

Approved for tabling in the House.

BAI
SNA
23/3/2022

	
THE NATIONAL ASSEMBLY	
DATE: 23 MAR 2022	
TABLED BY:	HON. DR. NYAMAH LANDS, NATURAL RESOURCES AND ENVIRONMENTAL CONSERVATION COMMITTEE
CLERK-AT-THE-TABLE:	142094
REPUBLIC OF KENYA	
THE NATIONAL ASSEMBLY	
TWELFTH PARLIAMENT – SIXTH SESSION – 2022	
DEPARTMENTAL COMMITTEE ON LANDS	

REPORT ON-	
(PUBLIC PETITION NO. 37 OF 2021)	
BY RESIDENTS OF KIRIMUN IN SAMBURU AND LAIKIPIA COUNTIES REGARDING THE RESTORATION OF KIRIMUN COMMUNITY LAND TO MEMBERS OF THE KIRIMUN COMMUNITY	
DIRECTORATE OF DEPARTMENTAL COMMITTEES CLERK'S CHAMBERS PARLIAMENT BUILDINGS <u>NAIROBI</u>	
<u>MARCH, 2022</u>	

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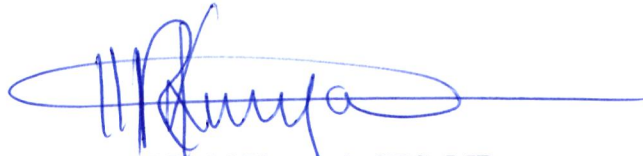
CHAIRPERSON'S FOREWORD

Hon. Sarah Korere MP, on 23rd June, 2021 conveyed to the House Public Petition No 037 of 2021 on behalf residents of Kirimun in Samburu and Laikipia Counties regarding the restoration of Kirimun community land to members of the kirimun community.

While considering the Petition, the Committee met the Petitioners' representatives on 5th November 2021. The Committee also met the Chairperson, National Land Commission and the Cabinet Secretary, Ministry of Lands and Physical Planning on Tuesday 21st September 2021 and 2nd December 2021 in Parliament Buildings, respectively

The Committee is thankful to the Offices of the Speaker, and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Petitioners, the Cabinet Secretary, Ministry of Lands and Physical Planning, and the Chairperson National Land Commission for the submissions they made to the Committee.

Pursuant to Standing Order, 227, it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of Public Petition No 037 of 2021 by residents of Kirimun in Samburu and Laikipia Counties regarding the restoration of Kirimun community land.



Hon. Dr. Rachael Kaki Nyamai, CBS, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

This report responds to the prayers by Petitioners in Public Petition No 037 of 2021 presented to the House by Hon. Sarah Korere MP on behalf of residents of Kirimun in Samburu and Laikipia Counties regarding the restoration of Kirimun community land. The Petitioners prayed that the National Assembly, through the Departmental Committee on Lands, intervenes to:

- a. Facilitate the restoration of at least 75% of the irregularly occupied land back to the members of the Kirimun community.
- b. Recommend the urgent suspension of the vacation notice pending stakeholder consultations.
- c. Make any other recommendations it deems appropriate in the circumstances of the Petition.

Regarding the prayer seeking restoration of at least 75% of the irregularly occupied land back to the members of the Kirimun community, the Committee observed that the land in question LR. No. 8036 measuring 16,738 hectares, previously known as. Kirimun Holding Ground is currently under the Laikipia National Reserve, having been established vide Legal Notice No. 526 of 16th October 1991.

Further, although the same parcel of land (L.R. No. 8036) was formally allocated to the National Youth Service through an allotment letter Ref 215338 dated 9th July 1999, the Ministry of Lands and Physical Planning issued another Letter of Allotment to the County Council of Laikipia dated 24th May 2004. The Letter of Allotment given to the Laikipia County Council extinguished the interest of the National Youth Service in the land. Therefore, the Committee noted that land in question was not available for alienation to the National Youth Service in 1999, having been gazetted as a conservation area in 1991.

Given the foregoing, the Committee concluded that the land in question L.R. No. 8036, measuring 16,738 hectares, is a National Game Reserve. Thus, the boundaries or status of the game reserve can only be changed under the provisions of Section 37 of the Wildlife Conservation and Management Act, 2013. Therefore, the Petitioners are at liberty to channel such a request through the County Government of Laikipia.

Additionally, the Committee observed that the issues raised by the Petitioners are of a historical land injustice nature as defined under Section 15 (2) of the National Land Commission Act, 2012. In this regard, the Committee noted that the Commission acknowledged that it had on its motion admitted the same as claim No. NLC/HLI/1641/2021. Therefore, the investigations being undertaken by the Commission could address the historical land injustice issues raised by the Petitions.

Regarding the prayer seeking the urgent suspension of the vacation notice pending stakeholder consultations, the Committee observed that the prayer does not fall under the mandate of the National Assembly.

Additionally, although the Petitioners alleged that the government recently issued a vacation notice to the Petitioners, no evidence, such as a copy of the said notice, was presented to the Committee to ascertain whether a formal notice of eviction was indeed issued.

Finally, the Committee recommends that the National Land Commission determines Historical Injustice claim No. NLC/HLI/1641/2021 and make relevant recommendations thereof in accordance with section 15 of the National Land Commission Act, 2012 within ninety days of the tabling of this report.

1.0 PREFACE

1.1 Mandate of the Committee

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

- (i) 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) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation.*
- (iii) make reports and recommendations to the House as often as possible, including the guidance of proposed legislation.*
- (iv) Study and review all legislation referred to it*
- (v) study, access, and analyse the relative success of the Ministries and departments as measured by the results obtained compared with their stated objectives.*
- (vi) investigate and inquire into all matters relating to the assigned Ministries and departments as they deem necessary and referred to them by the House.*
- (vii) study and review all legislation referred to it.*

1.2 Committee subjects

1.3

2. The Committee is mandated to consider the following subjects:

- a) Lands
- b) Settlement

1.4 Oversight

3. The Committee oversees the Ministry of Lands and Physical Planning and the National Land Commission.

1.5 Committee Membership

4. The Committee membership comprises:

Chairperson

Hon. Dr Rachael Nyamai, CBS, MP
Kitui South Constituency

Jubilee Party

Vice-Chairperson

Hon. Mishi Mboko, MP
Likoni Constituency

Orange Democratic Movement (ODM)

Hon. Benjamin Washiali, CBS, MP
Mumias East Constituency

Jubilee Party

Hon Joshua Kutuny Serem, MP
Cherangany Constituency

Jubilee Party

Hon. Omar Mwinyi, MP
Changamwe Constituency

Orange Democratic Movement (ODM)

Hon. William Kisang, MP
Marakwet West Constituency

Jubilee Party

Hon. Ahmed Kolosh, MP
Wajir West Constituency

Jubilee Party

Hon. Ali Mbogo, MP
Kisauni Constituency

Wiper Democratic Movement (WDM)

Hon. Babu Owino, MP
Embakasi East Constituency

Orange Democratic Movement (ODM)

Hon. Caleb Kipkemei Kositany, MP
Soy Constituency

Jubilee Party

Hon George Aladwa, MP
Makadara Constituency

Orange Democratic Movement (ODM)

Hon George Risa Sunkuyia, MP
Kajiado West Constituency

Jubilee Party

Hon. John Muchiri Nyaga, MP
Manyatta Constituency

Jubilee Party

Hon. Josphat Gichunge Kabeabea, MP
Tigania East Constituency

Party of National Unity (PNU)

Hon. Lilian Tomitom, MP
West Pokot County

Jubilee Party

Hon. Owen Yaa Baya, MP
Kilifi North Constituency

Orange Democratic Movement (ODM)

Hon. Patrick Munene Ntwiga, MP
Chuka/Igambangombe Constituency

Jubilee Party

Hon. Samuel Kinuthia Gachobe, MP
Subukia Constituency

Jubilee Party

Hon. Teddy Mwambire, MP
Ganze Constituency

Orange Democratic Movement (ODM)

1.5 Committee Secretariat

5. The Committee secretariat comprises:

Lead Clerk

Mr. Leonard Machira

Senior Clerk Assistant

Mr. Ahmad Guliye

Clerk Assistant II

Ms. Jemimah Waigwa

Legal Counsel I

Mr. Collins Namulen

Fiscal Analyst III

Dr Kefa Omoti

Principal Researcher Officer

Mr. Joseph Okongo

Media Relations Officer

2.0 INTRODUCTION

6. Public Petition No 037 of 2021 by residents of Kirimun in Samburu and Laikipia Counties regarding the restoration of Kirimun community land was conveyed to the House by Hon. Sarah Korere MP on 23rd June 2021 on their behalf.
7. The Petitioners stated that the Kirimun community has been using the land in question, spanning 55 000 acres along the Ewaso Nyiro River as grazing land since time immemorial. However, the British Colonial Government forcefully took the land ownership from the community and allocated it to a settler known as Major Y in the year 1923. He later transferred the land to Almo Company.
8. After independence, the Government took control of the land and registered it as LR. No. 8036 under the defunct Livestock Marketing Division for the rearing of steers and other breeds of cattle to supply the same to the Kenya Meat Commission.
9. The displaced members of the Samburu community moved to the Parkare Arpa area of Kirimun Sublocation of Sosian Ward in Laikipia North Constituency and settled along the Ewaso Nyiro River. In contrast, other affected persons settled around Kirimun Water springs to prevent them from accessing the occupied land.
10. The Livestock Marketing Division engaged the affected persons as casual workers and herders. Thus, they were condemned to live as squatters in historically owned land. The National Youth Service currently uses the said land for low-scale livestock farming.
11. Despite the injustice meted on them, the Kirimun community has grown exponentially to over 3,000 residents. The population growth has led to a scarcity of water, land and other livelihood resources.
12. The Government of Kenya recently issued a notice ordering the affected residents to vacate the area, thereby creating tension that poses a risk of distrusting learning in the three schools in the area and causing conflict.
13. Efforts made by the Petitioners to have the said injustice addressed by both the colonial and post-colonial governments have not yielded any fruits.
14. The Petitioners also stated that the issues regarding which this Petition is made are not pending before any court of law or other constitutional or legal body.
15. The Petitioners prayed that the National Assembly, through the Departmental Committee on Lands:

- a. Intervenes to facilitate the restoration of a least 75% of the irregularly occupied land back to the members of the Kirimun community.
- b. Recommend the urgent suspension of the vacation notice pending stakeholder consultations.
- c. Makes any other recommendations it deems appropriate in the circumstances of the Petition.

3.0 SUBMISSIONS

3.1 Submissions by the Petitioners

16. The Committee met the Petitioners' representatives on 2nd September 2021. During the meeting, the Petitioners informed the Committee as follows:
17. According to the Petitioners, the land was their ancestral land as their ancestors had used it since time immemorial until it was forcefully taken from the Samburu community by the British colonial government in the year 1923 and allocated it to a white settler known as Major Y who subsequently transferred it to a settler company known as Almo Company.
18. The post-colonial government registered the Kirimun Community land LR. No. 8036, spanning over 55,000 acres, in 1958 and placed under the defunct Livestock Marketing Division (LMD).
19. The Petitioners informed the Committee that National Youth Service (NYS) uses the ranch for low-scale livestock farming and that Three schools serve the area namely; Moriyo Primary School, KMC and Sagumai Early Child Development (ECD) Centre.
20. The Petitioners alleged that the government recently issued a vacation notice to the locals, causing fear and tension. The area is sparsely inhabited, with over three thousand residents who currently live in fear of eviction.
21. The Petitioners stated that they are not opposed to the National Youth Service occupying part of the land. They however proposed that at least 70% of the land be allocated to the Kirimun Community.
22. The Petitioners requested the Committee to intervene in the matter to facilitate the restoration of a least 75% of the irregularly occupied land back to the members of the Kirimun community and recommend the urgent suspension of the vacation notice pending stakeholder consultations.

