

Mr. Amolo
Please deal
Shall

PARLIAMENT
OF KENYA
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REPUBLIC OF KENYA

THE SENATE
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21 OCT 2016

SPEAKER'S OFFICE

A PETITION TO THE SENATE

DATED the 18th of October 2016

TO; THE SPEAKER TO THE SENATE.

RE; PETITION MADE TO THE SENATE BY ENKONGU EMPAKASI KAPUTIEI TRUST GROUP COMMITTEE FOR AND ON BEHALF OF THE RESIDENTS OF KAJIADO NORTH AND KAPUTIEI EAST ON PARCEL OF LAND NGONG/ NGONG/1959.

The humble petition of your petitioners, the undersigned Enkongu Empakasi Kaputiei Trust Group Committee for and on behalf of the Residents of Kajiado North and Kaputiei East on parcel of land Ngong/ Ngong/1959 showeth:-

1. THAT vide a Gazette Notice No. 3818 of 1956 dated 2.8.1956 and published on 18.12.1956 made pursuant to the Native Lands Trust Ordinance, the Government vested approximately 1510 acres of land to Veterinary Department for the purpose of developing a veterinary farm and a training center with a view to improving livestock farming (Annexed and marked "EEKG 1" is the Gazette Notice)
2. THAT the Native Lands Trust Board which granted the application by the Veterinary Department comprised of the following Kaputiei leaders, sages and chiefs; the late Kantai Ole Nagila, Ole Seet, Shompa Ole Mapi, Mutende Ole Suiyanga and Chief Siongo Ole Pasha.
3. THAT on 10.5.1974, the subject land was registered in the name of the Olkejuado County Council and was on 14.3.1975 transferred to the Government of Kenya vide a letter Ref. No. 9/889/11 of 12/3/1975 (Annexed and marked "EEKG 2" is a letter dated 14.2.2014 from the Ministry of Lands explaining the history and current status of the land)
4. THAT over the years, the land has changed purpose from the original intended use and has to date has not benefitted the natives, inhabitants and or kenyan generally.
5. THAT the Veterinary Department itself seems to have no intention of fully putting the subject land into any better or useful purpose.

Mr. Charles Mwangi
Please review
DOP
29/12/2016

6. THAT much of the land has been irregularly excised, title deeds issued and illegal developments undertaken thereon to the detriment of the natives or inhabitants
7. THAT the petitioners have learned, from reliable sources that powerful and influential people have personal interests in the aforesaid land and are putting up pressure on National Land Commissions and related offices to commence sub-division and or alienation of the land.
8. THAT both the Parliamentary and Senate Departmental Committees have taken keen interest on the land
9. THAT Hon. Moses Ole Sakuda MP, Kajiado West Constituency and Hon. Peter Ole Mositet, Senator Kajiado County are both from the Keekonyokie Community/ Clan.
10. THAT Hon. Moses Ole Sakuda had petitioned the Parliament while Hon. Peter Ole Mositet had petitioned the senate both principally seeking that the subject land Ngong/ Ngong/1959 (veterinary land) be reverted to their Keekonyokie Community/ Clan. Both petitions were brought without the knowledge of Hon. Joseph W. Manje MP, Kajiado North Constituency.
11. THAT the petitioners herein state that all the subject land historically belonged to the Kaputiei clan as explained below:-
 - i) The subject land Ngong/ Ngong/1959 (veterinary land) borders Embulmbul Town and Ngong' Township, Kerarapon, Ngong Forest and Kibiku all of which fall within Kajiado North Constituency.
 - ii) The survey map for the area i.e. Index 148/3/SW/SE puts the subject land in Ngong Location within Kajiado North Constituency
 - iii) The Electoral Commission map of the subject area as per the Kenya Gazette dated 16.11.2012, particularly Polling Station No. 31 (KHIBIT- Kenya Institute for Highway & Building) places that the subject land within Kajiado North Constituency. (Annexed and marked "EEKG 3" is an Electoral Commission Map)
 - iv) Historically, Kaputiei clan owned all that piece of land from Kerarapon (Enkongu Empakasi) along the railway line to Kenyawa in South Kaputiei, Ngong' Hills to Kibiku/ Kimuka areas. A beacon at Kibiku separates Kaputiei, Kee-onyoike clans and Kiambu- ndeiya
12. THAT the subject land is the only large public utility land left in Kajiado North Constituency/ Kaputiei area and should be used for the benefit of the local community and Kajiado County as a whole.

