## 1.0 PREFACE

- 1.1 On Tuesday March 30,2010, a petition was tabled before the House pursuant to Standing Order No. 207 by the Hon. Dr. Bonny Khalwale, M.P., Member for Ikolomani on Behalf of Kiboroa Squatters Alliance who number 21,297 being citizens in Trans-Nzoia District of Kenya;
- 1.2 The House, pursuant to Standing Order No. 210, referred the petition to the Departmental Committee on Lands and Natural Resources for preparation of report;
- 1.3 The Committee received the petition on March 31, 2010 and set out a procedure for consideration and therefore is to report to the House by Tuesday April 20, 2010 on expiry of 21 calendar days (twenty one days) as set out in Standing order No. 210(3);
- 1.4 However, due to the nature of the petition and the work involved in solving the problem and therefore answering the prayer by the Kiboroa Squatters Alliance – petitioners, the Committee sought more time to consider it.

## 2.0 MANDATE OF THE COMMITTEE

- 2.1 The Departmental Committee No. J on Lands and Natural Resources is established pursuant to provisions of Standing Order No. 198 (2) and (3) with the following terms of reference: -
  - i.) 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;
  - ii.) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
  - iii.) to study and review all legislation referred to it;
  - iv.) 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;

## 2.5 TASKS ACCOMPLISHED

The Committee proceeded with the consideration of the petition as follows:

### 2.5.1 Held meetings for and with:-

- (a) Setting up the terms of reference;
- (b) Briefing from the Member who presented the petition – Hon. Dr. Bonny Khalwale, M.P;
- (c) Meeting with Petitioners – Kiboroa Squatters Alliance;
- (d) Meeting with the Minister for Lands and Commissioner of lands;
- (e) Meeting with the management of Agricultural Development Corporation on the ownership and status of Sabwani, Sikhendu and Olingatongo farms;
- (f) Meeting with the Provincial Administration and Internal Security, Rift Valley Province and briefed on the status of squatters in the larger Trans-Nzoia District;
- (g) Meeting with the Members of Parliament from the larger Trans-Nzoia region – Kwanza, Saboti, Kimilili and Ikolomani;

2.5.2 The Committee undertook a tour of the ADC farms of Sabwani , Sikhendu and Olingatongo where the petitioners requested to be settled on ;

2.5.3 The Sub Committee undertook another tour of the ADC farms of Sabwani , Sikhendu and Olingatongo where the petitioners requested to be settled on the August 22 – 25, 2010;

## 2.6 LEGALITY OF THE PETITION

2.6.1 The Committee considered the petition pursuant to provision of Standing Order No. 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211 and further Third Schedule;

2.6.2 And, Save for the provisions of Standing Order No. 205(1) (g) – the petition has an annex – a Conservatory Order from the High Court of Kenya at Bungoma annexed to the petition.

2.6.3 The petition fails in its legality as it violates the provisions of standing order 205(1) (g) of the House Rules of procedure.

- v.) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- vi.) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

## 2.2 The Committee is mandated to consider the following subjects:-

- i.) Lands and settlement,
- ii.) forestry, water resource management and development,
- iii.) irrigation;
- iv.) environment,
- v.) wildlife,
- vi.) Mining and natural resources.

## 2.3 Oversight

In executing its mandate, The Committee oversees the following Government Ministries, namely: -

- 2.3.1 Ministry of Water and Irrigation;
- 2.3.2 Ministry of Environment and Minerals Resources;
- 2.3.3 Ministry of Lands; and
- 2.3.4 Ministry of Forestry and Wildlife.

## 2.4 Committee composition

The Departmental Committee on Lands and Natural Resources was constituted on June 17<sup>th</sup> 2009 and its membership is as follows:-

- 2.4.1 Hon. Mutava Musyimi, M.P. – Chairperson
- 2.4.2 Hon. Peris Chepchumba Simam, M.P. - Vice Chairperson
- 2.4.3 Hon. Benjamin Jomo Washiali, M.P.
- 2.4.4 Hon. Silas Ruteere Muriuki, M.P.
- 2.4.5 Hon. Benedict Fondo Gunda, M.P.
- 2.4.6 Hon. Kizito Mugali Justus, M.P.
- 2.4.7 Hon. Njuguna Peter Gitau, M.P.
- 2.4.8 Hon. Mohammed Abdi Affey, M.P.
- 2.4.9 Hon. Omar Mbwana Zonga, M.P.
- 2.4.10 Hon. Kiema Julius Kilonzo, M.P.
- 2.4.11 Hon. Dr. Erastus Kihara Mureithi, MBS, HSC, MP

