

PARLIAMENT
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THE NATIONAL ASSEMBLY

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THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 11 OF 2024 REGARDING THE
WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45
SETTLEMENT FUND TRUSTEES LOAN, BY HON. (PROF) PHYLIS BARTOO, MP
ON BEHALF OF THE RESIDENTS OF MOIBEN CONSTITUENCY



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

THE NATIONAL ASSEMBLY	
PAPERS LAID	
MARCH, 2026	
DATE: 01 APR 2026	
DAY: <u>Wednesday</u>	
TABLED BY:	<u>Hon. Kavumba Muchangi</u> <u>Chair, Public Petitions</u>
CLERK-AT-TABLE:	<u>Nocho Miriam</u>

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ACRONYM

NLC National Land Commission

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Public Petitions Committee regarding the waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. (Prof) Phylis Bartoo, MP on behalf the residents of Moiben Constituency.

The Petitioner prayed that the Committee engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community and makes any recommendations or actions it deems fit in addressing the plight of the petitioners.

In consideration of the Petition, the Committee collected the views from the petitioner and the State Department for Lands and Physical Planning.

The Committee observed that the Cabinet had approved waiver of the same and was awaiting gazettelement.

The Committee recommends that the State Department for Lands expedites the gazettelement and waiver of the outstanding loans, and completes titling process to beneficiaries.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to table the report before the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei
United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency
Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency
**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo

First Clerk Assistant

Ms. Kafuyai Wamae

Third Clerk Assistant

Ms. Nancy Akinyi

Research Officer III

Ms. Roselyne Njuki

Principal Serjeant-at-Arms

Mr. Pascal Valerian

Hansard Officer III

Ms. Felistus Muiya

Public Communication Officer

Mr. Benard Toroitich

Third Clerk Assistant

Mr. Clinton Sindiga

Legal Counsel II

Mr. Arkan Mumin

Research Officer III

Mr. Paul Shana

Serjeant-at-Arms

Mr. Collins Mahamba

Audio Officer III

Mr. Calvin Karungo

Media Relations Officer III

PART TWO

2. BACKGROUND TO THE PETITION

2.1 Introduction

1. Public Petition No. 11 Of 2024 regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan, was presented to the House by Hon. (Prof) Phylis Bartoo, MP on behalf of the Residents of Moiben Constituency on 20th June, 2024.
2. The petitioner stated that Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act CAP. 318 of the laws of Kenya Section 168 which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
3. The Fund is managed by the Ministry of Lands, Public Works, Housing and Urban Development. Its mandate is vested in the Settlement Fund Trustees jointly managed by the Ministry of Lands, Public Works, Housing and Urban Development, National Treasury, Ministry of Interior and National Administration and the Ministry of Agriculture and Livestock Development.
4. The Elgeyo Border Scheme Settlement Scheme was among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Ksh. 5,000 aimed at facilitating settlement and development in the region.
5. However, over the years, due to various socio-economic factors and changes in land ownership, the burden of arrears of loan repayment has become unmanageable for the current generation of residents.
6. Many families inherited the debt without the corresponding assets or resources to repay. Further, the original purpose of the Settlement Trust Fund has been overshadowed by the financial strain it imposes on the community.
7. The debt incurred by the Elgeyo Border Scheme has grown exponentially over time, surpassing the initial capital of Ksh. 5,000, hence becoming a significant barrier to the economic progress and the well-being of the community by hindering their ability to invest in essential infrastructure, education, healthcare, among others.
8. The residents have over the years received demand notices regarding the arrears of loan repayment with possibility of repossession of land if outstanding amounts are not paid; and,
9. The issues in respect of which this Petition is raised are not pending before any court of law or any constitutional or legal body.

2.2 Petitioner's Prayers

10. The Petitioners prayed that the National Assembly through the Public Petitions Committee:
 - i. Engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community.
 - ii. Makes any recommendations or actions it deems fit in addressing the plight of the petitioners.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS

3.1 Petitioners

The MP Moiben Constituency, Hon. (Prof.) Phylis Bartoo, on Tuesday, 1st October, 2024, appeared before the Committee and submitted as follows -

11. Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act (Cap 318 of the Laws of Kenya) section 68, which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
12. The Fund is managed by the Ministry of Lands and Physical Planning. Its mandate is vested in the Settlement Fund Trustees jointly run by the Ministries of Lands, National Treasury, Interior and Agriculture.
13. The Elgeyo Border Settlement Scheme was among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Kshs. 5000, aimed at facilitating settlement and development in the region.
14. Over the years, due to various socio-economic factors and changes in land ownership, the burden of the arrears of loan repayment has become unmanageable for the current generation of residents.
15. Many families inherited the debt without the corresponding assets or resources to repay. Further, the original purpose of the settlement trust fund has been overshadowed by the financial strain it imposes on the community.
16. The debt incurred by the Elgeyo Border Settlement Scheme has grown exponentially over time, surpassing the initial capital investment of Kshs. 5000 hence becoming a significant barrier to the economic progress and well-being of the community by hindering their ability to invest in essential infrastructure, education, health care among others.
17. The residents have over the years received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid.

3.2 National Land Commission

The Commission Secretary/CEO NLC, Ms. Kabale Tache Arero, MBS vide a letter NA/DAA&GPC/PPC/2026/014 dated 18th February, 2026 submitted as follows -

18. The Commission clarified that the issues raised in the Petition, particularly those relating to the administration of the Elgeyo Border Settlement Scheme, the management of settlement loans, and payments by beneficiaries under the scheme, fall outside their Constitutional Mandate.
19. The Commission observed that these matters fall under the Ministry of Lands, Public Works, Housing and Urban Development, which is the institution responsible for matters concerning land settlement and the administration of settlement schemes.
20. The Commission's position was that this matter was best addressed by the Ministry of Lands, being the competent authority with the requisite policy, administrative and operational mandate to handle settlement scheme obligations, including any consideration for waiver of such payments.

3.3 Ministry of Lands, Public Works, Housing and Urban Development

The Principal Secretary State Department for Lands and Physical Planning submitted as follows;

21. The Elgeyo Border Settlement Scheme No.045, Uasin Gishu County was started in January, 1963 with the beneficiaries being allocated 25 acres each. The scheme comprises 428 land parcels allocated to families and 23 Public utilities which include schools, market centres, churches and a water dam.
22. Being a conventional scheme, the beneficiaries were required to pay an initial deposit and thereafter pay the balance in 28 half – yearly instalments after grace period of 2 years. They were required to meet these costs from the income generated from the land allocated to them.
23. That over the years, some beneficiaries have managed to clear the amounts owed to them and have been discharged.
24. The current status of loan repayment under the scheme is as follows:
 - i. Number of plots discharged and forwarded for titling – 148.
 - ii. Number of discharges at the County Land Adjudication and Settlement office awaiting execution of transfer – 83. This is mainly due to succession issues.
 - iii. Number of plots with outstanding Loan balances – 186.
25. The total outstanding loan amount accruing from the Scheme is approximately Kshs. 13 million.
26. The settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises of: -
 - i. Cabinet Secretary - Ministry of Lands and Physical Planning (Chair)
 - ii. Cabinet Secretary – National Treasury
 - iii. Cabinet Secretary – Ministry of Agriculture
 - iv. Cabinet Secretary – Internal Security.
 - v. Cabinet Secretary – Ministry of Environment and National Resources
 - vi. A Representative – National Land Commission
27. On 7th August, 2025, the Ministry of Lands, Public Works, Housing and Urban Development presented a Cabinet Memorandum seeking approval for the waiver of all outstanding land and development loan interests and related penalties for all settlement schemes amounting to Kshs. 5,342,797,484.39.
28. The Cabinet approved the memo in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the National Land Commission and the Ministry of Lands, Public Works, Housing and Urban Development, the Committee observed that –

29. The Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act CAP. 318 of the laws of Kenya Section 168 which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
30. The Committee further established that Elgeyo Border Settlement Scheme No. 045 is located in Uasin Gishu County was started in January, 1963 comprises of 428 land parcels with the beneficiaries being allocated 25 acres each.
31. The settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises representation of six ministries and the National Land Commission.
32. According to the Ministry of Lands, the current status of loan repayment under the Scheme is as follows –
 - i. 148 have been fully discharged and forwarded for titling;
 - ii. 83 have discharges pending County Land Adjudication and Settlement office awaiting execution of transfer, mainly due to succession issues; and
 - iii. 186 plots still have outstanding Loan balances
33. The Committee further noted that the total outstanding loan amount accruing from the Scheme is approximately Kshs. 13 million.
34. The Ministry of Lands presented a Cabinet Memorandum on 7th August 2025 seeking waiver of interest and penalties for all settlement schemes Kshs. 5.34 billion. The Cabinet approved in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends that-

On the prayer that the Committee engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community; **the Committee recommends that, within twelve (12) upon tabling of this report, arising from the Cabinet approval of the Memorandum on waiver, the Ministry of Lands, Public Works, Housing and Urban Development should ensure gazettment of the same, including beneficiaries of the Elgeyo Border Settlement Scheme, and ensures completion of the titling process and reports back to the National Assembly..**

Signed:.......... Date: 11/7/2026.....

