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TWELFTH PARLIAMENT/SIXTH SESSION

THE REPORT OF THE SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

ON

PETITION REGARDING THE RESETTLEMENT OF FORMER KIMONDI
FOREST EVICTEES

② Hon. Speaker

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LIST OF ABBREVIATIONS/ ACRONYMS

NLC	- National Land Commission
HLI	- Historical Land Injustices
KFS	- Kenya Forest Services
CS	- Cabinet Secretary
MoLPP	- Ministry of Lands and Physical Planning

PREFACE

Mr. Speaker sir,

The Standing Committee on Land, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

1. Sen. Paul Mwangi Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

Chairperson

Vice-Chairperson

At the sitting of the Senate held on 7th September, 2021, Sen. George Khaniri, MGH, MP, reported to the Senate that a Petition has been submitted through the Clerk, concerning the resettlement status of the former Kimondi forest evictees.

The Petitioners prayed that the Senate:

- a) Makes recommendation to the Ministry of Lands to conduct an audit of the entire current claimant to establish the genuine original squatters that comprise of the Former Kimondi Forest Squatters;
- b) Investigates the causes of continued delay and sidelining of resettlement of the petitioners;

- c) Intervenes to have the petitioners resettlement process fast-tracked.

Pursuant to standing order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) the Petition to Parliament (Procedure) Act and standing order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioner within the prescribed period.

To enable a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard the Committee invited the Petitioner to a meeting of the Committee for the Petitioner to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same.

The Committee proceeded to invite the Cabinet Secretary (CS), Ministry of Lands and Physical Planning, the CS Ministry of Environment and Forestry, the Chairperson National Land Commission (NLC), and the Governor, County Government of Nandi to address respective issues raised on the Petition.

The Committee also undertook a site visit of the Kimondi forest area in Nandi County and met with the petitioners accompanied by the area Senator, Nandi County, Sen.Samson Cherarkey, MP. The Committee thereafter made various observations and recommendations based on the stakeholder consultations carried out.

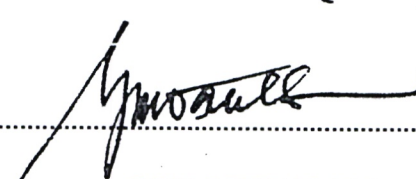
ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, Ms. Farida Karoney, EGH, Cabinet Secretary, Ministry of Lands and Physical Planning, Mr. Keriako Tobiko, CBS, SC, Cabinet Secretary, Ministry of Environment and Forestry, Mr. Gershom Otachi, Chairperson, National Land Commission, H.E. Hon. Stephen Sang, Governor, Nandi County and the other stakeholders for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition concerning the Resettlement of Former Kimondi Forest Evictees.

Signed:



Date: 9/6/2022

SEN. MWANGI PAUL GITHIOMI, M.P.

**CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES**

CHAPTER I

INTRODUCTION

1.0 Background

1. At the sitting of the Senate held on 7th September, 2021, Sen. George Khaniri, MGH, MP, reported to the Senate that a Petition has been submitted through the Clerk, concerning the resettlement status of the former Kimondi forest evictees.

1.1. Underlying Constitutional and Statutory Provisions

2. **Article 1(1) and (2)** of the constitution of Kenya, reposes all sovereign Power in the People of Kenya, exercised solely in accordance with the Constitution
3. **Article 1(3) (a) and 1(4)** of the Constitution of Kenya delegates sovereign power of the constitution to inter alia parliament and the legislative assemblies of the county governments and that the sovereign power of the people is exercised at the national and county level.
4. **Article 37** of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while **Article 119(1)** of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”
5. **Article 40 (3)(b)(i)** of the Constitution provides that the state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation- is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that- requires prompt payment in full, of just compensation to the person.

6. **Article 60(1)(b)** of the provides that land in Kenya shall be held, used and managed in a manner that is unequitable, efficient, productive and sustainable and according to the principle of security of land rights.
7. Under **Article 62(2)** of the Constitution, public land shall vest and be held by the county government in trust for the people resident in the county and shall be administered by the National Land Commission.
8. Under **Article 67(2)** of the Constitution, the National Land Commission is mandated to manage public land on behalf of the national and county governments.
9. **Article 119** of the constitution provided that any person has a right to petition parliament to consider any matter within its authority.
10. Section 12 of the Land Act, 2012 provides for the procedure for allocation of Public Land.

1.2. The Petition

11. The Petition before the Senate concerns the resettlement of former Kimondi forest evictees who allege that they were evicted from their land, Kimondi Forest, in Nandi County in 1987 by the government and have not been resettled to date.

1.3. Background Facts of the Petition

12. The former Kimondi Forest squatters had been living in Kimondi forest since 1946 until 1987 when the government evicted them. They were victims of forceful importation by the government immediately after the Second World War to Kimondi forest from various parts of the country and were used as labourers to work in clearing the natural forest to allow planting of exotic trees (forest).
13. The squatters were imported on lorries registration OHMS (On Her Majesty Service) where each lorry could carry up to seven families partly from western part of Kenya

and other communities came in and were also brought by the government after Mau Mau were released from detention.

14. For a long time, the petitioners have sought to have the matter resolved by writing a letter to the former Provincial Commissioner dated 2nd October 1979. They are in possession of a letter from the District Commissioner's office, Nandi District dated 18th March 2002 that affirmed the position that the government will resettle the petitioners.
15. They have launched a petition with the National Land Commission, NLC, in the matter of Historical Land Injustice reference number NLC/HLI/430/2018. It was submitted to National Lands Commission that the Government of Kenya had undertaken previous resettlement programs and, they had only received empty promises.
16. It was also submitted to the National Land Commission by the Kenya Forest Services that a parcel of land totaling to 1,541 hectares from the Kimondi forest that had been gazetted in the Kenyan gazette No. 27, Vol. CXXI of 1st March 2019 on page 877, table No. 10 case No. NCL/HLI/430/2018 to be degazetted, excision and survey to be completed for the purpose of resettling the former Kimondi Forest squatters.
17. From the submission to the Historical Land Injustice Committee of the National Lands Commission, the Commission made a finding that the petitioners had been victims of historical land injustice. From the findings, the National Lands Commission recommended that the County Government, in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities should resettle the petitioners.
18. The current Governor of Nandi County, during his annual address to the Nandi County Assembly on 27th February 2019 confirmed knowledge of the National Lands

Commission findings and recommendations regarding the petitioners' compensation.

19. The petitioners have sought redress from the above government institutions to have their concerns addressed but to date the recommendations have not been implemented.

20. The matters in the petition were not before any court of law.

The Petitioners prayed that the Senate:

- d) Makes recommendation to the Ministry of Lands to conduct an audit of the entire current claimant to establish the genuine original squatters that comprise of the Former Kimondi Forest Squatters;
- e) Investigates the causes of continued delay and sidelining of resettlement of the petitioners;
- f) Intervenes to have the petitioners resettlement process fast-tracked.

Pursuant to standing order 232(1) of the Senate Standing Orders, the Petition was committed to the Land, Environment and Natural Resources Committee.

1.4. Legal Basis For Petitions

21. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.

22. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that *“every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”*

23. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, standing order 232 of the Senate Standing Orders provides as follows-

232. Committal of Petitions

(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.

(2) Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.

24. Standing order 233 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

CONSIDERATION OF THE PETITION

2.0 Approach taken by the Committee

25. In considering the Petition, the Committee observed that it would be important to verify the facts alleged by the Petition and resolved to conduct an inquiry on the issues raised in the Petition.
26. In this regard the Committee received the Petition from the Petitioner through the House and further met with the Petitioners and various stakeholders on several occasions.
27. Thereafter, the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning MoLPP, the Cabinet Secretary, Ministry of Environment and Forestry, the Chairperson of the National Land Commission, and the Governor, Nandi County who virtually appeared before the Committee.
28. The Committee then conducted a site visit to Kimondi forest, Nandi County on Thursday, 17th March, 2022.

2.1. Petitioners Submissions

29. Vide a letter, REF: SEN/DCS/LENR/2/2021/(55), dated 17th September, 2021, the Committee invited the Petitioners to virtually appear before the Committee on Wednesday, 29th September, 2021 who thereafter appeared and defended their Petition.

2.2. Responses by the Cabinet Secretary, Ministry of Environment and Forestry

30. Vide a letter, REF: SEN/DCS/LENR/2/2022/(26B), dated 6th May, 2022, the Committee requested for written responses from the Ministry of Environment and

Forestry, who thereafter Vide a letter REF: No. CON/PAL/1/KFS/Vol.V/19 date 17th May, 2022 submitted as follows-

2.2.1. Gazetted Public Forests in Nandi

30. The Ministry submitted that Nandi Forest played an important role in the provision of ecological, social and economical services to the local community and the country and that it occupied 26.2% of the total land area in Nandi County.
31. The protection, conservation and management of the forest reserve was administered through six (6) forest stations namely Kobujoi, Kapchorua, Tinderet, North Nandi and Kimondi forests under Kenya Forest Service.

2.2.2. Gazettement of South Nandi Forest

32. Conservation of South Nandi Forest dates back to 1936 when it was proclaimed a Central Forest vide Legal Notice No.76, covering an area of about 26,903.1 ha.
33. It was classified as a 'moist forest' by the Forest and Agricultural Organization of the United Nation and was *gazetted* as Central Forest vide Legal Notice No. 174 of 1994.

2.2.3. Location and Area of Kimondi Forest Reserve

34. It forms part of South Nandi Forest and the greater Mau Forest Complex and is made up of two (2) blocks; Ururu and Kimondi and is further divide into seven (7) beats namely, Cheber, Kamurgulwa, Kapsasur, Kaptoroi, Kechire, and Kolong, for ease of protection and management.
35. It has a total area of 6,743.10 ha which are distributed as follows: Plantations - 1,285.35 Ha, Natural Forest – 4,095.55 Ha, Wetlands – 196.9 Ha, and Nyayo Tea Zones – 307.1 Ha. The Ministry further submitted that an area measuring 796.4 Ha within Kimondi Forest comprising of Kapkangani and Kaptoroi had been encroached.

2.2.4. History of Former Kimondi Forest Evictees

36. The Ministry stated that the former Kimondi forest evictees once lived in Kimondi Forest as casual workers in established forest villages in Ururu, Kamurguiwa, Kobujoi, Septonok and Kimondi where they were housed in camps since 1950's by the colonial government to assist in tree planting activities.
37. They were licensed on temporary basis to do certain activities such as livestock rearing and collection of firewood and the villages had infrastructure such as schools, dispensaries and shopping centers to cater for their needs.

2.2.5. Eviction of Kimondi Forest Squatters

38. In 1979 the Kenyan Government abolished residential forest settlements for all persons not employed by the Forest Department, an order that took effect in 1987 in Nandi County.

2.2.6. Unsettled Kimondi Forest Squatters/Workers

39. A letter ref **FOR.13/5/Vol.1/30** of 28th May 1984 from Rift Valley Provincial Commissioner to the Nandi Central District Commissioner highlighted the challenges faced by the squatters who were evicted from the forest. The squatters continued to engage the District Commissioner in a bid to have the matter resolved.
40. The Kimondi Forest squatters wrote to the Director Kenya Forest Services on 9th June 2011 pleading for the settlement of forest squatters residing in Kechire and Mwein in Kiptuiya Location, having moved there after suspension of the Shamba system in anticipation for settlement in the Chepkumia Land Exchange programme. It never materialized.
41. They also further sought to be settled in Kimondi Forest LR 25032/No. Boundary plan 180/239, LR No. 25033/Boundary Plan 180/240 and LR No. 24644/Boundary

Plan 175/374, which they alleged to have been placed under gazette notice in 2001 by the then Minister of Environment and Natural Resources, Hon. Nyenze.

42. The Director, Kenya Forest Services while acknowledging the letter, noted that the copies of gazette Notices No's 75 and 76 were excised vide legal Notice No's. 39 and 40 of 16th February 1968 and surrendered to the Ministry of Lands for conversion into settlement hence not available for the same. See Letter Ref GOF/1/KFS TY/6 of 24th June 2011.
43. The Chairman – Kimondi squatters on several occasions made follow ups with the Ministry of Lands both at the National and District level on LR No. 25032, 25033 and 24644 claiming they had not been adjudicated as seen in letters from Director Land and Adjudication – Ref DS/15/A.VI/45 of 10th March 2009, from Chief Land Registrar Ref. NDI/A/28/Vol.IV/13 of 19th September 2011. In all cases the group was referred back to the District Land Registrar – Nandi for assistance.
44. The Permanent Secretary also directed the District Land Surveyor to convene a meeting in liaison with the District Commissioner to seek a lasting solution to the resettlement issue vide a letter Ref. PCRC/OCT/21/2010 of 16th June 2011. Following the directive, a meeting was convened on 10th August 2011 but was not conclusive in its recommendations as captured in the Kimondi Forest Squatters ref. NANDI/LR/1/VOLII/41 of 22nd August 2011.
45. The Ministry of Lands also sought other remedial action through the Director of Land Adjudication and Settlement to purchase Land under the Squatter programme vide a letter Ref. No. DS1/21/Vol III/ (43) dated 5th August 2011 and the Permanent Secretary/ Ministry of Lands further affirmed the same through his letter PCRC/NANDI/47/2012 of 2nd October 2012 on purchase of Land for resettlement of former Kimondi Forest Squatters.

46. The Secretary – Former Kimondi Squatters on 30th July 2013 wrote to the Chairman, National Land Commission complaining on delayed resettlement of former Kimondi Squatters seeking Governments intervention for acquisition of land through the Settlement Fund Trustees. Unfortunately, the land parcels identified are parts of the South Nandi Forest and hence not available for acquisition and settlement
47. The National Land Commission Historical Land Injustice Committee on 10th July 2018 and 11th July 2018 – In the matter of Article 67(2) (e) of the Constitution of Kenya, in the matter of section 15 of the National Land Commission Act, In the matter of Historical Land Injustice Reference: No NLC/HLI/430/2018 and NLC/HLI/016/2017 held their proceedings in Nandi County. The matter was between Former Kimondi Squatters/Kimondi Forest Squatters versus Kenya Forest Service and County Government of Nandi. The committee recommended that the County government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of the Former Kimondi squatters.

2.2.7. Forest Excision Kobujoi Forest Station – Bonjoge Exchange

48. The only known excision in South Nandi Forest was carried out in Kobujoi Forest through a presidential directive in 1983. The land exchange involved settling occupants of old Bonjoge into new Bonjoge (Kobujoi). A total of 1,541 hectares of high potential forestland was exchanged with 2,150 hectares of sloppy, rocky and low potential land in the Bonjoge ranges that was by then trust land.
49. The old Bonjoge trust land was gazetted as forest areas vide legal notice No. 371 of 12th September, 1994. The forest land excised in Kobujoi was never meant for resettlement of former Kimondi forest squatters.

50. The forest reserve is now a state forest covering approximately 2,150 hectares situated in the Southern part of the Nandi County. The exchange of land was consummated between the then Forest Department and Nandi County Council.

2.2.8. Recommendations

51. Kenya Forest Service in line with the Committee recommends that the County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of the former Kimondi squatters on alternative land.

2.3. Responses by the National Land Commission

53. Vide a letter, REF: SEN/DCS/LENR/2/2021/(72), dated 18th November, 2021, the Committee invited the National Land Commission to virtually appear before the Committee on Wednesday, 1st December, 2021 who thereafter appeared and filed the following response-

54. The Commission acknowledges receipt of an Historical Land Injustice Claim from Former Kimondi Forest Squatters and Kimondi Forest Squatters which were admitted and registered under Claim No. NLC/HLI/430/2018 and NLC/HLI/016/2017 respectively.

55. The Commission proceeded to hearing the claims between 10th to 11th July 2018 in Nandi County. Subsequently, the Commission made and signed a determination on the 7th February 2019 in which it recommended as follows;

The County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of both the 1st and 2nd claimants.

56. As per the determination, the principal entities anticipated to implement the recommendations are the Ministry of Lands and Physical Planning and the County

Government of Nandi. The Commission has no specific role unless called upon to assist in any other manner as per its mandate.

2.4. Responses by the Governor, Nandi County

57. The County Government of Nandi, led by the Governor, Stephen Sang' made submission to the Committee. They submitted that the Petition has its basis on a previous petition by the petitioners to the National Land Commission under the auspices of their committee on Historical Land Injustices lead by the then Commissioner Dr. Tororei. The Former Kimondi squatters comprise of squatters who were initially residents at the Kimondi Forest station and other forest stations within Nandi, that is, Kobujoi and Seng'alo Forest stations. The issue began when the colonial government brought them in as workers engaged in the management of forest from the 1940s and well into post-independent Kenya.
58. Subsequently there was a change of policy by the government in the early 1980s when the Moi Administration took over. The change in policy saw the closure of forest villages across the country and Nandi was affected by this policy change including, the Kimondi Forest village, Kobujoi Forest village, Seng'alo Forest village, and all the forest villages in Tinderet Forest. Consequently, the petitioners were displaced resulting in the aforementioned plight of the petitioners before you. The County Government of Nandi facilitated and supported the investigative hearings of the petitioner's cases before the National Lands Commission when they held their sittings in Nandi in May and July of 2018. In their response to the claims made by the Mwein Kechire Group, the KFS officer informed the Commissioner that there was a parcel of land within the Nandi North Forest that had been degazetted and was available for the settlement of squatters. The Commission was further informed that the petitioners were 1500 in number and the Mwein Kechire Group was about 4100 in number.

59. These hearings culminated in the decision of the Commission's gazette notice on the 1st of March 2019. Consequently, the County Government of Nandi was directed to collaborate with the Ministry of Lands and Physical Planning to look into the resettlement of the petitioners alongside the Mwein Kechire squatters of Kimondi. The claimants alongside the squatters at Mwein and Kechire squatter camps had identified the intended area of settlement to be North Nandi Forest where it was hoped that they would be resettled. Currently, there is new legislation dubbed the Forest Conservation and Management Act, 2016, which sets out the procedure for setting apart forest land for purposes of degazettement and alienation of forest land.
60. With regard to the foregoing statements, our humble request to the Senate on behalf of the petitioners alongside other squatters namely;
- (a) Pemja land exchange,
 - (b) Bonjoge exchange remaining squatters;
 - (c) Chepkumia exchange of Ngerek and Koibem villages;
 - (d) Chepkumia settlement scheme of Kiptuiya village; and
 - (e) Tinderet forest evictees of the Ogieks and Ndorobos
61. The County Government of Nandi made the following recommendations to the Committee, that:
- (a) A survey be carried out on the earmarked piece of forest land to inform the process of degazettement as envisioned under Section 34 of the Forest Conservation and Management Act, 2016.
 - (b) the said earmarked piece of surveyed forest land, once degazetted, be availed to the County Government of Nandi for the purposes of resettlement of the petitioners.
 - (c) there be provision of budgetary allocation within the current fiscal year to facilitate the process of survey and delineation of forest land for purposes of resettlement of the petitioners.

- (d) with the respect to the stalled exchange programs, the degazettement of the areas already in occupation by the county residents to pave way to the titling of the land.

2.5. Site Visit to Kimondi Forest in Nandi County

62. The Committee undertook a site visit to Kimondi Forest in Nandi County on Thursday, 17th March, 2022. The Committee began the visit by holding short briefing session at the Kimondi Forest Station offices in the presence of the area Senator and other stakeholders and resolved to hold one meeting with all the stakeholders and the petitioners at the Kimondi meeting point.
63. The Committee then proceeded to meet the petitioners and the stakeholders at the Kimondi meeting point to verify the matters contained in the petition and those expressed in the submissions presented during the numerous meetings held. During the meeting, some of the key issues raised included the numerous groups who remained unsettled within Nandi County as well as titling issues.
64. Various groups presented their issues before the Committee include-
- i. Koibem Community – the Committee noted that the group had been resettled but remained without title deeds.
 - ii. Mwein Kechire Group – they had land issued by the government but had not been able to settle on it.
 - iii. Ngerek Group – They remained unsettled
 - iv. Kiptuiya Kapkangani Group – they had not been issued with title deeds.
65. The Committee also noted that the Kimondi Forest Evictees remained without homes for a long time since they were evicted. They also remained with livelihoods since they were unable to engage in economic activities such as farming.

66. As stated by the Chairperson, National Land Commission (NLC) during the visit, the Committee noted that the Commission had investigated the matter and established that Historical Land Injustices were committed against the petitioners. The Committee further established that the Ministry of Lands and Physical Planning in collaboration with the County Government were required to resettle the petitioners as recommended by NLC.
67. The Committee concluded the visit by hold a brief session with the stakeholders present where it was resolved that a final stakeholders meeting would be held at a later date to chart the way forward on the matter.



Figure 1: Committee Members and Stakeholders during the Site Visit at Kimondi



Figure 2: Community Representatives making their Submissions before the Committee during the Site Visit



Figure 3: Members of the Community during the Site Visit Meeting by the Committee

CHAPTER 5

COMMITTEE OBSERVATIONS

68. In accordance with the Prayers of the Petitioner the Committee observes as follows:

- (1) **Delayed Resolution of the matter-** The Committee observed that the Kimondi Forest evictees were settled in the area by the colonial government in the 1940s and 1950s having been engaged as casual labourers to assist in tree planting activities, livestock rearing and collection firewood. However, in 1970, the government abolished residential forest settlements for all persons not employed by the Kenya Forest Service. The order took effect in 1987 leading to the eviction of the community occupying the forest area.

Since then, the evictees have engaged various government administration officers including the then Provincial Commissioner, District Commissioner, Ministry of Lands, County Government of Nandi and the National Land Commission. However, there has been no lasting solution to the resettlement issues from the Ministry of Lands. The Committee therefore observed that the matter was protracted and there was need to urgently resettle the evictees.

- (2) **Resettlement on alternative land-** The Committee observed that the Kenya Forest Service proposed that the Ministry of Lands and Physical Planning in collaboration with the County Government of Nandi should proceed with the resettlement of the Former Kimondi evictees on alternative land. The Committee observed that finding alternative land for squatters has also been adopted under the Squatter Programme in 2011. At the time, the Permanent Secretary/ Ministry of Lands affirmed that the government would purchase

Land for resettlement of Former Kimondi Forest evictees.

However, this did not materialize on account that the land parcels identified are parts of the South Nandi Forest and hence not available for acquisition and settlement. In the submissions by the County Government of Nandi, it emerged that the key challenge was availability of land. The Committee observed that the Ministry of Lands and Physical Planning and the County Government of Nandi have a responsibility to identify alternative land to resettle the evictees.

- (3) **The matter has been classified as a historical land injustice by NLC** - The Committee observed that the National Land Commission Historical Land Injustice Committee on 10th July 2018 and 11th July, 2018 made a determination that the Kimondi Forest evictees had suffered a historical land injustice. The NLC Committee recommended that the County government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of the Former Kimondi evictees.
- (4) **Compensation for Kimondi Land evictees**- The Committee observed that the NLC had already made a determination that the Kimondi Forest evictees had suffered historical land injustices and recommended that the County government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of the Former Kimondi evictees.

However, the Committee observed that the Ministry of Lands and Physical Planning and the County Government of Nandi had not implemented the directive and delayed the resolution of the matter thus adding to the suffering of the Petitioners. They both cited the unavailability of alternative land to settle

the evictees. Noting that the NLC determination, the Ministry of Lands and Physical Planning in collaboration with the Ministry of Environment and Forestry and the County Government of Nandi have the avenue to provide monetary compensation to the Former Kimondi evictees to seek alternative land.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

69. The Committee having investigated the matter in accordance with its mandate pursuant to standing order 223 of the Senate Standing Orders and in line with the observations recommends as follows-

- (1) That the Cabinet Secretary, Ministry of Lands and Physical Planning in collaboration with the Cabinet Secretary of Environment and Forestry and the County Government of Nandi, proceed with verification of the Former Kimondi evictees; identification of alternative land; and resettlement of the former Kimondi Forest evictees, and reports back to the Senate on the progress within six (6) months after the adoption of this report.
- (2) That in the event that the Former Kimondi Forest evictees are not settled in alternative land within the stipulated six (6) months, the Cabinet Secretary for Environment and Forestry in collaboration with the Ministry of Lands and Physical Planning, the County Government of Nandi and the National Land Commission should facilitate monetary compensation for the squatters to allow them to find alternative land for settlement within one (1) year following the receipt of the progress report on the matter to the Senate.

x

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

(Attached separately)

MINUTES OF THE 22ND SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 9TH JUNE, 2022 VIA ZOOM ONLINE PLATFORM AT 11.00 NOON.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Mwaruma Johnes, MP
6. Sen. Boy Issa Juma, MP
7. Sen. Arch. Sylvia Kasanga, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. (Dr.) Lelegwe Ltumbesi, MP
 2. Sen. Gideon Moi, CBS, MP
- Member
 - Member

IN ATTENDANCE

SECRETARIAT

1. Mr. Victor Bett
 2. Ms. Clare Kidombo
 3. Mr. Mitchell Otoro
 4. Mr. Erick Njogu
 5. Mr. James Kimiti
- Clerk Assistant
 - Research Officer
 - Legal Counsel
 - Clerk Assistant
 - Hansard Officer

MINUTE SEN/SCLENR/108/2022: PRELIMINARIES

The meeting was called to order at 11.15 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 109/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Ndwiga Peter Njeru, EGH, MP as follows

1. Preliminaries
 - Prayer
 - Introductions
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. Matters Arising;

5. Adoption of Petition Reports

- **Report on the Petition Regarding resettlement Status of the former Kimondi Forest Evictees;**
- **Report on the Petition Regarding the concerning the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**
- **Report on the submitted by the Residents of Mkamenyi Village in Voi Sub-County of Taita Taveta County, the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;**
- **Report on Petition regarding the status of land owned by multinationals in Kericho and Bomet Counties; and**
- **Report on the Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021).**

6. Any other Business;

7. Date of the next meeting;

8. Adjournment.

MINUTE SEN/SCLENR/110/2022: CONFIRMATION OF MINUTES

- The Minutes of the 59th sitting held on 8th September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. George Khaniri, MGH, MP respectively.
- The Minutes of the 20th sitting held on 19th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 21st sitting held on 25th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.