REASONS WHEREFORE your humble Petitioners pray for;-

- a) Proper investigations into how some pieces of parcel of land No. Ngong/ Ngong/ 1959 was allocated to private owners, developers and title deeds therein issued.
- b) Having all land that was irregularly excised and title deeds issued from parcel of land No. Ngong/ Ngong/ 1959 be reverted and or surrendered to the Kaputiei Clan
- c) Having all the entire land originally known Ngong/ Ngong/ 1959 or any uncommitted land reverted and or surrendered to the Kaputiei Clan/ Community of Kajiado to be used as a venue for Community University or College, a teachers training college among other Constituency developments.

DATED at **NAIROBI** this

day of

2016

Signed by;-

No.	NAME OF PETITIONER	ADDRESS	ID. NO	SIGNATURE
	ANDREW OLE NANYGIRA		3340804	Attached.
	JOSEPH OLE KETELE			0721623938
	PO Box 70739 - 00400 NAIROBI			0700586045
	EMAIL: LNANYGIRA@HOTMAIL.COM			



ENKONGU EMBAKASI KAPUTIE TRUST



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- 3 SIKONKAI LEYIAN SOYANKA 1343199 0728142538
- 4 PAITA OLE KIONO 0089840 0725312381
- 5 JOSEPHAT OLE KAPURUA 23787254 0723824238
- 6 SAMUEL P. PARMUAT ID 0790582 0721-670698
- 7 NGENENA OLE KORUTA SAIAGA 0790542 0721-426344
- 8 SAMUEL OLE SOKTAI 1350042 0721229869
- 9 NIKAR OLE SITELU MOONKA 5116250 0711470328
- 10 WILSON MALII NJENKA 11681048 0726292116
- 11 MICHAEL MAIKO NHARKAU 6688675 0727259675
- 12 KALLOI OLE MOKOPE JAPASIAN 0790806 070067081
- 13 KAPURUA TAANI KASIKUA 0790821 0721-516592
- 14 GILBERT POKETUANI TAANI 23259464 0721-721575
- 15 BENSON KARAIWE MARIABIE 24262400 0721-146676
- 16 NELSON RARAKWAH NHARKAU 28546743 0720177316
- 17 DENNIS NHAPAYALI MUMUAT 30060368 0714126045
- 18 JACKSON TAANI MUMUAT 11639979 0722950045
- 19 BENSON OLE SAMERA 3421177 0729674374
- 20 BENSON KOTIMU OTUS 22519866 0729635482



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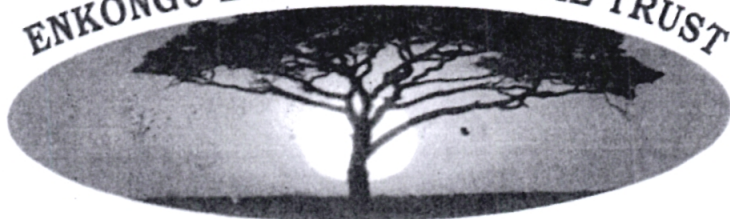