3.2 Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning

23. The Committee met the Cabinet Secretary, Ministry of Lands and Physical Planning on 2nd December 2021. The Cabinet Secretary informed the Committee as follows:
24. The land was reserved for the Veterinary Department as a Livestock Holding ground for five years, from 1st January 1956. Later in 1958, the Land Board approved a request by the Ministry of Agriculture and Livestock Development to reserve the land as a holding ground.
25. The land was transferred to the National Youth Service on 23rd April 1982. While the National Youth Service was taking over the land, a Laikipia District leaders' delegation to State House Nakuru petitioned then President on 16th July to consider establishing a Game Reserve at Kirimun Holding Ground.
26. In this regard, the Laikipia National Reserve was established via Legal Notice No. 526 of 16th October 1991 to cover the area previously known as Kirimun Holding Ground. In 1999, the same parcel of land (L.R. No. 8036) was formally allocated to the National Youth Service through an allotment letter Ref 215338 dated 9th July 1999 despite being gazetted as a National Reserve.
27. The County Council of Laikipia and the Kenya Wildlife Service protested the land allocation to the National Youth Service, stating that the land was not available for alienation as it was a conservation area since 1991.
28. The Cabinet Secretary submitted documents to the Committee, including the minutes of a meeting held on 14th April 2004 convened by the Head of Public Service to resolve the ownership dispute; the meeting decided as follows:
 - a. Laikipia County Council retains Kirimun ranch to establish a Game Reserve.
 - b. National Youth Service retains the remainder of Marmar Ranch LR. No. 8052 (now surveyed as LR 25089) measuring 18,030.65 Hectares.
 - c. Cadastral surveys for both ranches be conducted to facilitate the issuance of title deeds.
29. Based on the meeting mentioned above, the Ministry of Lands and Physical Planning issued a Letter of Allotment to the County Council of Laikipia dated 24th May 2004 for LR. No. 8036 measuring 16,738 hectares. The letter superseded the Letter of Allotment issued to the National Youth Service on 9th July 1999.
30. The County Council of Laikipia accepted the offer and made the necessary payments. After that, the Commissioner of Lands issued an official receipt No. F. 827364 dated 25th

June 2004. The issuance of the said letter of allotment to the Laikipia County Council extinguished the interest of the National Youth Service in the land.

31. Finally, the Cabinet Secretary submitted that the issues raised by the Petitioners are of historical land injustice as defined under Section 15 (2) of the National Land Commission Act, 2012 and that the National Land Commission was investigating the matter, through claim No. NLC/HLI/1641/2021. Therefore, the ministry's position on the issue was that the outcome of the said claim could address the prayers sought by the Petitioners.

3.3 Submissions by the Chairperson, National Land Commission

32. The Committee met the Chairperson National Land Commission on Tuesday 21st September 2021. The Chairperson responded to the issues raised in the petition and informed the Committee that the prayers sought in the Petition meet the Historical Land Injustices admissibility criteria set out in Art. 67(2) (e) of the Constitution and Section 15 of the NLC Act, 2012.
33. He also indicated that the National Land Commission would admit the Petition as a Historical Land Injustice claim, conduct investigations, and make appropriate recommendations. The Committee requested him to submit a progress report on the said investigations within thirty days.

4.0 ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

- a. That the National Assembly intervenes to facilitate the restoration of at least 75% of the irregularly occupied land back to the members of the Kirimun community.**

Regarding the prayer seeking restoration of at least 75% of the irregularly occupied land back to the members of the Kirimun community, the Committee observed that the land in question LR. No. 8036 measuring 16,738 hectares, previously known as Kirimun Holding Ground is currently under the Laikipia National Reserve, having been established vide Legal Notice No. 526 of 16th October 1991.

The Committee also noted that although the same parcel of land (L.R. No. 8036) was formally allocated to the National Youth Service through an allotment letter Ref 215338 dated 9th July 1999, the Ministry of Lands and Physical Planning issued another Letter of Allotment to the County Council of Laikipia dated 24th May 2004. The Letter of Allotment given to the Laikipia County Council extinguished the interest of the National Youth Service in the land.

The Committee further noted that the land in question was not available for alienation to the National Youth Service in 1999, having been gazetted as a conservation area in 1991.

In view of the foregoing, the Committee concluded that the land in question L.R. No. 8036, measuring 16,738 hectares is a National Game Reserve and that the boundaries or status of the game reserve can only be changed under the provisions of Section 37 of the Wildlife Conservation and Management Act, 2013. Therefore, the Petitioners are at liberty to channel such a request through the County Government of Laikipia.

Additionally, the Committee observed that the issues raised by the Petitioners are of a historical land injustice nature as defined under Section 15 (2) of the National Land Commission Act, 2012. In this regard, the Committee noted that the Commission acknowledged that it had on its own motion admitted the same as claim No. NLC/HLI/1641/2021. Therefore, the Commission could address the historical land injustice issues raised in the Petition.

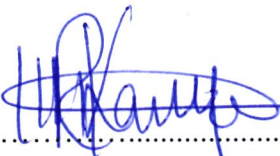
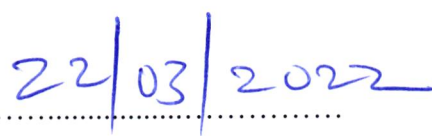
b. That the National Assembly recommends the urgent suspension of the vacation notice pending stakeholder consultations

Regarding the prayer seeking the urgent suspension of the vacation notice pending stakeholder consultations, the Committee observed that the prayer does not fall under the mandate of the National Assembly.

Further, although the Petitioners alleged that the government recently issued a vacation notice to the Petitioners, no evidence such as a copy of the said notice was presented to the Committee to ascertain whether a formal notice of eviction was issued.

5.0 COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends that; **the National Land Commission determines Historical Injustice Claim No. NLC/HLI/1641/2021 and makes recommendations thereof in accordance with Section 15 of the National Land Commission Act, 2012 within ninety (90) days of the tabling of this report.**

Signed.......... Date..........

The Hon. Dr. Rachael Kaki Nyamai, CBS, MP.

Chairperson, Departmental Committee on Lands



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY
TWELFTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON LANDS

Adoption List

**REPORT ON THE PUBLIC PETITION NO. 37/2021 BY RESIDENTS OF
KIRIMUN IN SAMBURU & LAIKIPIA COUNTIES REGARDING
RESTORATION OF KIRIMUN COMMUNITY LAND**

Date:

8/03/2022

	NAMES	SIGNATURE
1.	Hon. Dr. Rachael Nyamai, CBS, MP - Chairperson	
2.	Hon. Mishi Mboko, CBS, MP V/Chairperson	
3.	Hon. Benjamin Washiali, CBS MP	
4.	Hon. Joshua Kutuny Serem, MP	
5.	Hon. Omar Mwinyi Shimbwa, MP	
6.	Hon. William Kisang, MP	virtually
7.	Hon. Ahmed Kolosh, MP	
8.	Hon. Ali Mbogo, MP	
9.	Hon. Babu Owino, MP	
10.	Hon. Caleb Kipkemei Kositany, MP	virtually
11.	Hon. George Aladwa, MP	
12.	Hon. George Risa Sunkuyia, MP	virtually
13.	Hon. John Muchiri Nyaga, MP	
14.	Hon. Josphat Gichunge Kabeabea, MP	
15.	Hon. Lilian Tomitom, MP	
16.	Hon. Owen Yaa Baya, MP	
17.	Hon. Patrick Munene Ntwiga MP	
18.	Hon. Samuel Kinuthia Gachobe, MP	
19.	Hon. Teddy Mwambire, MP	virtually

**MINUTES OF THE 11TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON TUESDAY, 8TH MARCH, 2022 AT COMMITTEE ROOM 4TH FLOOR,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Hon. Dr. Rachael Nyamai, CBS, M.P | - Chairperson |
| 2. Hon. Mishi Mboko, CBS, M.P | - Vice-Chairperson |
| 3. Hon. Omar Mwinyi Shimbwa, M.P | |
| 4. Hon. William Kisang, MP | |
| 5. Hon. Ali Mbogo, M.P | |
| 6. Hon. Caleb Kositany, M.P | |
| 7. Hon. George Risa Sunkuyia, M.P | |
| 8. Hon. Owen Yaa Baya, M.P | |
| 9. Hon. Patrick Munene Ntwiga, MP | |
| 10. Hon. Samuel Kinuthia Gachobe, MP | |
| 11. Hon. Teddy Mwambire, M.P | |

APOLOGIES

1. Hon. Benjamin Washiali, CBS, M.P
2. Hon. Joshua Kutuny, MP
3. Hon. Ahmed Kolosh, MP
4. Hon. Babu Owino, MP
5. Hon. George Aladwa, M.P
6. Hon. John Muchiri Nyaga, MP
7. Hon. Josphat Gichunge Kabeabea, M.P
8. Hon. Lilian Tomitom, MP

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Leonard Machira | - | Senior Clerk Assistant |
| 2. Mr. Ahmad Guliye | - | Second Clerk Assistant |
| 3. Ms. Jemimah Waigwa | - | Legal Counsel |
| 4. Ms. Maureen Kweyu | - | Audio Officer |
| 5. Ms. Peris Kaburi | - | Serjeant At Arms |

MIN. NO.NA/DC/LANDS/2022/048: PRELIMINARIES

The Chairperson called the meeting to order at thirteen minutes past ten o'clock with a word of prayer.

MIN. NO. NA/DC/LANDS/2022/049: CONFIRMATION OF MINUTES

The Committee deferred the Confirmation of minutes to the next sitting.

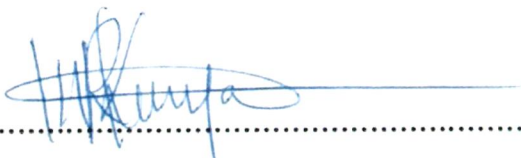
**MIN. NO. NA/DC/LANDS/2022/050: CONSIDERATION OF THE REPORT ON THE
PUBLIC PETITION NO. 037 OF 2021 BY HON.
SARAH KORERE MP ON BEHALF OF
RESIDENTS OF KIRIMUN REGARDING
RESTORATION OF KIRIMUN COMMUNITY**

The Committee considered and adopted a report on the Public Petition No. 037 Of 2021 by Hon Sarah Korere MP on behalf of residents of Kirimun regarding the restoration of the Kirimun Community. Hon. Patrick Munene, MP proposed the adoption of the report was and Hon. Samuel Gacchobe, MP seconded.

The Committee agreed to the draft observations and recommended that the National Land Commission consider the Historical Injustice claim No. NLC/HLI/1641/2021 and make the relevant recommendations thereof under section 15 of the National Land Commission Act, 2012 within ninety days of the tabling of the report.

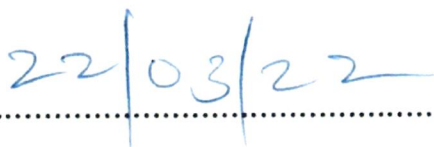
MIN. NO. NA/DC/LANDS/2022/051: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at six minutes past eleven o'clock. The next meeting will be held on Wednesday, 9th March 2022 at 10.00 a.m.

Signature


HON. DR. RACHAEL KAKI NYAMAI, CBS, M.P.

(Chairperson)

Date.....




REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

PUBLIC PETITION

(No. 037 of 2021)

REGARDING RESTORATION OF KIRIMUN COMMUNITY LAND

I, the **UNDERSIGNED** on behalf of residents of Kirimun Community in Samburu and Laikipia Counties,

DRAW the attention of the House to the following:

1. **THAT**, the Kirimun Community land spans a total of 55,000 acres along the Ewaso Nyiro River and has been a core part of the Samburu Community which has used it as its grazing land since time immemorial;
2. **THAT**, in 1923, the ownership of the land was forcefully taken away from the Samburu Community by the British Colonial Government and handed to a white settler known as Major Y, who later transferred its ownership to a white settler company known as Almo Company which brought numerous white settlers into the land;
3. **THAT**, after Independence, the post-colonial Government of Kenya took control of the land, registered it as L.R. No. 8036 and placed it under the now defunct Livestock Marketing Division for rearing of steers and other breeds of cattle after which they were ferried by train through Nakuru to the Kenya Meat Commission at Athi River on the outskirts of Nairobi;
4. **THAT**, majority of the displaced members of the Samburu Community were compelled to live in Parkare Arpa area of Kirimun Sublocation of Sosian Ward in Laikipia North Constituency and settled along the Ewaso Nyiro River by the white settlers in a bid to prevent them from accessing the occupied lands, while other communities settled around Kirimun water springs;
5. **THAT**, some members of Kirimun community were engaged by the Livestock Marketing Division as casual labourers and herders and condemned to live as squatters in a land that historically belongs to them, and which is currently being used by the National Youth Service for low-scale livestock farming;

Approved,

BNT
SNA
19/8/2021

Hon. Speaker
for may
18/8/21

PUBLIC PETITION

REGARDING RESTORATION OF KIRIMUN COMMUNITY LAND

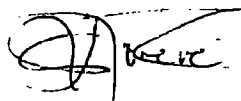
6. **THAT**, despite the injustice meted out on them, the Kirimun Community has grown exponentially to over 3,000 residents whose children are served by three schools, and this growth has led to scarcity of land, water and other key livelihood resources for members of the community;
7. **THAT**, the Government of Kenya recently issued a notice ordering the bonafide residents to vacate their ancestral land, thereby creating unwarranted tension in the area which poses the risk of disrupting learning and is a sure recipe for chaos and conflict;
8. **THAT**, efforts to address this gross injustice by both the British Colonial Government and post-colonial Government of Kenya authorities have not yielded any fruit;
9. **AND THAT**, the issues in respect of which this petition is made are not pending before any court of law, or other constitutional or legal body.

THEREFORE your humble petitioners pray that the National Assembly through the Departmental Committee of Lands;

- (i) intervenes to facilitate restoration of at least 75% of the irregularly occupied land back to members of the Kirimun Community;
- (ii) recommends the urgent suspension of the vacation notice pending stakeholder consultations, and
- (iii) makes any further order(s) deemed fit in the circumstances of the petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY



HON. SARAH PAULATA KORERE, MP
MEMBER FOR LAIKIPIA NORTH CONSTITUENCY

DATE: 18/08/2021

To: National Assembly of Kenya

C/O The Clerk,

Kenya National Assembly

Parliament Buildings.

P.O Box 41842-00100

28th March 2021

RE: PETITION TO THE PARLIAMENT TO REVERT THE KIRIMUN COMMUNITY LAND TAKEN OVER ILLEGALLY AND UNJUSTIFIABLY BY THE COLONIAL POWERS AND THE GOVERNMENT OF KENYA.

WE, the undersigned

Citizens of Kenya representing the Krimun community living on a parcel of land measuring approximately 55,000 Acres along the Ewaso Nyiro River and a part of Samburu Community working towards the recognition of their community land rights present this Petition to you requesting that you address our land grievances.

WE DRAW the attention of the house on the following:

1. That up until 1923, the said parcel of land was owned by the Community of Samburu and used that the said land as their grazing land.
2. That when the British Colony conquered Kenya and Kenya subsequently becoming a British protectorate, the said land was forcefully taken from the Samburu Community and given to Major Y: a white settler.
3. That over the years, the said land was taken over by Almo Company, a white settler company used to move in more white settlers on the land.
4. That after independence, the Government of Kenya took control of the land and created a Livestock Marketing Division (LMD) where the land was used for profit-making to steers fattening and quarantine before transporting to Nakuru by train to later ferry them to their final destination, KMC Nairobi.

To: National Assembly of Kenya
C/O The Clerk,
Kenya National Assembly
Parliament Buildings,
P.O Box 41842-00100

28th March 2021

RE: PETITION TO THE PARLIAMENT TO REVERT THE KIRIMUN COMMUNITY
LAND TAKEN OVER ILLEGALLY AND UNJUSTIFIABLY BY THE COLONIAL
POWERS AND THE GOVERNMENT OF KENYA.

Cont.

5. That the said land was registered by the Government of Kenya under Land title number LR NO.8036
6. That the Samburu Community lived in Parkare arpa in Kirimun Sub-location of Sosian ward, Laikipia North, Laikipia County.
7. That the community lived to serve as staffs to the LMD (Livestock Market Division) who were herders and casual workers.
8. That the other Communities like Somali, Kalenjin, Turkana, Meru and Kikuyu settled around Kirimun town along Kirimun water springs neighbouring the Samburu at Parkare who were settled along river Elwaso Nyiro by white settlers to block raiders from accessing Major Y, Almo and LMD farms respectively.
9. That since before independence, the communities living around Kirimun have stayed in the land as squatters on a parcel that historically belonged to them.
10. That despite this, Kirimun has a thriving population of 3,000 people with 3 schools i.e Morijo Primary school KMC and Sagumai ECD's
11. That as the Communities transit from group ranches to community lands, no one is talking about Kirimun Community

To: National Assembly of Kenya
C/O The Clerk,
Kenya National Assembly
Parliament Buildings.
P.O Box 41842-00100

28th March 2021

**RE: PETITION TO THE PARLIAMENT TO REVERT THE KIRIMUN COMMUNITY
LAND TAKEN OVER ILLEGALLY AND UNJUSTIFIABLY BY THE COLONIAL
POWERS AND THE GOVERNMENT OF KENYA.**

Cont.

12. That the community to date still suffers the historical injustices of forceful conversion of the community land by both the Colonial Government and the Kenya Government post-independence.

LEGAL FOUNDATIONS OF THE PETITION

1. Article 37 of the Constitution of Kenya 2010, provides that every person has the right to present petitions to public authorities.
2. Article 95 (1) of the Constitution of Kenya 2010 provides that the National Assembly represents the people of the constituencies and special interests in the National Assembly.
3. Article 95 (2) of the Constitution of Kenya 2010, provides that the National Assembly deliberates on and resolves issues of concern to the people.
4. Article 119 of the Constitution of Kenya 2010, provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.
5. Article 10 (2) (b) of the Constitution of Kenya 2010, provides that the national values and principles of governance include- human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized

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POWERS AND THE GOVERNMENT OF KENYA.**

Cont.

6. Article 19 (2) of the Constitution of Kenya 2010, provides that the purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings.
7. Article 27 (1) of the Constitution of Kenya 2010, provides that every person is equal before the law and has the right to equal protection and equal benefit of the law.
8. Article 27 (6) of the Constitution of Kenya 2010, provides that to give full effect to the realization of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.
9. Article 28 of the Constitution of Kenya 2010, provides that every person has inherent dignity and the right to have that dignity respected and protected.
10. Article 29 (a) of the Constitution of Kenya 2010, provides that every person has the right to freedom and security of the person, which includes the right not to be deprived of freedom arbitrarily or without just cause.
11. Article 39 (3) of the Constitution of Kenya 2010, provides that every citizen has the right to enter, remain in and reside anywhere in Kenya.

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C/O The Clerk,
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RE: PETITION TO THE PARLIAMENT TO REVERT THE KIRIMUN COMMUNITY
LAND TAKEN OVER ILLEGALLY AND UNJUSTIFIABLY BY THE COLONIAL
POWERS AND THE GOVERNMENT OF KENYA.

Cont.

12. Article 40 (2) (a) of the Constitution of Kenya 2010, provides that Parliament shall not enact a law that permits the State or any Person- to arbitrarily deprive a person of property of any description or of any interest in, or right over, any property of any description.
13. Article 63 (1) of the Constitution of Kenya 2010, provides that Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest.

WHEREFORE, your humble petitioner(s) pray that parliament:

- (i) Reverts the lost community land of KirimunSamburu Community back to the said Community as their legal right over the same.
- (ii) Formally recognize the said parcel as the Community land of the above mentioned Community and managed and administered as community land under the Community Land Act of 2016.

To: National Assembly of Kenya

C/O The Clerk,

Kenya National Assembly

Parliament Buildings.

P.O Box 41842-00100

28th March 2021

RE: PETITION TO THE PARLIAMENT TO REVERT THE KIRIMUN COMMUNITY
LAND TAKEN OVER ILLEGALLY AND UNJUSTIFIABLY BY THE COLONIAL
POWERS AND THE GOVERNMENT OF KENYA.

Cont.

SIGNED BY :

DATED at ISIOLO this 2nd Day of MARCH 2021.

DRAWN BY:

D.K LEKOONA & COMPANY
ADVOCATE

SAADA ARCADE 1ST FLOOR RM:3
P.O BOX 819

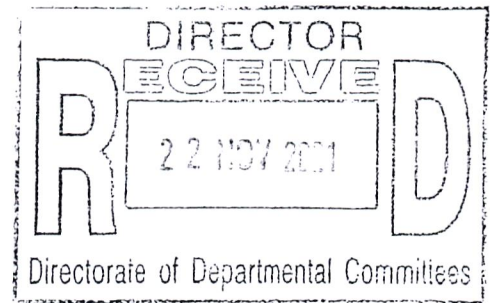
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288	KOLINA LENTHARUA	9052457	
289	LEHAHYORE LETCHERUT	20093129	
290	SIMITO LETHAHYORE	20087370	
291	LEPAINAN LANGEES	21898696	0703251874
292	LPERARNO LENDUPARSIPAT	22722934	0793943761
293	JIMPERIA LERIRENYUT	20735576	0724955251
294	TORORET LENDUPARSIPAT	20148815	0726869191
295	JAMES LESUNDA	29125931	0729166860
296	RICHARD LENGEROAD	22581303	0710911067
297	LAURENTI LUDUNG'OKIOL	12451126	0702345236
298	MWARMBU LENCATOLE	23752739	0719868178
299	SARUWI LENGEROAD	23753204	0719380264
300	FREDRICK PAPAA LEMERENTY	9053018	0725895656
301	ACTOVIAH LEMERENTY	32578163	0701572801
302	SAMUEL LEMERENTY	38511398	0792897715
303	LRESAKWA LENGERS	24526065	0746923422
304	LTIRASIN /eocla	2634882	
305			