MINUTE SEN/SCLENR/111/2022: MATTERS ARISING

There were no matters arising.

MINUTE SEN/SCLENR/112/2022: ADOPTION OF PETITION REPORTS

- **Report on the Petition Regarding resettlement Status of the former Kimondi Forest Evictees;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

That the Cabinet Secretary, Ministry of Lands and Physical Planning in collaboration with the Cabinet Secretary of Environment and Forestry and the County Government of Nandi, proceed with verification of the Former Kimondi evictees; identification of alternative land; and resettlement of the former Kimondi Forest evictees, and reports back to the Senate on the progress within six (6) months after the adoption of this report.

That in the event that the Former Kimondi Forest evictees are not settled in alternative land within the stipulated six (6) months, that the Cabinet Secretary for Environment and Forestry in collaboration with the Ministry of Lands and Physical Planning, the County Government of Nandi and the National Land Commission facilitates monetary compensation for the squatters to allow them to find alternative land for settlement within one (1) year following the receipt of the progress report on the matter to the Senate.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- Report on the Petition Regarding the concerning the alleged gazettelement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

the Cabinet Secretary, Ministry of Environment and Forestry, publishes a *Gazette* Notice revoking Legal Notice No. 106 that *gazetted* Chetambe Hill as a Forest within 21 days of the adoption of this report.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- Report on the submitted by the Residents of Mkamenyi Village in Voi Sub-County of Taita Taveta County, the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

The Committee recommends that the DCI and the EACC investigate the circumstances leading to the approval of subdivision of the property by the Taita Taveta County Government and report back to the Senate within six (6) weeks of the tabling of this report.

The Committee further recommends that the DCI and the EACC investigate the circumstances leading to the renewal of the lease over the property, noting that a ground inspection would have indicated that the land was occupied by the Mkamenyi community, and report back to the Senate within six (6) months of the tabling of this report.

The Committee also recommends that the National Land Commission engages Voi Point Limited, the Mkamenyi community and the MoLPP with a view to ensuring that the Mkamenyi community get allotted adequate land, preferably the land that the community had occupied and buried its dead, and report back to the Senate within six (6) months of the tabling of this report.

The Committee recommends that Voi Point Limited should commence the process of allocating the additional 15 acres to the Mkamenyi community as discussed during the meeting with the Committee held on 25th May, 2022.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- **Report on Petition regarding the status of land owned by multinationals in Kericho and Bomet Counties.**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

Arising from the above observations, the Committee, noting the mandate of the National Land Commission under Article 67 of the Constitution and Section 15 (1)

of the National Land Commission Act, endorses the findings and recommendations by the National Land Commission, to wit –

- i. The British Government do apologize to the Kipsigis and Talai victims for the injustices inflicted on them.
- ii. The Kenya Government to make a formal acknowledgment that what was crown land was unlawfully taken away from the Kipsigis and Talai by the Colonial Government and ought to have been surrendered to the community at independence.
- iii. The British Government to construct amenities for the communities.
- iv. The British Government do pay reparations to the direct victims of the historical land injustices.
- v. The Multi-National Companies do pay Mesne profits to the victims for loss of use of the land since 1902.
- vi. Rates and Rent for land occupied by the companies be enhanced so as to benefit the County Governments of Kericho and Bomet.
- vii. The companies do lease the said parcels from the County Governments of Kericho and Bomet.
- viii. The leases that have expired should not be renewed without the concurrence of the County Government where the land is domiciled.
- ix. The Government of Kenya to resettle the members of the Kipsigis and Talai Community within the vicinity of Kericho and Bomet to end their perennial landlessness.
- x. A fresh survey and audit be undertaken for land allocated to the companies and any land in excess of the size documented in the official records be reverted back to the County Governments of Kericho and Bomet and be held in trust on behalf of the residents of the two counties.

The Committee further recommends that the suit pending in Court, namely Nairobi ELC JR 3 of 2020 (formerly JR 95 of 2019 Republic vs National Land Commission, Director of Survey, County Government of Kericho County Government of Bomet ex parte Applicants KTGA and its members), be heard and determined in an expeditious manner and, in accordance with the applicable rules, be heard on a day-to-day basis to conclusion.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- Report on the Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021).

Having considered the bill report, the Committee resolved to defer its adoption to allow for further deliberations and amendments on the bill.

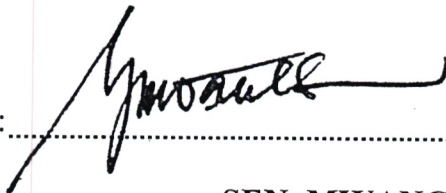
MINUTE SEN/SCLNR/113/2022: ANY OTHER BUSINESS

- Senator for Taita Taveta County noted the need to follow up on the Ikanga Airstrip compensation matter. The Committee resolved to invite the Managing Director, Kenya Airports Authority to a meeting committee to provide an update on the same.
- Members acknowledged the secretariat for facilitating the Committee to successfully carry out its mandate and resolved to issue commendations in appreciation.

MINUTE SEN/SCLNR/114/2022: DATE OF THE NEXT MEETING

The meeting was adjourned at 12:14 pm and the next meeting was to be held on Tuesday, 14th June, 2022 at 9:00 am.

Signed:



Date: 09/06/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 63RD SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 29TH SEPTEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. (Dr.) Lelegwe Ltumbesi, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- **Chairperson**
- **Member (Ag. Chairperson)**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. Arch. Sylvia Kasanga, MP
4. Sen. Gideon Moi, CBS, MP

- **Vice Chairperson**
- Member
- Member
- Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. Peter Lunyenye
2. Mr. Yohana K. Rono
3. Mr. Earnest Ambetsa

- Chairperson, Petitioners
- Vice Chairperson, Petitioners
- Secretary, Petitioners

B. SECRETARIAT

1. Ms. Veronicah Kibati
2. Mr. Victor Bett
3. Ms. Clare Kidombo
4. Mr. Mitchell Otoro
5. Mr. James Kimiti
6. Mr. Erick Njogu

- Principal Clerk Assistant
- Clerk Assistant
- Research Officer
- Legal Counsel
- Audio Recording
- Clerk Assistant

MINUTE SEN/SCLENR/361/2021: PRELIMINARIES

The meeting was called to order at 11.29 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/362/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. George Khaniri, MGH, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
 - *Prayer;*
 - *Introductions*
2. Adoption of the agenda;
3. **Petition on the resettlement status of former Kimondi Forest Evictees**
 - **Submissions by the Petitioners**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/363/2021: MEETING WITH PETITIONERS ON THE PETITION REGARDING THE RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

The Committee began by commending the petitioners for having confidence in the Senate by bringing their petition and assured them that the matter will be dealt with.

Submissions by the Petitioners

- The petitioners took the Committee through their submissions where they began by highlighting a brief history of how their settlements were established in Kimondi Forest back in 1946 until 1987 when they were evicted by the government.
- They also presented to the Committee a series of correspondences between them and different government agencies in their quest for resettlement following the eviction.
- In the presentation, the petitioners also cited a National Lands Commission (NLC) hearing that was meant to investigate claims of historical land injustices where they emerged among the identified eligible groups whose matter required consideration.
- They also informed the meeting that the same had been gazetted in the Kenya Gazette No. 27 of 2019 on 1st March 2019.
- The petitioners informed the Committee that upon presenting their case to NLC, the findings confirmed that they had suffered historical land injustice when the government excised their alleged land and therefore recommended that they be resettled by the relevant authorities.
- The petitioners also informed members that they had petitioned the County Assembly of Nandi over the same matter and that they had not received any communication from the assembly on the way forward.

- Having not been successful in settling the matter through the numerous government agencies and institutions, the petitioners informed the meeting that they resolved to have their matter heard through a petition to the Senate.

Interventions and Observations

- The Committee acknowledged the petitioners' effort in resolving the matter and that it had taken long without a solution
- The Committee observed that the petitioners' prayer was devoid of technicalities as it required the Senate to;
 - a. Make recommendations to the Ministry of Lands and Physical Planning to conduct an audit to establish the genuine original squatters.
 - b. Investigate the reasons for sidelining and delayed resettlement.
 - c. Intervene and have their resettlement quest fast tracked and concluded.
- The Committee also observed that it was necessary to expedite the matter by inviting stakeholders to have it concluded within the required 60 days.

After deliberations, the Committee resolved to invite the following stakeholders to appraise members on matters related to the petition;

Cabinet Secretary, Ministry of Lands and Physical Planning
Cabinet Secretary, Ministry of Environment and Forestry
Chairperson, National Land Commission
Governor, County Government of Nandi

The Committee also resolved to conduct a site visit accompanied by the relevant stakeholders to interact with petitioners and see where the petitioners lived back then and presently.

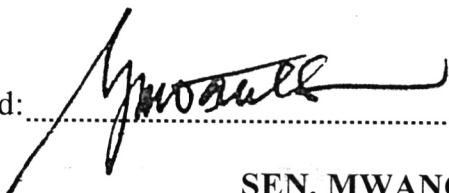
MINUTE SEN/SCLENR/364/2021: ANY OTHER BUSINESS

There was no other business

MINUTE SEN/SCLENR/365/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12.29 pm and the next meeting was to be held on Thursday 30th September, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

MINUTES OF THE 66TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 14TH OCTOBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Arch. Sylvia Kasanga, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. Boy Issa Juma, MP

PRESENT

- **Chairperson**
- Member (**Ag. Chairperson**)
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Gideon Moi, CBS, MP

- **Vice Chairperson**
- Member
- Member
- Member
- Member

IN ATTENDANCE

C. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Keriako Tobiko - Cabinet Secretary
2. Mr. Julius Kamau - Chief Conservator of Forests
3. Mr. Patrick Kariuki - Kenya Forest Service
4. Mr. Rodney Omari - Ministry of Environment HQ
5. Dr. Benjamin Kinyili - Kenya Forest Service

D. COUNTY GOVERNMENT OF NANDI

1. Dr. Philemon Kiptoo Bureti - CECM, Lands Nandi County
2. Mr. Abraham Kogo - Legal Officer

E. PETITIONERS

1. Mr. Earnest Ambetsa - Secretary, Petitioners

F. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Lucianne Limo - Media Relations Officer
3. Ms. Clare Kidombo - Research Officer
4. Mr. Mitchell Otoro - Legal Counsel
5. Mr. James Kimiti - Audio Recording
6. Mr. Erick Njogu - Clerk Assistant

MINUTE SEN/SCLENR/375/2021: PRELIMINARIES

The meeting was called to order at 11.30 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/376/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwangi Paul Githiomi, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
 - *Prayer;*
 - *Introductions*
2. Adoption of the agenda;
3. **Petition on the resettlement status of former Kimondi Forest evictees.**

Submissions from:

- **Cabinet Secretary, Ministry of environment and Forestry**
 - **Cabinet Secretary, Ministry of Lands and Physical Planning**
 - **Chairperson, National Land Commission**
 - **Governor, Nandi County**
4. Any other Business;
 5. Date of the next meeting;
 6. Adjournment.

MINUTE SEN/SCLENR/377/2021: PETITION ON RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

The meeting noted the absence of the Ministry of Lands and Physical Planning, and the National Land Commission but resolved to proceed with the submissions of the present stakeholders.

Submissions from the Ministry of Environment and Forestry

- Ministry of Environment and Forestry submitted to the Committee that it would have been imperative to have submissions from the Ministry of Land and Physical Planning (MoLPP) as the findings of the Committee on historical land injustices by National Land Commission (NLC), which the petitioners had based their claims on did not apply to Kenya Forest Services (KFS).
- The Ministry observed that the NLC Committee on historical land injustices recommendations placed responsibility of resettling the petitioners on MoLPP and the County government of Nandi.
- They informed the meeting that KFS responsibility was management of forests and played no role on matters resettlement.

Submissions from the County Government of Nandi

- In their submission, the County Government stated that the land meant for resettlement of the evictees was forest land that belonged to the Ministry of Environment and Forestry, and not the county government. They therefore could not do resettlement on it.

Committee Observations and Interventions

- The Committee sought to know from the alternative resettlement plans put in place by the county government and was informed that there existed numerous squatters in Nandi County whose resettlement awaited degazettement of some forest land, a process that was yet to be authorized by KFS
- The Committee observed that Kenya had a small forest cover and that alienating parts of forests land for resettlement would hamper the country's effort to attain a minimum of 10% forest cover.
- The Committee sought to know if there existed plans to degazette forest land for resettlement purposes in Nandi County and was informed by the CS, Ministry of Environment and Forestry that findings by the NLC historical land injustices committee had not given any recommendation requiring resettlement of squatters on forest land.
- The Committee observed the need to conserve forest, noting that NLC findings required the MoLPP and the County Government of Nandi to find a suitable place to resettle the evictees that was not necessarily forest land.
- Consequently, the Committee requested the County Government of Nandi to clarify the plans to resettle the evictees in an alleged forest land and was informed that was known to NLC and was conversed during the NLC Committee on historical land injustices public hearings.

Following a series of deliberations, **the Committee resolved to reschedule the meeting to a later date and invite the following stakeholders;**

**CS Ministry of Lands and Physical Planning,
CS Ministry of Environment and Forestry,
the Chairperson National Land Commission, and
the County Government of Nandi.**

MINUTE SEN/SCLNR/378/2021: ANY OTHER BUSINESS

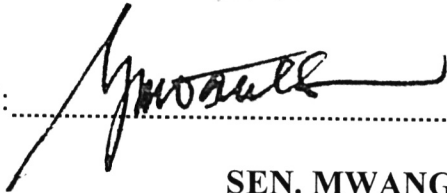
The meeting was informed by the secretariat about a petition regarding historical injustices against Samburu community leaving in Kirimun area of Laikipia North in Laikipia County.

The Committee resolved to invite the petitioners to a meeting of the Committee to appraise members on matters regarding the petition as well as NLC to respond to the issues raised.

MINUTE SEN/SCLENR/379/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:12 pm and the next meeting was to be held on Wednesday 21st October, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

MINUTES OF THE 72ND SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 30TH NOVEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- Chairperson
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Arch. Sylvia Kasanga, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. George Khaniri, MGH, MP
6. Sen. Boy Issa Juma, MP

- Vice Chairperson
- Member
- Member
- Member
- Member
- Member

IN ATTENDANCE

G. PETITIONERS

1. Mr. John Lekushula
- Representative, Petitioners

H. SECRETARIAT

1. Ms. Veronicah Kibati
 2. Ms. Clare Kidombo
 3. Mr. Victor Bett
 4. Mr. Moses Kinyanchui
 5. Mr. Erick Njogu
 6. Ms. Florence Waweru
 7. Mr. James Kimiti
- Principal Clerk Assistant
 - Research Officer
 - Clerk Assistant
 - Legal Counsel
 - Clerk Assistant
 - Clerk Assistant
 - Hansard Officer

MINUTE SEN/SCLNR/400/2021: PRELIMINARIES

The meeting was called to order at 11.16 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLNR/ 401/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows

1. Preliminaries
 - Prayer;

- *Introductions*
- 2. Adoption of the agenda;
- 3. **Petition regarding historical injustices against Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**
- **Submissions from Chairperson, National Land Commission.**
- 4. Any other Business;
- 5. Date of the next meeting;
- 6. Adjournment.

MINUTE SEN/SCLNLR/ 402 /2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY

- The Committee was informed of apologies from the Chairperson, National Land Commission that he was engaged in statutory inquiries in Lamu County for the ongoing LAPSSET Corridor project vide letter Ref: NLC/1/7/13 dated 29th November, 2021.
- For the petition to progress, the Committee noted that the presence of the Chairperson, National Land Commission was essential and therefore **resolved to re-invite him to a meeting of the Committee on Tuesday 7th December 2021 to respond to the issues raised in the Petition.**

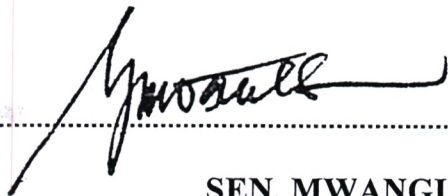
MINUTE SEN/SCLNLR/ 403 /2021: ANY OTHER BUSINESS

- The Senator Embu County sought to know if the Chairperson, National Land Commission would be present in the Committee meeting with petitioners on the Diones of Embu Trustees Petition and was informed by the Secretariat that the said meeting would only involve the petitioners, and that he would be present on Wednesday 1st December 2021 when the Committee will be considering matters Kimondi and Chetambe (Webuye) Hill forests.
- The Secretariat was thus tasked to ensure that the Chairperson, National Land Commission is left behind after the meeting to discuss matters on Kirimun residents' petition.
- The Senator Samburu County sought to know the effect the Special Sitzings of the Senate slated for 1st and 2nd December, 2021 would have on the business of the Committee and was informed by the Secretariat that written permission from the Speaker was required in accordance with Standing Orders 200 (2).
- The Secretariat was thus tasked to ensure that the written permission from the Speaker was obtained to allow the Committee to proceed smoothly with its urgent business.

MINUTE SEN/SCLENR/ 404 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.40 am and the next meeting was to be held on Wednesday, 1st November, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

MINUTES OF THE 73RD SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 1ST DECEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. George Khaniri, MGH, MP

PRESENT

- Chairperson
- Member
- Member
- Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP
- Senator, Bungoma County

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
 2. Sen. Gideon Moi, CBS, MP
 3. Sen. Arch. Sylvia Kasanga, MP
 4. Sen. Boy Issa Juma, MP
 5. Sen. (Dr.) Lelegwe Ltumbesi, MP
- Vice Chairperson
 - Member
 - Member
 - Member
 - Member

IN ATTENDANCE

I. PETITIONERS – KIMONDI FOREST

1. Mr. David Wanyonyi
- Representative, Petitioners

J. PETITIONERS – CHETAMBE (WEBUYE) HILL

1. Mr. Patrick Sitati Lichima
- Representative, Petitioners

K. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Keriako Tobiko, CBS, SC
 2. Mr. Julius W. Kamau
 3. Mr. Stephen Ndolo
 4. Mr. Patrick Kariuki
 5. Ms. Ann Syombua
 6. Mr. Rod Nyamari
 7. Ms. Jacinta Nabwire
- Cabinet Secretary
 - Chief Conservator of Forests
 - Ass Director, Forest Conservation
 - Assistant Secretary

L. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi
- Chairperson

M. COUNTY GOVERNMENT OF NANDI

1. Philemon Bureti - CEC Lands

N. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Mr. Erick Njogu - Clerk Assistant
4. Ms. Florence Waweru - Clerk Assistant
5. Mr. James Kimiti - Hansard Officer
6. Shem Ayuka - Attachee

MINUTE SEN/SCLENR/405/2021: PRELIMINARIES

The meeting was called to order at 11.20 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 406/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Mwaruma Johnes, MP as follows

1. Preliminaries

- *Prayer;*
- *Introductions*

2. Adoption of the agenda;

3. Petition on the alleged gazettement of Chetambe (Webuye) Hill forest, vide legal notice no: 106: proposed declaration of public forest Chetambe (Webuye) Hill forest dated 25th. June,2021;

- **Submissions from**
The Cabinet Secretary, Ministry of Lands and Physical Planning
The Cabinet Secretary, Ministry of Environment and Forestry
The Chairperson, National Land Commission

4. Petition on the resettlement status of former Kimondi forest evictees;

- **Submissions from**
The Cabinet Secretary, Ministry of Lands and Physical Planning
The Cabinet Secretary, Ministry of Environment and Forestry
The Chairperson, National Land Commission and
The Governor, Nandi County

5. Any other Business;

6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/ 407 /2021: PETITION ON THE ALLEGED GAZETTEMET OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO: 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH. JUNE, 2021;

- The Committee was informed of apologies from the Cabinet Secretary, Ministry of Lands and Physical Planning that she was engaged in other official duties.
- The Senator Bungoma County, who was in attendance, sought to leave the meeting as he was involved in other official duties and the Committee acceded.
- Noting the absence of some of the key stakeholders, deliberations ensued, and the meeting resolved to hear the submissions from the stakeholders present.

Submissions from The Cabinet Secretary Ministry of Environment and Forestry

- The Cabinet Secretary informed the meeting that following a consultative meeting involving the Tachoni Community representatives, Cabinet Secretary Eugene Wamalwa, Kenya Forest Services and himself, he issued the following directives vide a letter Ref: ME&F/CS/336/2021 dated 30th September 2021 upon consideration of the issues raised by the community;
 - i. That a joint ground and documents verification exercise be conducted to verify the validity of the allegations raised by the petitioners over the disputed gazettement of Chetambe Hill Forest,
 - ii. That a report be submitted within thirty (30) days upon conclusion of the verification exercise, and
 - iii. That the implementation and enforcement of the gazettement and any other precipitate action based on the disputed gazettement be suspended pending the outcome of the verification exercise.
- Following the directives, the Cabinet Secretary informed the meeting that an inter-ministerial team that included representatives from the Tachoni Community had been formed to undertake the verification. They visited the disputed area and conducted a series of meetings with the communities.
- In reference to a letter Ref: No. CONF/EX-S&B/1/KFS/VOL.VI/50 dated 15th November, 2021 from Kenya Forest Services to the Ministry of Environment and Forestry, the Cabinet Secretary informed the meeting that the verification process had stalled at the onset following the withdrawal of the Community as they needed him to constitute and gazette a taskforce for the same.

Observations and Interventions

- The Committee commended the Cabinet Secretary for swift action in an attempt to bring the matter to a conclusive end and sought him to avail himself before the Committee meetings when called upon to address queries that may arise from his submission.

- The Committee also note that forming a taskforce for the matter would need an anticipated budgetary allocation and that for conclusive deliberations on the same, the presence of Bungoma County Senator was necessary.
- Members sought for a clarification from the petitioners on the need for a taskforce and in response, they requested the meeting for some time to conduct internal consultations to avoid giving disjointed statements, a request the Committee acceded to.