THE HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: Adoption List

Annex 2: Public Petition No. 11 Of 2024 Regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan, By Hon. (Prof) Phylis Bartoo, MP

Annex 3: Minutes of proceedings



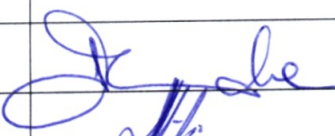
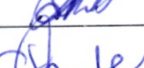
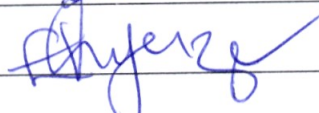
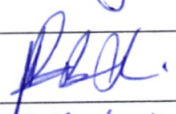
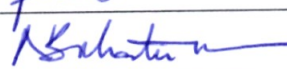
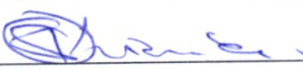
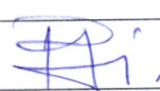
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 11 of 2024 by Hon. (Prof) Phyllis Bartoo, MP, regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/3/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

ANNEX (1)

Hon. Speaker,
You may approve.
18/6/24



REPUBLIC OF KENYA

Approved
SNA
18/6/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (THIRD SESSION)

PUBLIC PETITION

(No.11 of 2024)

**REGARDING THE WAIVER OF THE ELGEYO BORDER SETTLEMENT
SCHEME NO. 45 SETTLEMENT FUND TRUSTEES LOAN**

I, the **UNDERSIGNED** on behalf of the residents of Moiben Constituency;
DRAW the attention of the House to the following:-

1. **THAT**, Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act (Cap 318 of the Laws of Kenya) Section 168, which was repealed by the Agriculture Fisheries and Food Authority Act, 2013;
2. **THAT**, the Fund is managed by the Ministry of Lands and Physical Planning. Its mandate is vested in the Settlement Fund Trustees Jointly by the Ministries of Lands, National Treasury, Interior and Agriculture;
3. **THAT**, the Elgeyo Border Settlement Scheme is among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Kshs 5000, aimed at facilitating settlement and development in the region;
4. **THAT**, over the years, due to various socio-economic factors and changes in land ownership, the burden of the arrears of loan repayment has become unmanageable for the current generation of residents;
5. **THAT**, many families inherited the debt without the corresponding assets or resources to repay it. Further, the original purpose of the settlement trust fund has been overshadowed by the financial strain it imposes on the community;

RECEIVED

18 JUN 2024

1

**PUBLIC PETITION REGARDING THE WAIVER OF THE ELGEYO
BORDER SETTLEMENT SCHEME NO. 45 SETTLEMENT FUND
TRUSTEES LOAN**

6. THAT, the debt incurred by the Elgeyo Border Settlement Scheme has grown exponentially over time, surpassing the initial capital investment of Kshs 5000 hence becoming a significant barrier to the economic progress and well-being of the community by hindering their ability to invest in essential infrastructure, education, health care among others;

7. THAT, the residents have over the years received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid; and,

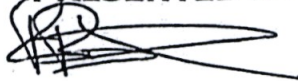
8. THAT, the issues in respect of which this Petition is raised are not pending before any Court of law or any constitutional or legal body.

THEREFORE, your humble petitioners pray that the National Assembly through the Public Petitions Committee -

- (i) Engages the Settlement Fund Trustees with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community; and,
- (ii) Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



**THE HON. (PROF) PHYLIS BARTOO, MP
MEMBER FOR MOIBEN CONSTITUENCY**

DATE: 14TH JUNE 2024.....

**MINUTES OF THE 18TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON WEDNESDAY, 18TH MARCH, 2026 IN FRANGAPINI CONFERENCE
ROOM, SERENA HOTEL, MOMBASA COUNTY AT 2.30 P.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 9. Hon. Paul Biego Kibichiy, M.P. | | |
| 10. Hon. Peter Irungu Kihungi, M.P. | | |
| 11. Hon. Sloya Clement Logova, M.P. | | |

APOLOGIES

1. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Mr. Calvin Karungo | - | Media Relations Officer III |
| 10. Ms. Felistas Muiya | - | Public Communications Officer |
| 11. Mr. Paul Shana | - | Serjeant at Arm |

MIN./PPC/2026/094:

PRELIMINARIES

The Chairperson called the meeting to order at 2:30 pm and said a word of prayer.

MIN./PPC/2026/095:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Hon. Suzanne Ndunge Kiamba, M.P and seconded by, Hon. Maisori Marwa Kitayama, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following Public Petition Reports:**
 - i. **P/No.17/2024 regarding the failure of the Insurance Regulatory Authority to protect Public Transport Operators in insurance claims; and**
 - ii. **P/No.11/2024 regarding the waiver of the Elgeyo Border Settlement Scheme No.45 Settlement Fund Trustees Loan by Hon. (Prof.) Phyllis Bartoo, M.P.**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/096: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/097: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS

- i. **P/No.17/2024 regarding the failure of the Insurance Regulatory Authority to protect Public Transport Operators in insurance claims;**
The Committee considered the draft report and it recommended that the Insurance Regulatory Authority takes action actions on those found in breach of the Insurance Act. It was further recommended to present comprehensive guidelines and proposals to amend laws constraining expeditious and practical resolution of disputes and settlement of claims within ninety (90) days of tabling of the report.
- ii. **P/No.11/2024 regarding the waiver of the Elgeyo Border Settlement Scheme No.45 Settlement Fund Trustees Loan by Hon. (Prof.) Phyllis Bartoo, M.P**
The committee considered the draft report and recommended that the Ministry of Lands, Public Works, Housing and Urban Development ensures gazettelement of the waiver of the accumulated debt of Elgeyo Border Settlement Scheme and the completion of the titling process to be completed within one year of adoption of this report.

Adoption

The Committee unanimously adopted the two reports having been proposed by Hon. Maisori Marwa Kitayama, M.P and seconded by Hon. Edith Vethi Nyenze, M.P:

MIN./PPC/2026/098: ADJOURNMENT

There being no other business, the meeting was adjourned at 4:00 p.m.

Sign:

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 11/4/2026



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 56th SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, OCTOBER 1, 2024, IN CONFERENCE ROOM 12, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.00. A.M

PRESENT

- | | |
|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | Vice Chairperson |
| 3. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | |
| 5. Hon. John Walter Owino, M.P. | |
| 6. Hon. Ernest Ogesi Kivai, M.P. | |
| 7. Hon. Maisori Marwa Kitayama, MP | |
| 8. Hon. Edith Vethi Nyenze, M.P. | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Bidu Mohamed Tubi, M.P.
3. Hon. Peter Mbogho Shake, M.P.
4. Hon. Sloya Clement Logova, M.P.
5. Hon. Caleb Mutiso Mule, M.P.
6. Hon. Suzanne Ndunge Kiamba, M.P.
7. Hon. John Bwire Okano, M.P.

IN ATTENDANCE

SECRETARIAT

- | | |
|-------------------------|-----------------------------|
| 1. Mr. Willis Obiero | Clerk Assistant III |
| 2. Ms. Patricia Gichane | Legal Counsel II |
| 3. Mr. Martin Sigei | Research Officer III |
| 4. Ms. Nancy Akinyi | Research Officer III |
| 5. Mr. Peter Mutethia | Audio Officer |
| 6. Mr. Calvin Karungo | Media Relations Officer III |
| 7. Mr. Paul Shana | Serjeant-at-Arms |

PETITIONERS

1. Hon. (Prof.) Phylis Bartoo, MP
2. Dr. Lukoye Atwoli

MIN./PPETC/2024/348: PRELIMINARIES

The Chairperson called the meeting to order at 11:00 am. and proceedings began with prayers by Hon. Ernest Kagesi, M.P.

MIN./PPETC/2024/349: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Meeting with Hon. (Prof.) Phylis Bartoo, MP regarding—
 - *P/No. 11 of 2024 regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan; and*
 - *P/No. 12 of 2024 regarding Compensation of Residents of Crown Land (LR 883/2)(Sergoit Holding Ground) in Moiben Constituency.*
6. Consideration of P/No. 13 of 2024 regarding Decriminalization of Attempted Suicide
 - *Meeting with Petitioner (Dr. Lukoye Atwoli)*
7. Any Other Business
8. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Nimrod Mbithuka Mbai, M.P. and seconded by Hon. Maisori Marwa Kitayama, MP.

MIN./PPETC/2024/350: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/351: MEETING WITH HON. (PROF.) PHYLIS BARTOO, MP

The Hon. (Prof.) Phylis Bartoo, MP appeared before the Committee and submitted as follows—

P/No. 11 of 2024 regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan

Background to the Petition

1. Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act (Cap 318 of the Laws of Kenya) Section 68, which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.

2. The Fund is managed by the Ministry of Lands and Physical Planning. Its mandate is vested in the Settlement Fund Trustees Jointly by the Ministries of Lands, National Treasury, Interior and Agriculture.
3. The Elgeyo Border Settlement Scheme is among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Kshs 5000, aimed at facilitating settlement and development in the region.
4. Over the years, due to various socio-economic factors and changes in land ownership, the burden of the arrears of loan repayment has become unmanageable for the Current generation of residents.
5. Many families inherited the debt without the corresponding assets or resources to repay it. Further, the original purpose of the settlement trust fund has been overshadowed by the financial strain it imposes on the community.
6. The debt incurred by the Elgeyo Border Settlement Scheme has grown exponentially over time, surpassing the initial capital investment of Kshs 5000 hence becoming a significant barrier to the economic progress and well-being of the community by hindering their ability to invest in essential infrastructure, education, health care among others.
7. The residents have over the years received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid.

Prayers

8. The Petitioners prayed that the Committee—
 - (i) Engages the Settlement Fund Trustees with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community; and
 - (ii) Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

P/No. 12 of 2024 regarding Compensation of Residents of Crown Land (LR 883/2) (Sergoit Holding Ground) in Moiben Constituency.