KIRIMUN COMMUNITY PETITION

NAMES	ID	PHONE	Sign
1 DANISO LEKIMAIN	29813732	0726629214	☒
2 NASUPUKUK LEKIMAIN	35407514	0704402674	☒
3 JENIPHER MANGA KALONDI	26516706	0115251364	☒
4 LEENO LEKIMAIN	26394028	0746568439	☒
5 LEJULOI LENAIROSHI	5963039	0714051830	☒
6 SIMON LEAKONO	3442439	0929179774	☒
7 SIRINI LEBARLETH	21853728	0711380339	☒
8 MALKA LETOKUN	10939508		
9 EUNICE LEAKONO	23650657	0724975947	☒
10 Justine Zambu LEAGLES	26397669	0715553523	☒
11 RONALD TURUMET LEKOTON	20836750	0727481359	☒
12 LOUWAKWE LEKOKAPO	10939088	071011750	☒
13 NARETOI LENTIPPO	25606177	0795045598	☒
14 LESOKUTA LENGURO	12451084	0791531844	☒
15 WILLIAM LETIPPO	38954091	074790930	☒
16 SANIPA LENTIPPO	29352593	0703103385	☒
17 GABRIELLA LEMELEY	32115126	0719364417	☒
18 SANTI LEMELEY	35413485	0102474135	☒
19 DUPANO LESENGEL	3017325		☒
20 IUMPAU LESAMAJA	26195975	0711877524	☒
1 MARIAN LEAKONO	13045483		☒
2 LERAMPAN LENGALA	5162146	0719482146	☒
3 JOSEPHEN LESACHORE	33267748	0724124974	☒
4 SAMELI LESACHORE	9057794	0789005605	☒
DIANA KAREMBE	39094942	0746585985	☒
NASIEK SUSAN BASU	21122468		☒
NARIKUNI LESAMAJA	28606732		☒
AREES LETILIPA	20066572		☒
NKORACINI LONGURO	3040413	0703505197	☒
WILLIAM LEAKONO	20305279	0703245228	☒
SETUKA LETIPPA	9844320	0115319956	☒
ISAAC LEKUTUKAI	22342262	0714568721	☒



MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

Honourable Chair,

Leonard Ndura

*pls facilitate
up ✓ by 22/11/21*

Pursuant to a letter Ref. **NA/DDC/LANDS/2021/(149)** dated October 21, 2021, the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning to respond to the following petitions:

1. Public Petition No. 037 of 2021 by Hon. Sarah Korere, MP on behalf of residents of Kirimun regarding restoration of Kirimun Community land
2. Public Petition No. 004 of 2021 by Hon. Michael Kingi, MP on behalf of Magarini community land owners regarding irregular extension of Galana Ranching boundary
3. Public Petition No. 004 by Hon. Joshua Kutuny, MP on behalf of the family of the late Hon. Arthur Kinyanjui Magugu, MP regarding alleged fraudulent subdivision of land registered as L.R No. 12422/9
4. Public Petition No. 056 of 2021 by Hon. Khatib Mwashetani, MP on behalf of residents of Wasini island regarding appeal for land adjudication in Wasini island
5. Public Petition No. 063 by Hon. Mishi Mboko, MP on behalf of residents of Mwananguvuze village in Timgwani Ward, Likoni Constituency regarding securing land ownership rights of Mwananguvuze residents
6. Public Petition No. 068 by Victor Mwaganda Gogo on behalf of residents of Kwa Kadzengo village in Mtepeni Ward of Kilifi regarding resolution of Kwea Kadzengo land dispute

Honourable Chair, I wish to respond as follows:

1. **PUBLIC PETITION NO. 037 OF 2021 BY HON. SARAH KORERE, MP ON BEHALF OF RESIDENTS OF KIRIMUN REGARDING RESTORATION OF KIRIMUN COMMUNITY LAND**

Honourable Chair,

The petitioners state that Kirimun community land measuring approximately 55,000 acres located along the Ewaso Nyiro river has since time immemorial been occupied by the Samburu Community.

In 1923, the British colonial government dispossessed the community of its land and handed it to a white settler known as Major Y. It is stated that the land was later transferred to Almo Company owned by a white settler.

The petitioners contend that the post-colonial government of Kenya took control of the land at independence and registered it as L.R No. 8036. It was then placed under the defunct Livestock Marketing Division. In the process, the community members were displaced and have since settled in Parkare area of Kirimun Sub-Location of Sosian Ward in Laikipia North Constituency and around Kirimun water springs.

According to the petitioners, the land is currently being utilised by the National Youth Service for low-scale livestock farming. They claim that they have been issued a notice to vacate the land and that efforts to address the historical injustice have been futile. They have petitioned the Committee to:

- i) Intervene to facilitate restoration of at least 75% of the irregularly occupied land back to members of the Kirimun community
- ii) Recommend the urgent suspension of the vacation notice pending stakeholder consultations
- iii) Make any further order (s) deemed fit in the circumstances of the petition

Response

Honourable Chair, I wish to respond as follows:

According to our records, Kirimun Ranch is located on L.R No. 8036 and measures 16,655 Hectares (41,276 Acres). **Annexure 1** is a copy of Deed Plan No. 325695.

Vide a letter Ref. 36661/59 dated December 22, 1954 (**Annexure 2**), the ranch was reserved for the Veterinary Department as a Livestock Holding ground for a term of 5 years – with effect from January 1, 1956.

In 1958, the Ministry of Agriculture and Livestock Development applied to the Commissioner of Lands for a permanent reservation of the Holding Ground. This request was considered and approved by the Land Board at its meeting on February 25, 1959. A copy of the consent is marked **annexure 3**.

By a letter Ref. OP/CA.1/34A dated April 23, 1982 (**annexure 4**), the then Minister for Regional Development, Science and Technology wrote to the Minister for Lands and settlement to confirm that the National Youth Service was taking over the farm.

While the National Youth Service was taking over and settling on the farm, a delegation of leaders from Laikipia District also visited the then President of the Republic of Kenya (H. E. Daniel Arap Moi) on July 16, 1984, they petitioned the President to consider establishing a Game Reserve at Kirimun Holding Ground, a request which was assented to by the President. Annexure 5 is a copy of a letter from the then Laikipia County Council Ref. LCC/ADM/36/46 dated May 8, 1990 communicating the President's approval.

In 1991, the Laikipia National Reserve was established vide Legal Notice No. 526 of October 16, 1991 (annexure 6) to cover the area previously known as Kirimun Holding Ground. In 1999, the same land (L.R No. 8036) was formally allocated to the National Youth Service despite the fact that it had, in 1991 been Gazetted as a National Reserve. A copy of the Letter of Allotment Ref. 215338/8 dated July 9, 1999 is marked annexure 7.

Upon receipt of the Letter of Allotment, the NYS duly accepted the offer and made the requisite payments and an official receipt No. E.522453 dated March 15, 2000 was issued by the Commissioner of Lands (annexures 8a and 8b).

The decision to allocate the land to the NYS did not go down well with both the County Council of Laikipia and the Kenya Wildlife Service who protested the allocation stating that land was not available for alienation owing to the fact that it had earlier in 1991 been gazetted as a conservation area. Annexures 9a and 9b are copies of the protest letters.

In an effort to resolve the issue of ownership of the land, the Ministry mediated several meetings between the parties (County Council of Laikipia, Kenya Wildlife Service and the NYS) without any success. On April 14, 2004, the Permanent Secretary, Secretary to the Cabinet and Head of Public Service held a meeting in his office, Harambee House, where all the parties to the dispute were invited/present. Present in the meeting were:-

Amb. Francis K. Muthaura	-	Permanent Secretary, Secretary to the Cabinet and Head of the Public Service
Mr. Kiriinya Mukiira	-	Permanent Secretary, Ministry of Lands
Mr. Zachary O. Ogongo	-	Permanent Secretary, Ministry of Local Government

Mr. Sylvester M. Mwaliko	-	Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs
Mr. Daniel M. Mule	-	Permanent Secretary, Ministry of Livestock and Fisheries Development
Mrs. Judith Okungu	-	Commissioner of Lands
Mr. Japheth Mwanja	-	Director, National Youth Service
Mr. H. K. Gitu	-	Clerk, Laikipia County Council
Mr. Daniel Omwemba	-	For Director, Kenya Wildlife Service
Mrs. Rosemarie Kigame	-	Cabinet Office
Mr. Stephen K. Kirogo	-	Recording

From the above meeting, it was resolved that:

- (a) Laikipia County Council retains Kirimun ranch for the establishment of a Game Reserve
- (b) National Youth Service retains the remainder of Marmar Ranch L.R No. 8052 (Now surveyed as L.R 25089) measuring 18,030.65 Hectares.
- (c) Cadastral Survey for both ranches be carried out immediately to facilitate the preparation and issuance of Title Deeds.

Annexure 10 is a copy of minutes of the meeting.

On the basis of the above resolutions, a Letter of Allotment was formally issued to the County Council of Laikipia Ref. 36661/143 dated May 24, 2004 for L.R 8036 measuring 16,738 hectares (41,360 Acres). The letter superseded the Letter of Allotment Ref. 215338/8 dated July 9, 1999, which allocated the land to the NYS. The Letter of Allotment indicates that the land was allocated for Kirimun Game Reserve.

Upon receipt of the Letter of Allotment (annexure 11), Laikipia County Council accepted the offer and made the necessary payments and an official receipt No. F. 827364 dated June 25, 2004 was issued by the Commissioner of Lands. Annexures 12 a and 12 b are copies of the acceptance letter and payment receipt respectively.

Honourable Chair, the interest of the NYS on property was extinguished by the issuance of a letter of allotment to the Laikipia County Council. The gazettment of the land as a National Reserve has not been challenged or vacated through another Legal Notice.

**2. PUBLIC PETITION NO. 004 OF 2021 BY HON. MICHAEL KINGI, MP
ON BEHALF OF MAGARINI COMMUNITY LAND OWNERS
REGARDING IRREGULAR EXTENSION OF GALANA RANCHING
BOUNDARY**

Honourable Chair,

The petitioners state that Galana Game and Ranching community land in Kilifi and Tana River counties was indigenously settled on by the Waata and Giriama communities. They claim that the boundaries of the land were marked in 1961 jointly by Waata and Giriama communities together with representatives of the colonial government.

According to the petitioners, the original boundary points were Kisiki, Tanke, Kore and Didimabul with the upper western part boundary point being allocated to Galana Ranching and the lower eastern land being reserved for the community. In 1972, the Agricultural Development Corporation (ADC) took over the land.

The petitioners claim that in the year 2020, the ADC without due public participation undertook an illegal/irregular boundary extension exercise that resulted in new boundary points at Chain Barrier (Sameta), Kormotho, Dakabuko, Kalaluwe, Gurujo, Bisaadhi, Diririsa, Bibithole, Changoto and Dera which were then gazetted for adjudication.

They claim that efforts to address the issue with the relevant authorities including the National Land Commission and the National Environment Management Authority have been futile. The petitioner thus requests the Committee to:

- i) Inquire into the matter with a view to securing with the assistance of the National Land Commission, the restoration of the original boundary points of the Galana Game and Ranching land so as to safeguard the land originally allocated to the local community
- ii) Cause the Ministry of Lands and Physical Planning to complete the adjudication process in the areas where it had begun and urgently commence the process in the remaining areas with a view to ensuring that members of the community are issued with title deeds
- iii) Make any other order or direction that it deems fit in the circumstances of the matter.

Response

Honourable Chair, I wish to respond as follows:

The alleged “community land” falls within the declared adjudication sections of Adu Kamale and Adu Chamari bordering the ADC land. The adjudication sections were declared on April 11, 2017. 8,100 plots have been surveyed in Adu Kamale while 3,300 parcels have been surveyed in Adu Chamari. What remains is publication of the maps.

The petitioners claim that a portion of the ADC land (measuring approximately 237,643.05 Hectares) from Kisiki beacon through Koromodo, Dera Bure and Didima Bule Beacon shaded in the sketch map marked **annexure 13** has encroached on the “community land” which they seek to have it adjudicated

There are several villages within the contentious portion of the ADC land, which is settled by the local communities. The villages include Changoto, Gabo, Dhambela, Mambruk Mukale, Masa/Mchekenzi, Chanjalo, Kamale, Dera, Matharba, Kori, Kilulu, Ndharako, Kaloleni, Daririsa, Mbuuni ‘B’, Bihole, Chalalu, Bate, and Borani. The local community believe its boundary runs from Kisiki beacon to Didima Bule beacon as shown in the sketch plan, which is not the case.