MINUTE SEN/SCLNR/ 408 /2021: PETITION ON THE RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES;

- The Committee noted that the Cabinet Secretary, Ministry of Environment and Forestry had concluded his submissions on the matter and that it was time for the Chairperson National Land Commission to present his response.
- The Chairperson National Land Commission requested the Committee to allow him time to conclude the submission as his technical team was still gathering information. Members acceded to the request and required him to submit the same on Tuesday 7th December, 2021

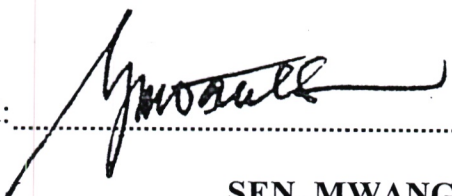
MINUTE SEN/SCLNR/ 409 /2021: ANY OTHER BUSINESS

There was no other business

MINUTE SEN/SCLNR/ 410 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:20 pm and the next meeting was to be held on Thursday, 2nd December, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 76TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 7TH DECEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 12.00 PM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. George Khaniri, MGH, MP
5. Sen. Boy Issa Juma, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- **Chairperson**
- Member
- Member
- Member
- Member
- Member

1. Sen. Cherarkey Samson K, MP

IN ATTENDANCE

- Senator, Nandi County

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Arch. Sylvia Kasanga, MP

- **Vice Chairperson**
- Member
- Member

IN ATTENDANCE

O. PETITIONERS – KIMONDI FOREST EVICTEES

1. Mr. Earnest Ambetsa - Representative, Petitioners

P. PETITIONERS – CHETAMBE (WEBUYE) HILL FOREST

1. Mr. Patrick Lichuma - Representative, Petitioners

Q. PETITIONERS – KIRIMUN RESIDENTS

1. Mr. John Lekushula - Representative, Petitioners

R. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi - Chairperson

S. COUNTY GOVERNMENT OF NANDI

1. H.E. Dr. Yulita Chepbotip Cheruiyot - Deputy Governor
2. Mr. Solomon Mang'ira - Chief Officer, Lands
3. Mr. Philemon Bureti - CEC Lands
4. Mr. Kibet Awi - Legal Officer
5. Mr. Abraham Kogo - Legal Officer

6. Mr. Koech Isaac - Lands Administrator

T. MINISTRY OF ENVIRONMENT AND FORESTRY

- | | |
|-------------------------|----------------------------------|
| 1. Hon. Mohammed Elmi | - Chief Administrative Secretary |
| 2. Mr. Julius Kamau | - Chief Conservator of Forests |
| 3. Dr. Benjamin Kinyili | - Kenya Forest Service Officer |
| 4. Mr. Evans Kigoda | - Kenya Forest Service Officer |
| 5. Ms. Juma | - Kenya Forest Service Officer |
| 6. Ms. Jacinta Nabwire | - Assistant Secretary |
| 7. Mr. Alfred Gichu | - Kenya Conservation Directorate |

U. SECRETARIAT

- | | |
|-------------------------|-----------------------------|
| 1. Ms. Veronicah Kibati | - Principal Clerk Assistant |
| 1. Ms. Clare Kidombo | - Research Officer |
| 2. Mr. Victor Bett | - Clerk Assistant |
| 3. Mr. Mitchell Otoro | - Legal Counsel |
| 4. Mr. Erick Njogu | - Clerk Assistant |
| 5. Mr. James Kimiti | - Hansard Officer |
| 6. Shem Ayuka | - Attachee |

MINUTE SEN/SCLENR/421/2021: PRELIMINARIES

The meeting was called to order at 12.20 pm by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 422/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. (Dr.) Lelegwe Ltumbesi, MP and seconded by Sen. George Khaniri, MGH, MP as follows

1. Preliminaries
 - *Prayer*
 - *Introductions*
2. Adoption of the agenda;
3. **Petition regarding historical injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**
 - **Submissions from the Chairperson, National Land Commission;**
4. **Petition on the resettlement status of former Kimondi Forest evictees;**
 - **Submissions from -**
 - **The Cabinet Secretary, Ministry of Lands and Physical Planning;**
 - **The Chairperson, National Land Commission; and**
 - **The Governor, Nandi County.**

5. Petition on the alleged gazettement of Chetambe (Webuye) Hill Forest, vide legal notice No. 106: proposed declaration of public Forest Chetambe (Webuye) Hill forest dated 25th June, 2021.

- **Submissions from -**
 - **The Cabinet Secretary, Ministry of Lands and Physical Planning; and**
 - **The Chairperson, National Land Commission.**

6. Any other Business;

7. Date of the next meeting;

8. Adjournment.

MINUTE SEN/SCLENR/ 423/2021: PETITION ON THE RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

- The meeting was informed of an apology from the Cabinet Secretary Ministry of Lands and Physical Planning as she was held in Cabinet meeting.
- Nonetheless, the meeting proceeded and heard the submissions from the Chairperson National Land Commission as follows;

Submissions from the Chairperson, National Land Commission

He submitted as follows;

- The Commission acknowledges receipt of an Historical Land Injustice Claim from Former Kimondi Forest Squatters and Kimondi Forest Squatters which were admitted and registered under Claim No. NLC/HLI/430/2018 and NLC/HLI/016/2017 respectively.
- The Commission proceeded to hearing the claims between 10th to 11th July 2018 in Nandi County. Subsequently, the Commission made and signed a determination on the 7th February 2019 in which it recommended as follows;
- *The County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of both the 1st and 2nd claimants.*
- As per the determination, the principal entities anticipated to implement the recommendations are the Ministry of Lands and Physical Planning and the County Government of Nandi. The Commission has no specific role unless called upon to assist in any other manner as per its mandate.

Observations and Interventions

- The Committee noted that that the County Government in conjunction with the Ministry of Lands and Physical Planning were required to resettle the petitioners as recommended by the National Land Commission.

- The Committee also sought to know from the County Government the plans it had of resettling the evictees and was informed that National Land Commission's findings established the existence of an alleged 1,541 Ha of land excised from the current Nandi North Forest land that was to be used for resettlement and that it was yet to be allocated to the county.
- The Committee sought clarification on the existence of the alleged degazettement of forest land for resettlement and the Ministry informed the meeting that there existed no such degazettement in their records.
- There being no record of degazetted forest land, noting the need to protect the national forest cover, the Committee observed that the petitioners needed to be resettled on alternative land other and asked the County Government to brief the Committee on the available options.
- The County Government informed the meeting that apart from the petitioners, there existed other numerous squatters within Nandi County who needed resettlement and that following engagements with the National Land Commission, it was recommended that some of the land under tea plantations be resurveyed to ascertain its actual size as there existed a mismatch between the actual and the documented sizes. Excess land from the exercise would be used for re-settlement.
- They further stated that the resurvey process was put on hold after a section of the tea landowners sought judicial intervention over the recommended resurvey where a stay order was issued.
- The Committee sought the National Land Commission to clarify the number of people who were to be resettled, the criteria used to arrive at the figure and whether it had a role in following up implementation of its recommendations.
- Chairperson National Land Commission informed the meeting that there was no actual number captured in the findings by National Land Commission but could be obtained from the numerous correspondences over the matter between different stakeholders. He further added that its role ended at issuing findings and recommendation to the implementation agencies for action.
- The Committee resolved to;
 - i. **Hold a stakeholder's meeting with the Cabinet Secretary Ministry of Lands and Physical Planning, the National Land Commission, the County Government of Nandi and the tea farms multinationals with the aim of;**
 - a. **Getting the tea farms resurveyed through alternative dispute resolution away from the court. The Committee felt that move would be better than excising forest land.**

- b. Seeking the Ministry of Lands and Physical Planning to look for some funds to facilitate acquisition of land for resettling the evictees.
 - ii. Conduct a county visit to Nandi on a fact-finding mission and meet with different stakeholders to resolve the matter.

MINUTE SEN/SCLENR/ 424/2021: PETITION ON THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE, 2021.

The matter was rescheduled to Thursday 9th December, 2021 following an apology from the Ministry of Land and Physical Planning and the Senator Bungoma County.

MINUTE SEN/SCLENR/ 425/2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY.

Submissions from the Chairperson, National Land Commission

He submitted as follows:

- Attention had been brought to the Commission in late August 2021 of a Petition and Complaints of a similar nature on the subject land by members of the Samburu community. The Commission, on its own motion, considered the issues to be candidate for historical land injustice and, under its mandate as spelt out in Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act, 2012 which mandates the Commission “to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress”, took cognizance of the matter and took it up.
- The Commission proceeded to formally receive the petition as a historical land injustice claim on its own initiative and entered it into the register of claims as Claim Number NLC/HLI/1641/2021 and will proceed to consider its admissibility, carry out investigations and make appropriate recommendations.
- The Commission specifically wishes to point out that adjudication of and conferment of title to community land is governed by the Community Land Act (sections 8 to 14) and the mandate thereunder is primarily that of the Cabinet Secretary Lands and Physical Planning and the respective County Government.
- However, upon hearing the HLI claim, the Commission may recommend appropriate remedies, possibly including those set out in the prayers.

Interventions

The Committee noted the need to have both the Ministry of Lands and Physical Planning and the National Land Commission present when the matter is being discussed and **resolved to invite both to a meeting of the Committee for conclusive deliberations.**

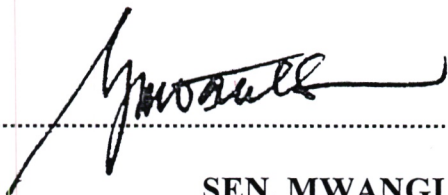
MINUTE SEN/SCLNR/ 426 /2021: ANY OTHER BUSINESS

- The Senator Taita Taveta requested to know the status of the DCI report on the the Petition by residents of Mkamenyi Village in Voi sub-county of Taita Taveta County regarding the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County.
- The Committee **resolved to invite the DCI during the stakeholder's meeting to provide an update.**

MINUTE SEN/SCLNR/ 427 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 13:40 pm and the next meeting was to be held on Wednesday, 8th December, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

**MINUTES OF THE 11TH SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 17TH MARCH, 2022 AT KIMONDI FOREST, NANDI COUNTY AT
11.00 AM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Arch. Sylvia Kasanga, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member

IN ATTENDANCE

1. Sen. Cherarkey Samson K, MP
- Senator, Nandi County

ABSENT WITH APOLOGY

1. Sen. Ndwiga Peter Njeru, EGH, MP
 2. Sen. George Khaniri, MGH, MP
 3. Sen. (Dr.) Lelegwe Ltumbesi, MP
 4. Sen. Gideon Moi, CBS, MP
 5. Sen. Mwaruma Johnes, MP
 6. Sen. Boy Issa Juma, MP
- Member
 - Member
 - Member
 - Member
 - Member
 - Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. Peter Lunyeye
 2. Mr. Earnest Ambetsa
- Chairperson, Petitioners
 - Petitioner

B. MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Mr. Edgar E. Oduor
 2. Mr. Barnabas Kiplimo
- Land Registrar, Nandi
 - Land Surveyor

C. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Ms. Rodney Omari
 2. Mr. Fredrick Namusende
 3. Ms. Jacinta Nabwile
 4. Dr. Benjamin Kinyili
 5. Mr. Evans Kegode Aluda
 6. Mr. Evans M. Wandabwa
 7. Mr. Anthony Musyoka
 8. Mr. Kenneth Muskitoa
 9. Mr. Robinson Gallo
- SAS
 - Senior Forest Officer
 - Ass. Secretary
 - RFCAO – Coordinator
 - Head, Surveying & Mapping KFS
 - Ag. Regional Forest Conservator
 - RFC, North Rift
 - Conservator, Nandi County
 - Surveyor KFS

D. NATIONAL LAND COMMISSION

- | | |
|-----------------------|----------------------|
| 1. Mr. Gershom Otachi | - Chairperson |
| 2. Dr. Matano Ngati | - County Coordinator |

E. NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

- | | |
|------------------------|-------------------------------|
| 1. Ms. Stella Kamwasir | - RDE – Nyanza and Western |
| 2. Ms. Anne A. Owino | - RDE – Rift Valley & Nairobi |
| 3. Mr. Simon Kandui | - NEMA, Nandi County |

F. COUNTY GOVERNMENT OF NANDI

- | | |
|---------------------------|----------------------|
| 1. H.E. Gov. Stephen Sang | - Governor |
| 2. H.E. Dr. Yulita Mite | - Deputy Governor |
| 3. Hon. Geoffrey Kevolve | - MCA |
| 4. Mr. Abraham K. Kogo | - Legal Officer |
| 5. Mr. Kibet Awi | - Legal Officer |
| 6. Mr. Koech Isaac | - Land Administrator |
| 7. Mr. Kennedy Situma | - County Law Office |

G. NATIONAL GOVERNMENT ADMINISTRATION OFFICERS

- | | |
|--------------------------|------------------------------|
| 1. Mr. Obed N. Mose | - Deputy County Commissioner |
| 2. Mr. Silvano M. Mbiuki | - Deputy County Commissioner |
| 3. Mr. Bernard Mutai | - Chief, Kiptuiya |
| 4. Mr. Naftali K. Too | - Ass. Chief |
| 5. Mr. Bosita Omukolongo | - County Police Commander |

H. SECRETARIAT

- | | |
|-------------------------|-------------------|
| 1. Mr. Victor Bett | - Clerk Assistant |
| 2. Mr. Wilson Bosmet | - SAA |
| 3. Mr. Crispus Njogu | - Clerk Assistant |
| 4. Mr. Erick Njogu | - Clerk Assistant |
| 5. Mr. Philip Kipkemboi | - Audio Officer |

MINUTE SEN/SCLNR/056/2022: PRELIMINARIES

The meeting was called to order at 11.00 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLNR/ 057/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Philip Mpaayei, MP and seconded by Sen. Arch. Sylvia Kasanga, MP as follows

1. Preliminaries

- *Prayer*
- *Introductions*
- 2. Adoption of the agenda;
- 3. **Courtesy Call to the County Commissioner, Nandi County**
- 4. **Courtesy Call to the Governor, Nandi County**
- 5. **Meeting Point at Kimondi Forest**
- 6. Any other Business;
- 7. Date of the next meeting;
- 8. Adjournment.

MINUTE SEN/SCLNR/058/2022: MEETING POINT AT KIMONDI FOREST:

- The Committee held a brief session at the Kimondi Forest Offices in the presence of the area Senator and it was resolved that all parties would gather at the meeting point for a comprehensive meeting. The Committee then proceeded to the venue for meeting.
- The meeting was informed of apologies from the Cabinet Secretary Ministry of Environment, Cabinet Secretary Ministry of Lands and Physical Planning and Forestry and the Nandi County Commissioner.
- The Committee invited the petitioners to make their submissions which they did as follows;

Submissions by the Petitioners

- The Petitioners informed the meeting that they had occupied the land in dispute since 1946 to date and that upon evictions they were left without homes.
- They also informed the Committee that they did not only lose their homes but also their livelihoods as they could no longer engage in economic activities such as farming on the disputed land.
- They stated that they had remain squatters for a long time and prayed that the Committee considers their matter favorably and ensure that they get resettled.

Other Squatters

- The Committee was informed by the area Senator that apart from the petitioners, there existed numerous groups squatters in Nandi County.
- He requested the Committee to allow the groups to briefly submit their issues and any accompanying documentations, a request the Committee acceded to.
- They Proceeded as follows;

i. Koibem Community

The group led by its Chairperson Mr. James Yego and Vice-Chairperson Mr. David Kosgei informed the Committee that they were allegedly evicted from their land in South Nandi Forest – Kaimosi Block by the government in 1996 and were later re-settled in New Koibem in the year 2000 but to date they have not been issued with title deeds.

They prayed for the Committee's intervention and ensured that they were issued with title deeds.

ii. Mwein Kechire Kimondi Squatters

The group through its Chairperson Mr. Joel Lelei informed the meeting that they continued to live in squatter camps despite land being issued by the government for them to settle. They requested the Committee to intervene and ensure that they were allowed to settle in the said land.

iii. Ngerek Group

The group informed the Committee that they had remained unsettled despite interventions by the Senate in 2018. They prayed for the Committee's intervention to ensure they were re-settled.

iv. Kiptuiya Kapkangani Group

They requested for the Committee to intervene and ensure that they were issued with title deeds for their land.

Submissions by the Ministry of Environment and Forestry

- The Ministry stated that the issue of Ngerek was still with the Senate and that they waited for the Senate's direction.
- On the matter of Former Kimondi Forest Evictees, the Ministry informed the meeting that the matter was investigated by the National Land Commission Historical Land Injustices Committee and the recommendations thereafter required the County Government in Collaboration with the Ministry of Land – Adjudication and Settlement Department and other relevant authorities to re-settle the Former Kimondi squatters.

Submissions by the Ministry of Lands and Physical Planning

- The Ministry informed the meeting that it was aware of the magnitude of the squatters' problem in Nandi but observed that the land in dispute was still gazetted as forest land.
- The Ministry through the land registrar, Nandi County however stated that upon degazettement of the said land by the Ministry of Environment and Forestry, it would conduct excision survey to allow for subdivisions and titling.

Submissions by the County Government of Nandi

- The County Government stated that there were numerous squatters in Nandi County.
- To try and mitigate the challenge of squatters, the County Government informed the meeting that it had a forum with the National Land Commission and other stakeholders such as the Kenya Forest Services.
- The Commission's findings established occurrence of Historical Land Injustice on the petitioners and recommended that the Ministry of Lands and Physical Planning in collaboration with the County Government of Nandi and other relevant stakeholders to re-settle the squatters.
- The County government however sited challenges in implementing the recommendations and urged the Committee to conclude the petition and guide on the way forward.

Submission by the National Land Commission

- The Chairperson National Land Commission informed the meeting that it had investigated and established occurrence of Historical Land Injustices upon the petitioners.
- It went ahead and recommended that the petitioners be re-settled by the Ministry of Lands and Physical Planning in collaboration with the County Government and other relevant stakeholders.
- The Commission further stated that its mandate ended at issuing the recommendation and that the implementation responsibility lay in the hands of the cited implementing agencies.

Observations and Interventions

- The Committee observed that there existed a squatter's challenge in Nandi County where the petitioners and other groups of residents lived in squatter camps.
- It was noted that the contested land that measured approximately 1,541 HA was still gazetted as forest land.
- The Committee further observed that the resettling the groups as recommended by the National Land Commission remained a challenge and noted the need to have a final stakeholder meeting to chart the way forward.
- The Committee **resolved to hold a final meeting with the stakeholders with the aim of resolving the dispute.**

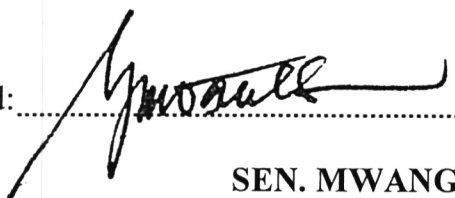
MINUTE SEN/SCLNLR/059/2022: ANY OTHER BUSINESS

- There was no other business.

MINUTE SEN/SCLNLR/060/2021: DATE OF NEXT MEETING

The meeting was adjourned at 04:00 pm and the next meeting was to be held on notice.

Signed:



Date:

19/5/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)



Kenya Forest Service Hqs
Karura, Off Kiambu Rd
P.O Box 30513 - 00100
Nairobi, Kenya.

Ref: No.CONF/PAL/1/KFS/Vol.V/19

Date:17th May, 2022.....

Dr. Chris Kiptoo, CBS
Principal Secretary
Ministry of Environment and Forestry
NHIF Building, 12th Floor
Nairobi

Dear Sir,

**RESPONSE BY THE CHIEF CONSERVATOR OF FORESTS TO THE SENATE PETITION
REGARDING THE RE-SETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES**

Reference is made to the Office of the Clerk of the Senate letter Ref. No. SEN/DCS/LENR/2/2022/(26B) dated 6th May 2022 on the above matter.

Further to my previous correspondence Ref. No. CONF/PAL/1/KFS/Vol.IV/30 dated 12th October, 2021, attached please find the response to the matters raised in the Petition for your perusal and further processing.

Yours faithfully,


Julius Kamau, EBS
Chief Conservator of Forests

Encl. Response to the Petition regarding the Re-Settlement Status of Former Kimondi Forest Evictees.

Trees for better lives

Tel:(254) 020-3754904/5/6, (254) 020-2014663, (254)020-2020285, Fax: (254)020-2385374
Email:info@kenyaforestservice.org, Website:www.kenyaforestservice.org

**RESPONSE BY THE CHIEF CONSERVATOR OF FORESTS TO THE SENATE PETITION
REGARDING THE RE-SETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES**

A. THE PETITION

1. Public Petition by 36 Petitioners on Resettlement status of the former Kimondi Forest Evictees in South Nandi, Nandi County.

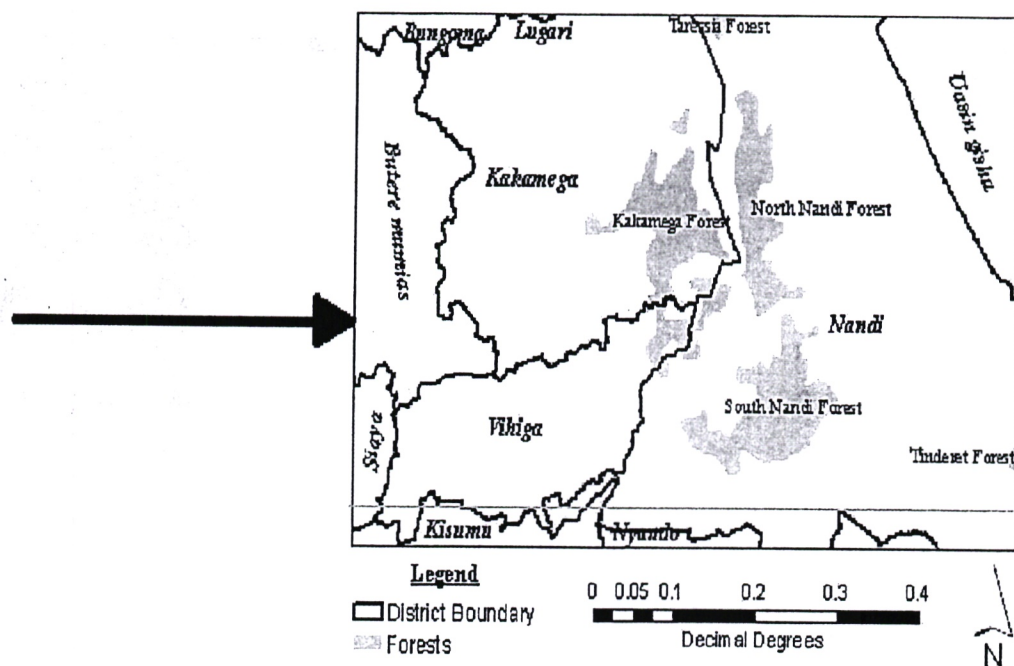
B. GAZETTED PUBLIC FORESTS IN NANDI COUNTY

2. The Nandi Forest Ecosystem plays an important role in the provision of ecological, social and economic services to the local community and the country at large;
3. Nandi County covers an area of 2,884 square kilometres, with a forest cover of 26.2%. The total area for the gazetted public forest reserves in Nandi County is 61,339.81Ha;
4. The protection, conservation and management of the forest reserves is administered through six (6) forest stations namely Kobujoi, Kapchorua, Tinderet, Cerengoni, North Nandi and Kimondi forests under Kenya Forest Service (KFS) as enumerated below;

S/No	Forest Station	Forest type / Category (Ha)					Encroachm ent and informal excisions	TOTAL (Ha)
		Natural	Plantation	Grassland	Wetlands	Nyayo Tea Zone		
1.	Kimondi	4,095.55	1,285.35	61.80	196.90	307.10	796.40	6,743.10
2.	Kobujoi	16,626.00	300.00	2,464.00	0	300.00	360.00	20,050.00
3.	Tinderet	7,328.90	40.00	0	0	100.00	0	7,468.90
4.	Kapchorua	3,851.00	9.20	138.80	0	1.00	0	4,000.00
5.	Cerengoni	11,378.00	1,194.00	0	0	6.00	0	12,578.00
6.	North Nandi	8,000.00	850.56	40.20	149.00	410.00	1,050.05	10,499.81

Source; Forest Management Plans and forestry data

Map for the extent and distribution of public forests in Nandi County



C. GAZETTEMMENT OF SOUTH NANDI FOREST

5. The conservation of South Nandi Forest dates back to 1936 when it was proclaimed a Central Forest *vide* Legal Notice No.76, covering an area of about 26,903.1ha.
6. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (FAO) of the United Nations and was gazetted as Central forests *vide* Legal Notice No. 174 of 1964, Annex 1;

D. LOCATION AND AREA OF KIMONDI FOREST RESERVE

7. Kimondi Forest Reserve is one of the forest blocks constituting the South Nandi Forests and forms part of the larger Mau Forest Complex;
8. Kimondi Forest Station comprises of two forest blocks; Ururu and Kimondi and is further divided into seven beats for ease of protection and management namely; Cheber, Kamurguiwa, Kapsasur, Kaptoroi, Kechire, Ururu and Kolong;
9. It covers an area of 6,743.10 hectares which is distributed as follows;

JK

Plantations - 1,285.35 Ha, Natural Forest - 4,095.55 Ha, wetlands - 196.9 Ha, Nyayo Tea Zones - 307.1Ha;

10. A further area measuring 796.4 Ha has encroachments and informal settlements within Kimondi Forest Block comprising of Kapkangani and Kaptoroi areas;

E. HISTORY OF FORMER KIMONDI FOREST EVICTEES

11. The former Kimondi forest evictees is a community that once lived in the Kimondi Forest as casual workers in established forest villages in Ururu, Kamurguiwa, Kobujoi, Septonok and Kimondi;
12. The Colonial Government housed the forest workers within forest camps since 1950's for purposes of forest plantations establishment and were allowed to reside within the forest in the established forest camps as they assisted in tree planting activities;
13. The forest workers were resident in the forest camps with their families and were allowed to cultivate, keep livestock and collect firewood as authorized as per residence licence was restricted on temporally basis for twenty-four months' subject to renewal (See Licence Under Forests (Workmen's Residence Rules, 1964) Annex: 2;
14. The forest villages had other infrastructure such as schools, dispensaries and shopping centres to cater for their education needs and other facilities to cater for their welfare within the village setups;

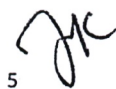
F. EVICTION OF KIMONDI FOREST SQUATTERS

15. The Kenya Government in 1979, abolishment residential forest villages in all forests in Kenya and ordered all communities and persons not employed by the then Forest Department to vacate the forest reserves;
16. The order finally took effect in 1987 in Nandi County and all forest villages in Kobujoi, Septonok, Kimondi, Ururu and Kamurguiwa were vacated and closed. The affected persons relocated to the nearest trading centers at Kobujoi, Kapsasur, Kamombo and Septonok where they resided. They continued to engage in other livelihood situations;



G. UNSETTLED KIMONDI FOREST SQUATTERS/WORKERS

17. The Provincial Commissioner/ Rift valley through letter ref FOR. 13/5/Vol.I/30 of 28th May 1984: Annex;(3) alluded to having exchange of communication between his office and the District Commissioner-Nandi Central on the matter highlighting problems facing workers/squatters who were evicted from the forest. Consequently, the group of squatters continued to engage the District Commissioner – Nandi Central with a view to having their grievances settled, as their future was uncertain. See Kimondi forest Squatters undated letter of 25th March 2002: Annex; (4)
18. The Kimondi Forest squatters wrote to the Director, Kenya Forest Service on 9th June 2011; Annex:(5), pleading for the settlement of forest squatters residing in Kechire and Mwein in Kiptuiya Location, having moved there after suspension of the Shamba system in anticipation for settlement in the Chepkumia Land Exchange programme. It never materialized.
19. They also further sought to be settled in Kimondi Forest LR 25032/No. Boundary plan 180/239, LR No. 25033/Boundary Plan 180/240 and LR No. 24644/Boundary Plan 175/374, which they alleged to have been placed under gazettelement notice in 2001 by the then Minister of Environment and Natural resources Hon. Nyenze.
20. The Director, Kenya Forest service, while acknowledging the letter, noted that the copies of gazettelement Notices no's 75 and 76 were excised vide legal Notice Nos 39 and 40 of 16th February 1968 and surrendered to the Ministry of Lands for conversion into settlement hence not available for the same. See Letter Ref GOF/1/KFS TY/6 of 24th June 2011: Annex (6).
21. The Chairman – Kimondi squatters on several occasions made follow up with the Ministry of Lands both at the National and District level on LR No. 25032, 25033 and 24644 claiming they had not been adjudicated as seen in letters from Director Land and Adjudication - Ref DS/15/A.VI/45 of 10th March 2009, from Chief Land Registrar Ref. NDI/A/28/Vol.IV/13 of 19th September 2011: Annex 7&8 respectively. In all cases, the group was referred back to the District Land Registrar – Nandi for assistance.