Background to the Petition

1. The Crown Land, LR No. 883/2, commonly referred to as Sergoit Holding Ground in Moiben Constituency, Uasin Gishu County totalling 1500 acres was inhabited by several clans of the Sergoit Community who used it for grazing, water catchment and cultural activities before the land was acquired by the colonial government.

2. The Sergoit Community surrendered the parcel to allow for establishment of public amenities such as schools, colleges, police stations, tree nurseries, among others against a government commitment to compensate them.
3. While some families received compensation by being given other parcels, many others were left out as the land intended for their compensation was fraudulently acquired by individuals who continue to occupy it to date.
4. In 1992, during the initial land allocation to beneficiaries as compensations, some individuals and entities were allegedly allocated parcels of land irregularly by the then provincial administration.
5. Following complaints against the compensation process by the residents, a taskforce was formed in 2016 to investigate and address the anomalies which subsequently led to three splinter groups due to internal disagreements.
6. One of the groups subdivided the land, drew a new map (Sergoit/Karuna Block S) which overlapped with the 1992 allocations thus causing boundary disputes among the residents.
7. The Sergoit Community and uncompensated landowners formed a Committee that actively pursued the matter with the support of the County Commissioner who placed a caveat on any transactions on Crown Land until the issues are resolved.
8. Out of the 1500 acres, only 900 acres is occupied by genuine beneficiaries who are also facing displacement after the 2016 subdivision map. About 450 acres was allegedly acquired and inhabited illegally by private developers while the rest of 150 acres is a water catchment area.

Prayers

9. The Petitioners prayed that the Committee—
 - (i) Engages the Ministry of Lands and Physical Planning, Public Works, Housing, and Urban Development; and other relevant authorities with a view of investigating the alleged irregular land acquisitions, illegal Compensation process and other malpractices for Crown Land, LR No. 883/2 in Moiben Constituency, Uasin Gishu County; and
 - (ii) Recommends the due compensation of all members of Sergoit Community who surrendered their parcels of land for public utility; and
 - (iii) Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

Committee Concerns

1. The Petitioner clarified that the land originally belonging to the community had been taken over by the government for the purpose of constructing infrastructure. In compensation, the government resettled the community on approximately

1,500 acres of land. However, the resettlement process was plagued by irregularities, with some individuals receiving inadequate land while others were left out entirely.

2. **Regarding the 2016 task force and its recommendations**, the Petitioner explained that the county government had established the task force, but it did not complete its report. Its mandate was eventually overshadowed by events as the situation became increasingly hostile, compounded by interference from various quarters.
3. **In terms of efforts to engage the National Land Commission, the Ministry of Lands, or other authorities**, the Petitioner revealed that they had not sought intervention from these institutions due to a lack of trust, stemming from previous mishandling of the issue.
4. **Regarding the number of complainants**, the Petitioner estimated the figure to be around 100 but acknowledged that this number could rise, as compensation and land disputes tend to evolve with the growth of families over generations. When asked how genuine claimants could be identified, the Petitioner noted that they had lived on their ancestral land, and although the boundaries were unclear, community members were familiar with each other.
5. **On whether the community was resettled and compensated as families**, the Petitioner confirmed that they had been, and that relevant records could be provided by the County Government of Elgeyo Marakwet.

Committee Resolution

After deliberations, the Committee resolved that the Petitioner provides additional information regarding—

- a) A report by the County Commissioner on the matter;
- b) List of original members of the community relocated from Elgeyo Marakwet County;
- c) Information regarding the number and identity of the complainants;
- d) Information regarding the compensation criteria; and
- e) Any other relevant information that could facilitated the consideration of the Petition.

MIN./PPETC/2024/352:

**CONSIDERATION OF P/NO. 13 OF 2024 REGARDING
DECriminalIZATION OF ATTEMPTED SUICIDE**

Meeting with Petitioner (Dr. Lukoye Atwoli)

Dr. Lukoye Atwoli appeared before the Committee and presented as follows—

Background to the Petition

1. Section 226 of the Penal Code Cap 63 of the Laws of Kenya provides that "Any person who attempts to kill himself is guilty of a misdemeanour".

2. Section 36 of the Penal Code additionally provides that "When In this Code no punishment is provided for any misdemeanour, it shall be punishable with imprisonment for term not exceeding two years or with a fine, or with both."
3. The net effect of these provisions is that a person who attempts suicide and is charged and convicted of the same in a court of law is liable to imprisonment, a fine, or both.
4. The consequence of these provisions is that persons suffering from mental illness, who often develop suicidal thoughts and may attempt to kill themselves, knowing that their symptoms carry the risk of arrest and prosecution, will not present themselves for treatment and the care they need in order to improve their mental health and reduce or eliminate their risk of suicidal behaviour.
5. The Constitution of Kenya, in Article 43, provides that: (1) Every person has the right-(a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care...(2) A person shall not be denied emergency medical treatment.
6. Section 226 of the Penal Code creates an unreasonable and potentially fatal barrier to access to the highest attainable standard of mental health care, and often results in denial of emergency medical treatment for persons who may contemplate or attempt suicide, for fear of prosecution and punishment. For this reason section 226 of the Penal Code contravenes the Constitution, and also offends the right of every Kenyan to be treated with dignity as provided for under Article 28 of the Constitution.
7. Kenya remains one of the few countries that still have legislation criminalizing suicide attempts, a leftover from colonial times. It is instructive that the former colonial power, the United Kingdom, repealed similar legislation decades ago, affording mentally ill patients access to the services they require. Many other countries that
8. This petition urges the House to move with speed to repeal section 226 of the Penal Code, Cap 63 of the Laws of Kenya, and thereby guarantee dignity to our fellow citizens who suffer with mental illness that includes suicidal ideation.
9. The Kenya National Commission on Human Rights has made effort through various initiatives to have the matter addressed but so far, no satisfactory repeal of section 226 of the Penal Code has been achieved.
10. The matter has not been adjudicated upon by a competent court in which the Petitioner was a party. However, the responsibility to decriminalise attempted suicide requires a legislative process through repealing of Section 226 of the Penal Code.
11. The Constitutional petition No. E045 of 2022 before the High Court of Kenya sought to have Section 226 of the Penal Code declared unconstitutional which was

a different objective from this petition. This petition seeks to have Section 226 of the Penal Code repealed.

Prayers

The Petitioner prayed that the Committee investigates the matter and makes appropriate recommendations.

Committee Concerns

1. The Petitioner clarified that attempted suicide is not exclusively caused by mental illness. Mental health, as defined, encompasses a range of psychological distress and operates on a spectrum.
2. **Regarding the percentage of mental illnesses linked to suicide attempts**, the Petitioner noted that mental health is significantly correlated with suicide. Specifically, the risk of depression leading to suicide is around 80 percent, as individuals with depression are more likely to attempt suicide. Therefore, mental illness is the strongest predictor of suicide attempts.
3. **Concerning the urgency of decriminalizing attempted suicide**, the Petitioner explained that the proposal stems from a Presidential directive issued in 2016 in response to the mental health crisis. This directive led to the formation of a task force that recommended decriminalization. Additionally, research conducted in Mosoriot identified key factors contributing to mental illness, revealing that half of the community had experienced mental health issues, with many attempting suicide using pesticides.
4. **On the delay in repealing Kenya's law criminalizing attempted suicide**, the Petitioner indicated that no significant movement had been made towards its repeal, emphasizing that now is the time to act. Furthermore, countries such as Ghana, Botswana, and Pakistan have already repealed similar laws, which were inherited from colonial powers that themselves repealed the law in 1961.
5. **Addressing concerns about whether Kenya has enough psychologists and qualified personnel to manage mental health issues**, the Petitioner stated that no country has sufficient mental health workers. In Kenya, there are about 150 psychiatrists, and while the number is increasing, more resources need to be invested in mental health to meet growing demands.
6. **Regarding whether the Shakahola incident was an example of attempted suicide**, the Petitioner stated that he did not have full access to the report on the matter. However, he noted that the general understanding is that the victims were coerced by a religious leader into actions that led to their deaths, which would not be classified as suicide, as suicide originates from an individual's own will.


Committee Resolution

After deliberations, the Committee resolved to engage relevant stakeholders on the Petition.

MIN./PPETC/2024/353:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 2:30 p.m. The next meeting will be held on Wednesday, 2nd October 2024 at 11:00 a.m.

Sign: 

for (CHAIRPERSON).

Date: 19-11-2024



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

COMMISSION'S RESPONSE TO THE PUBLIC PETITIONS COMMITTEE

PARLIAMENT BUILDINGS

TUESDAY, 10TH MARCH 2026

BY:

KABALE TACHE ARERO, MBS,

COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

INVITATION TO A MEETING OF THE NATIONAL ASSEMBLY'S PUBLIC PETITIONS COMMITTEE

Honourable Chair,

Pursuant to a letter **Ref: NA/DAA&GPC/PPC/2026/014** dated **18th February 2026**, the Committee invited the Commission Secretary/CEO of the National Land Commission to a meeting on **Tuesday, 10th March 2026** at Parliament Buildings at 11:30 am to respond to the following petitions.