- 2.6.4 The Committee in its consideration, resolved to consider it although the Standing Orders were not followed because of the following: -
- a) The matter is of great concern as it involves life of people and land. This has been a cause of conflict for many years in the Transnzoia region and in Kenya Generally;
  - b) The petition was the first to be referred to a Committee in the 10<sup>TH</sup> parliament;

## 2.7 RECOMMENDATION

- 2.7.1 The government through the Provincial Administration and local leaders should address the squatter problem in Trans-Nzoia region arising from each of the farms and settle the genuine squatters;
- 2.7.2 The government should scrutinize the Kiboroa Squatters Alliance, establish their legitimacy, mandate/role in the squatter's problem in Trans-Nzoia and address their grievances conclusively;
- 2.7.3 The Ministry of Forestry and Wildlife should relinquish its interest in Sikhendu farm L. R. No. 6657 and 10832 and stop interfering with the farm. Rutongot Limited, the initial buyers, should be allowed to settle in the farm.
- 2.7.4 The Ministry of Lands should stop the resettlement of people at Chepchoina, and establish the number of ADC workers/staff/employees who have no land and to settle them.
- 2.7.5 All workers/employees/staff in ADC farms in Trans-Nzoia and their families should be treated with dignity and respect. With particular reference to provision of basic social amenities.

## 2.8 ACKNOWLEDGMENT

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

- 2.8.2 The Chairperson takes this opportunity to thank all the 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.
- 2.8.3 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.
- 2.8.4 Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands and Natural Resources, to present and recommend this report to the House pursuant to the provisions of Standing Orders of the National Assembly.
- 2.8.5 On behalf of the Committee, I request the house to adopt the report.

SIGNED:.....

HON. MUTAVA MUSYIMI, MP  
CHAIRMAN

DEPARTMENTAL COMMITTEE ON LANDS AND NATURAL RESOURCES

DATE:.....*June 8th 2011*.....

### 3.0 PREAMBLE

- 3.0.1 Petitioning is one of the oldest forms of political participation in the Commonwealth and is very successfully used as a means of citizen engagement in the devolved administrations, as well as around the world. Submitting a petition is one of the most basic ways in which a voter can seek to raise a policy issue with the Legislature and not just their constituency Member of Parliament. It allows individuals, community groups and organisations to participate in the policy scrutiny process by raising issues of concern with their Parliament.
- 3.0.2 In the Scottish Parliament, the public petitions process is seen as a key part of the Parliament's commitment to participation, openness and accessibility.
- 3.0.3 While the current system for dealing with petitions in the House of Commons may have a historic and symbolic value. It is not clear for members of the public who wish to petition Parliament what happens to a petition once it has been submitted, and there is no formal mechanism for the petitioner to receive any feedback;
- 3.0.4 The practice is not common in the Kenya National Assembly as the ventilation of grievances is achieved through other channels. These include referring petitions to the relevant Ministry who in turn prepare reports and present the same to the House.
- 3.0.5 In June 2009, Ikolomani Member of Parliament, Hon. Dr. Bonny Khalwale, raised the issue of pyramid schemes and claimed some people had committed suicide for losing money to the schemers. The matter was referred to the Minister of Cooperative Development, the Hon. Joseph Nyaga, EGH, MP, who in July that year tabled a Task Force Report on the schemes in Parliament in which 169 companies were identified as having engaged in fraudulent pyramid schemes.
- 3.0.6 In November 1993, the Speaker of the National Assembly made a ruling on a public petition presented to the House by the then MP for Tigania -the late Honourable Ndubai. The Member attempted to read a petition signed by nine private citizens, which in part condemned an Honorable Member of the House for allegedly trying

to justify the killing of Non-Maasai's in his constituency. The petition prayed for the sacking of a Member of the House from the Cabinet and barring the same Member from Parliament from the rest of the season.

3.0.7 Prior to the above, the only other petition presented in the house was in 1955 by white Members of Parliament to Her Majesty's Government to reject negotiations with Mau-Mau Freedom Fighters camped in the forest.