5 

22. The Permanent Secretary also directed the District Land Surveyor to convene a meeting in liaison with the District Commissioner to seek a lasting solution to the resettlement issue. See letter Ref PCRC/OCT/21/2010 of 16th June 2011: Annex (9). Following the directive, a meeting was convened on 10th August 2011 but was not conclusive in its recommendations (See report on Kimondi forest Squatters ref NANDI/LR/1/VOL.II/41 of 22nd August 2011: Annex (10).
23. The Ministry of Lands also sought other remedial action through the Director of Land Adjudication & Settlement to purchase Land under the Squatter programme See letter Ref. No. DS1/21/Vol III/ (43) of 5th August 2011: Annex (11) and the Permanent Secretary/ Ministry of Lands further affirmed the same through his letter PCRC/NANDI/47/2012 of 2nd October 2012; Annex (12), on Purchase of Land for resettlement of former Kimondi Forest Squatters.
24. The Secretary- Former Kimondi squatters on 30th July 2013: Annex (13), wrote to the Chairman, National Land Commission complaining on delayed resettlement of former Kimondi Squatters seeking Governments intervention for acquisition of land through the Settlement Fund Trustee. Unfortunately, the land parcels identified are parts of the South Nandi forest and hence NOT available for acquisition and settlement see District Land Adjudication and Settlement officer– Nandi County letter Ref DLASO/NDI/KMDI/69 Vol.I/17 of 14th November 2013: Annex (14).
25. The National Land Commission Historical Land Injustice Committee on 10th July 2018 and 11th July 2018 – In the matter of Article 67(2) (e) of the Constitution of Kenya, In the Matter of section 15 of the National Land Commission Act, In the matter of Historical Land Injustice Reference: No NLC/HLI/430/2018 and NLC/HLI/016/2017 held their proceedings in Nandi County See Annex: (15)

The matter was between Former Kimondi squatters/Kimondi Forest squatters versus Kenya Forest Service and County Government of Nandi.

The committee recommended that the County government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant

authorities, should proceed with the resettlement of the Former Kimondi squatters/Kimondi Squatters.

H. FOREST EXCISION KOBUJOI FOREST STATION-BONJOGE EXCHANGE

The only known excision in South Nandi forest was carried out in Kobujoi forest through a presidential directive in 1983. The Land exchange involved settling occupants of Old Bonjoge into the new Bonjoge (Kobujoi). A total of 1,541 hectares of high potential forestland was exchanged with 2,150 hectares of the sloppy, rocky and low potential land in the Bonjoge ranges that was by then a trust land.

26. The Old Bonjoge trust land was gazetted as forest areas vide legal notice NO.371 of 12th September, 1994: annex (16). The forest land excised in Kobujoi was never meant for re - settlement of former Kimondi forest squatters.

27. The Forest Reserve is now a state forest covering approximately 2,150 hectares situated in the Southern part of the Nandi County. The exchange of land was consummated between the then Forest Department and Nandi County Council.

RECOMMENDATIONS

Kenya Forest Service in line with the committee recommends that the County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of the former Kimondi squatters/Kimondi Squatters on alternative land.



NATIONAL LAND COMMISSION
RESPONSE TO PETITION ON RESETTLEMENT STATUS OF FORMER
KIMONDI FOREST EVICTEES

REPORT BY:

GERSHOM OTACHI BW'OMANWA
CHAIRMAN

7TH DECEMBER, 2021

RESPONSE TO PETITION ON RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

HON CHAIR

I make reference to the letter Ref. SEN/DCS/LENR/2/2021(69) dated 28th October, 2021 from the Clerk of the Senate on the above petition.

This petition was presented by former Kimondi Forest Squatters from Kiptuiya ward, Chesumei Constituency in Nandi County. The petitioners claim to have been living in Kimondi forest since 1946 until 1987 when the government evicted them.

The petitioners inform that none of the issues raised in this petition pending in any court of the law, constitutional or any other legal body.

The petitioners pray that the Senate intervenes with a view to:

- i. Make recommendation to Ministry of Lands to conduct an audit of the entire current claimant to establish the genuine original squatters that comprise the former Kimondi forest Squatters;
- ii. Investigate the causes of continued delay and sidelining of resettlement of the petitioners; and
- iii. Intervenes to have the petitioners' resettlement process fast-tracked.

RESPONSE

Hon. Chair, The Commission wishes to respond as follows:

The Commission acknowledges receipt of an Historical Land Injustice Claim from Former Kimondi Forest Squatters and Kimondi Forest Squatters which were admitted and registered under Claim No. NLC/HLI/430/2018 and NLC/HLI/016/2017 respectively.

Hon Chair, The Commission proceeded to hearing the claims between 10th to 11th July 2018 in Nandi County. Subsequently, the Commission made and signed a determination on the 7th February 2019 in which it recommended as follows;

The County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of both the 1st and 2nd claimants.

Hon Chair, as per the determination, the principal entities anticipated to implement the recommendations are the Ministry of Lands and Physical Planning and the County Government of Nandi. The Commission has no specific role unless called upon to assist in any other manner as per its mandate.

Hon. Chair, I submit

Gershomo Otachi

GERSHOM OTACHI BW'OMANWA
CHAIRMAN

7TH DECEMBER, 2021

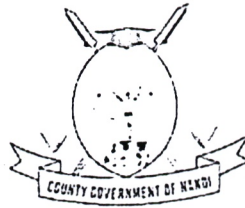
REPUBLIC OF KENYA

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OFFICE OF THE CEC LENRCC
P.O. BOX 802-30300

KAPSABET



NANDI COUNTY
OFFICE OF THE CEC LENRCC

Wednesday, October 27, 2021

TO THE CLERK SENATE

NATIONAL ASSEMBLY

The clerks chambers-Parliament building

PO BOX 41842-00100

NAIROBI

Dear Sir,

RE: RESETTLEMENT OF FORMER KIMONDI SQUATTERS AND OTHER FOREST
SQUATTERS IN NANDI

Above matter refers.

we welcome the senates intervention in the matter.

In further response to the matter we wish to make the following observations

1. That former kimondi squatters comprise of squatters who were initially resident at the kimondi forest station and other forest station within Nandi that is Kobujoi and Seng'alo forest stations.
2. The issue began when the colonial government brought them in as workers engaged in the management of forest from the 1940s and well into post-independence Kenya
3. That subsequently there was a change of policy by the government in the early 1980 when the Moi Administration took over

4. This change in policy saw the close of forest villages across the county and in Nandi this included, Kimondi forest village, Kobujoi forest village, Seng'alo forest village, all the forest villages in Tinderet forest.
5. This resulted in the plight of the petitioners before you
6. As a county we facilitated and supported the investigative hearing of their case before the National Land Commission when they held their sittings in Nandi in May and July of 2018.
7. In their response to the claims by KFS to the claim by Mwein Kechire Group, their officers informed the commissioner there was a parcel of land out of the Nandi North Forest had been degazetted and available for the settlement of squatters.
8. The commission was further informed that the petitioners were 1500 in number and the Mwein Kechire Group was about 4100 in number.
9. These hearing culminated in the decision of the commission gazetted on the 1st of March 2019 which is attached to the petition
10. As the County Government of Nandi were directed to collaborate with the Ministry of Lands to look into their resettlement alongside the Mwein Kechire squatters of Kimondi
11. The claimants alongside the squatters at Mwein and Kechire squatter camps had identified the intended area of settlement in the North Nandi Forest where we had hoped to resettle them
12. Whether degazetted or not there have been a change of legislation in the management of forests and the currently in-force is the Forest Conservation and Management Act of 2016 which set out the manner of degazettement and alienation of forest land for settlement.
13. Our request to the senate on behalf of the petitioners alongside other squatters namely;
 - Pemja land exchange,
 - Bonjoge exchange remaining squatters
 - Chepkumia exchange of Ngerek and Koibem villages
 - Chepkumia settlement scheme of Kiptuiya village
 - Tinderet forest evictees of the Ogieks and Ndorobos

Is as follows;

1. The survey of land out of the former residence within the forest for the purposes of degazettement under section 34 of the Forest Act 2016
2. The same be availed to the County for the purposes of resettlement
3. Budgetary allocation within the fiscal year to facilitate the process
4. In the alternative to the forgoing the provision and a fund to enable the buying of land for the resettling of squatters in line with the Presidential Directive on historical injustices

5. With the respect to the stalled exchange programs the degazettement of the areas already in occupation by our county resident to pave way to the titling of the land

Your

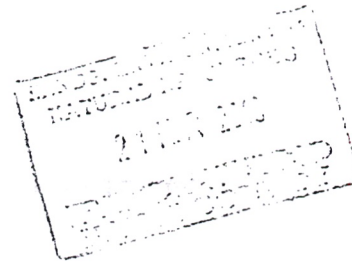


DR. BURETI PHILEMON

CEC LANDS ENVIRONMENT AND NATURAL RESOURCES

COUNTY GOVERNMENT OF NANDI

REPUBLIC OF KENYA



NATIONAL LAND COMMISSION
HISTORICAL LAND INJUSTICE COMMITTEE

In the matter of Article 67(2) (e) of the Constitution of Kenya
in the matter of section 15 of National Land Commission Act
In the matter of Historical Land Injustice Reference: No.
NLC/HLI/430/2018 and NLC/HLI/016 /2017

Former Kimondi Forest Squatters 1st Claimant
Kimondi Forest Squatters..... 2nd Claimant

And

Kenya Forest Service (KFS) Respondent
County Government of Nandi..... Interested Party

DETERMINATION

Hearing: 10th July, 2018 and 11th July 2018 (Nandi County).

Panel: Commissioner Dr. Samuel Tororei-Chairman
Commissioner Emma Njogu-Member
Commissioner Dr. Rose Musyoka-Member
Commissioner – Dr. Clement Lenashuru-Member

Appearances: George Tarus, Nandi County Attorney, Bwana Lolei
and Ernest Ambelsa for the Claimants
Evans Kogode for the Respondent

Background and the Claimants' Case

1. The 1st Claimant (Former Kimondi Forest Squatters) alleged to have been living in Kimondi forest since 1946 until 1987 when the government evicted them.
2. The 1st Claimant alleged to have been practicing the shamba system i.e cultivating in the forest whilst others were labourers in the forest.
3. The 1st Claimants lived in the Kimondi Villages near Kapsasur within Kimondi forest namely; Kakumba, Wafula, Asunya, Nandi Store camps.
4. In 1979, the Government evicted the Claimant group from the forest.
5. The 2nd Claimant (Kimondi Forest Squatters) alleged to have been victims of frequent landslides that occurred on their land. Similarly a section of their population were landless. They requested the government to consider setting aside land for their settlement.
6. In the year 1999, the government through the District Commissioner called for a public gathering to discuss the issue. The 2nd Claimant further allege to have been relocated to a place in Kimondi forest to settle for the meantime where they undertook agricultural activities/practices (shamba system) and kept livestock as directed by the District Forest Officer as a source of livelihood to the year 2002.

Office to the Claimant dated 15th May 2001 and enclosing the list of squatters submitted for resettlement.

14. Letter to the 1st Claimant from the District Commissioner, Nandi District, dated 18th March 2002 affirming the Government's will to resettle the Claimant.

16. Letter to the 1st Claimant from the District Commissioner's Office, Nandi District dated 9th November 2006, in response that no authorization had been issued in regards to resettlement of the Claimant.

17. Letter from Chief Kiptuiya location dated 13th July 2009 supporting the 1st Claimants claim to the resettlement.

18. Letter from the 1st Claimants to the Ministry of Lands forwarding their complaint and in response vide a letter dated 12th April 2012 the Ministry of Land advising the 1st Claimants to seek alternative land as forest land cannot be subject to allocation.

19. Letter from the Ministry of Lands, Adjudication and Settlement Department to the 1st Claimant dated 5th August 2011, explaining that no funds for the purchase of land under the Squatter Programme was available for their resettlement as per the 1st Claimants request.

Submissions:

By: Kimondi Forest Squatters (2nd Claimants)

20. South Nandi forest Legal notice No. 39 and 40 of 16th February 1968, Kenya gazette notices 75 & 76 of 1968 and Kenya gazette notice of 16th February, 2001 shows areas that were excised and surrendered to the Ministry of Lands for conversion into settlement.

21. A letter from District Commissioner's Office dated 17th March, 2006 to Kiptuiya Chesumei Squatters informing them that there is no available land for resettlement.

1. However, in the year 2001, the then District Commissioner excised land for the resettlement exchange program whereby squatters could replace the place of the 2nd Claimant. In the year 2001, the new District Commissioner excised all the forest squatters from Kimondi Forest resulting to the 2nd Claimants becoming squatters.

2. Thereafter, on or around the same year, the 2nd Claimants were resettled in a five (5) acre land (Kechito camp) and 1.2 acre land (Mweli camp) to which they went on to build temporary shelters. The Claimant's now requests to be considered for resettlement while resettling the Internally Displaced Persons (IDPs)

The Respondent

3. The Respondent in the case is the Kenya Forest Service.

Submissions:

By: Former Kimondi Forest Squatters (1st Claimants)

9. The 1st Claimants relied on the following list of documents and oral submissions hereto;

10. The 1st Claimant squatter admitted that the excision area from the forest was approximately 1541.7 Hectares.

11. Letter to the Provincial Commissioner dated 2nd October 1979 from the Claimant requesting for resettlement by the Government.

12. Letter from the District Commissioner dated 1st March 1982 to the 1st Claimant reaffirming that his request for resettlement had been forwarded to the Provincial Commissioner.

13. Letter to the 1st Claimants from the District Commissioner, Mandera District dated 1st March 1982 and a letter from the District Forest

29. A report by the mines and Geological Department on Mapping and Assessment of Geo-Hazard Mitchelel and Kelele area Bomet County dated May 2015.

30. Photos of the Landslide Kamell Tindereh- Nandi, showing the impact of the landslide and Photos of Mwein and Kechiro Camps.

31. Documents containing list of 2277 claimants as of 20th February, 2017.

32. Letter dated 19th January, 2016 by the Commission (Nandi County Land Management Board) to Kimondi Forest Squatters. The

33. Letter stated that the then CLMB held a Baraza on 8th December, 2015 at Kiptuiya Chiefs camp to address the matter.

34. Letter dated 23rd February, 2016 by the Kimondi Squatters to the Principal Secretary- Ministry of Devolution; showing the occurrence of the landslide in the years 1996 upto 1997.

By: Kenya Forest Service (Respondent)

35. The Respondent through their representative Evans Kegode stated that as per their records, there was a land exchange between the Forest department and the Claimants for other land that was an exchange for Bonjoge and part of Kimondi Forest.

36. The same was an excision started by the Government, however in the process the people who were supposed to be settled in the same area went back to the area that was to be turned into a Forest area specifically the Bonjoge Forest on the slopes of Nandi and Kisumu counties.

37. Further, he asserted that during the excision of the aforementioned area, there arose a lot of confusion that led to the Claimants spill over beyond the area excised. In addition, the Respondents stated that they were not certain as to whether the rightful beneficiaries from the excision are in occupation of the land.

22. A letter by The Landless People's Association dated 24th May, 2007 to the then Minister for Land and Settlement and submitted the list of 1774 landless people in Kimondi Forest Station.

23. Letter from the Department of Land Adjudication and Settlement dated 10th March, 2009 to the District Land Adjudication and Settlement Officer that the complainants had requested to be settled at L.R No. 25032 and 25033 and to liaise with the Surveyor and the Forest Officer and provide a ground report on the above issue to enable them to advise the Minister.

24. Letter by the Kenya National Commission on Human Rights dated 8th June, 2012 to the complainants where KNCHR advised them to seek advice from the Ministry of Special Programmes, lands and also seek the intervention of the area District Commissioner who has the mandate over administrative matters of that district

25. Letter by the District Commissioner Nandi Central Division dated 4th July, 2012 to Permanent Secretary, Ministry of State for Special Programmes; stating that there is need to settle the claimants who have been suffering for 13 years since there was an ongoing resettlement programme.

26. Letter from 2nd Claimant ((Mwein and Kechire villages) to County Coordinator Kenya Forest Service dated 4th October 2012 on forwarding the notices for the alteration of boundaries of South Nandi Forest and North Tinderet to assist in resettlement.

27. Letter dated 30th October, 2013 from the Department of Adjudication and Settlement to the District Land Adjudication and Settlement Officer. This letter stated that the officer should liaise with the County Land Officer and prepare a report status of the land the squatters are requesting to be settled in. IN addition the officer was to confirm the whereabouts of Kimondi squatters and their members.

28. Letter by the 2nd Claimants dated 29th April, 2014 to the Governor, Nandi on the plight of the unsettled Kimondi Squatters

by: County Government of Nandi (Interested Party)

38. The Interested Party through their County Attorney, George Tarus, further sought clarification on who were the beneficiaries of the settlement as the Respondent mentioned the Bonjoge area asserting that some intended beneficiaries did not include the Bonjoge area as at the time of exchange between the Claimant and Respondent.

Findings

39. The Commission after considering the above submissions by the parties herein confirms that there was a historical land injustice occasioned on the Claimants.

40. Further it is identified that the land excised from the forest was approximately 1541 hectares as confirmed by the Respondents herein.

Recommendation

41. The County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of both the 1st and 2nd Claimants.

Dated and delivered at Nairobi this 7th day of February 2019.

Signed:

Commissioner Dr. Samuel Tororei

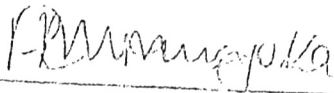


Chairman,

Historical Land Injustice Committee, National Land Commission

Signed:

Commissioner Dr. Rose Musyoka

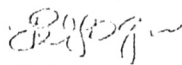


Member,

Historical Land Injustice Committee, National Land Commission

Signed:

Commissioner Emma Njogu



Member,

Historical Land Injustice Committee, National Land Commission

Signed:

Commissioner Dr. Clement Lenachuru



Member

Historical Land Injustice Committee, National Land Commission

REPUBLIC OF KENYA

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OFFICE OF THE CEC LENRCC
P.O. BOX 802-30300KAPSABET



COUNTY GOVERNMENT OF NANDI OFFICE OF THE COUNTY ATTORNEY

IN THE MATTER OF THE SENATE COMMITTEE ON LANDS ENVIRONMENT AND NATURAL
RESOURCES

AND

IN THE MATTER OF THE SENATE PETITION REGARDING THE RESETTLEMENT STATUS
OF FORMER KIMONDI FOREST EVICTEES

FINAL SUBMISSION BY THE COUNTY GOVERNMENT OF NANDI

1. THE Honourable Chair and members of the Parliamentary Committee, we hereby wish to tender our final submissions to the Senate Committee on the above captioned matter for your kind consideration;
2. The petition before the Senate Committee relates to the resettlement of the former Kimondi Squatters. The County Government of Nandi was not served with the said petition.

PROCEDURAL BACKGROUND TO THE CASE

3. The Petition has its basis on a previous petition by the instant petitioners to the National Land Commission under the auspices of their committee on Historical Land Injustices lead by the then Commissioner Dr. Tororei.
4. Hearings were held both in Nandi (Kapsabet Bible College) and in Nairobi (A.C.K Gardens off 1st Ngong Road).
5. As captured under paragraphs 39 and 40 of the National Land Commission's analysis and determination, the Kenya Forest Service (the respondent) in these proceedings, confirmed to the Commission that some land was available within

Nandi North Forest for the resettlement of the petitioners. (See the attached copy of the proceedings).

6. The County Government of Nandi was enjoined as an interested party in the proceedings which the petitioners herein, and the Kenya Forest Service actively participated in.
7. The petitioners herein are seeking the intervention of this Committee to assist and/or facilitate the implementation of the National Land Commission's recommendation to set aside the available land within the Nandi North Forest for the resettlement of the petitioners, and this is not an appeal or a fresh petition.
8. The decision of the National Land Commission can only be challenged at the High Court through a Judicial Review process, and in absence of the same, the decision (recommendation) remains undisturbed or unhindered, and should be implemented as is.
9. Pursuant to the hearings a decision of the commission was rendered via Gazette Notice dated the 1st of March 2019 (Copy attached for your perusal and consideration).
10. As canvassed in the petition before your Honors relating to the plight of the petitioners herein and the apparent averseness or reluctance on the part of the relevant institutions that were directed to resettle the petitioners, we hereby join issues with the petitioners over the said matters in the said petition, and entreat this Honorable Commission to assist with the implementation of the National Land Commission's recommendation to set aside the available land within the Nandi North Forest for the resettlement of the petitioners.
11. Hearings have been held, whereupon the following parties were heard by the Honorable Committee, the petitioners; the C. S. for Environment ; the chairperson National Land Commission; and the County Government of Nandi, led by the Governor Nandi County. Further, a site visit to Kapsasur was made and the Kenya Forest Service Office - Nandi held a participative forum where the local residents, the community leaders, Administrative officers of the County Government and other participants were able to ventilate their positions on the said pertinent issues.
12. The following is a discursive summary of the petition and some background facts on the matter;

FACTUAL BACKGROUND OF THE CASE

13. Former Kimondi squatters comprise of squatters who were initially residents at the kimondi Forest station and other forest stations within Nandi, that is, Kobujoi and Seng'alo Forest stations.

14. The issue began when the colonial government brought them in as workers engaged in the management of forest from the 1940s and well into post-independent Kenya.
15. That subsequently there was a change of policy by the government in the early 1980s when the Moi Administration took over. The change in policy saw the closure of forest villages across the country and Nandi was affected by this policy change including, the Kimondi Forest village, Kobujoi Forest village, Seng'alo Forest village, and all the forest villages in Tinderet Forest. Consequently, the petitioners were displaced resulting in the aforementioned plight of the petitioners before you.
16. The County Government of Nandi facilitated and supported the investigative hearings of the petitioner's cases before the National Lands Commission when they held their sittings in Nandi in May and July of 2018.
17. In their response to the claims made by the Mwein Kechire Group, the KFS officers informed the Commissioner that there was a parcel of land within the Nandi North Forest that had been degazetted and was available for the settlement of squatters.
18. The Commission was further informed that the petitioners were 1500 in number and the Mwein Kechire Group was about 4100 in number.
19. These hearings culminated in the decision of the Commission's gazette notice on the 1st of March 2019, which notice is attached to the petition.
20. Consequently, the County Government of Nandi was directed to collaborate with the Ministry of Lands to look into the resettlement of the petitioners alongside the Mwein Kechire squatters of Kimondi.
21. The claimants alongside the squatters at Mwein and Kechire squatter camps had identified the intended area of settlement to be North Nandi Forest where it was hoped that they would be resettled.
22. Currently, there is new legislation dubbed the Forest Conservation and Management Act, 2016, which sets out the procedure for setting apart forest land for purposes of degazettement and alienation of forest land.
23. With regard to the foregoing statements, our humble request to the Senate on behalf of the petitioners alongside other squatters namely;
 - (a) Pemja land exchange,
 - (b) Bonjoge exchange remaining squatters
 - (c) Chepkumia exchange of Ngerek and Koibem villages
 - (d) Chepkumia settlement scheme of Kiptuiya village
 - (e) Tinderet forest evictees of the Ogieks and Ndorobos

Is as follows;

- A. **THAT** survey be carried out on the earmarked piece of forest land to inform the process of degazettement as envisioned under Section 34 of the Forest Conservation and Management Act, 2016.
- B. **THAT** the said earmarked piece of surveyed forest land, once degazetted, be availed to the County Government of Nandi for the purposes of resettlement of the petitioners.
- C. **THAT** there be provision of budgetary allocation within the current fiscal year to facilitate the process of survey and delianation of forest land for purposes of resettlement of the petitioners.
- D. **THAT** with the respect to the stalled exchange programs, the degazettement of the areas already in occupation by the county residents to pave way to the titling of the land.