- 1. PETITION BY LANDOWNERS AFFECTED BY THE CONSTRUCTION OF THE ROAD REGARDING COMPENSATION FOR RESIDENTS OF THE EMBU RING/CONNECTOR ROAD PROJECT IN EMBU COUNTY.**
- 2. PETITION BY MR. IBRAHIM NTHITU MAKWATTAH REGARDING COMPENSATION FOR COMPULSORILY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI-KITUI ROAD.**
- 3. PETITION BY RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND.**
- 4. PETITION BY (PROF.) PHYLLIS BARTOO, MP REGARDING WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45 SETTLEMENT FUND TRUSTEES LOAN.**
- 5. PETITION BY WORKERS OF NYARIO YA KIDIDI CHA BHATHUBHETA CULTURE COMMUNITY IN TAVETA CONSTITUENCY REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R. NO. 249 OF 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY.**
- 6. PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETTEMET OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.**
- 7. PETITION BY HON. RAHIM DAWOOD, MP REGARDING COMPENSATION AND LAND ALLOCATION TO MAU MAU WAR VETERANS OF MERU COUNTY.**

RESPONSES

1) PETITION BY LANDOWNERS AFFECTED BY THE CONSTRUCTION OF THE ROAD REGARDING COMPENSATION FOR RESIDENTS OF THE EMBU RING/CONNECTOR ROAD PROJECT IN EMBU COUNTY.

PETITIONERS CLAIM

The Petitioners, led by Mr. Francis Munene and other residents and landowners affected by the construction of the Embu Hospital–Kathangariri–Kianjokoma–Kanja–Runyenjes–Siakago (Embu Ring/Connector) Road, aver that the Kenya National Highways Authority (KeNHA) and the National Land Commission compulsorily acquired private land for purposes of constructing the 63-kilometre road project.

The Petitioners contend that the project has adversely affected numerous households, farms, and business premises along the road corridor, resulting in displacement and disruption of livelihoods. They further state that although a Gazette Notice dated 23rd February 2024 confirmed the compulsory acquisition of affected parcels and created an expectation of prompt compensation, many Project Affected Persons (PAPs) have not received compensation despite the continued implementation of the road project.

OUR RESPONSE

Legal Status of the Compulsory Acquisition: The compulsory acquisition process was undertaken in compliance with the Land Act No. 6 of 2012. The subject project was duly gazetted for intention to acquire vide Gazette Notice No. 4387 dated 4th April, 2023. Inquiries were subsequently gazetted vide Gazette Notices Nos. 4387 (2023) and 2069 (2024), and conducted at the gazetted venues and dates. Accordingly, the acquisition process is legally and procedurally compliant.

Valuation and Fairness of Reports: Inspections were carried out for valuation purposes, after which valuation reports and compensation schedules were prepared. These valuations adhered to established professional standards and principles of fairness, ensuring that PAPs were accorded just and equitable consideration in line with the law.

Reasons for Delay or Non-Payment: Upon completion of the valuation report and compensation schedule, the Commission requested compensation funds from the acquiring authority. The Commission is yet to receive the requisite funds from Kenya Rural Roads Authority (KeRRA). Consequently, processing and payment to the affected PAPs has not commenced. The delay is therefore attributable to the pending release of funds by the acquiring authority.

Honourable Chair:

The National Land Commission reiterates its commitment to transparency, fairness, and adherence to the law in the compulsory acquisition process. Once the Commission receives the compensation funds from KeRRA, payments to the PAPs will be processed without undue delay.

2) PETITION BY MR. IBRAHIM NTHITU MAKWATTAH REGARDING COMPENSATION FOR COMPULSORILY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI-KITUI ROAD.

The Petitioner, Mr. Ibrahim Nthitu Makwattah, acting on behalf of landowners affected by the compulsory acquisition of land and properties for the construction of the Kibwezi Lorry Park and Roadside Amenities along Kibwezi-Kitui Road, claims that the affected persons were not compensated as required.

He states that the landowners were invited to a meeting held at the Office of the Deputy County Commissioner, Kibwezi Sub-County, on 7th October 2021, where they were informed of the intended acquisition. The meeting was reportedly attended by representatives of the National Government, County Government, Kenya National Highways Authority (KeNHA), National Land Commission (NLC) and APEC Consortium. According to the Petitioner, the landowners were requested to allow access to their properties for identification of beacons and measurements to facilitate the project design. He further avers that when the exercise commenced on 8th October 2021, the relevant Government officers were absent and the exercise was instead undertaken by staff from APEC Consortium, who claimed to be acting on behalf of KeNHA.

The Petitioner also claims that KeNHA later published a Gazette Notice expressing interest in the affected parcels and invited the landowners for negotiations, but the negotiations did not result in any settlement. He further states that the National Land Commission subsequently informed the affected landowners that KeNHA had been granted full access to commence construction, despite the fact that compensation had not been paid.

The Petitioner contends that efforts to resolve the matter amicably, including through the intervention of the then Senator for Makueni County, were unsuccessful. He therefore seeks the intervention of the House to investigate the alleged illegal acquisition of the affected properties, failure to compensate the landowners, the role of APEC Consortium in the process, and whether the National Land Commission shared the valuation report and any recommended compensation offers with the affected persons.

OUR RESPONSE

Background

The Commission commenced the compulsory acquisition process for land required for the construction of the Kibwezi–Mutomo–Kitui–Kabati Road Project through Gazette Notice No. 5075 published on 25th May 2018. Following the initial notice, several addenda, corrigenda and deletion notices were issued to accommodate changes in the project design.

The component relating to the Kibwezi Lorry Park and roadside amenities was not part of the initial road design. This was later introduced through an addendum request submitted to the Commission in 2021 by the acquiring authority (KeNHA). Subsequently, a stakeholder consultation meeting was held on 7th October 2021 at the Office of the Deputy County Commissioner in Kibwezi. The purpose of the meeting was to inform landowners and other stakeholders about the proposed development and the intended acquisition of land for the lorry park and associated facilities.

The meeting was attended by representatives from the National Government Administration Officers (NGAO), the National Land Commission, the Kenya National Highways Authority (KeNHA), and APEC Consortium. During the meeting, landowners were informed of the proposed acquisition and were given an opportunity to seek clarification on the process.

Role of APEC Consortium

The Commission wishes to clarify that the compulsory acquisition of land for the Kibwezi Road Project, including the land designated for the Kibwezi Lorry Park, was undertaken on behalf of the Kenya National Highways Authority (KeNHA), which is the acquiring government agency responsible for the project.

APEC Consortium was a private contractor that had been engaged by KeNHA to implement the construction works for the road project. Therefore, it had no formal relationship with the National Land Commission in the compulsory acquisition process. Consequently, any actions undertaken by APEC Consortium were carried out under the authority and supervision of KeNHA, and the Commission's role remained limited to undertaking compulsory acquisition in accordance with the Constitution and the applicable statutory provisions.

Legal Framework Governing Compulsory Acquisition

Compulsory acquisition of land in Kenya is governed by Article 40 of the Constitution of Kenya, Part VIII of the Land Act, 2012, and the Land (Assessment of Just Compensation) Rules and Regulations, 2017. These legal provisions require the Commission to adhere to a clearly defined statutory process when acquiring land for public purposes.

In practice, the process begins with the publication of a Notice of Intention to Acquire in the Kenya Gazette. This is followed by inspection and valuation of the affected properties to determine the extent of land required for the project and the appropriate compensation payable to the affected persons. The Commission thereafter publishes a Notice of Inquiry specifying the venue and dates when the affected landowners will appear before the Commission to present their claims for compensation.

During the inquiry hearings, the Commission receives and evaluates claims from affected persons before determining the amount of compensation payable. Once the determination is made, the Commission issues awards to each affected person. The affected persons may either accept the Commission's offer of compensation or reject it. In cases where the award is accepted, the Commission proceeds with prompt payment of compensation upon receipt of funds from the acquiring authority. Where a landowner rejects the award, the dispute may be referred to the Land Acquisition Tribunal for determination.

Upon completion of the inquiry process and issuance of awards, the Commission may issue notices of taking possession to enable the acquiring authority to commence construction works. A final survey and vesting process is then undertaken in order to formally excise the acquired portions from the landowners' titles and vest them in the acquiring authority.

The law further provides for situations where urgent possession of land is required in the public interest. In this regard, Section 120(2) of the Land Act, 2012 allows the Commission to take possession of land notwithstanding that the normal process has not been fully concluded, provided that the urgency of the project justifies such action and that no person will be rendered homeless as a result.

Status of the Acquisition

The land required for the development of the Kibwezi Lorry Park and roadside amenities was formally published for acquisition through Gazette Notice No. 197 dated 14th January 2022, which was issued as an addendum to the earlier acquisition notices relating to the road project.

Following the publication of the notice of intention to acquire, the Commission undertook inspection and identification of the affected properties in the presence of the respective landowners. Subsequently, inquiry hearings were conducted on 15th March 2022 at the Kibwezi Chief's Office pursuant to Gazette Notice No. 198 issued on the same date as the notice of intention to acquire. The inquiry process was preceded by extensive stakeholder engagement, including field inspections conducted together with the affected landowners. The petitioner, Mr. Ibrahim Thitu Makwattah, was present during these exercises.

After the publication of the notices and the completion of the statutory waiting period, the Kenya National Highways Authority requested the Commission to take possession of the land pursuant to Section 120(2) of the Land Act, 2012 on account of the urgency of the project and the need to avoid delays that would have been contrary to the public interest. Upon verifying that the statutory conditions had been met, including confirmation that fifteen days had elapsed from the date of publication of the notice of intention to acquire and that the affected parcels were unoccupied, the Commission issued notices of formal taking possession dated 2nd February 2022.