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- 23 ANDREW LAMPAI MOLOI 2245965 0792683899
- 24 HARRISON TANYAKWA LESI 20499511 0725803739
- 25 SAMUEL SANE LESI 0720586712
- 26 JULIUS MWANTA NIAPUYUK 0721865880
- 27 DANIEL LUHA TACIO 22573146 0727246417
- 28 KATEWA TADO NEKOTILA 6116913 0723591891
- 29 WILSON MOIPEI KATA 10402008-0720783466
- 30 OLEKU OLE MELITA TITUMA 536415-0726979238
- 31 JOSEPH OLE ORKEI 0792748 - 0722841600
- 32 POLMON S. OLEKANTAI 111351401-0722608854
- 33 VICTOR Saitoti Tuleto 11133625198-0707034536
- 34 KONCHELAH Toronkei Nkurne 1110790502-0725487804
- 35 SOIKAN OLE PELIAI SAROPA 1110790559-0712010467
- 36 JULIUS PATINE KISHAPU 1110790474 0727680547
- 37 WILSON KIPOLPOY TULETO 11122162100 0722225637
- 38 NIODONKI OLE LETOIRE 2118162524 0721-798534
- 39 GEORGE NISANGA 111680859 072293774
- 40 DAVID ASAT 111680198 0734729753
- 41 JOHN GITARE KIEYA 1110904633 0722818178
- 42 MARIAS PATINE 111301348978 072218664
- 43 HENRY KOPIRATO 9208388 0725517573



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- 46 Siokonkai ole Lerjau Surjauko ID 1343199 Tel 0728142538
- 47 CHARLES ole LESI ID 26853617 Tel 0728096512
- 48 BENJAMIN HIROKEI ID 23018388 Tel 0723799837
- 49 MORIS KOISANT ID 25419000 Tel 0792782416
- 50 SAMUEL P. PARMUAT ID 0790582 Tel. 0721-670698
- 51 Nisha B. Shakila ID 2234467 Tel 0720-223733
- 52 JOSPHAT KAPURUA 23787254 0723-824238
- 53 THOMAS PERE ID 0252539 0722633676
- 54 Joseph Kainko 12950386 0706573843
- 55 PETER MAHAIRA 12950104 0790116345
- 56 MOSES LAINEI 27709850 0700168025
- 57 WYCLIFFE MWATH PERE 0720018538
- 58 RAMAH MUCHENE - ID NO. 0495843 0723324460
- 59 TAPASIAN SARASH MOKORE ID NO 0791910 0703192290
- 60 GEDHREY M. NGATAIT ID NO. 23840918 0724109230
- 61 NELSON RARAKUA NIARKAU 28546743 0720177316
- 62 DENNIS NTAPATIA MLOIMET 31060368 0714280045
- 63 BENSON KHAINE MERIABE 24262400 0721146676
- 64 JACKSON THANY MURU 11680979 0722950425
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71. Kailol Ole Mokoje Tapanian 0790806 0700067081 KES
72. Elin Ole Jhiono 20499298 0724888313 End
73. Nharro Ole Sitele Mbonka 6116250 0711470325 Nharro
74. SAMUEL OLE LEI 0721229869 KES
75. BENARD SHAKITA ID 21527218 0720442169 Bm
76. SAMMY MBATIANY ID 11680847 0722922569 B
77. BENSON SHAKITA ID 1295173 0721672025 Bm
78. Ntisha Shakita ID 22344667 0720225733 HA
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83. OLEKI OLE MELITA TITUMA 5364115 0726979238 Bm
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85. KATEWA TAGO NEKOTILA 6116913 0723591891 Bm
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90	DANIEL SIMWOKA MUSA	23671229	0722530220	DS
91	MOSES KEPIRO	9743314	0728631459	
92	ANDERSON KIMUTY	10631476	0720368015	
93	SAMUEL T. SIMEN	0792403 0722755579	0722750579	
94	DAVID L. KILUSU	8052039	0727256101	
95	JACKSON OPAHANKA	33036817	07292388967	
96	NOAH NGOTIEK	8342086 0720270999	0720270999	
97	MORIS P. KUSAKEU	25406133	0725613671	
98	KISHAPU GERIMIAH MUSA	0088809	0724351312	
99	TEETEN OLO KASARO	0087374	0726810283	
100	SAMSON SIRONKA	20811265	0720901227	
101	ROBERT NASIOTPA	26045781	0729715399	
102	LAKANA NTITANIAH	20635161	0723542452	
103	PAUL M KODIRATO	13610531	0727608669	
104	PEREGRIN TALIA NLOTILA	0743782	0724451126	
105	JOSEPH TITANI	0722635100	1349401	