LEGAL BASIS AND OBLIGATION ON GOVERNMENT TO RESETTLE SQUATTERS

- 24. Land has been, and remains to be a politically sensitive and culturally complex issue for Kenya. Kenya's history with regard to the land question is characterized by indications of a breakdown in land administration, disparities in land ownership, tenure insecurity and conflict.
- 25. It was therefore against this backdrop that land reform was identified as an essential component of Kenya's National Dialogue and Reconciliation (KNDR) process and in particular, agenda item 4 on addressing long standing issues. Under Agenda 4, the following processes have been undertaken and proved essential towards resolving Kenya's historical land injustices:
 - i. The adoption of the National Land Policy as Sessional Paper No. 3 of 2009.
 - ii. The promulgation of the Constitution of Kenya in 2010; which has re-conceptualized our approach to land use and management on the basis of equity, efficiency, productivity and sustainability.
 - iii. The review and harmonization of Kenya's land statutory regime through the enactment of the Land Act (2012), Land Registration Act (2012), and the National Land Commission Act (2012). Legislation on Community Land is also contemplated within the Constitution but is yet to be enacted.
- 26. The establishment of the Truth, Justice and Reconciliation Commission (TJRC) which among other things investigated historical land injustices. It concluded with a report that contains a comprehensive chapter on Land and Conflict in Kenya.

- iv. The establishment of the National Land Commission (NLC); as the manager of public land, articulator of the National Land Policy and investigator of historical land injustices among other responsibilities.

What are the guiding principles for Kenya's land policy today?

27. The Constitution at Article 60 identifies the following as key principles informing Kenya's land policy:

- a. Equitable access to land; Security of land rights;
- b. Sustainable and productive management of land resources;
- c. Transparent and cost effective administration of land;
- d. Sound conservation and protection of ecologically sensitive areas;
- e. Elimination of gender discrimination in law, customs and practices related to land and property in land; and
- f. Encouragement of communities to settle land dispute through recognized local community initiatives consistent with this Constitution.

28. As a county we strongly associate with the constitutional sentiment on the right to property, that constitutional safeguards on property rights do not extend to any property that has been found to have been unlawfully acquired. [Article 40(6)] It is through the prism of these principles that we should develop redress options for historical land injustices in Kenya and in particular the county.

Brief Summary of Our Internal Assessment of HLI in the County

Historical Land Injustices in Kenya and the County and is divided into two phases: the colonial era and post-independence era.

a. Colonial Era

29. The inescapable fact is that the colonial administration used irregular and/or illegal methods to obtain land from local communities such as:

- a. the establishment of native reserves;
- b. forced evictions of the Nandi communities;
- c. land alienation by multinational corporations and;
- d. Coercive measures such as forced African labour, forced taxation and forced military service.

30. These colonial policies, laws and practices had both immediate and long-term effects on Nandi community, including permanent displacement. The colonial system created ethno-specific boundaries, which gave the impression that land rights within particular boundaries could only be enjoyed by certain communities, in certain areas. These ethnic ties to land continue to affect Kenya to date.

b. Post-independence era

31. In the post-independence era, officials of the newly-formed independent government in Kenya turned the foreign-funded settlement schemes into cartels for their own benefit, and bought land in the Rift Valley, among other parts of the white highlands.

32. Through this process, government officials swindled communities that were supposed to benefit from the settlement schemes, after being displaced by the British. This was further exacerbated by the policy of 'willing buyer, willing seller' which the government adopted in respect of land transfers. Coupled with a skewed empowerment of communities through formation of land buying companies, the policy saw large scale land acquisition in favor of communities identified as close to the centre of power.

33. Three main categories of land emerged

- a. Government (including local authority) land,
- b. Trust lands and
- c. Private land.

34. However, the laws on land were not respected, and this resulted in illegal and/or irregular allocation of land, such as the Chemelil, Kibos, Miwani and Mohoroni areas otherwise known as the sugar belt Forests, amongst numerous other instances. State officials such as the provincial administration continued historical injustices related to land including forceful evictions of individuals and communities, and land grabbing for personal gain.

**Land Issues at the Heart of Internal Displacement Occasioned by
Ethnic Related Violence**

35. Unresolved land disputes and escalating ethnic tensions would soon manifest themselves in the context of competition for political power. After three decades of uninterrupted dominance of the political scene, the Kenya African National Union (KANU) faced its first credible challenge in the multi-party general elections

of 1992; the first since the repeal of Section 2A of the then Constitution that declared Kenya a one-party state. The re-introduction of multi-party politics however coincided with mass violence and displacement as parties formed largely along ethnic lines revived age-old tensions and perceived injustices. KANU was accused of inciting and financing landless youth from the Kalenjin and Maasai communities, to force out those perceived to support the opposition from their homes and constituencies in the Rift Valley. It is estimated that about 300,000 people had fled their homes by 1993 and a further 1,500 lost their lives.

36. This trend continued into the 1997 general elections with further violence registered in the county especially in Lessos and the areas bordering Burnt Forest.

37. The aftermath of the highly contested 2007 general elections and its disputed Presidential results however, saw the escalation of such conflict to unprecedented levels, resulting in the displacement of 663,921 people countrywide and the County was no exception.

The Findings

38. In relation to land and conflict, we observe that there is a close link between land injustices and ethnic violence in at the border areas of Nandi County.
39. Land related injustices took many forms such as illegal takeover of individual and community land by public and private institutions; illegally hiving off public land and trust lands; preferring members of a specific ethnic group to benefit from settlement schemes, at the expense of others who were more deserving; forcefully settling a community outside its homeland; forceful eviction; and land grabbing by government officials.
40. Land injustices started during the colonization of the by the British government. All post-independence government regimes failed to honestly and adequately address these injustices.
41. The failure of colonial and post-independent governments to address landlessness has caused individuals and communities to turn to violence.
42. Some have taken advantage of existing land-related injustices, when addressing other social problems, such as political differences.

43. Land-related injustices have affected the whole county, but communities especially the **Talai Tanzania Returnees and the Ogiek** have suffered the longest and most severe injustices.
44. Land-related injustices in the county are one of the key reasons for under-development in the areas of the County especially **Tindiret**
45. The provincial administration has committed land-related injustices, including forced evictions, and should participate in efforts to redress land related problems.
46. The current Constitution and its institutions provide an opportunity to fully address land related injustices, but only if there is political will to do so.
47. The forgoing generally illuminates the importance of legal and institutional reforms within the land sector. The completion of legislative reform is essential and in particular, the enactment of legislation on historical land injustices needs to be undertaken as a matter of urgency in order to facilitate viable remedies for the same.
48. Institutionally, the National Land Commission (NLC) is the focal player in:
 1. Furthering investigations of alleged illegal or irregular acquisition of land;
 2. the survey, demarcation and registration of public land adjudication and
 3. registration of land in areas where this has not been done;
 4. development and maintenance of a computerized inventory of all land in conjunction with the Ministry of Lands
 5. and facilitating reparation for historical injustices

Implementation of Recommendations on Historical Land Injustices:

Where are we now?

49. It is our hope that appropriate remedies and recommendations of the Commission will be implemented on time and in full so as to benefit the claimants.

The Obligation of the National Land Commission on Historical Land Injustices

What does the legislative obligation entail?

50. The Constitutional Mandate for the NLC with regard to historical injustices is 2-pronged:

- i. Initiate Investigations, on its own initiative or on a complaint, into present or historical land injustices, and
- ii. Recommend appropriate redress.

51. This is further elaborated in **Section 15** of the National Land Commission Act, 2012 (NLC Act) which requires the *NLC to recommend, appropriate provisions on the following:*

52. An institutional framework:

- c. It should outline an institutional framework that clearly articulates the investigation process and the issuance of remedies which include land redistribution, restitution, and/or compensation.

53. Examples of such frameworks include:

54. Hungary: A Compensation Office was instituted to examine and assess the claims and recommend how much money should be paid. Land Allocation Committees were also established to allocate collective farms being sold in auctions through privatization to those who were compensated and wished to purchase the land.

55. South Africa: A Constitutional provision read together with the Restitution of Land Rights Act (RLRA) as enabling legislation saw the establishment of 2 bodies: (1) Restitution of Land Rights Commission (RLRC) - Primary body to process claims, develop negotiation positions and provide post-settlement support; and (2) the Land Claims Court- a Special Court to hear claims emanating from RLRC process and other aspects of the land reforms process.

Local mechanisms being involved in the decision making processes:

56. This is especially critical for the cases where communities demand either compensation or restitution. **The Endorois case** decision by the African Commission on Human and Peoples Rights (ACHPR) was instructive in this regard with the Kenyan government required to,

1. ".....Engage in dialogue with the Complainants for the effective implementation of these recommendations".

57. From the perspective of marginalized communities, this must entail embracing the model of free, prior and informed consent. This is not casual participation but effective participation that includes: Informing the process, deliberating on options, inputting into outcomes and above all, transparency and accountability in the operations of the institutional mechanisms involved.

Conditions, under which land can be restituted, redistributed or compensation assessed:

58. Balancing between the following considerations:

- ii. Strength of individual property rights against the state prior to the regime that conducted the expropriations;
- iii. Degree of injustice present in land expropriation;
- iv. Willingness of society to recognize a collective moral obligation;
- v. Internal constraints on new government; and
- vi. External constraints on new government.

Procedures for submission of claims:

59. How are the claims to be raised and canvassed? What's the standard of proof? The procedures must be in line with an ease of access for claimants and in light of the fact that the harm and claim for reparations are separated by generations; the ordinary standard of proof would in all likelihood be insurmountable.

Financing for implementation:

60. There is need to provide for the establishment of a clearly defined fund to cater for the outlined redress options as well as how that fund will be managed and resourced. South Africa for example, at end of a 10-year period (March 31, 2008) had spent 3.3. Billion rand (around US\$440 million) in delivering more than 606,000 hectares with more than 123,000 households (750,000 people) as beneficiaries.

Appeals mechanism for decisions:

61. Due to the contentious nature of claims in this process, it is essential to provide for an appeals process for decisions made in the first instance. In South Africa for example, the decisions made by the RLRC could be appealed before the Lands Claim Court.

Timelines:

62. The process for the investigation and adjudication of claims cannot be open-ended. In South Africa's case, the law provided for a 5-year window for lodging of claims and a completion timeline of 10 years to process these claims. The law can provide for instances that could justify a limited extension of the stipulated timelines.

CONCLUSION

63. Honourable members, upon review of the petition, the background facts on the matter, submissions and presentation by all interested parties who appeared before the committee it is our considered view as follows:-

- A. The petitioners alongside those of Kimondi (Mwein, Kechire Camps) as confirmed by the National Land Commission, have established a legitimate claim for resettlement. This is no idle claim as they have sought intervention for various administration and eventually now under the 2010 constitution under the constitutionally mandated body of the National Land Commission (N.L.C)
- B. That there is an apparent lack of alacrity by institutions and especially by Kenya Forest Service and the parent ministry of Environment and Natural Resources to offer redress to their plight. Closing instead to hide under overall cloak of need to conserve the forest covers.
- C. The ministry of Land that was enjoined in the final ruling has failed in its mandate to offer technical Advice on the matter and as the Hansard bears evidence have opted not to participate in these Senate proceedings.
- D. That no petition lies before any court challenging the validity of the National Land Commission ruling and thus only awaits implementation.
- E. The County's' position still remains - that there is Land, and that the Land is available for the resettlement of the squatters.

RECOMMENDATION

Honourable Chair and Members of the Committee our recommendation remains one as ably ventilated by H.E Stephen Sang Governor Nandi County.

- A. That the squatters must be resettled least the County Government will proceed with the process and let Kenya Forest and Ministry of Environment ventilate their opposition in court of other relevant fora.

B. That the recommendation of the National Land Commission have never been challenged in any legal fora and this committee should recommend its implementation as the constitution did not contemplate the senate being an appellate institution of the National Land Commission recommendations.

C. It is on view and position that the said recommendation be implemented as they are.

Yours,

A handwritten signature in blue ink, appearing to be 'Kibet Awai', enclosed within a circular scribble.

KIBET AWI
PRINCIPAL LEGAL OFFICER

OFFICE OF THE COUNTY ATTORNEY

ANNEX III: SUBMISSIONS BY THE PETITIONER

(Attached separately)

PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER

KIMONDI FOREST SQUATTERS

TO:

The Clerk of the Senate

Parliament Buildings,

P.O. BOX 41842-00100,

Nairobi, Kenya.

Email: csenate@parliament.go.ke

① Mr. Mogera (C.O. Lotes)

ps process

4/8/21

② Mr. Chanika

please process

24
04.08.21

04 AUG 2021
11:10

Kisumu Community
Titled

Keyline
Mau Kimondi
squatters

RE: PETITION TO PARLIAMENT ON RESETTLEMENT OF FORMER

KIMONDI FOREST SQUATTERS.

We, the undersigned

Citizens of the Republic of Kenya collectively comprising Former Kimondi forest squatters from Nandi County, Chesumei Constituency and Kiptuiya ward

We draw the attention of the Senate to the following:

1. That the Former Kimondi Forest Squatters had been living in kimondi forest since 1946 until 1987 when the government evicted them.
2. **That the Former Kimondi Forest squatters were victims:**
 - a) Of forceful importation by the government immediately after the Second World War to Kimondi Forest from various parts of the country and were used as labourers to work in clearing the natural forest to allow planting of exotic trees (forest)
 - b) That the former Kimondi forest squatters were imported on lorries Registration OHMS (On Her Majesty Service) each lorry could carry up to seven families partly from western part of Kenya and other communities came in and were also brought by the government after the Mau Mau were released from detention.

③ Mr. Abdurahman

Please process and
review. Note S.O. 228.
Let us discuss when ready.
D. Chanika
05/08/2021.

**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS.**

3. That for a long time, we the petitioners have sought to have the matter resolved by writing a letter to the former Provincial Commissioner dated 2nd October 1979
4. THAT we the petitioners are in possession of a letter from the District Commissioners office, Nandi District dated 18th March 2002 that affirmed the position that the Government will resettle the petitioners
5. THAT we the petitioners have launched a petition with the National Lands Commission, NLC, in the matter of Historical Land Injustice reference number NLC/HLI/430/2018
6. THAT it was submitted to the National Lands Commission that the government of Kenya has undertaken previous resettlement programs and, but the petitioners have only received empty promises
7. THAT it was also submitted to the National Lands Commission by the Kenya Forest Service that a parcel of land totaling to 1,541 hectares from the Kimondi forest that was gazetted in the Kenyan gazette NO 27, VOL. CXXI of 1st March 2019 on page 877, table NO 10 case NO.NCL/HLI/430/2018 to be degazetted excision and survey to be completed for the purpose of resettling the former Kimondi Forest squatters
8. THAT from the submission to the Historical Land Injustice committee of the National Lands Commission, the Commission made a finding that we the petitioners were victims of historical land injustice
9. THAT from this findings, the National Lands Commission recommended that the County Government, in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities should resettle us

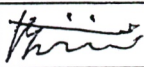
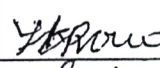
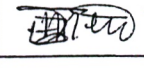
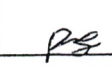
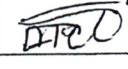
PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER KIMONDI FOREST SQUATTERS.

10. That the current Governor of Nandi County, during his annual address to the Nandi County Assembly on 27th February 2019 confirmed knowledge of the National Lands Commission findings and recommendation regarding our compensation
11. That we the Petitioners have sought redress from the above government institutions to have our concerns addressed but to date the recommendations have not been implemented
12. That the matters in this petition are not before any court of law

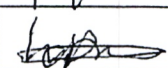
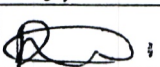
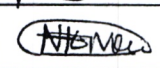
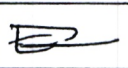
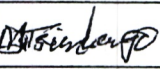
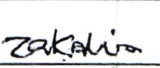
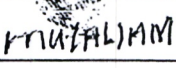
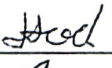
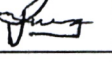
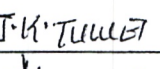
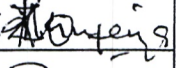
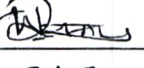
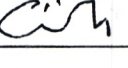
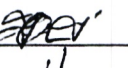
HEREFORE, your humble petitioners Pray the Senate—

- i. Make recommendation to Ministry of Lands to conduct an audit of the entire current claimant to establish the genuine original squatters that comprise the Former Kimondi Forest Squatters;
- ii. Investigate the causes of continued delay and sidelining of resettlement of the petitioners
- iii. Intervenes to have the petitioners resettlement process fast-tracked

Dated this 2nd of AUGUST 2021

	Names	ID/ Passport No	Box No	Phone No	Signature
1.	PETER LUNYENYE	1249480	317	0726945585	
2.	YOHANA K. RONO	457034	173KAP	0707055841	
3.	ERNEST AMISITSA	8713741	317	0714435486	
4.	EUNICE J. MELI	3444598	235	0729700763	
5.	PERIS WANJIKO	3446235	317	0726143620	
6.	PHILIP AYODI.S.	1251457	317	0711326976	

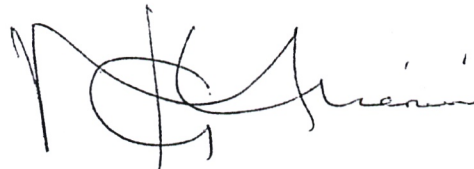
**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS.**

	Names	ID/ Passport No	Box No	Phone No	Signature
7	MILSA MULASHI	74475734	134	0720940976	
8	HARUN AMUKHONO	6773145	262	0727947064	
9	BARRY S. AYODI	3481622	317	0719697692	
10	NOAH KIPROP MEZI	5586524	145	0708074293	
11	EDWARD L. LUNYENYE	26205082	317	0742903205	
12	MOSES LASWA T	1249802	317	0711813218	
13	ZAKARIA I. ANDREA	3444652	317	0797755869	
14	EGGREY SHIRULLI	5603752	317	0719366864	
15	MUTALIANI SHUNZA	3449028	317	0708844385	
16	SAMSON A. MUSE	3285337	317	0705350949	
17	NANCY A. WISUHA	21705388	302 KAP	0759217388	
18	MARY S. KARAKACHA	7350101	65 SLETA	0728406811	
19	EDAH MANYENYA	1221212	317 KAP	0719366864	
20	HEZRON ADUVAGA	1251535	317 KAP	0710931059	
21	RITA O. SANG	1251543	317 KAP	0711325302	
22	JOSEPH K. TUWEI	12208699	173 KAP	0723112747	
23	ZAKARIA KAGALI	7445629	737	0703404376	
24	ROSE IMALI	1054569	606	0722115887	
25	ELIJAH A. JIMUEYI	9869392	606	0711979391	
26	JOSEPH KARANJA MOKO	1431888	600	0706863634	
27	VIOLET KHAVAGALI	12966477	65	0722810727	

**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF
FORMER KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASPORT NO	BOX NO	PHONE NO	SIGNATURE
28	DANIEL KIPKEMBOI	14508433	216 SARUM	0727131980	Dkandoi
29	BENJAMIN KIPKANG	13362119	317 KAP	0729 44 578	Ades
30	CATHERINE I. INDOHO	3448482	317 "	0729315847	
31	MATIGARET W. LITUMA	1223683	561 "	0727647597	
32	CRISPOL MUMANGI	8969902	317 "	0710 927 041	CS-
33	PALLI NDEYA KHASI	3270661	317 "	0710 972 354	Dumey
34	CATHERINE MIMBEKA	1220338	317 "	0726148473	
35	REUBEN SHIVASO SONYETI	3444232	317 "	0728 511 102	Shir
36	BARNABA K. LAGAT	3444200	173 KAP	0720748225	BKagat

Counter signed by Sen. George M. Khaniri Vihiga County.



Sen. George M. Khaniri

Senator for Vihiga County

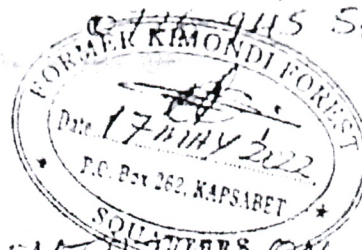
THE SENATE
CLERKS CHAMBERS
PARLIAMENT BUILDINGS
P.O. BOX 41842-00100
NAIROBI KENYA

FORMER KIMONDI FOREST EVICTEES
P.O. BOX 262

KAPSABET

17th MAY 2022

0711 945 585/0714 435486



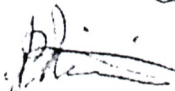
Dear Sir,

REF - DELAYED IMPLEMENTATION ON RESETTLEMENT
OF FORMER KIMONDI FOREST EVICTEES.

We hereby write thanking the senate committee on land environment and natural resources for the visit you paid to us at Kapsabet Mandi County on 17/march 2022 and gave us your ear to our submissions on the above said resettlement.

Sir, after you left we have sat three meetings at different levels and we have decided to inform you that we are eager waiting for the implementation as we are prepared on how to share the land to the 1,207 families, and would like you to understand by looking behind this letter so that you may understand our position of preparation on how to resettle the families.

We end here looking forward on your quick response since our suffering is increasing.

YOURS Chairman - Peter Lanyonye - 

1/2

EXECUTIVE MEETING

31/03/2022

TIME — 10:33 AM

VENUE — SECRETARIES HOME

PRAYER — Philip Ayodi

ATT — 7 IF 6 F



	ID	SIGN	
1 Peter Lunyenye	1249480		Present
2 Yohana K. Rono	0457034		
3 Ernest Ambetsa	8713741		
4 Eunice J. Meli	3444548		
5 Philip Ayodi	1251457		
6 Harun Amukhono	6773145		
7 Peter Shivaji			absent with apology.

WORD FROM CHAIRPERSON

The chairman asked the above members of the executive committee stated that, they need to see that they tackle and discuss the important area of our resettlement issue on a serious note, moreover to bare in mind that time is not on our side as we remain to wait a conclusive word from the senate committee on land environment and natural resources.

AGENDA- REPLACEMENT OF THE DECEASED PERSONS
 - SHARING OF LAND TO FAMILIES
 - HOW TO PRESENT GROUP RESOLUTIONS

P. T. O.

REPLACEMENT OF THE DECEASED PERSONS

Those who have not given in replacement names for their deceased families representatives to do soon failer to, one should blame no one in future of inconvenience to be met.

SHARING OF LAND TO FAMILIES

The National Lands Commission in its ruling did state that; "the Kenya Forest Service being the Respondent in the matter of Historical Land Injustice case NO NLG/HLI/430/2018, did set aside for Farmer Kimondi Forest Evictees Land totaling to 1,541 Hectors for resettlement that the above committee set on 31 March 2022 and reach an opinion that shall be confirmed during the general meeting to come as follows: Sharing to be as bellow-

1	Executive committee	$7 \times 7 =$	49
2	Office committee	$13 \times 5 =$	65
3	Active members	$529 \times 3\frac{1}{2} =$	1,851.5
4	Semi-Active members	$429 \times 2\frac{1}{2} =$	1,072.5
5	Dormant members	$229 \times 1\frac{1}{2} =$	343.5
6	Any Other complain	$1 \times 471 =$	471
1,541 HA	TOTAL	-	= 3,852.5 Acres

2/2
The category of land sharing is a result of each members ability of contributions as the group has been doing its resettlement followup activities that always carry un-avoidable costs.

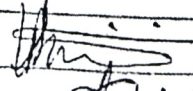
HOW TO PRESENT GROUP RESOLUTIONS

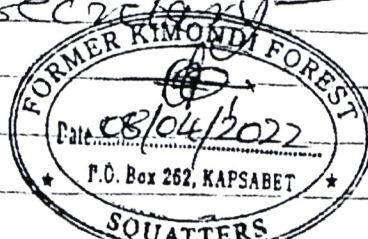
The group office shall make sure that the decisions reached by the group members are presented to the concerned offices and the senate committee on land environment and Natural Resource.

A . O . B

The committee did propose there to be an official committee meeting that is a gent on 01/04/2022 at 9.00am, venue to be Ernest Ambetsa house. at the secretary's home.

The other meeting, to follow to be general meeting to be held on 08/04/22 venue to be at the R A G Church Kapsabet. There being being no any other business the meeting ended with a word of prayer from Philip Ayodi at 03.46pm.