Compensation Status

The Commission subsequently finalized the valuation and assessment of compensation for the affected landowners and issued letters of award in December 2025. The total compensation assessed for the parcels within the Kibwezi Lorry Park area amounted to **Kenya Shillings Sixteen Million Six Hundred Eighty-Six Thousand Six Hundred Ninety (Ksh. 16,686,690.00)**.

To date, the Commission has received partial compensation funds amounting to **Kenya Shillings Ten Million Five Hundred Eighteen Thousand Three Hundred Eighty (Ksh. 10,518,380.00)** from the Kenya National Highways Authority. The Commission is currently in the process of effecting payments to those landowners who have submitted the requisite documentation and have consented to the compensation awards issued by the Commission. Payment of the remaining compensation will be undertaken once the acquiring authority releases the balance of the required funds.

Commission's Position on the Petition

Honourable Chair:

The Commission respectfully submits that the compulsory acquisition process for land required for the development of the Kibwezi Lorry Park and roadside amenities was undertaken in accordance with the Constitution of Kenya, the Land Act, 2012 and the applicable regulations governing compulsory acquisition. The statutory steps required under the law were followed, including publication of the notice of intention to acquire, inspection and identification of the affected properties, stakeholder consultations with landowners, and the conduct of inquiry proceedings to determine the respective interests and claims of the affected persons.

The Commission further reiterates that the taking of possession of the affected parcels prior to completion of the compensation process was undertaken pursuant to Section 120(2) of the Land Act, 2012, which permits the Commission to allow possession in circumstances where urgent necessity exists and where delay would be contrary to the public interest. In this case, the request for possession was made by the acquiring authority, the Kenya National Highways Authority, to facilitate timely implementation of the road project, which is a critical public infrastructure project intended to improve regional connectivity and economic development.

With regard to the allegations raised in the petition concerning failure to compensate the affected landowners, the Commission wishes to clarify that compensation awards have already been prepared and issued to the affected persons. The delay in the payment of compensation has not arisen from any procedural failure on the part of the Commission but is attributable to the fact that the Commission can only effect payment upon receipt of the requisite compensation funds from the acquiring authority. As indicated above, the Commission has received partial funds from the Kenya National Highways Authority and has commenced the process of paying landowners who have accepted the awards and submitted the required documentation.

The Commission remains committed to ensuring that all eligible landowners are compensated in accordance with the law and will continue to process payments as soon as the remaining funds are made available by the acquiring authority.

The Commission therefore respectfully requests that Parliament takes note of the steps already taken to address the matter and allows the Commission and the acquiring authority to finalize the outstanding compensation payments in accordance with the law.

3) PETITION BY RESIDENTS OF GITEI VILLAGE, KIAMBU COUNTY REGARDING ROAD RESERVE BOUNDARIES AND PROTECTION OF ANCESTRAL LAND.

PETITIONERS CLAIM

The Petitioners, on behalf of the residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County, claim that Gitei Village is an ancestral settlement and home to more than 10,000 residents who have developed their land, carried out farming, and established permanent and semi-permanent structures guided by the long-standing understanding that the Kiambu-Tatu City-Kiambu/Ruiru Road reserve measures 40 metres in width. They state that the Kenya National Highways Authority (KeNHA) recently placed new beacons along the road between KM 12+800 (Kiu River) and KM 14+500 (Kirigiti) with the intention of expanding the road reserve from 40 metres to 60 metres, contrary to the residents' long-held understanding and previous government assurances.

The Petitioners contend that although Survey Plan FR No. 9/69, prepared in 1914 during the colonial period and later relied upon by KeNHA, indicates a wider reserve, subsequent official actions and public representations consistently affirmed a 40-metre corridor. In particular, they refer to the Kenya Gazette Notice Vol. CV-No. 59 of 6th June 2003, which classified the Kiambu-Ruiru Road as Class C3 and gazetted a 40-metre road reserve corridor, and to a letter dated 19th June 2004 from the Ministry of Roads confirming that the road reserve at the affected section was 40 metres wide. The Petitioners further state that they and previous generations have occupied and developed the land on the basis of that position, and that any expansion to 60 metres would result in demolition of homes and businesses, displacement of families, destruction of graves and cultural sites, loss of livelihoods, and irreparable intergenerational loss.

They also claim that some of the affected parcels are supported by valid title deeds, particularly in respect of Ndumberi/Riabai parcels 4, 125 and 337, and that despite repeated engagements with KeNHA, WARMA, Kiambu Water and Sewerage Company, and local administrators, they have not received a substantive resolution.

The Petitioners therefore seek the intervention of the National Assembly to review and revoke reliance on the old survey plan, confirm the road reserve between KM 12+800 and KM 14+500 as 40 metres, recognize and protect valid titles held by residents, ensure any future acquisition is undertaken lawfully and transparently with public participation, and address the continued levying of land rates on portions allegedly falling within the road reserve.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission notes the concerns raised by the Petitioners regarding the alleged variation of the road reserve boundary along the Kiambu-Tatu City-Kiambu/Ruiru Road between KM 12+800 and KM 14+500, and the potential impact on ancestral land, developments, livelihoods and other community interests. The Commission wishes to clarify that issues relating to the delimitation of road reserve boundaries, the underlying survey records, and the implementation of road projects primarily require verification against the relevant survey plans, gazette notices, cadastral records and acquisition documents held by the responsible agencies. In this regard, the Commission has formally written to the Kenya National Highways Authority (KeNHA) requesting, among other things, copies of the stated Gazette Notice, the relevant survey plan, and clarification on the current status of the road reserve in the affected section. This is necessary to enable the Commission to establish the factual and legal position before making any further determination or intervention.

Upon receipt of the requested information, the Commission will review the matter within the confines of its constitutional and statutory mandate, including the need to ascertain the authenticity of the records being relied upon, the status of any affected parcels, and whether any action giving rise to compulsory acquisition, boundary variation or interference with private or community interests has been undertaken in accordance with the law. Should it emerge that any acquisition of land is required for public purpose, the Commission reiterates that such process must be undertaken strictly in accordance with the Constitution, the Land Act, and all applicable legal procedures, including due process, public participation, inquiry, valuation and prompt payment of just compensation where applicable. The Commission will therefore be guided by the information to be furnished by KeNHA and any other relevant records in determining the appropriate course of action.

4) PETITION BY (PROF.) PHYLLIS BARTOO, MP REGARDING WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45 SETTLEMENT FUND TRUSTEES LOAN.

PETITIONERS CLAIM

The Petitioners, on behalf of the residents of Moiben Constituency, claim that the Elgeyo Border Settlement Scheme No. 45 was established in 1963 under the Agricultural Settlement Fund Trustees framework for purposes of agricultural development, land purchase and settlement in the area. They state that the Fund, which was managed under the relevant legal and administrative framework by the responsible Government ministries, advanced financing to support settlement and development within the scheme. The Petitioners contend that over the years, due to changing socio-economic circumstances and changes in land ownership, the burden of loan arrears under the scheme has become unmanageable for the current generation of residents. They further state that many families inherited the debt without inheriting the corresponding financial capacity, assets or resources to repay it, and that the original purpose of the Settlement Fund has since been overtaken by the severe financial strain imposed on the community.

The Petitioners further claim that the debt relating to the Elgeyo Border Settlement Scheme has grown exponentially over time and now far exceeds the initial capital investment of KShs. 5,000, thereby becoming a major impediment to the economic progress and well-being of the residents. According to the Petition, the accumulated debt has hindered the community's ability to invest in essential needs such as infrastructure, education and healthcare. The Petitioners also state that residents have, over the years, continued to receive demand notices in respect of the loan arrears, coupled with the threat of repossession of their land in the event of non-payment. They therefore seek the intervention of the National Assembly, through the Public Petitions Committee, to engage the Settlement Fund Trustees with a view to securing a waiver of the accumulated debt owed by the community and to make any other recommendation deemed appropriate to address the plight of the Petitioners.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission wishes to clarify that the issues raised in the Petition, particularly those relating to the administration of the Elgeyo Border Settlement Scheme, the management of settlement loans, and payments by beneficiaries under the scheme, fall within the mandate of the Ministry of Lands, Public Works, Housing

and Urban Development, which is the institution responsible for matters concerning land settlement and the administration of settlement schemes.

Accordingly, the Commission's position is that this matter is best addressed by the Ministry, being the competent authority with the requisite policy, administrative and operational mandate over settlement scheme obligations and any consideration for waiver of such payments.

5) PETITION BY WORKERS OF NYARIO YA KIDIDI CHA BHATHUBHETA CULTURE COMMUNITY IN TAVETA CONSTITUENCY REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R. NO. 249 OF 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY.

PETITIONERS CLAIM

The Petitioners, on behalf of the Nyario ya Kididi cha Bhatubheta Culture Community in Taveta Constituency, Taita Taveta County, claim that they are a registered and recognized community group under the Community Land Act and the Community Land Regulations, and that they are dedicated to preserving the welfare, culture and land rights of the Taveta people as protected under Article 63 of the Constitution and the Community Land Act. They state that in 1963, the Government of Kenya reserved Trust Land Reference L.R. No. 249 of 1963 for the natives for purposes of grazing and farming, and that the community occupied the land until around 1982, when a severe drought led to loss of human life and livestock and forced them to relocate to the lowlands near River Lumi.