3. PUBLIC PETITION NO. 004 BY HON. JOSHUA KUTUNY, MP ON BEHALF OF THE FAMILY OF THE LATE HON. ARTHUR KINYANJUI MAGUGU, MP REGARDING ALLEGED FRAUDULENT SUBDIVISION OF LAND REGISTERED AS L.R NO. 12422/9

Honourable Chair,

The petitioner claims that land parcel L.R No.12422/9 measuring approximately 41.133 Hectares was registered in the name of the late Hon. Arthur Kinyanjui. The certificate of title was issued on December 16, 1982. They state that on February 19, 1991, the deceased engaged the firm of Kamwere & Associates Surveyors to carry out subdivision of the land into two (2) parts. The subdivision was carried out to create L.R Nos. 12422/203 & 12422/204.

They claim that the surveyor subsequently fraudulently subdivided parcel L.R No. 12422/204 to create L.R Nos. 12422/318 & 12422/319 vide a Certificate of Subdivision given on October 25, 1993 by the Town Clerk, City Council of Nairobi approving the subdivision. Parcel L.R No. 12422/319 was transferred to Karura Investment Limited on the same day. The Petitioners claim that the subdivision of L.R No. 12422/204 was fraudulent for the following reasons:

- i) The Certificate of Title in respect of L.R No. 12422/204 was issued to the deceased
- ii) The application for consent to transfer parcel L.R No. 12422/319 is not dated nor signed
- iii) The consent to transfer parcel L.R No. 12422/ 319 was made one (1) month before the parcel was created.
- iv) The transfer document dated October 25, 1993 was only executed by the alleged vendor and not the purchaser.

The Petitioners therefore request the Committee to:

- i) Inquire into the issues raised in the petition
- ii) Make recommendations requiring the Registrar of Titles to cancel the fraudulent entries of title registered under L.R 12422/319
- iii) Make any other recommendations, as it may deem appropriate.

Response

Honourable Chair, I wish to respond as follows:

The Ministry submitted its response to the petition vide the reports dated September 14, 2021 and September 22, 2021 (**annexures 14 and 15**). We appeared before the Committee on September 22, 2021 where we requested the Committee to allow the Ministry more time to summon the parties to the petition to provide documentation regarding subdivision of land parcel L.R No. 12422/204 and subsequent transfer of L.R No. 12422/19.

Honourable Chair, we wish to report that we have received relevant documentation from the petitioners and Karura Investments Limited. The Ministry is currently undertaking scrutiny of the documents presented and will forward findings to the committee within one week from the date of this report.

4. PUBLIC PETITION NO. 056 OF 2021 BY HON. KHATIB MWASHETANI, MP ON BEHALF OF RESIDENTS OF WASINI ISLAND REGARDING APPEAL FOR LAND ADJUDICATION IN WASINI ISLAND

Honourable Chair,

The petitioners aver that they occupy land parcel registered as Provincial Plot No. PW33/Wasini Island (approximately 289 acres) located near Shimoni town in the coastal region. They claim that the island was declared an adjudication section on October 31, 1979. It was surveyed, adjudicated and titles issued.

In 1995, one Hassan Nassir and Ahmed Nassir who had approximately 5 acres of land to their name challenged the adjudication process in court by suing one Mohamed Masoud and Hamadi Khalfan. In July 1995, the High Court issued an order directing the Chief Land Registrar to cancel the titles issued and called for the process to be undertaken afresh. This has not been done. The petitioners aver that efforts to have the matter resolved by the relevant authorities have borne no fruits. They therefore request the Committee to:

- i) Intervene to either secure the undertaking of a new adjudication process or to secure the declaration that all title deeds as initially issued remain valid and legal
- ii) Intervene to protect Wasini island which is an ancestral land to local communities from being grabbed or illegally acquired from them on account of the ongoing construction of Shimoni port
- iii) Causes the Ministry of Lands and Physical Planning to explain why it sent over 100 armed police officers to oversee and illegal and irregular surveying of the land without following due process and without meeting numerous legal requirements
- iv) Make any other recommendations it deems appropriate in the circumstances of the petition.

Honourable Chair, I wish to respond as follows:

Wasini Island underwent a land adjudication process in 1979 and a total of 428 titles covering 403.8 Hectares were issued under the Registered Land Act in 1984. Plot No. W/33 was among those adjudicated and titles issued.

The titles falling on Plot No. W/33 were challenged by one Sagaaf bin alawi (heir of Hassan Nassir, Mohammed Nassir and Ahmed Nassir) who claimed to have lodged a claim with the Recorder of titles Ref. No. V/590/20 over ownership of a portion of the plot in 1967.

In 1969, the Recorder of titles in the presence of all the disputing parties determined the case and awarded the land to Hassan Nassir, Mohammed Nassir and Ahmed Nassir (all deceased) under Section 7(1) of the Land Titles Act (Repealed). The Recorder of Titles clearly defined the extent of the four boundaries covering Plot No. W/33. **Annexure 16** is a copy of the proceedings before the Recorder of Titles. The decision can only be challenged through a court of Law.

In 1981, Sagaaf alwy on his own behalf and on behalf of the other heirs Hassan, Mohammed and Ahmed (plaintiffs) filed Civil Suit No. 727 of 1981 at the High Court in Mombasa against the Attorney General, Mohamed Masoud and Hamadi Khalfan challenging the adjudication of land to third parties. He claimed that Plot No. W/33 belongs to the said heirs through the award by the Recorder of Titles.

During the adjudication process, Sagaaf alwy did not raise objection on the area he is raising claim (P/No. 33) as required in the Land Adjudication Act (Cap. 284).

On July 21, 1995, the High Court awarded the land to the plaintiffs and ordered the cancellation of the titles and rectification of the Register within 21 days. The judgment shows that the defendants, Mohamed Masood and did not adduce evidence in their defence although they participated in the suit throughout the hearing. Although the Attorney General was a defendant in the case, the proceedings did not show his participation on the matter. A copy of the judgement is marked **annexure 17**.

The court issued an order on January 15, 1997 (**annexure 18**) to nullify titles falling with Plot No. P.W. 33. It reiterated that the judgement of the Recorder of Titles was valid and therefore the purported adjudication and subsequent creation of plots on the aforesaid plot No. W/33 Wasini Island was null and void. Titles falling on Plot No. P.W. 33 were cancelled vide Gazette Notice No. 1948 of April, 11, 1997. A total of 68 parcels were affected covering approximately 124.7 Ha. **Annexure 19** is a list of the affected titles.

On July 30, 1999, the Environment and Land Court in Mombasa issued an order to the OCPD Msambweni to provide security to enable the Government Surveyor to survey the land for issuance of title to the Plaintiffs in Civil Suit No. 727 of 1981. This was not possible due to hostility from the local community. A copy of the order of court is marked **annexure 20**.

On September 25, 2021, the County Surveyor Kwale managed to secure security and surveyed the land. The total area surveyed was about 124.7 Hactares covering the parcels falling on Plot No. V.33. However, during the Parliamentary Committee on Lands visit to Wasini on November 5, 2021, it was established that the 1999 court order used by the Surveyor and the Police to cause survey of the disputed land was expired. Section 4 (4) of the Limitation of Actions Act (Cap. 22) provides that an action may not be brought upon a judgment after the end of twelve years from the date on which the judgment was delivered.

Honourable Chair, despite the survey being undertaken, the Registry Index Map has not been prepared for registration and issuance of title since the survey was undertaken on the basis of expired court order.

5. PUBLIC PETITION NO. 063 BY HON. MISHI MBOKO, MP ON BEHALF OF RESIDENTS OF MWANANGUVUZE VILLAGE IN TIMGWANI WARD, LIKONI CONSTITUENCY REGARDING SECURING LAND OWNERSHIP RIGHTS OF MWANANGUVUZE RESIDENTS

Honourable Chair,

The petitioners aver that land registered as Plot No. 120 located in Mwananguvuze village in Timbwani Ward, Likoni Constituency has been their ancestral land for over 150 years as exemplified by ancient gravesites and the Mwananguvuze mosque whose foundation stone was laid by Hon. Shariff Nassir in 1980.

They aver that when land adjudication commenced in the constituency, they were assured of securing their land rights but unknown to them, titles were issued to strangers under unclear circumstances. They claim that they are aware that one Mr. Mahesh Jatantilal Haria plans to occupy the entire land and intends to evict them. They claim that efforts to address their concerns with the relevant authorities have been futile. The Petitioners have therefore filed the petition to request the Committee to:

- i) Conduct a fact-finding mission to Mwananguvuze village to ascertain the situation on the ground
- ii) Urgently intervene to forestall the impending eviction of residents of Mwananguvuze village
- iii) Investigate the circumstances in which the said Mr. Mahesh Jatantilal Haria seeks to assume ownership of the parcel of land
- iv) Make any other recommendations it deems appropriate in the circumstances of the petition

Honourable Chair, I wish to respond as follows:

According to our records, the subject land L.R No. MS/1/120 was initially Government land. The following subdivisions have since been registered against parcel.

Parcel No.	Area	Ownership Status
Plot No. 1789	0.1034Ha.	Msa Holdings Limited
Plot No. 1787	0.0254 Ha.	Abdalla Chuo Ali
Plot No. 1788	0.0534Ha.	Abdalla Chuo Ali
Plot No. 1786	Ownership details to be confirmed soonest possible	
Plot No. 1780	Ownership details to be confirmed soonest possible	

Plot MS/1/1836	0.400Ha.	1 st owner – Nourdin Ahmed Abubakar 2 nd owner – Transoil Kenya Limited Current owner – Mahesh Jaltantilal
Plot MS/1/1837	approximately 52 acres	Ownership details to be confirmed soonest possible

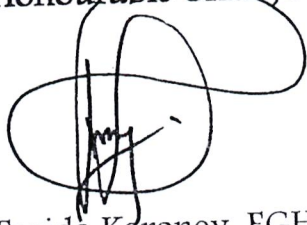
Note: Mwananguvuze villages occupy all the above parcels of land. The area is densely populated with over 400 permanent structures, graves, madrassa, markets, schools, mosques, churches. The owner of parcel MS/1/1836 (Mahesh Jaltantilal) has issued eviction notice to the residents through his lawyer.

6. PUBLIC PETITION NO. 068 BY VICTOR MWAGANDA GOGO ON BEHALF OF RESIDENTS OF KWA KADZENGU VILLAGE IN MTEPENI WARD OF KILIFI REGARDING RESOLUTION OF KWEA KADZENGU LAND DISPUTE

Honourable Chair,

We request two more weeks to compile our response to the petition.

Honourable Chair, I submit.