Chairperson — 
Secretary — 



01/04/2022

TIME — 11:35 AM
 VENUE — SECRETARY'S HOME
 PRAYER — PST JOHNSTONE AMUDAVI
 ATT —

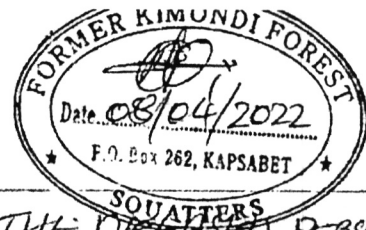
NAME	ID	SIGN
1 PETER LUND/ENDY	1249480	
2 YOHANA KUPETER RONCO	0457034	
3 ERNEST AMBETSA	8713741	
4 PHILIP AYODI	1251457	
5 MUTALLAMA SHUNZA	3449028	MUTALLAMA
6 EUNICE J. MELI	3444598	
7 MARGARET U. NJERI	3455394	
8 RITA O. SANG	1251543	
9 JOSEPH KIMAU	5586275	
10 ERNEST KEMBOI	1245928	
11 MUSA MUKASHI	7445734	
12 SAMSON A. MUSE	3285337	
13 MUSTAFA LUSISI	20960829	M. Lusisi
14 JOHNSTONE AMUDAVI	9667069	
15 CLEMENT JUMA	1245109	
16 PERIS WANJIKO	3446245	PS
17 HEZRON ADUVAGA	1251535	
18 PETER SHIVAJI		absent with a apology
19 TERESA M. MUTOLA	6218947	
20 HARUN AMUKHONGO	6773145	



WORD FROM CHAIRPERSON

The chair-person thanked the official members seated reminding them that, as he had earlier told them to be ready whenever called and prepared to work for our people - day and night. Members remember that, you as people, you have your personal duties but make sure the group activities are running smoothly.

13



AGENDA

REPLACEMENT OF THE DECEASED PERSONS
SHARING OF LAND TO THE FAMILIES
PRESENTING OF THE GROUP RESOLUTIONS

REPLACEMENT OF THE DECEASED PERSONS

The proposals in the executive committee were presented in the officials committee meeting that was held on 31/march at the secretary's home, for committee to discuss and give the way forward. The issue of the deceased person was discussed as Rita Sang drove the statement by saying that it was better for families who have lost their beloved ones and were members on our list to be allowed to bring other names of their choice for replacement. Peris wanjiko seconded and Hazron Muvuaga supported, later it was agreed to be an agenda that carried the day but to be agreed also in a member general meeting. On 10/04/2022.

SHARING OF THE 1.541 HA TO THE FAMILIES

The National Land commission did gazette a parcel of Land as above and gave directives and ordered the Kenya Forest Service including other departments that are concerned to resettle the Former Kimundi Forest evictees, thus we need to agree on how to share it, proposed Samson muse Ateng'a that, seizures should vary

3/3

Since members have not been raising the same in supporting the follow up activities. Peris wanjiko seconded saying, the parcel to sub-divided in different sizes so as to satisfy the way people have raised support funds. Mubakani shunza supported and it was agreed as below:-

An executive member = 7 acres

A committee member = 5 acres

An active member = $3\frac{1}{2}$ acres

A semi active member = $2\frac{1}{2}$ acres

A dormant member = $1\frac{1}{2}$ acres

Complain/Others 471 acres

TOTAL LAND $\rightarrow$ 3,852.5 acres (1541 HA)

PRESENTING OF GROUP RESOLUTIONS

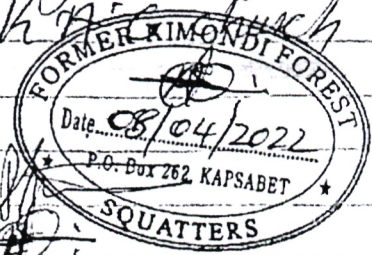
We agreed that, we shall carry our resolution, all what we have agreed on to the respective offices concerned.

A . O . B

There being no any other business the meeting ended at 01:28 pm with award of prayer from Hezion Adlunga and the next meeting to be general on 09/04/2022 venue to be at Kapsabet church (Kapsabet), at 09:00 am.

Chairman —

Secretary —

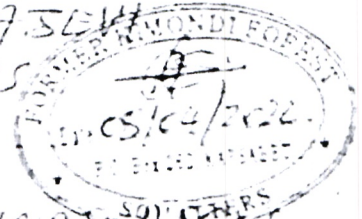


3/3

ERIMBA KIMONDI FOREST EVICTEES

MEMBERS GENERAL MEETING 9/04/2022

TIME — 09.30 AM
VENUE — K A G CHURCH KAPASUR
PRAYER — PST JOHNSTONE AISEN
ATT — 450 MEMBERS



SPEECH BY THE CHAIRPERSON

The chairperson to the above named group, after the ^{word} prayer had been given did thank members for keeping him informed that, we have a sensitive issue ahead of us.

The chairman thank God for having given the day asking members to discuss properly and give women how the group need to make the land shining bearing in mind that some of the members normally wait things to be done for them but easy in stating that we have done when they have not participated.

Today participating in speeches is a duty to everybody as we have no any other day, thus each to be very keen when giving his/her speech as we build a report to be forwarded as well is to be for our better future including our children. The forum is now open to everyone.

B

AGENDA

- REPLACEMENT OF THE DECEASED PERSONS
- SHARING OF LAND TO THE FAMILIES
- PRESENTING OF THE GROUP RESOLUTIONS
- A . . . O . . . B

REPLACEMENT OF THE DECEASED PERSONS

A proposal by Julius Ingoi Mwangi that the deceased persons, families to be allowed to propose and bring alternative names was seconded by Sabet Khavere who said her husband Charles Alumaide passed away and she felt it right next of kins to be allowed to enter their names on the list for replacement. It was supported by Miriam Nkhanda and lastly the meeting mandated the secretary under the supervision of the group committee to receive alternative names to replace the areas of the deceased persons.

SHARING OF LAND TO THE FAMILIES

The Former Kimoni Forest Enclave did discuss and reached on how to share the 1,541 hectares, Catherine Chevisiano did propose that, since the journey of searching the land has been so tiresome and has costed time and property (cash), we have those who started the journey and even others have died on the way, we all know that even those who are leading and those who are active doing so, are really carry a heavy task, I propose land sizes to vary, she said.

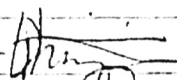
Leonard mudasia seconded the proposal while Doricah Litwach supported and the land sharing was agreed as below

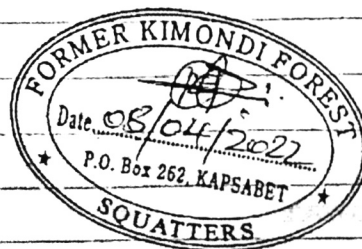
EXECUTIVE COMMITTEE	$7 \times 7 = 49$
COMMITTEE MEMBERS	$13 \times 5 = 65$
ACTIVE MEMBERS	$529 \times 3\frac{1}{2} = 1,851.5$
SEMI-ACTIVE MEMBERS	$429 \times 2\frac{1}{2} = 1,072.5$
DORMANT MEMBERS	$229 \times 1\frac{1}{2} = 343.5$
COMPLAINS TO ARISE/OTHERS	$1 \times 471 = 471$
1541 HA TOTAL	$\rightarrow 3,852.5 \text{ ACRES}$

GROUP RESOLUTIONS - To be presented to offices concerned.

A . O . B

- There being no any other business, the meeting ended at 02:28 pm with a word of prayer from pst. Johnstone Ajevi Amudani next meet untold.

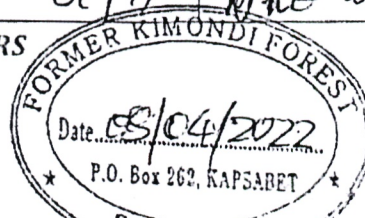
Chairman — 
Secretary — 



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	SIMON SONYOTI	13365400	317KAP	
2	EVERLYNE KHKAI	23630755	31711	
3	STEPHEN SENERWA	27214588	31711	
4	ELIZABETH KASANDI	32445460	31711	
5	DORCAS UTEMBU	0585721	31711	
6	MARION SHANYISA	21062458	31711	
7	MARIA IMBUTI	0456509	56111	
8	JERETINAH ANDREA LISUTSA	3447904	56111	
9	DORCA KHAVERE LITWACHI	5603231	56111	
10	BETHIRICE KIPKORIR	3999808	321KAP	BK
11	MARY LIABOKA MANGONGO	12463215	317KAP	
12	MARY ALUMBE	6985623	235KAP	
13	TRUPHENA MMBOGA SHIGUNGA	1220158	317KAP	
14	DENNIS LUKA LIBUONI	14613655	31711	
15	ESTHER KHALAKA AMUYA	1251648	31711	
16	EVANS MUMUHA	9625277	31711	
17	SALOME MUMBOKA	3444382	31711	
18	JESCAH KHANGUHA ISINDU	4184026	31711	
19	DANIEL MANGONGO SHALILAH	9621484	31711	
20	APOLO TUNGA	3284151	31711	
21	PAUL SHABOLWA AMBETHA	20574238	31711	
22	TRIZA CHERUBET	34387284	56111	
23	MARCY OBUKHERA	24378172	317KAP	
24	RITA KANYIRA IMBATU	1252420	317KA	
25	KIPTOLO SAUREI	3998100	561KAP	
26	MACLEAN MULTONJA	22432500	561KAP	
27	HELLEN K. SIOEI	1249437	317KAP	
28	SELWA A. KOLYO	26095424	317KAP	
29	PATRICK MUTSOTO	2682633	31711	
30	MILTON ALUMANDU	13369784	31711	

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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	LEONARD INDANGASI	25969604	317 KAP	[Signature]
2	BENSON ALUDA ADUKAGA	11852635	317 11	[Signature]
3	EVILYNE INZERA KUALANAH	13692220	317 11	[Signature]
4	JOSEPH ALULU	3251943	317 11	[Signature]
5	MOSES L. TSINDANGO	1249802	317 11	[Signature]
6	THNET ANYANGO	28654419	317 11	[Signature]
7	ESINUS INAMIBALI LISUTSA	1253682	317 11	[Signature]
8	BENSON SHIGISO	3363254	317 11	[Signature]
9	BENARD LUEGO LISUTSA	36724311	317 11	[Signature]
10	RITA IMBATU	1252420	317 11	[Signature]
11	MARGARET M. MAINA	9990969	317 KAP	[Signature]
12	NANCY KIVUKILWA IDACHI	114422416	317 11	[Signature]
13	ISAAC AMAE PIUS AMAE	3960736	317 11	[Signature]
14	SAMUEL VUKONO IRIANI	4289274	317 11	[Signature]
15	HESRON AVUGUWI ITONYI	13856538	561 11	[Signature]
16	JOEL KENDUYUO KOBIR	1322479	317 11	[Signature]
17	JAMES S. LUYAZI	5589300	317 11	[Signature]
18	RODA BITOK	35626808	317 11	[Signature]
19	PETER KUPROTICH CHOGI	26125618	317 11	[Signature]
20	ANNAH MBATHA MAKALI	7629413	317 11	[Signature]
21	ELIZABETH NDINDA	2481398	561 11	[Signature]
22	JOSEPH KIMUYU	29050384	317 11	[Signature]
23	FRANCIS MIDEKI ASIKI	3877832	15 TSEREM	[Signature]
24	WILLINGSTONE MUSOMI OKIOGA	11505957	37 KAP	[Signature]
25	JOHN ONDIEKI	2373484	37 KAP	[Signature]
26	ELISAH KABIUKI OKIOGA	5887712	37 KAP	[Signature]
27	PETER SHIVAJI	3145009	262 KAP	[Signature]
28	RACHEL KAVUTSA	1226561	317 11	[Signature]
29	SAMSON MALES	20821906	317 11	[Signature]
30	EMILY KIHAKUGU	22390155	317 11	[Signature]

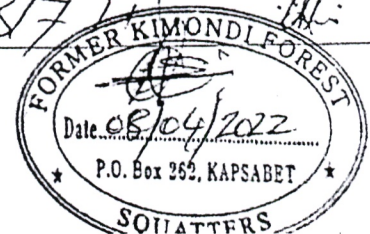
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	LICKLIFE LUYANDU ANDUKA	5080784	755REM	<i>Licklife</i>
2	BENJAMIN KIBET KOSGEI	5586260	565KAP	<i>Benjamin</i>
3	TERESA AMIRANI LUKEKA	10163824	349KAP	<i>Terry</i>
4	BERNICE A. KAHONGA	0447655	317 11	<i>Bernice</i>
5	EVANS KIDAKE OGORAH	13039966	317 11	<i>Evans</i>
6	ATRILIANO MATHEBA SHIBERENJE	3507436	317 11	<i>Atriliano</i>
7	DONALD ANGATHA MATUKWE	4881686	71 11	<i>Matukwe</i>
8	MERCY KAVITA AMBANI	24639878	1151 11	<i>M.K</i>
9	DOLIN AMBOGO	25300955	317 11	<i>Dolin</i>
10	OSCAR CHANASI SIMWA	20861668	317	<i>Oscar</i>
11	PETER MIGIRO NYASAMBA	5823468	317 11	<i>Peter</i>
12	JAMES NDIRANGU KAIRU	16341059	317 11	<i>James</i>
13	SERAH WANJIKO	26118355	317 11	<i>Serah</i>
14	JOHN KINYANJUI GITONGA	1250438	317 11	<i>John</i>
15	JOSEPH KIBOR ARAP SAWE	3271127	317 11	<i>Joseph</i>
16	WILLIAM KIBET KIMUIRE	22358024	317	<i>William</i>
17	BRAMUEL SHIVERENGE MUKALUSHI	24473976	317	<i>Bramuel</i>
18	JOASH LIJODI SORE	6867957	317	<i>Joash</i>
19	EMILY KHAMUDE	3272698	317 11	<i>Emily</i>
20	JOASHI IVAYO MAKULI	3449076	317 11	<i>Joashi</i>
21	ALUMANDI M. MUKALUSHI	13369784	317 11	<i>Alumandi</i>
22	PAUL KIPLAGAT CHOGI	22078669	317 11	<i>Paul</i>
23	FAIDAH MULLI	10444299	317 11	<i>Faidah</i>
24	TABIAS SHAKANNA MUSE	24251061	317 11	<i>Tabias</i>
25	SILAS CHEZUYOT	25201332	317 11	<i>Silas</i>
26	BENJAMIN MUMBI ADAGI	14632966	361 11	<i>Benjamin</i>
27	EZINAH MIJIDE AZANGO	1283719	317 11	<i>Ezinah</i>
28	RAHELI MUKHONJA ADUWA	1251737	317 11	<i>Raheli</i>
29	SIMON LITILMA MUKALUSHI	13367055	317 11	<i>Simon</i>
30	JOHN M. MAHELI	5581949	317 11	<i>John</i>

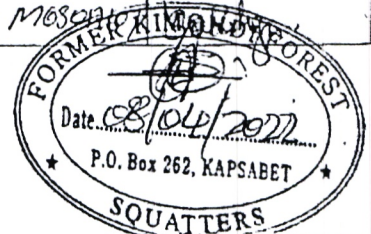
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	EVANCE KINYATA MUTANDA	20523132	561	
2	CLAIDI IZHAMATI MUTANDA	14660968	561	
3	BENARD ONGAYA MUTANDA	18695650	561	
4	ISAAC OGWUMBA MUTANDA	21879062	561	
5	PATRICK MUSUNGU MACHABIA	20995500	317	
6	FESTUS ROBERT OGOMBO	10165559	317	
7	JOSHUA ILAYONGA	30178008	561 "	
8	ISAAC SHIKUHALE MUHANZI	56229585	561 "	
9	FRANCIS K. MULAMA	0844178	561 "	
10	ELIJAH MATUI CHENGA	1250630	157 SUREM	
11	PHILIS NAVULIA MATUI	13017695	157 "	
12	VINCENT AVUMBA LUNYENYE	14628508	317 "	
13	WYCLIFFE AGESA KALEMERA	21596396	138 "	
14	CHRISTINE MMBONE	25908835	138 "	
15	EUNICE KADENYI ODANGA	13735480	138 "	
16	SYLVIA KULENTERE	27107794	138 "	
17	JACKSON ASAVA ADEMUKONO	5986343	138 "	
18	MARGARET WANJIRY	4811694	317 "	
19	EZINAFUA TUMUSI	5609249	317 "	
20	SAUM MBAYAGI KADAJI	12468641	317 "	
21	KEVIN MAHINDU KADAJI	29993512	317 "	
22	EBBYNETTE MMBONE KULULU	28075776	138 "	
23	SHAMIM SALOME	34956373	317 "	
24	ELIKANAH ISAGICHANZU	4858477	561 "	
25	PAULINA JEPKEMBOI MURULI	1248013	561 "	
26	ELIJA ASAVA JIMWEI	9869392	606 "	
27	VIOLET KAHUNGUKA OMIDO	13736964	606 "	
28	JACKSON SHITANDI	30349096	317 "	
29	LINET SAYO	24070429	317 "	
30	SARAH MAKUNGU	27213826	4 MESA	

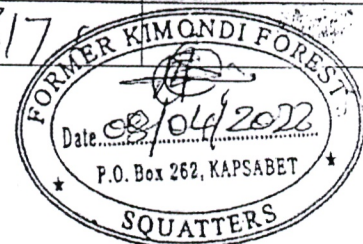
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1	FRAUEL MUESHI AGOI	21316635	317KAP	Bo
2	JANE MUKHONI	23096280	317KAP	Mukhoni
3	ELIZABETH AENDI	21188638	317KAP	Mendi
4	KEVIN NJUGUNA	37151459	317 11	K'Njuguna
5	EDITH SHINYISA LILIBU	4011681	317 11	E.Lu.
6	JANE KHAMATI ANEMBA	28047851	317 11	J.K'ANEMBA
7	FREDRICK KECODE LILIBU	22576358	317 11	KE
8	EDWIN MUKINGI LILIBU	29059938	317 11	Edw
9	PHILYSTERS MUMDIA LILIBU	24001806	317 11	P.H.Mudia
10	DAVID M. MUDAMBI	30421681	317 11	David
11	ALEX ENZOLI AMBANI	21337432	317 11	Alex
12	JOSEPH O. AMBANI	5586275	317 11	JO
13	BERTHA ONDUNGA MISAHIWE	20590872	317 11	MisaHiwe
14	ECLAY M. ONGAYA	13856577	561 11	Eclay
15	MWANAUDI ANYOMA JUMA	27000329	561 11	M.A. JUMA
16	ROSALIA LUMUHA MUTANDA	6663981	561 11	Rosa2ia
17	JACKLINE A. AMBOGO	26442625	561 11	Ambo
18	BETRICE INGANZI SHUKUVALE	7966710	409 11	INGANZI
19	SILSAN TSILYERI	36633003	561 11	Silsi
20	LUCY ATIENO ODUOL	34474157	561 11	ATI
21	VINCENT OCHIENG OTIENO	38060332	561 11	Otiieno
22	CARLYNE IMALI CHIMUYWE	20762493	561 11	CE
23	HELEN A. OTIENO	26194718	561 11	Hen
24	CYNTHIA LINEY ANYANGO	22695611	561 11	CAnyo
25	TOBIAS ONYANGO OGENDO	27872740	561 11	Tobias
26	JANE ALIVITSA ADARO	1109221	561 11	Jane
27	BAKARI JUMA ZUBERI	5788709	561 11	Bakari
28	SHAMSIA ANANGIWE	32941608	561 11	Shamsia
29	EDWARD LUHYAKHA LUNYENYE	26205082	317 11	Edw
30	MARGARET MATHONE	3444421	317	

FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	MARY VULGANI INJEHU	7900888	317 1/4	
2	BENYNAH MBONE SAGUA	16000064	561 11	
3	CATHERINE NAMWENYA INDOHO	3448482	317 11	
4	MULSH ALWENKA KALGA	8968328	317 11	
5	EDAH KHASINDU MANYENYA	1221212	317 11	
6	IRENE IDAMBO	25740848	561 11	
7	FREDRICK ABEL OMONDI	21449097	561 11	
8	EDWIN MUNG'ANI INDULA	21764630	561 11	
9	BEVERLY BRINDA MBONE	26625207	561 11	
10	JOHAN NJUGUNA MUKANGI	31574692	561 11	
11	EVERLINE NYOKARI MUKANGI	35467948	561 11	
12	ANNA WANJIKU KAMALI	21186192	317 11	
13	ROSE MADIRAN AMBAN	11790256	561 11	
14	BEATRICE INZIANI	21328086	561 11	
15	SAFINA MUMBO KAMANI	5592096	561 11	
16	BENTON LUBUGA		561 11	
17	MARGARET SAYO EREBU	6502508	561 11	
18	SELMA NDEIZO ONGOSI	9869134	317 11	
19	CATHERINE MBEGA	1220338	317 11	
20	ZAKARIA KAGALI MANYENYA	7445629	317 11	
21	SIMON MACHAYO KALGA	35173398	317 11	
22	LILIAN ISITI MUKALUSHI	20034858	317 11	
23	JOSEPH MUTUKU NZAINGA	21934239	317 11	
24	MARY ANGOLA RONO	36113472	317 11	
25	ERIMA KHAVAI SIMON	0695820	561 11	
26	PHILIP ERODE LUVUGA	14509193	317 11	
27	MELODY KHAVOZA	29005695	317 11	
28	NIGHT KHAVUGU SIMON	7900904	561 11	
29	JERETINA ANDREA LISUTSA	3447904	561 11	
30	JANET MINAYO	29654990	317 11	

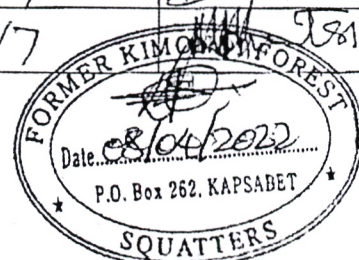
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	ROBERT SITHI SIRAKE	12939005	317 11	
2	ZIPORA WAMBORI NJUNGA	11779286	317 11	
3	GEORGE EVUSA NJUNGA	3306209	317 11	
4	JOSEPH MATAMA	3271679	317 11	
5	ELBY LICHINA	12738510	317 11	
6	MARGARET OSIDE EVANS	26609273	138 11	
7	ALICE EDMUNDA JUMBA	30059823	138 11	
8	MESHACK ODERA OMBIWA	13364459	138 11	
9	LENA MIBONE KAHUMU	4342656	317 11	
10	JOYCE MUKABIA KIBOR	3272725	317 11	
11	ESIMAS INCAMBALI AKAZIBA	6224424	317 11	
12	ROSIE KASHAMBI	33308813	317 11	
13	LUSALINAH SHANYISA ISALAND	3448038	317 11	
14	JANE KIHAGHA LUDAS	5590123	317 11	
15	ALEXANDER KARANJ	16458314	317 11	
16	ELLY LUVONGA BIANDE	1251491	317 11	
17	BENARD KILPANG	13362119	317 11	
18	JOSEPH KARORI MUKURA	10299102	317 11	
19	LILIAN WANDISA MASAVA	11167767	317 11	
20	PAUL NDEYA KHASI	3270661	317 11	
21	ISAAC KHAGULI	13691928	1181 11	
22	JENIFA VUGUTSA RUCY/VERA/RUCY	1221508	317 11	
23	MARGARET WETE LIJUMA	1223683	317 11	
24	SERAH DERANI ALUSA	13806074	1181 11	
25	RESHA WUNJIRE IKOBWA	1143780	317 11	
26	JULIUS EVUSA	1448295	317 11	
27	ZAKAYO I. SHIMNJALA	5602710	317 11	
28	ASITERA KALARAH	1221217	317	
29	DAVID SHIYONGA	21470190	317	
30	JOHN CLOUDS MUAITSI	02456726	317	

FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	FRANKLINE MAZIRI IMBADI	38179824	317/KIP	
2	KATHARINA CHEVURIONO	0695616	317 "	KZIC
3	DAGLAS LUYANJE	44331213	317 "	
4	DINAH MUKIRY	7361924	317 "	
5	WICKIE INDIRI SHAMUTSA	9602291	317 "	
6	JOASH KEROYANI MWALE	7907502	317 "	
7	KABINAYA BULEM MASHETI	1447422	317 "	
8	MARY ILUSA	36171881	317 "	
9	STEPHINE ANTOLE BULEMI	40734352	317 "	
10	CASTROL MUGWELY	31222207	317 "	CASTROL
11	MARY MIMBOME SUMA	11166784	317 "	MWJ
12	MARGARET SAISI ALEGWA	10885622	317 "	
13	METRINE AYI/121	28223218	317 "	MX
14	JANE NJOKI MUKIRIA	14573412	317 "	JN
15	SAMUEL SHILE LISSEHE	6140196	317 "	
16	JOSEPHAT ALEGWA NASIALI	6884425	317 "	
17	SAMUEL KIDANE AGEBA	22748418	317 "	
18	SOLOMON ISMAELE MISIKO	1253715	317 "	
19	LEONARD MUDABIA	5582766	317 "	
20	TIMOTHY SHANGALA SHUNZA	12738333	317 "	XXX
21	ETTRICK LUVANDWA	24611275	317 "	
22	EUNICE N. WANJUN	28220519	317 "	
23	PAUL MUTURA KAHANDU	1322807	317 "	
24	JOHNSTONE MANDARA KUMARA	21196396	317 "	
25	SABET KALEMERA	3271194	138 "	
26	HERBERT K. MUDANGI	3271083	138 "	
27	FLORENCE OINGATI	559344	317 "	FO
28	NOEL MAKUNGU ODALI	13691033	138 "	MLQ
29	JANE AVAKALWA MISA	12737258	317 "	
30	WANDIRU NJENGA	6864877	317	