The Petitioners nevertheless contend that they continued using the said trust land as a traditional shrine for prayers and circumcision until about 2022, when they were allegedly arrested and harassed by officers from the Kenya Wildlife Service (KWS) on allegations of trespass. The Petition further states that the community sought clarification on the status of the land and communicated the information obtained to KWS, while requesting to continue using the land as shrines and grazing area, but KWS declined and maintained that the land forms part of Tsavo West National Park and is therefore a protected area. The Petitioners further claim that KWS has recently commenced fencing off the trust land, thereby completely cutting off the community from the area, and that all efforts to resolve the matter have not borne fruit.

They therefore pray that the National Assembly, through the Public Petitions Committee, inquires into the legal status of L.R. No. 249 of 1963 and makes recommendations for the settlement of the squatters within Taveta Constituency, together with any other recommendations it may deem fit to address the plight of the Petitioners.

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's records indicate that it received a total of **forty-one (41)** historical land injustice claims from Taita Taveta County. However, as at 21st

September 2021, Nyario ya Kididi cha Bhatubheta Culture Community had not lodged any claim before the Commission in relation to the matters raised in the Petition.

The Commission wishes to clarify that claims relating to historical land injustices are handled within the legal framework established under Article 67(2)(e) of the Constitution of Kenya, 2010, as read together with the relevant provisions of the National Land Commission Act. In this regard, Parliament amended the law to provide an opportunity for individuals and communities who had not previously filed claims relating to historical land injustices to do so within the prescribed framework.

Accordingly, should the Nyario ya Kididi cha Bhatubheta Culture Community choose to file a claim before the Commission, the claim will be subjected to an admissibility assessment to determine whether it satisfies the legal threshold and the criteria set out under the applicable law and regulations governing historical land injustice claims. This process is necessary to establish whether the matter falls within the Commission's mandate and whether it is properly before the Commission for determination.

Where the claim satisfies the admissibility criteria, the Commission will proceed to institute the appropriate investigative process, including an investigative hearing, for purposes of inquiring into the facts and circumstances of the claim and making such findings and recommendations as may be warranted in law. However, where the claim does not meet the admissibility requirements, the claimants will be duly advised and guided on the appropriate institution, forum, or legal avenue through which the matter may be pursued.

In the circumstances, the Commission's position is that the issues raised by the Petitioners have not been presented before it as a formal historical land injustice claim, and therefore the Commission has not had the opportunity to consider the matter within the statutory process provided under the law.

6) PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETTEMET OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.

PETITIONERS CLAIM

The Petitioners, on behalf of the Il'ngwesi and Yaaku communities in Laikipia North Constituency, contend that the Mukogodo Forest Reserve, covering approximately 30,189 hectares and gazetted as a public forest through Gazette Notice LN 174 of 1964, historically forms part of the ancestral land traditionally occupied and managed by the local communities.

The Petitioners state that the Il'ngwesi and Yaaku communities have long relied on the forest as a source of livelihood, cultural heritage, and spiritual significance. They further indicate that the communities established the Ilmamusi–Mukogodo Forest Association to participate in the conservation and management of the forest and to safeguard the ecological and cultural value of the area.

However, the Petitioners aver that persistent insecurity, including incidents of banditry and livestock theft, forced members of the communities to temporarily vacate the forest area. They contend that this displacement has led to illegal occupation and degradation of the forest ecosystem.

In view of the foregoing, the Petitioners seek the intervention of Parliament to review the legal status of the forest reserve, consider revocation of the gazettement of Mukogodo Forest as a public forest, and facilitate restoration

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's position is that the issues raised in the Petition, particularly those relating to the revocation of the gazettement of Mukogodo Forest Reserve as a public forest and any consequent variation of its legal status, are matters that fall primarily within the mandate of the Ministry of Environment, Climate Change and Forestry and the institutions established under the Forests Conservation and Management Act, including the framework set out under sections 33 and 34 on the declaration, variation, and revocation of public forests.

Accordingly, the Commission considers that this matter is best addressed by the Ministry and the relevant forest sector agencies, which are the competent authorities to deal with the gazettement or degazettement of public forests and any related administrative or legal processes.

6) PETITION BY HON. SARAH KORERE, MP REGARDING REVOCATION OF THE GAZETTEMENT OF MUKOGODO FOREST RESERVE AS A PUBLIC FOREST.

PETITIONERS CLAIM

The Petitioners, on behalf of the Il'ngwesi and Yaaku communities in Laikipia North Constituency, contend that the Mukogodo Forest Reserve, covering approximately 30,189 hectares and gazetted as a public forest through Gazette Notice LN 174 of 1964, historically forms part of the ancestral land traditionally occupied and managed by the local communities.

The Petitioners state that the Il'ngwesi and Yaaku communities have long relied on the forest as a source of livelihood, cultural heritage, and spiritual significance. They further indicate that the communities established the Ilmamusi-Mukogodo Forest Association to participate in the conservation and management of the forest and to safeguard the ecological and cultural value of the area.

However, the Petitioners aver that persistent insecurity, including incidents of banditry and livestock theft, forced members of the communities to temporarily vacate the forest area. They contend that this displacement has led to illegal occupation and degradation of the forest ecosystem.

In view of the foregoing, the Petitioners seek the intervention of Parliament to review the legal status of the forest reserve, consider revocation of the gazettement of Mukogodo Forest as a public forest, and facilitate restoration

OUR RESPONSE

Honourable Chair and Committee Members

The Commission's position is that the issues raised in the Petition, particularly those relating to the revocation of the gazettement of Mukogodo Forest Reserve as a public forest and any consequent variation of its legal status, are matters that fall primarily within the mandate of the Ministry of Environment, Climate Change and Forestry and the institutions established under the Forests Conservation and Management Act, including the framework set out under sections 33 and 34 on the declaration, variation, and revocation of public forests.

Accordingly, the Commission considers that this matter is best addressed by the Ministry and the relevant forest sector agencies, which are the competent authorities to deal with the gazettement or degazettement of public forests and any related administrative or legal processes.

7) PETITION BY HON. RAHIM DAWOOD, MP REGARDING COMPENSATION AND LAND ALLOCATION TO MAU MAU WAR VETERANS OF MERU COUNTY.

PETITIONERS' CLAIM

The Petitioners, acting on behalf of the Mau Mau Freedom Fighters of Meru County, claim that despite the recognition framework established under section 3 of the Kenya Heroes Act, many Mau Mau war veterans who contributed to Kenya's liberation struggle have never received proper recognition, compensation, or reparation. They state that since independence in 1963, a section of Mau Mau veterans who suffered displacement, forced evictions, and other injustices under colonial rule have remained without redress.

The Petition further alleges that although the Mau Mau War Veterans Association (MMWVA) was formed to unify veterans, some regional leaders were never appointed and funds allocated by the Government were misappropriated, thereby denying veterans and their families the intended economic relief. The Petitioners also contend that regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to pursue land rights and reparations, but veterans from other regions, including Meru, were excluded from those initiatives.

They further claim that some veterans were previously compelled to mobilize their own resources and fundraise in order to purchase land from white settlers, a process that excluded many who could not afford to participate. The Petitioners maintain that the efforts by Mau Mau veterans to obtain justice and reparations for violations such as economic dispossession, evictions, forced labour, rape, and murder committed during the colonial period have remained unaddressed.

Consequently, the Petitioners seek the intervention of the National Assembly to facilitate the resettlement of Mau Mau war veterans and their families on ancestral land, promote regional representation in the Mau Mau War Veterans Association, support formal recognition of the Mau Mau Movement under the Kenya Heroes Act, and have the historical land injustices raised investigated by the National Land Commission.

OUR RESPONSE

The Commission's records indicate that it received a total of **thirteen (13)** historical land injustice claims from Meru County. However, the Mau Mau freedom fighters of Meru did not lodge any specific claim before the Commission

in respect of the matters now raised in the Petition. The Commission wishes to clarify that its mandate on historical land injustices is derived from Article 67(2)(e) of the Constitution, as operationalized under section 15 of the National Land Commission Act, as amended, and the National Land Commission (Investigation of Historical Land Injustices) Regulations.

Under this legal framework, any claim relating to a historical land injustice must first be formally lodged before the Commission and thereafter subjected to a vetting and admissibility assessment to determine whether it meets the prescribed legal threshold. This assessment considers, among other things, whether the complaint relates to a recognized historical land injustice, whether it concerns a violation of rights in land, whether it remains unresolved, and whether it falls within the Commission's mandate. Upon such assessment, the Commission may admit the claim for investigation, reject it with reasons, refer the claimants to another appropriate institution, or consolidate it with related claims where applicable.

Accordingly, the Commission's position is that the Petition, as presently framed, does not correspond to any claim filed before it by the Mau Mau freedom fighters of Meru under the historical land injustice framework. The Commission has therefore not had the opportunity to assess the matter for admissibility, undertake investigations, hear the parties, or make any recommendation for redress on the grievances now being advanced.

The Commission nevertheless notes that the current legal framework provides an avenue through which the Mau Mau freedom fighters of Meru, or their representatives, may formally lodge a claim on the alleged historical land injustice. Once such a claim is filed, it will be considered strictly in accordance with the Constitution, the National Land Commission Act, and the applicable Regulations. If the claim meets the admissibility threshold, the Commission will proceed with the requisite investigative process. If it does not meet the threshold, the claimants will be advised on the appropriate institution or legal avenue through which the matter may be pursued.

In summary, while the grievances raised by the Petitioners may be deserving of consideration, no claim concerning the alleged historical land injustice affecting the Mau Mau freedom fighters of Meru has so far been filed with the Commission. The Commission therefore advises that the matter be formally presented to enable consideration within the framework of the law.