Farida Karoney, EGH
CABINET SECRETARY

November 19, 2021

REPUBLIC OF KENYA

DISTRICT OF LAIRIPIA

Land Reference No. 8036

Locality North East of Rumuruti Township (Orig No

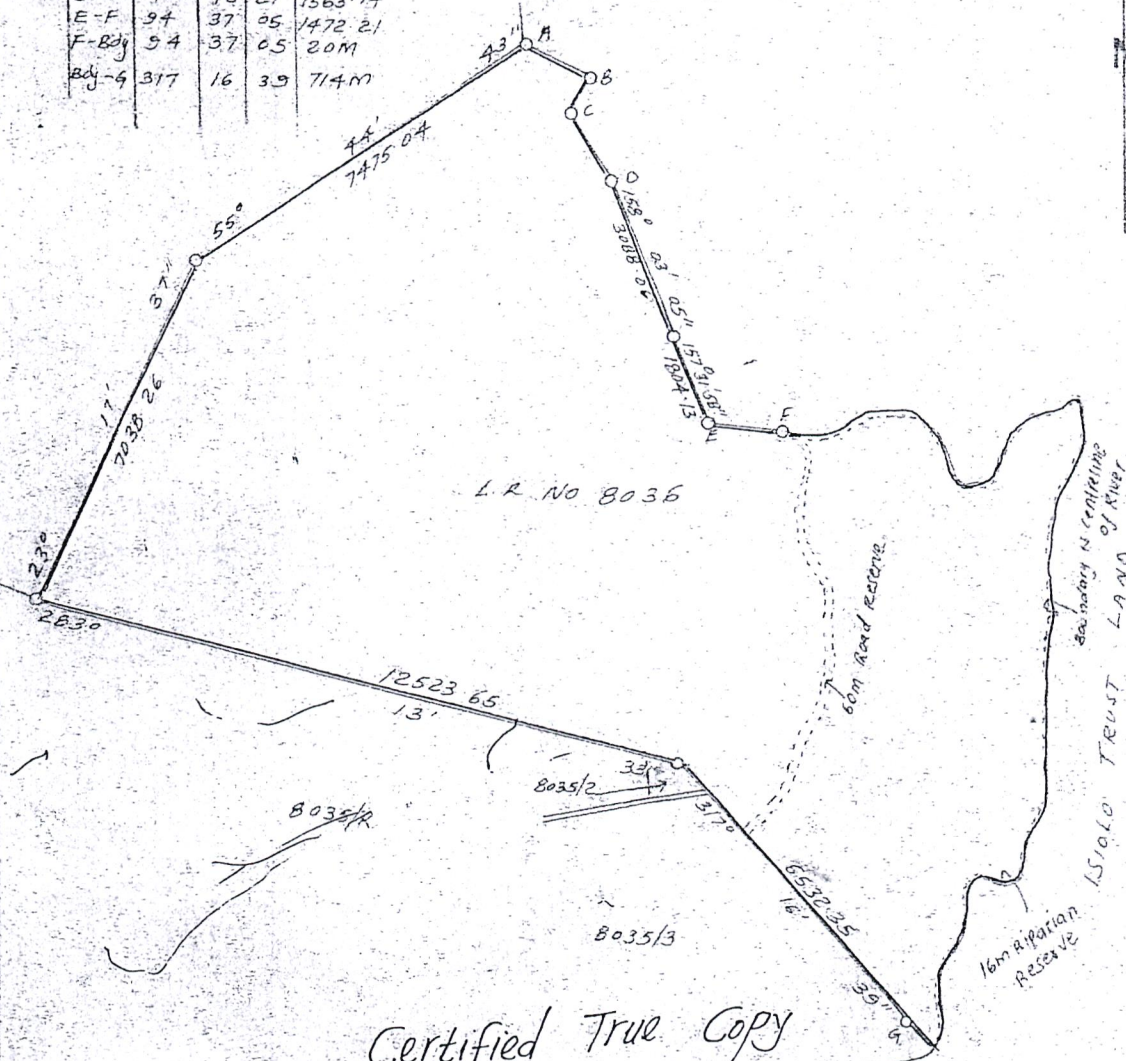
Reference Map North A 37 5689
S. II C

Sub division No. (Orig No.

of section No.

Bearings			Distance Metres
A-B	117°	27	1363.80
B-C	210°	02	789.15
C-D	146°	43	1563.74
E-F	94°	37	1472.21
F-Bdy	94°	37	20M
Bdy-G	317°	16	714M

Total Area = 16736 Hq (approx)
Less Riparian Area = 34.00 Hq (approx)
Less Road Reserve = 48.60 Hq (approx)
Net Area = 16655 Hq (approx)



Certified True Copy

M. N. KAMUNYU
M.N. KAMUNYU

for Director of Surveys
Nairobi 20TH FEBRUARY 2020

A.M. GATHU
Licensed Surveyor

F.R. No 361/32
COMPS NO. 58265

Traced by *M. N. KAMUNYU*
Compared by *M. N. KAMUNYU*

NATIONAL YOUTH SERVICE

Scale 1 in 100 000

REDRAWN COPY ON 20/02/2020

for Director of Surveys

Nairobi 20TH FEBRUARY 2020

DEED PLAN No. 325695

56661/50

23rd, December, 1954

The Director of Veterinary Services,
Veterinary Research Laboratory,
P.O. SAREGI

NORTH LAKSHMI - AIRBORNE 11.00

Please refer to your letter No. 56661/VI/21, dated the 18th. December, 1954.

2. The above area as edged red on the plan attached to my letter No. 56661/5, dated the 12th. January, 1955, is reserved for the use of your Department for a period of 5 years from the 1st. January, 1955.

A. E. EKINE
for SPECIAL AGENT IN CHARGE
OFFICE OF THE AGENT IN CHARGE

Copy to:- The Hon. Minister for Agriculture, Animal Husbandry and Water Resources, P.O. Box 525, KUMASI

The Director of Surveys, KUMASI.

The Officer i/c Records
Records Draughtsman.

Noted *Chantuko*
24.12.54.

Noted *Chantuko*
24/12/54.

79/36661

BEING UP "A"
11/1/1961

See (90) PA

THE LAND BOARD.

The 150th Meeting of the
Land Board was held at the Department of Lands, Government
Road, Nairobi at 11.30 a.m. on 25th February 1969
MINUTE NO. 1099.

ITEMS ON THE AGENDA.

36661

1. North Laikipia - L.R. No. 8036 -
approximately 41,276 acres - "Kirimun".

The Board took note of a statement containing details of an application made by the Permanent Secretary, Ministry of Agriculture, Animal Husbandry and Water Resources, for the above-mentioned land to be reserved permanently to the Veterinary Department for the purpose of a cattle holding ground.

The Chairman informed the Board that the application had been strongly supported by the Provincial Commissioner and the District Commissioner and that the Aberdare County Council had agreed to the proposal.

The Board recommended that this land should be reserved for the purpose of a cattle holding ground.

36661/111
III
24/4/82
CONFIDENTIAL

OP/CA.1/34A

23rd April, 1982.

105/36661
Hon. G.G. Kariuki, M.P.,
Minister for Lands and Settlement,
NAIROBI.

Dear

RE: TRANSFER OF KIRIMUN FARM TO
NATIONAL YOUTH SERVICE

Please refer to various discussions concerning the transfer of Kirimun Farm to National Youth Service which has been going on since August 1981. I now feel that the subject be brought to finality.

I would like to confirm that the National Youth Service is ready to take over the farm. In this regard I would appreciate if you would instruct the Commissioner of Lands to institute the necessary facilitation for the transfer of this property.

I would also like to confirm the willingness on the part of the National Youth Service to arrange for special facilities for the Livestock Marketing Division (LMD) to obtain the necessary holding ground for their requirements, within the complex.

Yours

Hon. K.N.K. BIWOTT
MINISTER

cc.

Hon. A.K. Magugu,
Ministry of Finance,
P.O. Box 30007,
NAIROBI.

Hon. P.J. Ngai,
Ministry of Livestock Development,
P.O. Box 68228,
NAIROBI.

Mr. G.W. Griffin,
National Youth Service,
P.O. Box 30397,
NAIROBI.

CONFIDENTIAL

1666
The Commissioner of Lands,
P.O. Box
NAIROBI

LAIKIPIA COUNTY COUNCIL

118

Tel. NANYUKI 2041

All correspondence to be
addressed to the Clerk of the Council

Ref. LCC/ADM/36/46



P.O. Box 4
NANYUKI

8th May, 1990

The Commissioner of Lands,
Department of Lands,
P.O. Box 30089,
NAIROBI.

Spro
Status, user & area
10/5/90

TRANSFER OF KIRIMUN RANCH TO LAIKIPIA COUNTY COUNCIL AND ESTABLISHMENT OF GAME RESERVE

You may be aware that Kirimun Ranch L.R. No. 8036 was donated to Laikipia County Council for establishment of a Game Reserve by H. E. The President in 1984 during a Laikipia District Leaders delegation at state House Nakuru. Following this announcement, the Provincial Commissioner, Rift Valley, conveyed this to the Director of Tourism and Wildlife requesting him to implement the decision vide his letter Ref.: SR.GA. 22/2/Vol. III/81 dated 12th August 1985 (copy attached).

To enable the gazettelement of the Ranch as a Game Reserve, I wish to earnestly request you to arrange for the Transfer of the land to Laikipia County Council.

PNW/mnn.

for.

P. N. WAINAINA
(P. N. WAINAINA)
CLERK TO THE COUNCIL

c.c.

Director,
Kenya Wildlife Services,
P.O. Box 40241,
NAIROBI.

Permanent Secretary,
Ministry of Local Government,
P.O. Box 30004,
NAIROBI.

Permanent Secretary,
Office of the President,
P.O. Box 30510,
NAIROBI.

District Game Warden,
P.O. Box 195,
NANYUKI.

C/L
Please refer to your minute and note that the plot in question is a veterinary reserve (Outspan), file n 36661 refers and its total area is 41276 Acs

LEGAL NOTICE No. 525

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by section 20 of the Standards Act, the Minister for Industry, after consultation with the National Standards Council, makes the following Regulations:—

THE STANDARDS (NATIONAL CALIBRATION SERVICE)
(AMENDMENT) REGULATIONS, 1991

1. These Regulations may be cited as the Standards (National Calibration Service) (Amendment) Regulations, 1991.

L.N. 8/1984.

2. The Standards (National Calibration Service) Regulations are amended by deleting regulation 3 (1) and inserting the following—

(1) The Minister may, by notice in the Gazette, publish the categories of precision instruments, gauges and scientific apparatus which shall be calibrated by the Bureau and the notice shall state—

- (a) the date by which the precision instruments, gauges and scientific apparatus within that category shall be calibrated;
- (b) the Kenya Standard to be used for calibration;
- (c) the interval between each calibration; and
- (d) the fee to be paid for the calibration.

Made on the 8th October, 1991.

J. KYALO,
Minister for Industry.

LEGAL NOTICE No. 526

THE WILDLIFE (CONSERVATION AND
MANAGEMENT) ACT

(Cap. 376)

IN EXERCISE of the powers conferred by section 18 (1) of the Wildlife (Conservation and Management) Act, the Minister for Tourism and Wildlife, after consultation with the County Council of Laikipia, declares that the area of land described in the Schedule shall be a National Reserve to be known as the Laikipia National Reserve.

SCHEDULE

THE LAIKIPIA NATIONAL RESERVE

All that area of land measuring 165 square kilometres approximately, situated north-east of Rumuruti Town in Laikipia District of Rift Valley Province, the boundaries which are

181/3661

more particularly delineated, edged purple on Boundary Plan No. 216/57 which is signed, sealed and deposited at Survey of Kenya Records office, Nairobi and copy of which may be inspected at the office of the Director, Kenya Wildlife Service, Nairobi.

Made on 16th October, 1991.

N. K. NGALA,
Minister for Tourism and Wildlife.

LEGAL NOTICE No. 527

THE RENT RESTRICTION ACT

(Cap. 296)

IN EXERCISE of the powers conferred by section 36 (1) of the Rent Restriction Act, the Minister for Lands and Housing makes the following Regulations:—

THE RENT RESTRICTION (AMENDMENT) REGULATIONS, 1991

1. These Regulations may be cited as the Rent Restriction (Amendment) Regulations, 1991, and shall be deemed to have come into operation on the 4th November, 1991.