3.0.8 The petition by the Kiboroa Squatters Alliance, consisting of 21, 297 members being citizens of Kenya in Trans-Nzoia District, was presented to the House on Tuesday March 30, 2010 by Hon. Dr. Bonny Khalwale, M.P., Member for Ikolomani;

### 3.1 STATEMENT OF FACTS – THE PETITIONERS

3.1.1 The Kiboroa Squatters Alliance is an alliance registered as Community Based organization (CBO) representing about 21, 297 members from of the larger Bukusu community in the larger Trans - Nzoia region. They have complained about the non-resettlement of the members by the government, citing various resettlement programmes and schemes in Trans-Nzoia since 1978.

3.1.2 In their petition, they informed the House that:

- they reside in rural and peri – urban slums within Trans-Nzoia and like their forefathers remain landless, living under deplorable conditions;
- Some served as temporary labourers on the former colonial settlers farms (now Agricultural Development Corporation - ADC);
- Their girls and women are forced into prostitution and early marriages occasioning high incidences of HIV/AIDS and gender based violence;
- There are high poverty levels leading to school drop outs and child labour; and
- Despite making several presentations to the Government with assurances from the District Commissioners, the Permanent Secretaries and Ministers for Lands, they are yet to be settled.

3.1.3 The petitioners want the House to use their good offices to urge the government to resettle them as matter of urgency and pray that the Government of the Republic of Kenya:

- i.) Immediately settles all the Squatters on the following ADC Farms:  
- Sabwani, Sikhendu and Olingatongo;
- ii.) The government restrains those persons who are inciting members from non – squatter communities to invade these farms;
- iii.) The ADC, the Commissioner of Lands, The Director Land Adjudication and Settlement, Commissioner of Police and the

Attorney General to respect the High Court ruling at Bungoma  
Petition no. 26/2010 concerning this matter:

## 4.0. EVIDENCE

4.0.1 Meeting the Provincial Administration and Managing Director, Agricultural Development Corporation in Kitale on August 23, 2010: The Committee held a meeting with the Provincial Administration led by the Deputy Provincial Commissioner, Mr. Wanyaga at the District Commissioners offices at Kitale, and was informed that:

- The Squatters problem in Trans-Nzoia is genuine and is caused by the many communities that reside in the area;
- Genuine squatters also are a result of the tribal clashes that have hit the district since 1992. This has led to emergence of different groups calling themselves squatters.
- The squatters have wanted to be settled on Sabwani, Olingatongo and Sikhendu Farms in Trans-Nzoia Districts;
- Sikhendu is currently under the Ministry of Forestry and Wildlife while Olingatongo and Sabwani are Agricultural Development Corporation Farms;
- There are three sets of Squatters – Rutongot, Kiboroa and Agricultural Development Corporation employees;
- The petitioners hail from Trans-Nzoia and beyond. They were evicted from the forest and private farms. Some were settled in farms such as Sabwani, formally owned by Agricultural Development Corporation while the rest were unattended to..
- The 21, 917 squatters who petitioned parliament are an eclectic group.
- The genuine squatters are workers employed by the various landowners and specifically the Agricultural Development Corporation;
- The Agricultural Development Corporation and Kenya Seed workers/employees are the largest group of squatters, since they have lived in the farms for generation and their employers have never undertaken any corporate social responsibility, thereby, turning the workers into slaves.;
- There are no genuine efforts made to solve the squatter's problem because of the delicate nature of the problem. There are political and security implications;
- The last government dished out land to undeserving people ignoring genuine squatters:

- The ADC workers were never settled. The so called marginalized groups were given land;
- Since 1992, there has been tribal clashes in Kwanza and as a result settlement schemes like Matisi have arisen;
- As of Feb 2008, there were no squatters in Kwanza except employees of ADC. At the district level there are no records of squatters;

#### 4.0.2 EVIDENCE BY MR. C. KORIR SENIOR DISTRICT OFFICER I ENDEBESS DIVISION, KWANZA.

He informed the Subcommittee that: -

- The Committee was to visit Four farms namely: - Gatatha, Salama'A', Salama 'B' and Kaptega Estate famously known as Vamia
- All the Farms originally belonged to white settlers
- One person claims to have bought Vamia farm which is 600 acres
- Some people claim to have contributed money to buy the same land but it disappeared and the money collector denies collecting any money