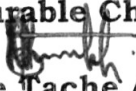
CONCLUSION

Honourable Chairpersons and Honourable Members,

Commission remains fully committed to executing its constitutional mandate on compulsory acquisition in a lawful, transparent, and participatory manner, while safeguarding the rights and interests of affected communities.

I thank the Joint Committee and stand ready to provide any further clarification as may be required.

Honourable Chairpersons and Honourable Members, I submit.


→ **Kabale Tache Arero, MBS**
SECRETARY/CEO

Encl



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

Honourable Chair,

Pursuant to a letter Ref. NA/DAA&GPC/PPC/2026/014 dated 18th February, 2026, the Committee invited the Principal Secretary State Department for Lands and Physical Planning to a meeting to provide information on the petitions.

PETITIONS;

- I. P/No.32/2025 by landowners affected by the construction of the road regarding compensation for residents of the Embu Ring /Connectors Roads projects in Embu County.
- II. P/No.35/2023 By Mr. Ibrahim Nthitu Makwattah regarding compensation of compulsory acquired land and properties along Kibwezi -Kitui Road.
- III. P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;
- IV. P/No. 11/2024 by (Prof.) Phyllis Bartoo, MP regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;
- V. P/No. 03/2024 by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;
- VI. P/No. 13/2025 by Hon. Sarah Korere, MP regarding revocation of the gazettement of Mukogodo forest reserve as a public forest; and
- VII. P/No. 11/2025 by Hon. Rahim Dawood, MP regarding compensation and Land allocation to Mau Mau War Veterans of Meru County.

RESPONSE

We wish to respond as follows;

- I. P/No.32/2025 by landowners affected by the construction of the road regarding compensation for residents of the Embu Ring /Connector Road project in Embu County.**

The Petition

The Petitioners are residents and land owners affected by construction of the Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago (Embu Ring/Connector) Road Project in Embu County.

They aver that the Kenya National Highways Authority (KeNHA) and the National Land Commission (NLC) compulsorily acquired private land for the construction of the 63-kilometre Embu Ring/ Connector Road. They allege that implementation of the project adversely affected numerous households, farms and business premises along the project corridor resulting in economic hardship, disruption of livelihoods and displacement of families. They claim that on 23rd February 2024, a Gazette Notice was issued confirming the compulsory acquisition listing all parcels affected for compensation. They further claim that to date, many Project Affected Persons (PAPs) have remained uncompensated leading to loss of homes, agricultural land, sources of livelihoods, inability to relocate or rebuild serious financial distress among others.

They have therefore prayed that the National Assembly through the Public Petitions Committee;

- i) Investigates the status of compensation for all PAPs along the Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago Road including reasons for the delay or non-payment, the accuracy and fairness of valuation reports and legal status of the compulsory acquisition;
- ii) Recommends prompt and fair compensation for all PAPs in accordance with Article 40 (3) of the Constitution and the Land Act; and
- iii) Makes any other recommendation or takes any action it deems appropriate to address the plight of the Petitioners.

Response

Honourable Chair, we wish to respond as follows;

The issues raised in this petition fall within the mandate of the National Land Commission (NLC) and the Ministry of Roads and Transport who are best suited to provide a response.

II. P/No.35/2023 By Mr. Ibrahim Nthitu Makwattah regarding compensation of compulsory acquired land and properties along Kibwezi -Kitui Road.

The Petition

The Petitioner avers that the landowners he is representing were invited to a meeting in the office of the Deputy County Commissioner, Kibwezi Sub County on 7th October 2021 where they were notified of the Government's decision to acquire parcels of land for purposes of constructing a lorry park and other roadside amenities. The purported meeting was also attended by officers from the National and County Governments, the Kenya National Highways Authority (KeNHA) the NLC and APEC Consortium.

He further claims that the exercise was executed by the APEC Consortium instead of Government officers. He further states that KeNHA published a Gazette Notice indicating interest on the parcels of land and inviting the landowners for negotiations. The process was however unsuccessful. He avers that the NLC wrote to the affected landowners informing them that KeNHA had been granted full access to commence construction.

The Petitioner avers that all efforts to have the matter amicably including the including the intervention of the then Makueni Senator have all been unsuccessful.

The petitioner is requesting an investigation into the alleged illegal acquisition of their properties, investigation on why affected landowners were not compensated. what was the role of APEC consortium in the compulsory acquisition of the properties and whether National Land Commission shared the valuation report and any recommended offers to the affected landowners.

Response

Honourable chair. I wish to respond as follows;

The issues in this petition fall under the mandate of the National Land Commission (NLC) and KeNHA who are best suited to provide a response.

III. P/No.18/2025 by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;

The Petition

The petitioners are residents of Gitei Village, Kirigiti Location, Riabai Ward, Kiambu County. They lament that KeNHA has recently placed new beacons along the road between KM12+800 (Kiu River) and KM14+500 (Kirigiti) with an intention to expand the road reserve from 40 metres to 60 metres contrary to long standing government assurances and community practice.

They claim that Survey Plan F/R 9/69 authenticated in 1914 forms the basis of KeNHA's decision despite being a colonial era plan which provides for inconsistent corridor widths along the same road. They further aver that the Kenya land demarcation of 1958 and subsequent developments, burials and investments were carried out with the assurance of a 40-metre reserve and extending the corridor to 60-metres would result in exhumations, demolitions, displacement and irreparable intergenerational losses. They further aver that Kenya Gazette Notice Vol. CV No. 59 of 6th June 2003 classified the Kiambu-Ruiru Road as C63 with a gazetted road reserve corridor of 40-metres which has consistently guided contractors and residents since independence.

The petitioners also claim that Kiu River which serves as the main water source for Gitei village has a 30-metre riparian reserve which when combined with KeNHA's 60-metre claim renders some parcels of land such as Ndumberi/ Riabai/ 14, 125 and 337 entirely consumed leaving landowners landless despite holding valid titles.

They therefore pray that the National Assembly through the Public Petitions Committee

- i. Directs the immediate review and revocation of reliance on Survey Plan FR No. 9/69 (1914), and adoption of current statutes, gazette notices, and recommends for gazette of the road reserve between KM 12+800 (Kiu River) and KM 14+500 (Kirigiti) as 40 metres, to ensure uniformity with the rest of the Kiambu-Ruiru road corridor;
- ii. Recognises and protects valid certificate of title holders, particularly where road reserves and riparian land overlap, with special attention to Ndumberi/Riabai parcels 14, 125, and 337;
- iii. Ensures that equitable and transparent compensation for any compulsory acquisition of land is carried out through a meaningful public participation and legal due process;
- iv. Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

Response

Honourable Chair, in response to questions i and ii, during the demarcation period, the adjudication team demarcated the ancestral land based on survey plan F/R 9/69 of 1914 which brought about Ndumberi/Riabai registration section. The survey plan F/R 9/69 was approved and authenticated by the Director of Surveys on 30th March, 1915 shows the road reserve (Old Fort Hall Road) was surveyed as a 60-Metre-wide Road Reserve. **Annexure 1** is a copy of the survey plan.

When the demarcation of boundary was carried out, the parcel boundaries (parcels 14, 125 and 337 among others) were surveyed up to the centre of Kiu River as depicted on the Registry Index Map (RIM) sheet 9 of Ndumberi /Riabai registration section.

Honourable Chair, the riparian reserve forms part of the total acreage of each parcel of land abutting Kiu River. However, the use of the riparian reserve is regulated by various statutes and players including WARMA, NEMA, County Government, Survey Act and Physical and Land use Planning Act.

Honourable Chair, in response to question iii, compensation for compulsory acquisition and requisite public participation are matters that fall under the purview of the National Land Commission (NLC).

IV. P/No. 11/2024 by (Prof.) Phyllis Bartoo, MP regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;

The Petition

This petition is filed by the Hon. (Prof.) Phyllis Bartoo. MP on behalf of the residents of Moiben Constituency.

She avers that Elgeyo Border Settlement Scheme was established in 1963 under the Settlement Fund Trustees to facilitate settlement and development in the region.

Over the years however, due to social economic factors and changes in land ownership, the burden of arrears of loan repayment has become unmanageable for the current generation of residents.

She further claims that the debt owed has grown exponentially over time hence becoming a significant barrier to the economic progress and wellbeing of the community. At the same time the residents have received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid. It is against this background that the petition is anchored on with the prayer that the National Assembly through the Public Petitions Committee -

- (i) Engages the Settlement Fund Trustees with a view of seeking waiver of the accumulated debt of Elgeyo Boarder Settlement Scheme by the community;
- (ii) Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

Response

Honourable Chair, Elgeyo Border Settlement Scheme No.045, Uasin Gishu County was started in January, 1963 with the beneficiaries being allocated 25 acres each.

There are 428 land parcels allocated to families and 23 Public utilities which include schools, market centres, churches and a water dam.

Being a conventional scheme, the beneficiaries were required to pay an initial deposit and thereafter pay the balance in 28 half – yearly instalments after grace period of 2 years. They were required to meet these costs from the income generated from the land allocated to them.

Over the years, some beneficiaries have managed to clear the amounts owed to them and have been discharged.

To date, the status is as follows: -

- (a) Number of plots discharged and forwarded for titling – 148.
- (b) Number of discharges at the County Land Adjudication and Settlement office awaiting execution of transfer – 83. This mainly due to succession issues.
- (c) Number of plots with outstanding Loan balances – 186.

The total amount accruing is approximately Ksh.13 million.