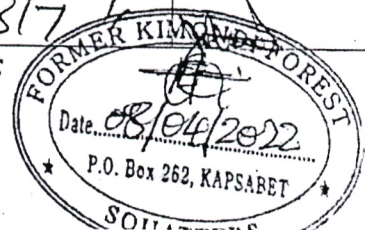
FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	EMMILY IMINZA KUNZA	22045736	317 KAPSABET	IMINZA
2	ROSA NGASIANI	3285086	317 /	
3	JULIUS INGOSI MUWANGU	11234151	317 /	Jugosi
4	SOLOMON IMBADI DEDAN	1220276	317 /	Solomon
5	JANE KUGUZA NGAIYWA	1221604	317 /	JANE
6	CAROYNE MUHADIA IMBATHI	22592694	317 /	Caroyne
7	AGNES MUWAZI IGADWA	7613648	317 /	Agnes
8	GLADYS KHAVOGOL	9621550	317 /	Gladys
9	REUBEN SHIRANYOLA IKATWA	5080952	317 /	Rebutua
10	MILSA KOLI	23417719	317 /	AA
11	DAVID INDAGANO MUYONGA	30663284	317 /	David
12	HUDSON ADANGA IGADWA	4184741	317 /	Hage
13	JOHNSTONE AJEVI AMUDAVI	9667069	317 /	Johnstone
14	BEATRICE SHANYISA WISUHA	10725923	317 /	BA
15	VIOLET VIKI ADARAM	21692402	317 /	Violet
16	ISAYA OTEGO ORONDO	6223272	317 /	Igori
17	MERCY MUKHONJA	36652194	317 /	mm
18	MABLE BUGUTSA MUSEKA	13367036	317 /	Mable
19	THOMAS INDIA DZILIKAKHA	204837	37 /	TH
20	OSCAR SHALWA SHIMBIHANI	27866019	317 /	OS
21	FLORENCE IPWITSUKHANI LIKOTI	13857813	317 /	F
22	JONIFA SANGALO	4164726	317 /	J
23	LUCY MUKHONJA SHIVO	23773207	317 /	Lucy
24	GLADYS MUELEZI SHIVO	7613386	317 /	
25	PAMELA MUKASIA	48621944	317 /	P
26	RIPHATH AMASA ADUVAGA	28871526	317 /	R
27	BETTY MUNYASA SABWA	1791775		Betty
28	LYDIA MALIMU AFANDI	22431747	317 /	Lydia
29	JASTONE MUYONGA DEDAN	5603745	317 /	Jastone
30	MARGARET USIDE NTERI	3455394	317 /	

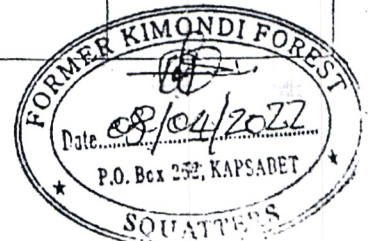
FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	NANCY OYIERA	26447724	22 N.HILLS	
2	EVALYNE AFANDI NJELI	23998258	22 N.HILLS	
3	MURHAM KIKHANDA	3285818	138 KOBUSOI	
4	ANNA DELAGAT TULCEI	3285377	138 KOBUSOI	
5	GLADYS AMULAI	4007869	138 KOBUSOI	
6	EVERLYNE CHEROTICH NG'ANY	20050747	138 KOBUSOI	
7	BRIAN KIPKEMBOI	32290646	138 KOBUSOI	
8	MALAKWEN ABAP TERGIN	3284698	138 KOBUSOI	
9	REBECCA MMIBOGA	3428275	216 serem	
10	JOHN SIMWA	24187070	216 serem	
11	JANE MALEZI	24689601	216 serem	
12	DANIEL KIPKEMBOI	14508433	216 serem	
13	JANE KITA OLOLI	6499601	216 serem	
14	LUNA MIBIRI PAUL BUSIEKA	1251274	181 serem	
15	SHELLINER MADETE LUVAAH	27431837	317 KAPSABET	
16	ENOS LUVAAH	5571049	317 KAPSABET	
17	MUTALINI SHUNZA	3449028	317 KAPSABET	
18	SILAS NAMUSEI LUVAAH	28627079	317 KAPSABET	
19	ERNEST MUKISHI LUYALI	4618619	317 KAPSABET	
20	JARED MUKISHI LUYALI	28597935	317 KAPSABET	
21	SIRIYA KIVOGO SHUNZA	1221224	317 "	
22	SARAH HALAHALA	3444256	317 "	
23	CALEB SHIMENGA ICUNZA	5339525	317 "	
24	JOHN KIBAKACHA MAIHI	4840988	317 "	
25	DANCAN MAKULI	26292795	317 "	
26	ERICK IKOLOMANI LUYALI	22390549	317 "	
27	PAUL LUYALI IMBUGUA	3467209	317 "	
28	JOSEPHAT ALUDA AMAKANGA	1250655	317 "	
29	SABET KHAVERE	0695538	317 "	
30				

FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	MARGARET ISIAHO	38190148	157SEREM	xxx
2	JOYCE KAVUGU MURUNDA	22636739	157SEREM	
3	DINA ALIMA SHIDALI	7901013	216 KAMIMEI	AM
4	LAWRENCE AMOGORA	26412186	253SEREM	Xug
5	ALEX AYODI IMBUTSA	27739720	253SEREM	X
6	CLARA CHEBIY	24098356	145 KOBUTOI	
7	ALFRED PATRICK OPIYO	6512246	216 KAMIMEI	
8	SAMUEL KIPKARIO INDASI	5572253	216SEREM	
9	EVERLYNE KATUNA	24075782	145 KOBUTOI	
10	ELIAS SHIKALA SHUMBA	5301337	1 KOBUTOI	
11	FLORENCE KAGONYA MIJARA	8372027	145 KOBUTOI	
12	JOHN MUTURIA MUCHERA	3276242	216SEREM	
13	FESTO AVUKU LUVEMBE	3277208	216SEREM	
14	SAMSON ASENA MUGUZU	4826812	135 KOBUTOI	
15	JOHN KIMUTAI ALUSIOLA	5583969	157SEREM	John Kimutai
16	JACOB SSUNGU ALUSIOLA	9600693	157SEREM	Sur
17	JAEELAS ENONDA	22718533	157SEREM	JAEELAS
18	SAMUEL KHAGAI WUSHA	6281384	63SEREM	Khagai
19	DAVID MUSITIKHO KARAKAJA	7893480	375 KAPSETIK	DW
20	GLADINE MMBEYE ATAVILA	20767403	189 SEREM	Gladine
21	TITUS KIMTAI	36313958	157SEREM	
22	MESHAKA MUDOLE	6772032	157SEREM	
23	ROBBI LIYAU MAKATA	1437082	157SEREM	ROBBI
24	CLAUDYS KEMBOI	8889742	135 KOBUTOI	G. Kemboi
25	JAMES ARICANDA MOBIASI	3277967	135 KOBUTOI	Ali
26	BRAMWELL MUDOH M.	22213596	145 KOBUTOI	
27	JOSEPHINE UGANDA K.	2375704	145 KOBUTOI	Josephine
28	SELWIS KALEHA M	3284508	145 KOBUTOI	Selwis
29	EVERLYNE JEROTICH NGETIY	20050747	133 KOBUTOI	Everlyne
30	BRIAN KIPKEMBOI RUP	26163047	138	

FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	MARGARET KABENYA	1251574	28 KAPS	
2	SIMON BUSOLO	5600510	321 Kapsale	
3	ESTHER MUGURE KIARIE	1250645	409 KAP	
4	REUBEN IDA	7448285	534 KAPSABE	
5	RODGERS JOSEPH KARANI	24217608	409 KAP	
6	JENIPHER MUSIMBI	92530083	1127	
7	Kennedy MORGAN AVIGU	20150247	1127	
8	MILDRED MUMBOMA	217668285	1127	
9	DAVID MUKHINDI	28917893	1127	
10	DORIS KAVESA	28267928	1127	
11	JOHN MURRAYETI	9871844	Box 473 KAPSABE	
12	VICTOR BUSOLO	24779785	11 11	
13	JOSPHINE IRAYAYA	20007046	11 11	
14	JOYCE KEMUNYA	8177941	11 11	
15	BETTRICE CHERNGETICH	11167997	11 11	
16	JAMES MAKORI MUGUSU	1616096	11 11	
17	BENJAMIN L. MUSINDI	0446937	11 11	
18	HELLEN CHERNGETICH	13107142	11 11	
19	DICKSON KHADEMBSI MWALE	9990025	409 Kapsale	
20	SIPORAH KALUHI	1248025	2009 KAP	
21	EVERLYNE KHATENTESIMENO	13344559	409 KAP	
22	BENJAMIN LUMWAMU KABANI	8968958	2200 KAP	
23	VINCENT VLINYORI LILUMA	20109043	409 KAP	
24	SAMUEL OBINO	0481422	409 11	
25	DAVID WANSILWA KHALEA	12469746	409 11	
26	JOSEPH KIRIBANJA MOKO	4931888	409 11	
27	LEAH KIWAMBOKA MABANGA	5801206	9200 KAP	
28	BENJAMIN MURAMBIAI BATABU	9665083	409 KAP	
29	NANCY ADUVUKHA WISILHA	21705388	409 KAP	
30	MARGARET ADAGI	6355861	409 11	

FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	SUMEN MUALE	9570697	409-3030	<i>[Signature]</i>
2	FLORENCE AMEYO	21218428	409-3036	
3	GRACE OBUCCA	1840539	409-3030	Grace Osei
4	BATHUMAYO S. MAYAVI	10884801	534 KAP	<i>[Signature]</i>
5	ALFRED AMUGGA ALUMALE	22185129	404 KAP	<i>[Signature]</i>
6	NCHU HUMUHA JUMA	16067216	1012 KAP	<i>[Signature]</i>
7	RITA O. SANG	1251543	2009 KAP	<i>[Signature]</i>
8	GLADYS NUNBOKE IJEJI	16003273	409 KAP	GLADYS
9	ABRAHAM LUVUGA BUSOLO	5584830	409 KAP	<i>[Signature]</i>
10	JABULU CHAVIA ONGADI	6236556	320 KAP	<i>[Signature]</i>
11	ESTHER INZALA MUHALA	1250604	409 KAP	
12	HOGREY MAZE MUCHERA	11791636	730 KAP	<i>[Signature]</i>
13	RICHARD O. KIRANGA	044625	235 KAP	<i>[Signature]</i>
14	MARY SHUMU KIRAKICHA	7350101	235 KAP	<i>[Signature]</i>
15	ISIRIC UTULUYA TSINDHIGO	3444755	409 KAP	Ligila
16	AZINHA MUHATIA	1244056	409 KAP	AZINHA
17	REBECCA KISO MUKASHI	1448299	409 KAP	<i>[Signature]</i>
18	VICTOR M. AMUKHOND	26813683	409 "	<i>[Signature]</i>
19	SILAS MUCHERA	25329285	409 "	<i>[Signature]</i>
20	MARY ARONYA	1220680	409 "	MARY
21	EVERLYNE SIVAIOR VINYAND	29352412	409 "	<i>[Signature]</i>
22	JOSEPHSON KIHUNDU MUKAMBI	3506133	409 "	JOSEPHSON
23	NIGEL ULISHA	7901949	409 "	<i>[Signature]</i>
24	JOSEPH KIPKEMBOI TUWEI	13208699	409 "	<i>[Signature]</i>
25	ELIZABETH KENDI	7445899	409 "	<i>[Signature]</i>
26	HENREY SHIKOLI SHIKHUYU	9158799	409 "	<i>[Signature]</i>
27	BRENDA KIHUGU MAMUYU	11836060	409 "	<i>[Signature]</i>
28	PETER AMBEHI LUMWAMU	1249559	28 "	<i>[Signature]</i>
29	JOSPHAT AMOSHE	21726267	28 "	KAPASHE
30	FLORENCE BUSOLO	7613209	409 "	

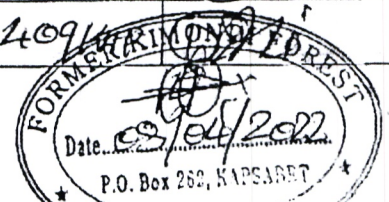
FORMER KIMONDI FOREST SQUATTERS



**PETITION TO PARLIAMENT ON THE RESETTLEMENT OF FORMER
KIMONDI FOREST SQUATTERS**

	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	MACLEAN MUKHONJA	22433500	28 KAP	<i>[Signature]</i>
2	EUNICE EVOCHO OBUGA	14508304	235 11	<i>[Signature]</i>
3	JESCAH GELIDZU LANOGWA	3065120	209 11	<i>[Signature]</i>
4	FEMINA KIVALI DISHON	1256318	28 11	<i>[Signature]</i>
5	JULIET ADISA	17866315	235 11	J.A
6	JAMES MUGAMBI	16364029	11 11	<i>[Signature]</i>
7	GODFREY MUSAVI	23913371	11 11	MUSAVI
8	SAMUEL AMUWISA	20089451	11 11	<i>[Signature]</i>
9	LOYCE NYINGASE NGAIHA	1250700	28 KAP	<i>[Signature]</i>
10	ELIUD LIME INYAMBURU	13364367	209 KAP	<i>[Signature]</i>
11	HELLEN KHAMUDE	5601029	28 11	<i>[Signature]</i>
12	LEAH MUMBONE MECHIA	3998541	209 KAP	<i>[Signature]</i>
13	VIOLET KHAUAGALI	12966477	209 11	<i>[Signature]</i>
14	SAIBUS AMUGURU MUSAHAH	9790311	28 11	J.A
15	HELLEN KATTECHO	24724538	473 1	<i>[Signature]</i>
16	HELLEN MAKUNGU	9869101	28 11	HM
17	JANET LIHAVI MUSI	13809453	256 KAP	<i>[Signature]</i>
18	EUNICE JEMELI MELI	3444598	235 Kapsibet	<i>[Signature]</i>
19	RIOBA JOHN MENGANYI	26174531	317 KAP	<i>[Signature]</i>
20	BEATRICE AHITI OPUKA	14608310	209 KAP	<i>[Signature]</i>
21	JOEL KUPLAGAT SANG	3273828	561 KAP	<i>[Signature]</i>
22	VIOLET MUKASIA	24965637	209 KAP	V.MKasia
23	SAMUEL KIRIHACHUR LAGAT	29584129	235 KAP	K.LAGAT
24	SONB WASHON ALUSULA	5175090	209 KAP	<i>[Signature]</i>
25	KENEDY MSHILWA	23214343	28 KAP	K.Mshilwa
26	WYCLIFF MUKANGARA	20960174	28 KAP	W.Mukangara
27	SIMON WAMBURU MUKANGA	23371412	221 KAP	S.W.Mukanga
28	FRIDA CHEPTANU	32676579	325 KAP	<i>[Signature]</i>
29	TABITHA CHERONO	35703840	235 KAP	<i>[Signature]</i>
30	DANIEL ORITO MATOLI	4183837	209 KAP	<i>[Signature]</i>

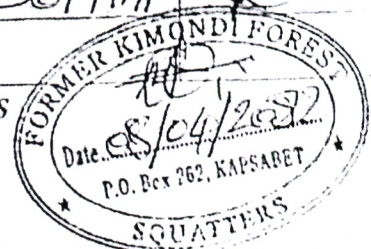
FORMER KIMONDI FOREST SQUATTERS



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	NAMES	ID/PASSPORT NO.	BOX NO.	SIGNATURE
1	HABUN MUKHENO	6773145	565 KAP	[Signature]
2	FRIDA ASIKO OPUKA	1220079	409 KAP	[Signature]
3	PHILIMON KUKUNA OPUKA	7055941	235 11	[Signature]
4	JIMMY A. KUBANGI	25501224	409 KAP	[Signature]
5	DOREEN LIABEA	20453927	409 11	[Signature]
6	YOHANA KIPKETER HONO	0457034	173 KAP	[Signature]
7	ERNEST KEMBOI	1245925	321 KAP	[Signature]
8	STEPHEN KIRHIRCHIR TILUET	1220226	173 KAP	[Signature]
9	KIPKETER KOTLET	1221673	173 KAP	[Signature]
10	JAMES MIBASU	3447793	2500 KAP	[Signature]
11	EDUARD AGANI ISAYH	3251907	14 KIDDERO KATO E. Agani	[Signature]
12	ESTHER CHEMATUA CHEBOOO	1220533	173 KAP	[Signature]
13	EUNICE ANDIA AVERIBE	13306408	2500 KAP	[Signature]
14	KIPROTICH ARAP LETING	3449685	173 KAP	[Signature]
15	EULITER CHEPKORIR SENGOK	31786541	71 KURBYET	[Signature]
16	SAMUEL CHERUYOT CHURCHIR	25637371	173 KAP	[Signature]
17	ISAAC KIPROTICH CHERUYOT	2764031	976 KAP	[Signature]
18	DAVID TSIMBAKI ABANI	22247029	14 KIDDERO KATO E. Abani	[Signature]
19	CESMAS KIRKIRCHIR KOECH	25240142	173 KAP	[Signature]
20	SARAH JEBO TIP	2552943	173 KAP	[Signature]
21	SOLOMON K. MUTIA	7444953	173 KAP	[Signature]
22	DISHON STEPHEN MUHAYO	9733036	56 MALUA	[Signature]
23	STANISLAUS MUTUA ILOVI	3445373	35 KUKARA	[Signature]
24	VIOLET ZENGU AGAGA	22349725	173 KAP	[Signature]
25	HABUN ANYIKA MUHALIA	5600553	409 KAP	[Signature]
26	EUNICE KADENYEKA	36168668	561 KAP	[Signature]
27	JOSEPHAT MUGANGURA ODERA	24834418	317 KAP	[Signature]
28	WARREN AMBETSA	36168609	561 KAP	[Signature]
29	VELYMAH KUENDERE	39356250	561 KAP	[Signature]
30				

FORMER KIMONDI FOREST SQUATTERS



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FORMER KIMONDI FOREST SQUATTERS, HISTORY

INTRODUCTION

The former Kimondi forest squatters is a community that once lived in the Kimondi forest as from 1946 till it was evicted by the government in the year 1987.

The above said squatters were carried from their native reserves by the white forest managers during the colonial leadership time.

Colonial rulers did issue orders directing the local African chiefs to assemble for them healthy strong men who were carried on "OHMS" Lorries to Kimondi forest to work for them and at the same time settle them there, most of them were carried from the large Kakamega region including the natives from within the locality of Nandi.

SETTLING OF THE FAMILIES IN THE FOREST.

OHMS Was the registration numbers of the Lorries that were used on transporting the former Kimondi Forest squatters to Kimondi forest, and the four numbers had a meaning of "ON HER MAJESTY THE QUEEN) One lorry could carry up to seven families.

These families were settled in the Kimondi by the white forest managers whereby the families were allowed to build, cultivate, keep domestic animals furthermore, when they die they were allowed to bury them there, for sure, they were assured of total stay and not to remember of where they were transported from.

THINGS THEY WERE NOT ALLOWED TO

These families were not allowed to visit back where they came from, and whoever visited them should get a pass, state that he/she is visiting and for how long, when leaving to leave with no any of the families, the rules were quite tough.

CAMP SYSTEM

In 1952, the families were moved from squatting areas to labour lines, (camps) camp one, was ururu near kapsabet town, the current wild life offices place. Camp two was kamurguiywa forest village, that for now has people settled there and camp three was Kimondi village, near Kimondi forest station.

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Every camp had a cemetery allocated; these families were provided with means twice every week to Kapsabet town for shopping that is every Tuesdays and Saturdays since there were no shops and markets within the camps.

During the month of December every year, these people were entertained by the white forest managers, as they supplied the families with sugar, salt, cooking fats, rice, maize flour Christmas choruses and may others.

In the same year 1952, the Kimondi primary school was constructed and was opened as a school in nineteen fifty three (1953). The first headmasters of Kimondi primary school was MR. Isaac Mbwaya. The school was centered at Kimondi camp, and people from other camps had to send their children to Kimondi camp where the school was located. Taking children to school was compulsory. The school went up to standard four in 1956 and took their first (C.E.E), Common entrance examination.

In the year 1957, all camps were matched into one camp at Kapsasur under the name Kimondi village. Kapsasur meant, wild bananas, this is where each family was allowed to build around grass thatched house each, all in line.

In 1960 the Kimondi primary school was moved from the first place to the current ground near Kapsasur shopping centre, where stores or granaries were now moved and build near each ones. House within the Kimondi camp to pave way for the construction of the school shops, hotel, butchery, posho mill, water tank and market place.

The reason of moving all the camps to one place was for the easy control of emergency, promoting the order of visiting in neither outside the camp more tight, as there were two gates, one main and the other one to the shamba system, guarded twenty four hours by the forest guards.

In 1961 when teachers went on strike, the kikuyu families from detentions were brought and distributed into forest villages, and since there were no shelters for them the colonial forest authority ordered for their camping in the classrooms of Kimondi primary school, and some in the Salvation Army church building that was grass thatched.

The salvation army church management that had its office at Kisumu, under the church leader Mr. Holland's did complain to the forest authority of why their church building was used to shelter the released detainees.

Eventually the occupants were moved to join others in the camp, and by orders, each family had to accommodate other two families in that one round grass thatched house waiting to build theirs.

The school resumed after the teachers strike, skilled man power was imported e.g. Masons, carpenters, drivers, clerical officers, teachers, forest guards etc. since these people were all illiterates, that's how the mixture of tribes came in all these activities fall under the agreement.

1c

between the forest department and employees. The working peoples stayed in Kimondi villages near Kapsasur, and the retired ones were moved to other camps within the Kimondi forest namely

Kakumba camp

Wafula camp

Asunya camp

Nandi store camp,

Kimondi camp being their mother or main camp for the working people.

During their livelihood here, they had their disciplinary machine to discipline the wrongdoers to keep their welfare.

They had their own tribunal court to prosecute the wrong dowers. They could sentence them either to fines or prison. The prison was in the middle of the forest, and one time one of the inmates escaped from the lawful prison of the forest called "Mugong prison" the prison's inmate who escaped was called Mr. Timona Andahse he was rearrested and taken to Kapenguriapriosn where he completed his sentence.

In 1974 two more villages were introduced one to the south Nandi called Kobujoi the other one to the North Nandi called Septonok forest villages, Kimondi villages as the mother village since some of the families were moved to these new villages, Kimondi forest station being the counting station of all.

EVICTIION

In 1979 things started changing, the government exhibiting all persons aged eighteen and above and not employed by the Kenya Forest, service to quite from the forest villages. We did come up with a mind of writing to the government requesting it to consider and resettle us by writing to the provincial commissioner, Rift Valley at Nakuru on 2nd of Oct. 1979.

The order from the government was that everybody should vacate the forest, we were evicted by the government, our houses, were demolished, we lost our domestic animals. e.g. cattle, sheep and donkeys. We remained in cold and by road sides and even outside markets of Kapsasur, Kobujoi and Septonok for quiet a number of days, before we could make minds to get rental premises and good Samaritans who volunteered for our sheltering.

We hereby inform our honorable chair of the commission that, due to the foresaid above, we were forced out of the Kimondi forest land lastly in 1987. Most of us are residing at Kobujoi, Kapsasur, Septonok and Kamobo trading centres. In rental premises. Tea plucking in tea plantations has remained our main way of winning our daily bread and rental payments.

1d

We continued our communications to and from the government as follows.