#### 4.0.3 EVIDENCE FROM THE SQUATTERS AT GATATHA FARM

- Gatatha Farm originally belonged to a white settler
- The White Settler sold it to a private company from Kiambu called Gatatha Farmers Co-operative Company Limited in 1968
- Before selling the land he had asked all his worker how he could help them get land
- He gave Two options to the workers (i) to be given money for them to buy land somewhere else or (ii) to be apportioned pieces of land within the farm before it was sold
- Three families of Mzee Okiru, Mzee Oduori and Mzee Situmwa who had worked for the White Settler for several years chose the latter option of settling on the farm where their houses were. Other families opted for money to buy land somewhere else but after receiving the money they never left the land and still live on the same land and also claim ownership to date

- The three families were allotted the same land by the White Settler but Gatatha farmers have never owned up. They were allotted six acres of land each however they are yet have documents to that effect.
- They lack land for other structures like Cemeteries, Transport and communication is poor on the farm
- They have been severely affected by the election violence since 1992. In 2008, the experience was particularly bad.
- The then area Member of Parliament the late Hon. George Kapten bought some 10 acres of land for some families at Liyavo
- Some families are in their fourth generation at the farm
- The total numbers of Squatters on that land number approximately 200;
- They live in pathetic conditions with no sanitation structures at all
- Workers on the farm are permanent casuals who earn Kshs. 3,500/= per month.

#### 4.0.4 EVIDENCE FROM THE SQUATTERS AT SALAMA 'A' AND 'B' FARMS

- Formerly owned by a white settler;
- Fifteen (15) families joined together and borrowed a loan of Kshs 5,995,250.25/= from Co-operative Bank of Kenya to buy the land in 1989
- They have never managed to pay back the loan and neither do they have a title deed for the land
- It is claimed the title deed is with the Agricultural Development Corporation (ADC)
- There are wrangles between the Saboat and the Luhya Community over the ownership of the farm
- The post election violence of 2008 severely affected these families. Everybody ran away for safety losing three season harvests and other assets
- The bank loan accrued interest of Kshs. 32 million
- Former Permanent Secretary in the Ministry of Co-operatives Development Mr. Patrick Khaemba intervened for them at the bank

and the loan interest was written off but they were required to pay the Principal Amount of Kshs. 5,995,250.25/=

- So far they have managed to pay back Kshs. 1 million
- These families request for the intervention of the government to pay this amount for them
- Security of the area is also wanting as there is no Police Station nearby

#### 4.0.5 EVIDENCE FROM THE SQUATTERS AT VAMIA FARM

- Formerly owned by a white settler and was originally called Kaptega Estate
- There are claims of double ownership of the land. It is called *Vamia* (Swahili word for *invade*) because it has been invaded by other people
- One person claims to have bought the land which is almost 600 acres. Other people also claim to have contributed money to buy the same land but have never received title deeds to date.
- The person who collected money on behalf of others claims he did not receive any money yet contributors claim they have receipts and other documents to prove that he collected money from them;
- Families on this farm are living in pathetic conditions with no sanitation facilities.

#### 4.0.6 EVIDENCE BY THE DC – KWANZA

The District Commissioner, Mr. Hassan Billow Mohammed appeared before the Committee and apologize to the Committee for not appearing as earlier planned as he fell sick on arrival in Nairobi. He informed the Committee that:-

- (i) He laid a written submission on the overview of the squatter problem in Kwanza District.
- (ii) The squatters in Trans-Nzoia feel that they are an unwanted group of Kenyans.

(iii) There are 5 reasons that may help explain the condition of the squatters:-

- (a) Large tracks of land were given to individuals by government which is either lying idle or resold to others.
- (b) ADC land bought by the government as a settlement scheme was given to specific clan, ethnic groupings.
- (c) The use of squatter issue/problem for political mileage.
- (d) Persistent clashes
- (e) Lack of an elaborate government policy to solve the problem

That the suggested solutions:-

- (a) A parcel of land from every ADC farm depending on the size of the farm be surveyed and used to settle ADC squatters.
- (b) Government buys some of the large private farms with squatters, settle them there.
- (c) Waive, all dues, levies from farms bought collectively by squatters.
- (d) Politicians should be refrained from treating communities unequally.

The Committee thanked the DC and requested that they may visit his district one again or may be requested to appear before it again.