Honourable Chair, the settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises of: -

1. Cabinet Secretary - Ministry of Lands and Physical Planning (Chair)
2. Cabinet Secretary – National Treasury
3. Cabinet Secretary – Ministry of Agriculture
4. Cabinet Secretary – Internal Security.
5. Cabinet Secretary – Ministry of Environment and National Resources
6. A Representative – National Land Commission

Honourable Chair, on 7th August, 2025, the Ministry of Lands, Public Works, Housing and Urban Development presented a Cabinet Memo for waiver of all outstanding land and development loan interests and related penalties for all settlement schemes amounting to Kshs. 5,342,797,484.39. The Cabinet approved the memo in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

V. P/No. 03/2024 by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;

The Petitioner

The petitioner, Nyario ya Kididi cha Bhatubheta Culture Community is a registered and recognized community group from Taveta Constituency, registered under the Community Land Act and the Community Land Regulations. The Community is dedicated to preserving and advancing the welfare and culture of the Taveta people including the protection of the natives' land rights as guaranteed under Article 63 of the Constitution and the Community Land Act;

They claim that in 1963, the Government of Kenya reserved a Trust Land reference L.R. No. 249 of 1963 for the natives for purposes of grazing and farming. They claim that the Community occupied the Trust Land until sometime in 1982 when there was a severe drought that claimed human life and livestock and as a result, they left the area and relocated to the lowlands near River Lumi.

They further state that the Community continued using the said Trust land as a traditional shrine for prayers and circumcision until sometime in 2022 when they were arrested and harassed by Rangers from Kenya Wildlife Service (KWS) on allegations of trespass. After negotiations between local political leaders and KWS, the arrested members of the Community were released but on firm instructions that they should not trespass on the Trust Land on grounds that the area is part of Tsavo West National Park and is a protected area;

The petitioner notes that vide a letter dated 17th August 2023, the Community sought information from the Director for Land Administration on the legal status of the Trust Land and on 18th August 2023, they were expressly informed that the land is still Trust Land. The Community forwarded the aforesaid information from the said Director to the KWS and requested to be allowed to continue using the Trust Land as their shrines and grazing area. The KWS declined and insisted that the Trust Land is part of Tsavo West National Park and that it is a protected area.

They claim that in the recent past, the KWS has started fencing the Trust Land completely cordoning it off from the Community, and all efforts to have the matter resolved has not been fruitful and therefore pray that the National Assembly through the Public Petitions Committee;

- (i) inquiries into the legal status of the land L.N. No. 249 of 1963 and recommends for the settlement of the squatters within Taveta Constituency; and
- (ii) makes any other recommendations that it may deem fit in addressing the plight of the Petitioners.

Response

Honourable Chair, according to our records, the referenced parcel of land falls in Trust land (now Community Land) within Taita Taveta District. It is defined as L.N No. 249 of 1963(Legal Notice). It measures approximately 3723 Acres as defined by boundary plan 179/37.

The key steps of registering a Community Land are as follows;

- i. Presentation of the inventory through CLA 6 to the Cabinet Secretary.
- ii. Cabinet secretary to gazette an adjudication programme.
- iii. A notice of intention to survey through form CLA 7 for a period of 60 days.
- iv. After elapse of 60 days the surveyor prepares a cadastre
- v. Community land proceeds to registration.
- vi. Issuance of title deed (certificate of registration -Form CLA 4.

Honourable Chair, Nyario ya Kididi cha Bhatuweta community should liaise with the County Government of Taita Taveta to ensure that the inventory is forwarded to the Cabinet Secretary for Ministry of Lands, Public Works, Housing and Urban Development.

VI. P/No. 13/2025 by Hon. Sarah Korere, MP regarding revocation of the gazettelement of Mukogodo forest reserve as a public forest.

The Petition

The petitioner observes that Mukogodo Forest Reserve, covering an area of 30,189 Hectares, was declared a public forest through Gazette Notice LN. 174 of 1964. It is located on the northwestern side of Mt. Kenya within the expansive plains of Laikipia County. Mukogodo Forest borders four areas designated as community land: Il Ng'wesito the Southeast, Mayianat to the Southwest, Shulumaito to the Northwest, and Lekurrukito to the North. It also neighbours the Borana Wildlife Conservancy. The surrounding communities, including the Il Ng'wesi and Yaaku, have safeguarded approximately 10,000 Hectares of this forest land since the 14th Century.

He also states that in recognition of the forest's importance as a place of residence, a sanctuary for cultural and religious practices, and a source of livelihood, the Il Ng'wesi and Yaaku communities formed the Ilmamusi-Mukogodo Forest Association in 1998 to manage the forest. The Community Forest Association was formally registered in 2008 and became fully operational in 2016 with a duly constituted management committee comprising twenty-four (24) members.

However, due to persistent insecurity, including killings and livestock banditry, the Il Ng'wesi and Yaaku communities were forced to flee the forest. As a result, the area has been occupied illegally, leading to widespread destruction of the forest.

The displacement of these communities due to banditry has resulted in the loss of lives and property, disruption of education due to school closures, increased livestock theft, and destruction of the forest's flora and fauna, among other hardships.

He claims that the Government's efforts to address insecurity in the region have been hindered by numerous challenges, including the rugged terrain, lack of full control, and unclear ownership of the Mukogodo Forest.

They claim that revoking the gazettement of Mukogodo Forest as a public forest and reclassifying it as a community forest would significantly benefit the Il Ng'wesi and Yaaku communities. These benefits include enhanced control and management of forest resources, increased community participation in conservation, protection of indigenous rights, promotion of devolved natural resource governance, and improved conflict resolution and social cohesion.

Despite repeated efforts by the Il Ng'wesi and Yaaku communities to seek redress from relevant authorities, no tangible results have been achieved to date and therefore pray that the National Assembly, through the Public Petitions Committee;

- (i) Recommends that the Gazette Notice No. 174 of 1964 be revoked and the 20,189 hectares of Mukogodo Forest be subsequently gazetted of as a community forest;
- (ii) Recommends that the remaining 10,000 hectares of Mukogodo Forest be allocated for the resettlement of the Il Ng'wesi and Yaaku communities; and
- (iii) Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

Response

Honourable Chair, the matters raised in questions 1, 2 & 3 pertain to management of forests in Kenya which is the mandate of the Kenya Forest Service (KFS). Reclassification of Mukogodo Forest is a matter that can best be addressed by the Chief Conservator of Forests (CCF) in Kenya.

VII. P/No. 11/2025 by Hon. Rahim Dawood, MP regarding compensation and Land allocation to Mau Mau War Veterans of Meru County

The Petition

The petitioner points out that section 3 of the Kenya Heroes Act establishes a legal framework for the recognition and honour of national heroes, stipulating that a person shall be considered a hero if they have selflessly contributed and sacrificed for the nation in any of the functional areas, including the liberation struggle. Since Kenya attained independence in 1963, a section of Mau Mau veterans who

endured displacement by the colonial government, through discriminatory laws and flawed land policies, including forced evictions, have never received any form of reparation.

He says that despite the formation of the Mau Mau War Veterans Association (MMWVA) which was intended to unify all Mau Mau veterans, regional leaders of the association were never appointed, and the funds allocated by the Government were misappropriated, leaving veterans and their families without the desired economic relief. That while regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to advocate for land rights and other forms of reparation, veterans from other regions, including Meru, were excluded from these initiatives. Previously, Mau Mau war veterans, notably through organisations like NDEFFO, were compelled to consolidate resources and fundraise to purchase land from white settlers, excluding many who could not afford to participate;

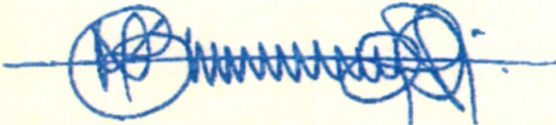
The petitioner avers that most of the land formerly held by white settlers has since exhausted lease periods as provided under Article 65 of the Constitution. However, the National Land Commission (NLC), despite its mandate to initiate investigations, either suo motu or upon complaints, into present or historical land injustices and recommend appropriate redress, has never investigated pre-independence land injustices perpetrated against the Mau Mau. The relentless efforts by Mau Mau war veterans to seek closure and obtain reparation for the violations of economic rights, evictions, forced labour, rape, and murder committed by the British colonial government have remained unaddressed reason why the petitioners pray that the National Assembly, through the Public Petitions Committee:

- (i) Intervenes to ensure that the Mau Mau War Veterans and their families are resettled on their ancestral land, which was alienated by the colonial government and white settlers;
- (ii) Recommends the establishment of regional representation of the Mau Mau war veterans within the Mau Mau War Veterans Association;
- (iii) Recommends the official recognition and commendation of the Mau Mau Movement under the First Schedule of the Kenya Heroes Act;
- (iv) Engages the National Land Commission to investigate pre-colonial land injustices committed against the Mau Mau veterans; and
- (v) Makes any other recommendations it deems appropriate in addressing the plight of the Petitioners.

Response

Honourable Chair, the issues raised in i, ii, iii, iv & v above is the mandate of the National Land Commission pursuant to Article 67 (2)(e) of the Constitution of Kenya and the National Land Commission Act, 2012. The National Land Commission is therefore best placed to respond to the issues raised in the petition.

Honourable Chair, I submit.

A handwritten signature in blue ink, consisting of a series of loops and a central scribble, written over a horizontal line.

Hon. Generali Nixon Korir
PRINCIPAL SECRETARY

9th March 2026