2. The Rent Restriction Regulations are amended by deleting the Schedule of fees and inserting the following new Schedule—

Sub. Leg.

SCHEDULE OF FEES

(r. 5)

	Sh.
1. For filing an application under Order XXV of the Civil Procedure Rules	100
2. For filing all other applications	60
3. On instituting proceedings for arrears of rent where the sum involved is—	
(i) less than Sh. 1,000	120
(ii) more than Sh. 1,000 but less than Sh. 5,000	220
(iii) over Sh. 5,000	370
4. For inspecting or viewing premises at the request of a party	150
5. For making certified copy of proceedings or any document connected with the complaint—	
(i) for the first folio of 100 words	40
(ii) for each subsequent folio	20
6. For issue of hearing notice	50

180/36661

F 36661

129
New file

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi:

Telephone: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

NATIONAL YOUTH SERVICE,
P.O. BOX 30397,
NAIROBI.

9th July, 1999

Ref. No. 215338/8

SIR(S)/MADAM, **HL No. 8036 - MARHAR SUB UNIT (LAIKPEA)**

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of _____ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. _____ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 41276 Acres/hectares (approximately).

TERM: 99 years from the 1.7.1999

STAND PREMIUM: Sh. Nil

ANNUAL RENT: Sh. Peppercorn

} Subject to adjustment on survey, but
there is no claim for reduction in area on
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	-
Rent from 1.7.1999 to 31.12.1999	-
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates On demand	-
Stamp Duty	20.00
Survey Fees	
Road and Road Drains	
Others	

Receipt No. Less Deposit

TOTAL Sh. 1,520.00

[P.T.O]

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

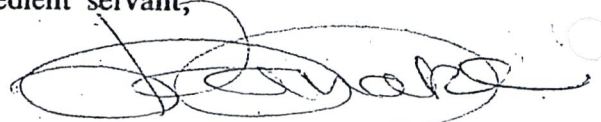
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Government



M. M. KANAKE (MISS),
for Commissioner of Lands

ENCL. P/S Treasury of P.O. Box 30007, Nairobi
TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of Laikipia

The District Commissioner. Laikipia

The Director of Physical Planning, Nairobi.

District Land Officer. Laikipia

O/C Land Rents.

Rates Assistant.

The Accountant.

q O/C Records. *noted*

Senior Plan Record Officer.

Plot File.

2 B/3/2000
All to note.

17/1/36661

(C 11)

126

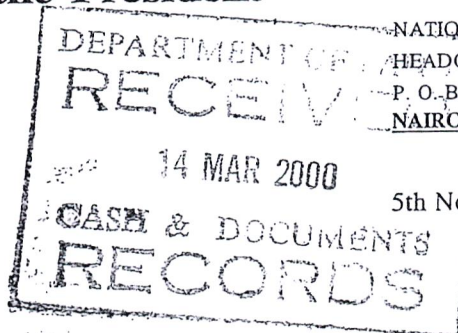
SPECIAL CONDITIONS

1. No further buildings shall be erected on the land nor shall additions or external alterations been made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner of Lands shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
 2. The Grantee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.
 3. The land and buildings shall only be used for National Youth Service Camps/Units and Sub Units.
 4. The buildings shall not cover more than fifty per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
 5. The Grantee shall not subdivide the land without the prior written consent of the Commissioner of Lands.
 6. The Grantee shall not sell, transfer sublet charge or part with the possession of the land or any part thereof without the prior written consent of the Commissioner of Lands.
 7. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by Commissioner of Lands in lieu thereof.
 8. The Commissioner of Lands or such persons or authority as may be appointed for the purpose shall the right to enter upon the land and lay and have access to enter mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground. The Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
 9. The Commissioner of lands reserves the right to revise the annual ground rent payable hereunder on 31st December, 1998 and thereafter at the expiration of every ten years of the term.
- 1-73/36651(L)
- 8



Office of the President

Telegrams: "VIJA NA", Nairobi
Telephone: Nairobi 802521/2/3/4/5/67
When replying please quote
Ref. No. NYS/CONF/ADM/19/(24)



NATIONAL YOUTH SERVICE
HEADQUARTERS,
P. O. Box 30397,
NAIROBI

5th November, 1999.

and date.

The Commissioner of Lands,
P. O. Box 30089,
NAIROBI.

Dear Sir,

LETTERS OF ALLOTMENTS FOR NYS CAMPS

Your letters of allotments Ref. Nos; 209263/B, 215338 of 28th June, 9th July, 30th, 31st August and 22nd December, 1999 refers.

We accept the attached conditions and the charges prescribed and a cheque No. 151084 of 7/3/2000 enclosed.

UNIT/CAMP

REFERENCE NO. AMOUNT KSHS.

1. NYS Lambwe Development Camp	Lambwe West 'A' 287	3,624/=
2. NYS Training College, Gilgil ✓	209163/B	3,624/=
3. Public Purpose Gilgil ✓	209163/B	3,624/=
4. NYS primary School, Gilgil ✓	209163/B	6,074/=
5. NYS Training centre, Mombasa ✓	209163/B	3,624/=
6. NYS Church Site, Mombasa ✓	209163/B	6,074/=
7. NYS health Centre ✓	209163/B	6,074/=
8. Site for Mosque ✓	209163/B	6,074/=
9. NYS Social hall, Mombasa ✓	209163/B	6,074/=
10. NYS Nursery School, Mombasa ✓	209163/B	6,074/=
11. Existing Baptist Church Mombasa ✓	209163/B	6,074/=
12. Existing NYS Primary School Msa. ✓	209163/B	3,624/=

① Mr. Kamua
see attach all
the above files and
arrange for the payment
W. Sikonyo
13/3/2000

② Cashier
Accept the above
cheque
W. Sikonyo
13/03/2000
Geo(R)

46891

17/3/2000

13. NYS Shopping Centre Mombasa	✓ 209163/B	3,624/=
14. NYS Secondary School Mombasa	✓ 209163/B	3,624/=
15. Existing NYS Sport Ground	✓ 209163/B	3,624/=
16. NYS Camp Hindi Lamu	✓ 215338/9	1,520/=
17. NYS Farming Unit - Witu	✓ 215358/15	3,672/=
18. NYS Marmar Sub Unit	✓ L.R No. 8036	1,520/=
19. Kirimun Field Unit	✓ L.R No. 8052(R)	1,520/=

Please make urgent arrangements to prepare the lease for Lambwe and the idents for Kirimun/Marmar to facilitate the issuance of the Title Deeds as they are surveyed.

Yours faithfully



A. G. A. Too,
For: Director,
NATIONAL YOUTH SERVICE.

Encl.

176/3000 (2)

TRIPPLICATE

SALE No. 2461

120

E 522453

DEPARTMENT OF LANDS
FEE RECEIPT

Station 1-2-3

[Handwritten signature] 26

[illegible]

LAIKIPIA COUNTY COUNCIL

Tel: NANYUKI 22385/6

All correspondence to be
addressed to the Clerk of the Council



Ref. LCC/CONF/ADM/36/Vol. II/56

136
P.O. BOX 4
NANYUKI

6th September, 2000

The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

RE: KIRIMON NATIONAL RESERVE

We refer to Kenya Wildlife Service letter Ref. No. KWS/NR/31 of 8th August, 2000 and our numerous previous correspondence.

Kindly issue to us the letter of allotment for Kirimon National Reserve so that we can confidently initiate conservational projects within the Reserve.

OAF/mnn.

(OMAR A. FARAH)
CLERK TO COUNCIL

c.c.

Permanent Secretary,
Minsitry of Local Authorities,
P.O. Box 30004,
NAIROBI.

The Director,
Kenya Wildlife Service,
P.O. Box 40241,
NAIROBI.

Ref : KWS/NR/31

8th August, 2000

The Commissioner of Lands
P.O.Box 30089
NAIROBI

Ad (A)
Request details
of gazetted
from KWS
copy to all other
State Orders -
OK

~~Ad (A)~~
① Ad (A)
lets us discuss
OK
9/8/2000

RE: KIRIMON NATIONAL RESERVE

I am in receipt of a copy of a letter Ref.LCC/CONF/ADM/36/Vol.II dated 2nd August, 2000 addressed to you and copied to this office among others and I wish to inform you that your letter of allotment Ref.215338/8 dated 9th July, 1999 in respect of L.R. No.8036 was erroneously issued since it covers the gazetted Kirimon National Reserve.

You are therefore requested to cancel this erroneous allocation as soon as possible to ensure that Kirimon remains a conservation area.

J.M.Mburugu
For : DIRECTOR

C.C. The Clerk to Council
Laikipia County Council
P.O.Box 4
NANYUKI – your above quoted letter refers.

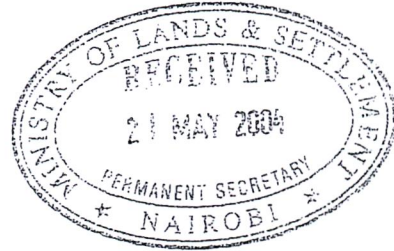
The Permanent Secretary
Ministry of Lands
P.O.Box 30450
NAIROBI

The Permanent Secretary
Ministry of Local Authorities
P.O.Box 30004
NAIROBI

131/3666/1
Culcaneus
Stokes
del me have file
215338 & any
correspondence or file
for Kirimon National
Reserve.
OK
11/8/2000

Commissioner of Lands, Office
RECEIVED
8/8/00
NAIROBI

CONFIDENTIAL



OFFICE OF THE PRESIDENT
PERMANENT SECRETARY, SECRETARY TO THE CABINET
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "Rais"

Telephone: Nairobi 227411

When replying please quote

OP/CAB. 16/29A

Ref. No. and date

P.O. Box 62345-00200
NAIROBI

....., 20.....

14th May, 2004

Mr. Kiriinya Mukiira
Permanent Secretary
Ministry of Lands and Settlement
Ardhi House
NAIROBI

Mr. Zachary O. Ogongo, EBS
Permanent Secretary
Ministry of Local Government
NAIROBI

The Permanent Secretary
Vice-Presidents Office and
Ministry of Home Affairs
NAIROBI

Attn: Mr. W.K. Changole

Mr. Daniel Mule
Permanent Secretary
Ministry of Livestock & Development
NAIROBI

Mr. Japheth Mwanja
Director
National Youth Service
NAIROBI

col.
The Minutes are
not clear as to
who would allocate
the Ministry of Livestock
and Fisheries land
for livestock holding
grounds. If I recall
well, the Laikipia
County Council
undertook the
responsibility.

863
PS
24/5

Mr. Gikonyo

What have you
done pursuant to
the earlier
instructions?
D.S.

RECEIVED
11/04/2004

Ms. Judith Okungu
Commissioner of Lands
NAIROBI

Director
Kenya Wildlife Services
NAIROBI

Atten: Mr. Daniel Omwemba

RE: KIRIMUN RANCH

Following the meeting held on 14th April, 2004 to resolve the dispute regarding the Kirimun Ranch, please find forwarded herewith minutes of the meeting.

The concerned parties are requested to take appropriate action as per the resolutions arrived at during the meeting.