#### 4.0.7 Written submission by the Catholic Justice and Peace Commission (CJPC) Kitale diocese - report on the status of squatters in Saboti, Cherenganyi and Kwanza Constituencies of Trans-nzoia County

- ✓ The Trans-Nzoia Squatters Alliance (TSA) under the Catholic Justice and Peace Commission (CJPC) Kitale Diocese was formed in 1999 with the intention of bringing together 38 squatters groups that were dispossessed off their land within the three Districts and Constituencies of Trans-Nzoia County. The county is blessed with some of the most fertile land in Kenya hence it's attractive to the white Settlers.
- ✓ The Alliance comprises of the genuine squatters who were former farm laborers on the white settler's farms during colonial times. These later exchanged hands and became Agricultural Development Corporation (ADC) Farms, lease hold farms, Forestry lands, Settlement Fund Trustee farms (SFT).

- ✓ After the change of user, the squatters were evicted from the said farms which resulted in displacements and evictions coupled by ethnically instigated land clashes of the early 90s that led to landlessness and Internally Displaced Persons (IDPS).
- ✓ The Alliance's main aim has been to advocate for the resettlement of the squatters and alleviation of poverty that has adversely affected them. It has a membership of thirteen thousand members (13,000) from the entire County. They have set up sub-committees of 9 (nine) members in every farm that was affected as shown below.
- ✓ Throughout the period the Alliance has been in the forefront advocating for land and policy reforms under the umbrella of CJPC and The Kenya Land Alliance. These members have over the years been empowered by various civil society organizations such as Kenya Human Rights Commission (KHRC), Kituo Cha Sheria and Shelter Forum.

#### CONCERN AND ISSUES.

- The wonton theft and irregular/illegal allocation of Public Land in the County meant for squatters. As a result, the reckless grabbing of Public Land has led to the region having a huge number of squatters who eke out a living working as farm laborers.
- Squatters in this region have been subjected to violent government evictions which has led to the death of some and destruction of property.
- Some of the government land that has been affected includes; ADC farms, SFT farms, Forestry land which are mostly located in Kwanza and Cherangani Constituencies.
- Prison farms and Government lease hold farms in Saboti Constituency have all been dished out to politically connected people in the successive regimes.
- Squatters through their representatives have presented many memoranda to successive Ministers in the Ministry of Lands, namely, Honourables; Joseph Nyaga, Amos Kimunya, Prof. Kivutha Kibwana and Hon. James Orengo the current Minister of Lands.
- The group actively participated in the process of formulating the National Land Policy as well as presented views to various land commissions such as the Njonjo and the Ndung'u Commissions.

## 4.2 INSPECTION TOUR OF THE FARMS

The Committee conducted a physical inspection tour of the Farms – Sikhendu, Olingatongo and Sabwani. In addition, the Committee visited other farms alongside the three on the August 22 – 25, 2010 and observed that:-

- The Agricultural Development Corporation owns two farms namely Sabwani and Olingatongo for their activities.;
- The other farm, Sikhendu (L.R No. 6657 and 10832) was initially forest land. However, it was excised and sold to Rutongot Limited who are yet to received and occupy it.
- The Committee in its findings discovered that Sikhendu farm was bought by Rutongot Limited in 1973. However, the Ministry of Natural Resources (Now Forestry and Wildlife) has also laid claim to the farm.
- The Committee observed that Sikhendu farm belongs to Rutongot Limited as the first buyers and therefore recommends that the Ministry of Natural Resources then relinquishes the farm to bonafide owners.

### 4.2.1 STATUS OF THE FARMS

#### SABOTI CONSTITUENCY

##### 1. KITALALE SETTLEMENT SCHEME; LR NO 3023, IR 355, (acreage – 6000 acres)

Property Sisal Company Ltd owned it between 1919- 1972. E.A.T.E.C took over between 1972- 1987. It was then converted into Settlement Scheme in 1987 until 1998 when the Government allocated the land to well connected individuals, army officers and other senior officers in the former and current government. Most of the beneficiaries are from one ethnic community. Those who were left out were the squatters who lived on the land before the Government allocated the land. Squatter's families totaling 800 currently live in the nearby centers of Birunda, Sikhendu, Kiminini and Machewa.

##### 2. CHUI FARM; LR NO.-6656/6657/2, (ACR. 3000 acres).

Was occupied by a White Settler Mr. C. Tinley between 1957-1967. The land was handed over to Mr. Olzen Major between 1967- 1974, EATEC between 1974 - 1979. Forestry Department took over from 1979 to date. In 1987, government evicted squatters who worked in the farm. Currently they are in centers of Barbaton, Kiminini, Shikhendu and Mucharage. They number 435 squatters families. The land is still in the custody of the Ministry of Forestry & Wildlife.