	<u>MARKED</u>
• To the provincial commissioner, R.V. province with dated 2 nd Oct 1979	2
• From the District commissioner Nandi 1 st march 1982	3
From the provincial commissioner R.V province 11 June 1985	5
From the district commissioner Nandi dated 4 th March 2000	6
From the district forest service Nandi 15 th May 2001	7
From the district commissioner Nandi District 18 th 2002	8
From the district commissioner Nandi north 9 th Nov 2006	9
From the area chief Kiptuiya location dated 13 th July 2009	10
To the ministry of lands through the 17 th Dec 2009	11 A/B
-District Commissioner Nandi	
-District Land Registrar Nandi	
From the ministry of state & special programs 17 th March 2011	14
From the PCRC letter dated 12 th APRIL 2011	15
TO the ministry of state special programme 22 Feb 2011	4um
To permanent secretary ministry of land NRB	
To PCRC committee NRBI	
- lands office in Nairobi through PCRC to the district land registrar Nandi letter dated 16 June 2011	
- Copies to senior deputy secretary Nairobi	
- District commissioner Nandi	
- Kimondi squatters (currently, farmer Kimondi forest squatters) from ministry of lands dated 5 august 2011	
• permanent secretary ministry of lands	
• director of administration, Nairobi	
• district commissioner, nandi central	

le

- zonal forest manager, nandi north

The district land registrar, Nandi did act as per the letter wrote to her office, and held a meeting with the group officials in the District Commissioners Board room on 10th August 2011 at 2:30 p.m to arrange for a méeting to meet all Kimondi Forest squatters on 19th August 2011 at Kimondi primary school grounds, under the chairmanship of the District Commissioner Nandi Central at 9.00am.

- 16 an invitation letter was wrote by the district land Reg, Nandi to meet all the kimondi forest squatters

The Guests invited were:

- The district officer, Kapsabet Division
- Lands & settlement department officer Nandi
- Forester kimondi, kimondi forest station.
- The area chief, kiptuiya location.
- a copy of the report by the District land registrar, Nandi after the meeting held on 19th August with the squatters under the chairmanship of the District Commission, Nandi central was made to us, while the report taken to the ministry of lands, in Nairobi

- we happened to visit our zonal forest manager, the post for now is identified as (CCF) Nandi North whom we discussed with her our issue of the resettlement, and is where we came up with the changed title from " kimondi forest squatters" TO "**FORMER KIMONDI FOREST SQUATTERS**" in our first title to the forest manager it meant that she was still keeping the evicted families in the forest, thus to brash off the understanding with her we agreed with her that we use the term " FORMER". Which gives the full understanding that, there are no people living in the forest.

we further wrote a letter to the ministry lands

See letter dated 9 may 2012

-followed by parcels of lands copy that we had identified according to the letter dated 12 April 2011/others and presented the copy of the identified parcels to the ministry of lands in Nairobi on 6 Aug 2012 in order to be

purchased for the resettlement of the former kimondi evicted forest families, but nothing took place to date.

17

Further communication were:

MARKED

- PCRC letter from ministry of lands to us 11 may 2012 32
- PCRC letter from ministry of land to us 18 june 2012 33
- PCRC letter from ministry of lands to us 2nd oct 2012 36
- our letter to the county secretary NLC, Nandi 28august 2014 14
- our letter to the NLC chairman NRBI 30 JULY 2013 40
- comment by commissioner Mercy Njamwea 17 sept 2013 4um
- letter to us from the NLC chairman dated 16 oct 2013 41
- on 26 sept 2014 we attended the national land commission task force at Eldoret in the while castle hotel, where we presented our copy of memorandam after addressing our issue of rese3ttlemnt, and were to be patient six months to issued with a final report to date in vain.
- Sir we did not rest on 19 march 2018, we wrote a letter to national land commission and another to the cabinet secretary in the ministry of lands in Nairobi where we have not got any respond as per now

Sir as we end, we would like to bring the following to your notice:-

1. Our grandparents and parents suffered forced immigrations that affected their lives (as in point two below) and ours negatively, through that their integrity was lowered which is another suffering and our cultures were disturbed.
2. Land demarcation in the places our parents came from, was done in our absence, thus locking us out of parental inheritance.
3. After being settled in kimondi forest, the white forest managers then assured us, "kimondi forest land as our total home, as we lived did everything we could do, buried most of our parents there, sad enough, we were evicted and were not given alternative land for re-settlement
4. We therefore ask the government to resettle us in the Kimondi land where we have buried our parents finally compensate us.

2

(2)

Mheshimiwa
Bwana Provincial Commissioner,
Rift Valley Province,
P.O. Box 28,
NAKURU.

2nd October, 1970

Thro: The District Commissioner,
NANDI.

SHIDA YA FOREST WORKERS
NANDI FOREST STATIONS.

Mheshimiwa Bwana Provincial Commissioner, tukiwa na shukurani na serikali yetu tukuru kwa vile inatufanyia mengi twaomba kama ifuatayo.

- 1) Tukiwa wafanyi kazi wa Idara ya Misitu twaomba kama inawerekana, Serikali itupatie makao kwa vile sisi tumeishi kama wazaliwa katika forest hii. Watu kama mia Mne (400).
- 2) Bahu zetu walikuwa wafanyi kazi hapa na matumaini ya kuishi hapa katika kijiji ya wali wanao mataa kama ilifyo hapa maridhio na serikali ya akirohani napa mbeleni.
- 3) Kwa wakati huu hakuna ruhusa kwa mtu kuishi kwa kijiji ya msitu baada ya kusitahafu, enatakiwa atafute pahali pa kuenda kuishi.
- 4) Vile vile tulikuwa tunaishi na familia zetu na kupatiwa mashamba ya kulima ili kuendelea maisha yao, na kwa wakati huu wizi wazi kwamba hatuendelei na mashamba hayo, na kwa hivyo unaonelea ya kwamba Serikali ikituaidia na makao, familia yetu atahamia huko ili wawe wakifanya maendeleo kama wananchi wengine na sisi tunao bakia tuwa tukendelea na kazi bila waziwazi ya maisha baadaye.

Lengo letu lilikuwa ni kamba makao ili utufikirie na utujulishe matokeo yake kwa vile tuna taabu kubwa juu ya mashamba. Asante sana ni hayo tu Mheshimiwa Bwana P.C. Mungu akalinde kazi yako ya kuongoza wananchi.


(ROBERT GITAU)
MWENYE KITI KWA NIABA
YA WAFANYI KAZI WA MSITU/NANDI

3

Telegrams: "Disintra", Kapsabet
Telephone: Kapsabet 3
when replying please quote

Ref No. FOR.13/5/VOL.I/14
and date

PROVINCIAL COMMISSIONER
NANDI DISTRICT
P.O. BOX 28 KAPS.

1st March, 1982

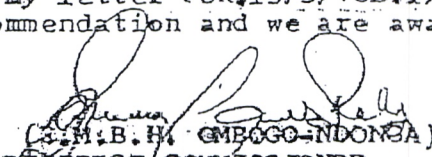
Mr. R.G. Ngeru,
On Behalf of Forest Workers,
P.O. Box 28,
KAPSABET:

PROBLEMS FACING WORKERS IN ANDI FOREST STATION

Reference is made to your letter to me dated 25th Feb
1982.

Your request was forwarded to the Provincial Commission
Rift Valley Province (Ref. to my letter FOR.13/5/VOL.I/7 dt
6th August, 1980) with my recommendation and we are awaiting
the outcome.

for:


M.B.H. OMBOGO-INDONGA
DISTRICT COMMISSIONER
NANDI

EMBHO/RJY:

4

(24)

(5)

Telegrams: PROVINCE, Nakuru
Telephone: Nakuru 2411 and 41317
When replying please quote

Ref No. LB.27/2TY/208
and date



OFFICE OF THE
PROVINCIAL COMMISSIONER OF
PRIVATE BAG
NAKURU, PS

11th June, 1985 4

Mr. R. G. Ngũgĩ
Nandi Forest Station
P.O. Box 28
KAPSABET

PROBLEMS FACING WORKERS/SCOUTERS AT NANDI FOREST STATION

Your letter No. 1/1/85 of 1/3/85 of 2nd May, 1985 refers.
You will be taken care any other landless people in the colonies
and the Government will strive to settle them depending on
availability of land.

(BOB S. M. MUNTARO)
for: PROVINCIAL COMMISSIONER
RIFT VALLEY PROVINCE

5

LAB-27/4/TY/(162)
and date



THE DISTRICT COMMISSIONER
NANDI DISTRICT
P.O. Box 30
KAPSABET
4th March, 2000

Mr. Paul K. Iraya,
Secretary,
Kimondi Forest Squatters,
P.O. Box 28,
KAPSABET

KIMONDI FOREST SQUATTERS LIST

This is to acknowledge receipt of the list of squatters submitted to this office. You can be rest assured that all necessary attention will be given to it.

(P.O. OSARE)
DISTRICT COMMISSIONER,
NANDI

6
District Forest Office
P.O. Box 235,
NARSABET.

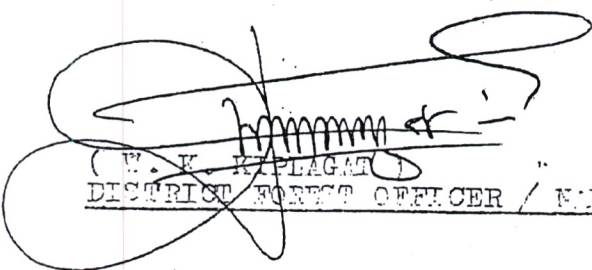
Ref;No.

15th May, 2001.

Mr. Robert Gitau Ngeru,
c/o GIKARA HATYI,
Kimondi Forest Station,
P.O. Box 28,
NARSABET.

RE: UNSETTLED MANDI FOREST SQUATTERS LIST AND CORRESPONDANCE

This is to acknowledge save receipt of the above list of squatters
and subsequent correspondences for purposes of future references.


(W. K. KIPLAGAT)
DISTRICT FOREST OFFICER / MANDI

7

OFFICE OF THE PRESIDENT

Reference: Kapsabet (0326) 2003 and 2040
When replying please quote

Ref. No. LAB. 27/4/Vol. I/(20)
and date



THE DISTRICT COMMISSIONER
NANDI DISTRICT
P.O. Box 30
KAPSABET

18th March, 20 02

The Chairman,
Kimondi Squatters,
P.O. Box 28,
KAPSABET

RE: KIMONDI FOREST SQUATTERS LIST

Your attention is drawn to this office letter
Ref: No. LAB. 27/4/TY/162 of 4th March, 2000 addressed to
your Secretary on the above subject.

I wish to confirm to you that your request is
receiving attention. You will be informed of the outcome
once the consultations on how to solve your issue will be
over.

(T. L. NGOYONI)
DISTRICT COMMISSIONER,
NANDI

REPUBLIC OF KENYA



OFFICE OF THE PRESIDENT

17 48
KIMONDI FOREST STATION
P.O. Box 28 KAPSABET
DATE: 20.11.2006

Telephone: 053 52621
When replying, please quote

Ref No: LND-16/25/45

District Commissioner's Office,
Nandi North District,
P.O. Box 30,
KAPSABET.

9th November, 2006

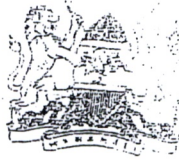
Kimondi Forest Squatters,
P.O. Box 28,
KAPSABET

RE: REQUEST FOR RESETTLEMENT

Your letter dated 7th November, 2006 on the above subject refers.

Although your problem is genuine, I am sorry to inform you that we have not been authorised to allocate land at the moment, your request will however be considered alongside others if an opportunity arises.


(H. C. KOMEN)
FOR: DISTRICT COMMISSIONER,
NANDI NORTH DISTRICT



OFFICE OF THE PRESIDENT
PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY
NANDI NORTH DISTRICT

Telegrams: "DISTRICTER".....
Telephone:.....
When replying please quote.

Ref. No.
and date

OFFICE OF THE CHIEF
KIPISUYA LOCATION

P.O. BOX 30,

KADISABET.

13-07-2009

TO WHOM IT MAY CONCERN.

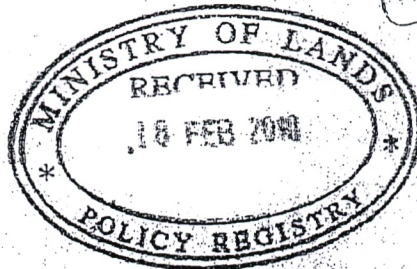
RE: KIMONDI FOREST SQUATERS.

The above named group are residents of my area of Jurisdiction. They are working at Kimondi forest as for now they believe during their working period where staying in the Government Premises of this people are staying in rental houses. By those days the registered as a group of Kimondi Forest squatters and they are seeking land from the Government.

Any assistance accorded to them will be highly appreciated.

CHIEF
KIPISUYA LOCATION.

ILAH K. BANAI.



10a
(117)
KIMONDI FOREST SQUATERS
P.O BOX 28
KAPSABET
TEL: 0714435486
DATE: 17TH DECEMBER 2009

THE MINISTER FOR LANDS
P.O BOX 30450
NAIROBI

THRO'
THE DISTRICT COMMISSIONER
NANDI CENTRAL
P.O BOX 30
KAPSABET

THRO'
THE LANDS REGISTRAR
P.O BOX
KAPSABET

For Wadell
18.12.09
DISTRICT LAND REGISTRAR
NANDI

Dear Sir,

REF: KIMONDI FOREST SQUATERS

For you to get know us better please sir, here is our history and how we became to be squatters in our beloved country.

The Kimondi Forest Squatters was founded way back in 1979 when the government gave a directive that there was no more village homes allowed in the forest.

Formally the forest workers, charcoal burners, saw-mill workers, during that time were allowed to stay in the forest, where the government had issued forest villages for their workers.

The government had also allocated them with grave sides where they could bury their forest workers and their beloved ones when they passed away.

(118)

106

So, this privilege made many of the forest workers, settle and never thought of any alternative apart from staying in the forest villages.

When the government directive came that, the forest squatters' villages were to be demolished, many forest squatters were caught in un-aware. Parents and their children completely depended in the villages for many years, others not even knowing their homes as many were born in forest villages, brought up in the forest villages, married there and eventually employed.

So, some of the squatters have buried their parents and children in the forest grave yards that were allocated to them and they have no homes to go.

Attached here is a letter which allowed them to stay in the forest and allowed them even to keep domestic animals.

We therefore request you to allocate us land for settlement since it is long overdue.

Sir, with these families waiting for the promise from our government since 1979.

We herewith attach letters of our communications to date also attached is the current area chiefs letter acknowledging our presence.

Thank you Sir for your co-operation and assistance.

Thanks in advance.

Yours

chairman

For Kimondi Forest Squatters

RICHARD K. OUKO



11

(14)



**MINISTRY OF STATE FOR SPECIAL PROGRAMMES
OFFICE OF THE PRESIDENT**

Telegraphic Address: "Rais"
Telephone: 250645
Fax: 2227622
When replying quote:

P.O. BOX 40213-00100
NAIROBI, Kenya

Ref: OP/SP/ADM/1/61/36

17th March, 2011

Mr. Richard K. Ouko
Chairman,
Kimondi Forest Squatters
P.O. Box 28
KAPSABET

Dear Sir,

RE: KIMONDI FOREST SQUATTERS

This is to acknowledge receipt of your letter dated 22nd February, 2011 regarding the above matter.

While the Ministry is very sympathetic to your situation which has gone on for a long time now, it regrets that this issue is outside its mandate.

Therefore, we wish to advise you to refer the matter to the Ministry of Lands for any further assistance.

Yours faithfully,

Amb. Binsai Chepsongol
For: PERMANENT SECRETARY

12



MINISTRY OF LANDS

Telegrams "MINILANDS", Nairobi
Telephone: Nairobi 2718050

When replying please quote

15

ARDHI HOUSE
1ST NGONG AVENUE
OFF NGONG AVENUE
P.O. BOX 30450
NAIROBI

PCRC/Oct/21/2010/12

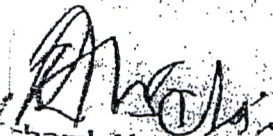
12th April 2011

Kimondo Forest Squatters
P.O. Box 28
KAPSABET

RE: KIMONDI FOREST SQUATTERS

Refer to your letter dated 5th Oct. 2010 to the Minister for Lands.

Please note that the Government does not allocate forest land. You are therefore advised to look for alternative land and liaise with the Department of Land Adjudication and Settlement to be considered for settlement.


Richard Abura
/COORDINATOR PCRC
FOR: PERMANENT SECRETARY

Director Administration

Director of Land Adjudication & Settlement
Nairobi -

NOO

Please consider them for settlement when such a programme will be unveiled (see attached copy of the List).

13

(35)

	PLACE/AREA	ACRAGE	COUTY
1.	KIPSOGOR-MOIS BRIGE	100	TRANS NZOIA
2.	WAMUINI AREA	150	TRANS NZOIA
3.	SOY MAINING	200	TRANS NZOIA
4.	MANOR HOUSE	110	TRANS NZOIA
5.	SIKHENDU	100	TRANS NZOIA
6.	KIMININI	200	TRANS NZOIA
7.	KACHIBORA	360	TRANS NZOIA
8.	MALI NANE	80	TRANS NZOIA
9.	GOSETA	52	TRANS NZOIA
10.	SABOTI	200	TRANS NZOIA
11.	CHERANGANYI	150	TRANS NZOIA
12.	JABALI	56	TRANS NZOIA
13.	KAPLAMAI	40	TRANS NZOIA
14.	PUKWET SABATA	203	TRANS NZOIA
15.	AMAGORO	450	TRANS NZOIA
16.	SEYA CHERE	50	TRANS NZOIA
17.	KIDEYA(MARIDADI)	45	TRANS NZOIA
18.	ENDEBES(THREE PIECES)	370	TRANS NZOIA
19.	KABOMBOI	198	TRANS NZOIA
20.	KAPSARA	50	TRANS NZOIA
21.	WAITALUKU	80	TRANS NZOIA
22.	BIG TREE	50	TRANS NZOIA
23.	MOI'S BRIDGE	50	TRANS NZOIA
24.	LESSOS NANDI	20	TRANS NZOIA
25.	NGERIA	200	NANDI
26.	KAPSARET	1500	UASIN GISHU
27.	KIPKABUS	37	UASIN GISHU
28.	CHEMOSET	25	UASIN GISHU
29.	NZOIA SCHEME	142	UASIN GISHU
30.	LIKUYANI	40	LUGARI
31.	SOY MAINING	200	LUGARI
32.	KAPLAMAI	100	TRANS NZOIA
33.	KAPLAMAI	150	TRANS NZOIA
34.	MOTOSIET/SINOKO	12	TRANS NZOIA
35.	MAIL SABA-KTL-KAPE RD	81	TRANS NZOIA
36.	MOISBRIDGE	150	TRANS NZOIA
37.	BRIGEDIE	30	BUNGOMA
38.	MAPERA	17	BUNGOMA
39.	TABANI	10	BUNGOMA
40.	TONGARENI	15	BUNGOMA
41.	LUKHUNA	15	BUNGOMA
42.	SOY SAMBU	13	BUNGOMA
43.	MULIRO	12	BUNGOMA
44.	MISANGA	15	BUNGOMA
45.	NDALU	60	BUNGOMA
46.	NAKURU	250	BUNGOMA
	TOTAL	7363	4 COUNTIES

7363





14

MINISTRY OF LANDS

Telegrams "MINLANDS", Nairobi
Telephone: Nairobi 2715650

When replying please quote

21

ARDHI HOUSE
1ST NGONG AVENUE
OFF NGONG AVENUE
P O BOX 30450
NAIROBI

Pcrc/Oct/21/2010

16TH June, 2011

The District Land Registrar,
P.O. Box 307
KAPSABET

Dear Sir,

RE: FOREST SQUATTERS KIMONDI FOREST SQUATTERS

Kimondi Forest Squatters in Nandi District have complained to the Permanent Secretary that they were pushed out of Kimondi Forest where they have been living for over 50 years.

The Permanent Secretary instructs that you convene a meeting of the squatters in liaison with the District Commissioner to get a lasting solution to this matter.

After the meeting under the Chairman of the District Commissioner you are asked to make report of recommendation to reach the Permanent Secretary by 8th July 2011.

Richard Abura
ADI/COORDINATOR PCRC
FOR PERMANENT SECRETARY

cc. Snr. Deputy Secretary

District Commissioner - Nandi

Kimondi Squatters - Complainant
P.O. Box 28
KAPSABET

REPUBLIC OF KENYA

IN THE MATTER OF SENATE COMMITTEE ON LANDS ENVIRONMENT AND NATURAL
RESOURCES.

IN THE MATTER OF SENATE PETITION REGARDING THE RESETTLEMENT STATUS OF
FORMER KIMONDI FOREST EVICTEES.

FINAL SUBMISSIONS BY
FORMER KIMONDI FOREST SQUATTERS

CASE SUMMARY

HOW THE FORMER KIMONDI CAME INTO BEING FOREST EVICTEES

In the year 1946 the white settlers settled the first families on Kimondi forest land through forceful importation from various parts of Kenya.

The families were never allowed to go back from where they once were forcefully imported from or even to be visited, they were fully promised the Kimondi land as their main home and participated in all activities and felt settled.

The all activities participated by the families as above were:- we did farming both land and animal keeping, there was a learning institution that still stand and active till today, a dispensary market facilities e.g shop, hotel butchery a posho breakage, a water tank finally a grave site.

Come the year 1979 we sensed not being okay, and decided to request the government to officially settle us by writing to the provincial commissioner Rift Valley Province at Nakuru in 2nd Oct 1979, while we continued making request to various government offices e.g area chiefs office, district commissioner, the district forest officer lands department and the Kenya forest services, come eviction in 1987 and we were evicted without alternative land for resettlement.

Eviction from Kimondi Land, did not stop us from requesting the government to resettle the families, The PCRC (PUBLIC COMPLAINS and RESOLUTIONS COMMITTEE) in Nairobi wrote to the District Commissioner Nandi and the District Land Registrar Nandi; to convene a meeting with us and together give a report of a lasting resolution to the matter.

The year 2018 the National Land Commission sent an investigative team to Nandi County who invited us to the Historical Land Injustice Committee meeting that was held at Kapsabet A.I.C Bible School buildings where our case No: NLC/HLI/430/2018 was heard, we submitted our claim, present in sitting were the Kenya Forest Service as Respondent and the County Government of Nandi being the interested party.

In the year 2019, on 1st march the matter of Former Kimondi Forest Evictees was Gazetted and appeared to be on Kenya Gazette No:CXXI _ No. 27 of 21st march 2019, on page 877 table No. 10 case No. as above.

Determination was released by the National Land, Historical Land Injustice Committee, Findings and Recommendation were that we be resettled by the County Government in collaboration with the Ministry of Land (Adjudication and settlement - Department) including other relevant authorities.

Implementation has remained as a tap without water that made us on 28th Oct 2020 to present a petition paper to the County Assembly of Nandi where we got no respond and decided later to present one to the Senate and the matter was tabled in that on 22nd Sept 2021 the Senate standing committee on Land Environment and Natural Resources invited us to the zoom meeting where we did submit all our supportive papers, once again we were invited to the same sitting on 7th Dec 2021.

On 17th March 2022 the Senate visited the Former Kimondi Forest Evictees as it had earlier promised. The Senate left us with a promising word on resettlement pending implementation.

We the Former Kimondi Forest Evictees still awaits with and believe that the promise is soon going to be implemented.

CONCLUSION & RECOMMENDATION

Having stated the forgoing we wish to make the following final observations:-

- A. That Former Kimondi Squatters and their families have really suffered for many years yet the Government has either remained silent or non-committal towards our plight.
- B. We have a final determination by the constitutionally mandated body the National Land Commission directing that we be settled.
- C. The Government is constitutionally obligated to avail land and or set up settlement programs for the landless and displaced persons such as those of former Kimondi Forest Squatters.

D. That if our plight is addressed with the eventual settlement of the squatters we shall be able to be liberated from poverty and like the rest participate in the economic prospect of our beloved Nation.

E. That as a more potent observation is that our plight deserves redress with the utmost urgency before it snowballs into an intergenerational crisis, where poverty disease and illiteracy is rampant and endless of the Land. This should only be the case on the condition precedent that the government budgets and commits funds for such an undertaking.

To put this into perspective we have estimated that within the locality of Kapsasur and Kimondi one acre of land is approximately Kshs. 2,700,000 thus the awarded land (measuring 1541Ha or 3852.5 acres) this land would have an approximate cost of Kshs. 10,401,750,000.

We pray that you find in favour of our petition the prayers therein and our humble submissions.

Final we reiterate the contents of our petition to the Senate and the prayers therein and make a final plea that;

1. We as Former Kimondi squatters are ready to be settled in the land availed by the National Land Commission in its gazette notice dated the 1st of March 2019.
2. That once land has been availed the Ministry of Lands be directed to avail its full resources to aid the resettlement process with a waiver of all fees as the squatters are already down trodden.
3. That in the alternative and without prejudice to 1 above alternative land be availed by government for the settlement of the squatters within the framework of 2 above.
4. That finally and without prejudice to 1, 2, and 3 above where availability of land proves untenable or impracticable as the circumstances may be the government to consider a compensation package pegged at an equivalent

We pray that you find in favour of our petition, the prayers therein and our humble submissions

Dated a Kapsabet the 26th day of May 2022-05-26

For the petitioners



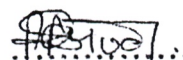
PETER LUNYENYE

CHAIR



ERNEST AMBETSA

SECRETARY



PHILIP AYODI

TREASURER