PETITION PRESENTED TO THE SENATE PURSUANT TO ARTICLE 119 OF THE
CONSTITUTION OF KENYA AND PART XXIV OF THE SENATE STANDING
ORDERS

BY

JOHN MWENDWA

CONCERNING THE UNPROCEDURAL APPOINTMENT, AND HENCE ILLEGAL HOLDING
OF THE POSITION OF THE CHAIRPERSON OF THE BOARD OF THE KENYA MEDICAL
RESEARCH INSTITUTE CONTRARY TO MWONGOZO: THE CODE OF GOVERNANCE
FOR STATE CORPORATIONS

Csenate

THIS petition is submitted for
transmission to the Speaker for
approval as it is in order.

The notes for the speaker are
appended.

Sen
12/4/16

Clerk Assist-Health

Please submit this for consideration
and action by 23rd March
03/03/17

Approved
SEN

Hon. Speaker
You may approve/read.

February, 2016

13/04/16



I, the undersigned,

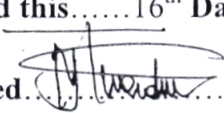
Citizen of the Republic of Kenya and resident of Nairobi County,

DRAW the attention of the Senate to the following:

1. **That,** the *Mwongozo Code of Governance for State Corporations* in chapter one and in the addendum attachment 1 lays down the governance parameters and minimum qualifications that a person should possess for them to qualify for appointment to the position of chairperson of a board of a state corporation.
2. **That,** among other qualifications, a person being considered for appointment as chairperson of a board of a state corporation must:
 - i. Not have served in the same entity as an employee in the preceding five years
 - ii. Have served in a position of senior management for a period of at least six years
 - iii. Not be in the service of the national government or any of the county governments or any of the statutory body
3. **That,** on 11th July 2014 **Dr. Lillian Apandet Osamong** was appointed as the Chairperson of the Board of Directors of the Kenya Medical Research Institute as per the **Gazette notice No. 4606**, and is still the Chairperson to date.
4. **That,** the appointment was unprocedural and in contravention of the guidelines as envisaged in the Mwongozo: The Code of Governance for State Corporations.
5. **That,** the appointment was unprocedural on the following grounds:
 - I) She had not served in any senior management position before her appointment as the board chairperson; records indicate that she had just resigned from KEMRI where she was serving as a Research Officer.

- II) She resigned from KEMRI in March 2014 and was appointed to the same institution on 11th July 2014 as the board chair, implying that she was out of KEMRI employment for approximately 3 months instead of the required 5 years.
- III) The Chairperson is a full time lecturer at Moi University which is a statutory body owned by the National Government of Kenya. The Mwongozo guidelines require that an appointee to this position should not be in the service of either the national or county government or any of their bodies.
6. **That**, the Chairman continued stay in office is illegal and contrary to the requirements of the Mwongozo Code of Governance.
7. **That**, we have made the best efforts to have this matter addressed at the Ministry of Health without success. Further we believe that the Senate is the appropriate body to deal with the matters raised herein.
8. **That**, None of the issues raised in this petition is pending in any court of law, constitutional or any other legal body.
9. **Wherefore**, your humble petitioner pray that the Senate urgently investigates the matter raised and comes up with appropriate recommendations to ensure that the law is upheld in the appointment of the leadership at KEMRI and in other state corporations.

Dated this.....16th Day of February 2016.

Signed.....

Name: John Mwendwa

ID: 24441590

P.O Box 58142-00200, Nairobi.