3. **SABATA FARM; LR NO 894.**

The White Settler Mr. John Kerr owned the farm between 1964- 1977. He set aside 600 acres for his workers. Master roll was taken to the then District Commissioner Trans-Nzoia. Dr. James Mungai took over the farm in 1977-1989. The then Kipngetch Farm Holdings took over in 1987 to date. The manager's then sub divided the farm and sold to private developers without considering the squatters. There are 27 squatters' families as of now.

4. **CHEMA FARM; LR NO 6650, ACR 950.**

MR. William a white settler owned the farm between 1922 and 1936. Then it was taken over by Mr. Owen between 1937-1959. The land then changed hands to Mr. David Mandan- 1960-1972 who later changed the name to Denmark Company Ltd. After some few years the Late Zacheous Chesoni former Chief Justice took over from 1972 to date. He chased away the 62 Squatters families who were in the farm. Apparently they are living in Nakwangwa centre near the farm.

5. **MACHEWA, LR.6992/2.**

This was a Government land under Ministry of Forestry and Wildlife. People were evicted in 1987 and 1988 by the Provincial Administration.

**CHERANGANI CONSTITUENCY.**

1. **KIPSONGORI FARM; LR NO. 276/2177, IR O 191/3, (ACR. 2797acres).**

A white settler Mr. Archibald Bentley owned the farm between 1919 and 1964. He leased to Murdo Norman Machleans between 1964- 1971. Then the land was handed over to the Agricultural Development Cooperation (ADC) between 1971 and 1979. Grabbers then invaded the farm in 1984 leaving squatters with no land to settle in. They number

250 squatters families according to our findings, and there are still 1800 acres free which the squatters are demanding for settlement.

2. **SEBELI FARM;** LR NO. 9230, IR NO. 1506, (acreage 1627 acres).  
A white settler, Mr. Charles Bwetween held the land between 1948-1966, Mr. Bayle, 1966-1959, Richard Robinson, 1965-1978, Simon Gathoni, from 1978 to date, Joseph Letting. The Squatters were evicted in 1992.
3. **KARAPANI FARM,** LR NO. 214/R, IR NO672, ACREAGE, 2270.  
A white settler Mr. P.K. Richardson held the land under lease in 1965. The Government took up the land through Agricultural Development Cooperation (ADC) in the year 1965-1969. The same Land was handed over to Mr. Koross Kibiwott 1969-2006 who evicted people who were living in the farm. They number 70 squatters families.
4. **BEDFORD FARM;** LR.NO 6133, IR NO. 1779, (acreage, 500 acres).  
Edward Huge Bed held the farm between 1926- 1953. Francis Bedford then took over between the years 1953-1976. Esther Bedford took again the procession since 1976 to date. 17 squatter's families were evicted.
5. **KARARA FARM;** LR NO. 1799, 1803. IR NO. H 17/284, (acreage- 2129, 2050,4179 acres @).  
A white man by the name MARTIN PHILIFE SETH held the farm between 1913-1914; Clande Champion Devire Wright, 1914-1945 G. A. H. Hamilton and M. Markham 1945-1961, Reginald Richard Walter took over in 1964-1979. The Government took over the land through the Settlement Fund Trustee (SFT) from 1979 to date. The squatters here were evicted in 1994.
6. **PEMBENI FARM;** LR NO. 2187 and 8915/2, LR NO.273 and 12095, (acreage, 1612 and 1017 acres @).  
G.E.L Nicholson a White Settler held the farm between 1922 and 1940. The State to over the land through the Agricultural Development Corporation (ADC) in 1972. From that year to date the farm is being held by Simon Kiptum Choge. Squatters were evicted in 1985.