Yours



**AMB. FRANCIS K. MUTHAURA, MBS
PERMANENT SECRETARY, SECRETARY TO THE
CABINET AND HEAD OF THE PUBLIC SERVICE**

337 3664

RECEIVED
11/04/2004

**MEETING ON LAIKIPIA NATIONAL GAME RESERVE (KIRIMUN) –
HARAMBEE HOUSE 2ND FLOOR BOARDROOM ON 14TH APRIL, 2004**

Present:

Amb. Francis K. Muthaura	-	Permanent Secretary, Secretary to the Cabinet and Head of the Public Service
Mr. Kiriinya Mukiira	-	Permanent Secretary, Ministry of Lands
Mr. Zachary O. Ogongo	-	Permanent Secretary, Ministry of Local Government
Mr. Sylvester M. Mwaliko	-	Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs
Mr. Daniel M. Mule	-	Permanent Secretary, Ministry of Livestock and Fisheries Development
Mrs. Judith Okungu	-	Commissioner of Lands
Mr. Japheth Mwanja	-	Director, National Youth Service
Mr. H.K. Gitu	-	Clerk, Laikipia County Council
Mr. Daniel Owemba	-	For Director, Kenya Wildlife Service
Mrs. Rosemarie Kigame	-	Cabinet office
Mr. Stephen K. Kirogo	-	Recording

393/36561

Min. 1/2004 Introductory Remarks

The Permanent Secretary, Secretary to the Cabinet and Head of the Public Service started by indicating that he had convened this meeting for the purpose of resolving a dispute between the Ministries of Local Government (Laikipia County Council) and Ministry of Home Affairs (National Youth Service) regarding ownership of Kiriimun Ranch. For a

background on the ranch the Chairman invited the Permanent Secretary, Ministry of Lands and Settlement, Mr. Kiriinya Mukira.

Min. 2/2004 Background of Dispute on Kirimun Ranch – Report by the Permanent Secretary, Ministry of Lands and Settlement

- Kirimun Ranch is in the North of Laikipia District and is within land parcel No. L.R. 8036 which measures 41,276 acres
- In 1956, the ranch was reserved to the Veterinary Department
- On 25th February, 1959 the ranch was formally reserved to the Ministry of Agriculture, Animal Husbandry and water resources for a holding ground.
- On 23rd April, 1982 after a series of consultations between the Ministry of Agriculture, Ministry of Regional Development and Office of the President, the ranch was transferred to National Youth Service.
- In 1984 when the Laikipia District Delegation paid a courtesy call on His Excellency the President at his Kabarak home on 16th July, 1984 the Laikipia County Council requested for the establishment of the Laikipia (Kirimun) National Reserve in order to control and conserve the Wildlife and also as source of revenue for the County Council. H.E. the President acceded to their request and a copy of the Provincial Commissioner's letter ref. No. SR G.A 22/2/Vol. III/81 of 12th August 1985 conveying the Presidential accent is enclosed.
- The Ranch was gazetted on 16th October, 1991 vide Kenya Gazette Notice No. 526 and a copy is attached as a National Wildlife Reserve.
- On 9th July, 1999 this office inadvertently allocated the same ranch to the National Youth Service (copy enclosed) but the title has not been issued.
- Adjacent to this ranch, the National Youth Service has another ranch known as Marmar Ranch in Samburu District which is L.R. No. 8052/R with an average of 51,974 acres and is already documented in their favour.

392, 8052

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi

Telephone: Nairobi 718050/9

LAIKIPIA COUNTY COUNCIL

P.O. BOX 4

NANYUKI

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

24th May 2004

Ref. No. 36661/143

SIR(S)/MADAM, LR NO. 8036 - LAIKIPIA GAME RESERVE (KIRIMUN)

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 16,738.16 (41360 Acres) hectares (approximately).
 TERM: 99 years from the 1.6.04
 STAND PREMIUM: Sh. NIL
 ANNUAL RENT: Sh. peppercorn } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	-
Rent from to	-
Conveyancing Fees	1250/-
Registration Fees	250/-
Rates	
Stamp Duty	100/-
Survey Fees	
Road and Road Drains	
Others Approval	2000/-
Receipt No. Less Deposit	
TOTAL Sh.	3600/-

[P.T.O.]

*Delete as appropriate.

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

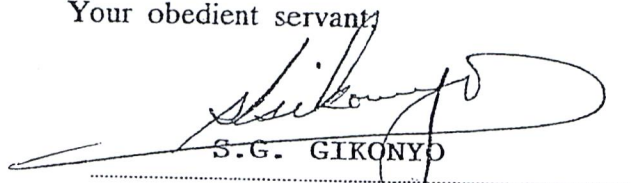
The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant

Authority: GOVT.

FOLIO 36661/140


S.G. GIKONYO
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of

The District Commissioner. LAIKIPIA

The Director of Physical Planning, Nairobi.

District Land Officer. NANYUKI

O/C Land Rents.

Rates Assistant.

The Accountant.

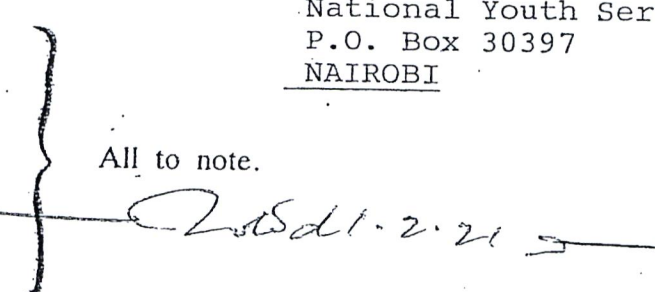
O/C Records.

Senior Plan Record Officer.

Plot File.

The Director
National Youth Service
P.O. Box 30397
NAIROBI

All to note.



This letter supercedes L/A Ref. 215338/8 of 9th July, 1999.

GPK (L)

36661

SPECIAL CONDITIONS

1. No further buildings shall be erected until plans (including Block Plans) showing the position of the buildings and a system of drainage for disposing of sewage, surface and sullage water on land, draining elevations and specifications thereof shall have been approved in writing by the Local Authority and the Commissioner of Lands.
2. ~~The land and buildings shall be used for the purposes of~~ *Game Reserve* ~~with ancillary offices and stores.~~
3. The grantee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.
4. The buildings shall not cover more than of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
5. The grantee shall not subdivide the land without prior written consent of the Commissioner of Lands.
6. The grantee shall not sell, transfer, sublet, charge or part with the possession of the land or any part thereof.
7. The grantee shall pay such rates, taxes, charges, duties, assessments or outgoing of whatever description as may be imposed, charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the Commissioner of Lands in lieu thereof.
8. The Commissioner of Lands or such persons or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains, telephone and telegraph wires and electric mains of all descriptions whether overhead or underground. ~~The grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.~~
9. If the land or any part thereof should cease to be used for ..
the land or any part thereof shall be deemed to have automatically reverted to the Government of Kenya without the necessity of any formal surrender thereof, and the term hereby created shall de-facto determine in respect of the land or the part as the case may be.

10.— Notwithstanding anything to the contrary contained herein or implied by the said Government Land Act (Cap.280) the grantee shall on receipt of six months' notice in writing in that behalf surrender all or any part of the land required for public purposes without any payment or any compensation save in respect of such approved buildings as may have to be evacuated or demolished. No compensation shall be payable in respect of severance of the land by reason of such surrender.

11. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder on 31st December, 1999 and thereafter at the expiration of every ten years of the term.

38/38/4

LAIKIPIA COUNTY COUNCIL

Tel: NANYUKI 22385/6

All correspondence to be
addressed to the Clerk of the Council

Ref: CONF./ADM/36/Vol. III/GHK



P.O. BOX 4
NANYUKI

22nd June, 2004

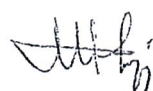
The Commissioner of Lands,
P.O. Box 30089,
NAIROBI.

RE: ACCEPTANCE OF ALLOCATION L.R. NO. 8036 -
LAIKIPIA GAME RESERVE (KIRIMUN)

Your letter of allotment Ref. No. 3661/143 of 24th May, 2004 refers.

I write to inform you that the Laikipia County Council has accepted the allocation of the above parcel of land and all the attached conditions.

Enclosed herewith find bankers cheque No. 001977 of Kshs. 3,600/= being payment of the charges as prescribed in the letter of allotment.


(GITU H. K.)
CLERK TO COUNCIL

c.c.

The District Commissioner,
Laikipia District,
P.O. Box 11,
NANYUKI.

The District Land Officer,
LAIKIPIA.

The Director,
National Youth Service,
P.O. Box 30397,
NAIROBI.

Encl.

595/3661
Cashier
accept the
cheque as at 143
Nanyuki

Sho (with full name)
23-6-04

0979 ✓
entered
25.6.04
cleared
on
28/6/04

36661 (HQ, 001977

TRIPPLICATE

DEPARTMENT OF LANDS

F

827364

FEE RECEIPT

Station

25/08/2004

Received from <i>Clerk to Council</i> of <i>Lalipara County Council</i> <i>P.O. Box 4</i>	NATURE OF FEE		<i>S/h.</i>	<i>cts.</i>
	Certificate of Title .. Registration .. Search Certificate .. Opening New Register .. Attestation .. Inspection .. Copying ..		- 25/-	
	Conveying/Preparation..		125/-	
	Survey Fees			
By Cash the sum of Cheque	Rent			
Shillings	Stand Premium ..			
	Stamp Duty		100/-	
	Land Adjudication Fees			
As per marginal statement nature of transaction	Approval Deposits		2000/-	
<i>L/O.</i>				
Title Number	No. H.O. 8036 Lalapira Game Reserve (Kirimun)			
for COMMISSIONER OF LANDS	TOTAL KSh.		2100/-	



NATIONAL LAND COMMISSION

**RESPONSE TO PETITIONS AND STATEMENTS REFERRED TO THE
DEPARTMENTAL COMMITTEE ON LANDS OF THE NATIONAL
ASSEMBLY**

REPORT BY:

**GERSHOM OTACHI BW'OMANWA
CHAIRMAN**

21ST SEPTEMBER, 2021

**PUBLIC PETITION NO. 037 BY HON. SARAH PAULATA KORERE MP
ON BEHALF OF RESIDENTS OF KIRIMUNI COMMUNITY REGARDING
RESTORATION OF KIRIMUNI COMMUNITY LAND**

Hon Chair, this petition is premised on the grounds that residents of Kirimuni community who currently number about 3000 residents were displaced from their ancestral land measuring approximately 55000 acres along Ewaso Nyiro River where they used it as grazing land by the British colonial Government in 1923.

The colonial Government gave the land to a white settler known as Major Y who in turn transferred to another white settler company known as Alino Company which in turn brought numerous white settlers.

At independence Government registered the land as L/R 8036 and placed it under Livestock Marketing Division. The displaced community settled along River Ewaso Nyiro and Parkare Arpa area of Kirimuni sub location.

This land is currently under NYS used for livestock farming

Hon. Chair, this petition seeks to respond to the following three issues:

- i. National Assembly Intervenes through the department committee on Lands to facilitate the restoration of at least 75% of the irregularly occupied land to members of Kirimuni community
- ii. Recommends the urgent suspension of vacation notice pending stakeholder consultations
- iii. Makes any further orders deemed fit in the circumstances of the petition

RESPONSE

Hon Chair, having looked at the petition and the prayers sought by the petitioner, the Commission finds the petition to be meeting the historical land injustices admissibility criteria as spelt out in Article

67(2)(e) of the Constitution and section 15 of the National Land Commission Act, 2012.

National Land Commission will therefore proceed to admit this petition as a historical land injustice claim and proceed to carry out investigations and make appropriate recommendations.

Admission of this claim as a historical land injustice claim will in turn present the grounds upon which will recommend suspension of the vacation notice pending investigations and stake holder consultations.

Hon. Chair

I submit.



**GERSHOM OTACHI BW'OMANWA
CHAIRMAN**

21ST SEPTEMBER, 2021