**KWANZA CONSTITUENCY.**

1. ADC- ZEA, LR NO. 553, IR NO. 9078, (acreage, 4500 acres).  
The land belonged to the Agricultural Development Corporation (ADC) 65 Squatters families were evicted in the year 1997. Grabbing is still apparent.
2. KAPSITWET FARM; LR NO. 5750, 2046 LR NO. 5775,318 (acreage 4640.6, 4092 acres)  
Major Kisaa owned the farm between 1922 and 1960, then Kakuzi from 1961-1963. Mr. George Barbour took-over in 1963-1978. The Government charged the land to Settlement Fund Trustee (SFT) 1978 to date. The squatters number 530. They were evicted between 1991 and 1999. The people evicted live in rental houses in market centers.
3. CHEPCHOINA ADC FARM. LR NO. 4140, 8025 and 8029 (acreage 16,025 acres).  
This land was held by M/s. Babaur and Vosters upto 1969, and M/s. Robinson and Augus Broach held the same land until the year 1972. The Government took over the land and placed it under the Agricultural Development Corporation (ADC) in 1972. The Corporation inherited people who were working in the farm but due to apparent political influence, squatters were evicted in order to pave way. There are 186 squatters' families who stay at the nearby centers with their families. Although some were given allotment letters they can't access the land because it is being used by new allottees.
4. ADC MWISHO FARM- LR. NO.7581 & 5792. I.R. NO. 6560 and 2225. (Acreage 2490, 978 and 3469 acres).  
Edmund Donney and Bolley Grafan owned the farm between 1924-1956. Mr. Gerald Richwood Edge from 1924 to 1968. The Agricultural Development Corporation (ADC) took over the land together with the settler's workers, until 1987 when they were evicted from the farm.
5. GIDEA SETTLEMENT SCHEME, LR NO 121, (acreage 50 acres).  
A white settler Mr. Bernard settled on the farm between 1920-1972. It came under the ownership of the Ministry of Lands, through Settlement Fund Trustee (SFT) from 1972 to date. The 12 squatter's families were evicted in 1999 and are now staying at the nearby centers with their families.

#### 6. TWIGA FARM.

Major Makolo owned the farm between 1945 -1971. From 1997 to date, it is owned by SFT. The squatters stay at the nearby center with their families. They are 120 in number.

#### 7. LIYAVO SETTLEMENT SCHEME. LR. NO 5751, IR. NO. 517, (acreage 2802 acres).

Seven hundred and fifty acres of land was given to 150 squatters. The rest was grabbed by people from outside the camp. The said squatters among them 180 were evicted in 1980. They are apparently staying at the nearby center with their families.

### 4.3 THE COMMITTEE FINDINGS AND OBSERVATIONS.

Based on its investigations, evidence adduced and submission made, The Committee observed that:-

- 4.3.1 The Managing Director, ADC was uncooperative and the Committee was less than convinced about his management capacity in such a sensitive institution;
- 4.3.2 The Kiboroa Squatters Alliance is a registered Community-Based Organization in Trans-Nzoia whose aim is to advocate for resettlement of landless people in the larger Transnzoia region. The leaders are collecting funds from the would-be settled for purposes of registration and membership with the alliance;
- 4.3.3 The Kiboroa Squatters Alliance appear not to pass the credibility test and therefore should not interfere with the ownership of the farms;
- 4.3.4 The Committee found out that Sikhendu Farm – L. R. No. 6657 and 10832 belongs to Rutongot Limited, who bought it from Mr. Olzen in 1973 as first buyers. The Ministry of Natural Resources then also went ahead to pay Mr. Olzen in 1975 to deny Rutongot Limited the piece of land. It is difficult to establish the government claim on this land.
- 4.3.5 The Committee also discovered that Sabwani and Olingatongo are farms validly owned by Agricultural Development Corporation for

their activities. None of them is idle land as alleged by Kiboroa Squatters Alliance.

- 4.3.6 If a decision is made in favour of the petitioners, it will create tension with other squatters associations and more so with the Saboat, who feel already marginalized.

#### 4.4. RECOMMENDATIONS

- 4.4.1 The government through the Provincial Administration and local leaders should address the squatter problem in Trans-Nzoia region arising from each of the farms and settle the genuine squatters;
- 4.4.2 The government should scrutinize the Kiboroa Squatters Alliance, establish their legitimacy, mandate/role in the squatter's problem in Trans-Nzoia and address their grievances conclusively;
- 4.4.3 The Ministry of Forestry and Wildlife should relinquish its interest in Sikhendu farm L. R. No. 6657 and 10832 and stop interfering with the farm. Rutongot Limited, the initial buyers, should be allowed to settle in the farm.
- 4.4.4 The Ministry of Lands should stop the resettlement of people at Chepchoina, and establish the number of ADC workers/staff/employees who have no land and to settle them.
- 4.4.5 All workers/employees/staff in ADC farms in Trans-Nzoia and their families should be treated with dignity and respect. With particular reference to provision of basic social amenities