

Approved for tabling

Bungwa
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REPUBLIC OF KENYA

Paper Laid
By the chairperson, Hon. Alex
Mwini, Committee on Lands, on 20/11/14
at 2.30 pm

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KENYA NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – SECOND SESSION - 2014

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

ON

PETITION FOR THE RESETTLEMENT OF THE 1992 MOLO CLASH VICTIMS

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

NOVEMBER, 2014

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DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16th May 2013, pursuant to the provisions of Standing Order no. 216 (1) and (5) of the National Assembly. The functions and mandate are outlined in the SO and House Rules.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:

The Hon. Alex Mwiru, M.P - Chairman	The Hon. George Oner
The Hon. Moses Ole Sakuda, M.P. -Vice Chairman	The Hon. Mathew L. Lempurkel
The Hon. Rev. Mutava Musyimi	The Hon. Shakila Abdallah
The Hon. John Kihagi	The Hon. Dr. Paul Otuoma
The Hon. Francis W. Nderitu	The Hon. Thomas Mwadeghu
The Hon. Eusilah J. Ngeny	The Hon. Ali A. Shariff
The Hon. Raymond K. Moi	The Hon. Francis Njenga
The Hon. Hellen Chepkwony	The Hon. Hezron Awiti Bollo
The Hon. Sarah Korere	The Hon. Benard Bett
The Hon. Benson Mbai	The Hon. Esther Murugi
The Hon. Kanini Kega	The Hon. Oscar Sudi
The Hon. Gideon Mung'aro	The Hon. Onesmus Ngunjiri
The Hon. Suleiman Dori	The Hon. Julius Ndegwa
The Hon. Lawrence Mpuru Aburi	The Hon. Joseph Magwanga
The Hon. Patrick King'ola	

ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee held two sittings in Parliament Buildings on 14th August and 23rd October 2014 to consider the petition, and conducted a field visit to Molo on 2nd September 2014, to appraise itself with the situation on the ground.

Mr. Speaker Sir,

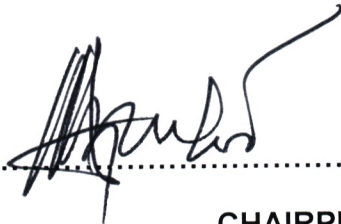
The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate.

Let me take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Lands, and pursuant to Standing Orders No.227 of the National Assembly, I now have the honor to present the Report and Recommendations thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

Thank You,

SIGNED



CHAIRPERSON

(HON. ALEX M. MWIRU, MP)

DEPARTMENTAL COMMITTEE ON LANDS

DATE

12/11/2014

1. INTRODUCTION

1. On 22nd July 2014, the Hon. Jacob Macharia, MP presented a public petition by Members of the 1992 Molo Clash Victims Self Help Group.
2. The Member informed the House that the 1992 Molo clashes led to massive displacement of people from various parts of the country, predominantly in the Rift Valley and over 1500 families eventually moved to Turi, Kasarani, Mwatu and Elburgon areas in Molo constituency where they are living in in-human conditions.
3. That in 2006/2007 financial year, the government allocated Kshs.400 million for purchase of land to resettle these victims and out of the said Kshs.400 million, only 169 million was used to purchase 1,500 acres of land and the balance is missing.
4. That the land so purchased was subsequently apportioned to persons other than the intended victims while the actual victims are still undergoing untold suffering and are living in deplorable conditions.
5. The petitioners prayed that the Departmental Committee on Lands investigates the matter and intervenes with a view to having these families expeditiously resettled and fairly compensated for the loss suffered, using the money set aside for resettlement of IDPs in the 2014/2015 Financial year and scrutinizes the utilization of funds meant for resettlement and compensation of the 1992 Molo clash victims.

2. CONCERNS BY THE PETITIONERS

The Committee held various sessions in Parliament to deliberate on the matter and visited Molo on 2nd September 2014 so as to interact with the petitioners and also to appraise itself with the situation on the ground. The Committee was informed, that:

1. In 1988, the residents lived in the forested areas at Mariashoni and Gichagi.
2. The petitioners settled in Molo after being evicted from various parts of the Country and they comprise various ethnic groups namely; the Ogieks, Kipsigis, Kikuyus, Kisii's,

3. In 1992, they were evicted from various areas i.e. Kuresoi, Eldoret, Kitale, Kamwaura amongst others and some members of the group are deceased (about 175 members).
4. Before the violence and subsequent evictions, some of the group members owned land but had to sell it at a throw away prices and buy small plots in Molo where they resettled and that most of them are living as integrated IDPS.
5. There was neither formal registration nor profiling of the victims of the 1992 violence by the government. However the victims formed groups and registered members who had been affected.
6. During the 2007-2008 post-Election violence the IDPs who moved into camps and tents were clothed and fed while the plight of the 1992 IDPs was not addressed.
7. The Molo victims were not part of those who benefited from the Government cash program of Ksh.10,000.00 and Kshs.25,000.00
8. Following the 1992 evictions, the number of street children has increased; prostitution has been on the rise while there is a general increase in crime due to the desperation arising out of the displacement of the population.
9. The Government bought land which belonged to the Late Hon. Njenga Karume in Molo to resettle victims but it was grabbed by councillors and other prominent people. Some of the squatters, however were settled while others were left out after their names were cancelled by the District Commissioner who replaced them with other people who were not residents.
10. The Victims were later evicted from the land but were not relocated as promised by the Government.

The Committee took evidence from the petitioners who presented a list of all the victims of the violence as annexed.

2.1 Molo IDPs

The Committee visited held a public Baraza at the Molo Assistant County Commissioners office grounds on 2nd September 2014 where the Committee was informed as follows, that:

11. They were victims of the 2007/2008 post-election violence and as a result they were displaced from their homes and have been living in the camps ever since.

12. There are other communities which were affected and were either partially or fully compensated and their needs attended to, while they were ignored.
13. Despite various complaints to various Government offices there has been no substantive response to their issues;
14. The IDPs were in various camps after the 2007/8 post-election violence i.e Molo Police Camp, Molo PAG camp, Molo SDA camp, Molo Salvation army camp, and Molo Tumaini PEFA camp but were never compensated by the government when other post-election violence victims were being compensated.
15. Several farms were bought by the government with the aim of resettling the IDPs in Managu, Mitoni, Kivulini, Gicheha Farm in Rongai, Highlands, Ngare and Ngundu.
16. Only one community benefited from the resettlement in these farms and neither did the IDPs benefit from the governments cash pay-out of Kshs.35,000.00

2.2 Mariashoni/Kapsita/Ngongoreri Settlement schemes

The Committee was informed as follows, that:

17. In Ngongonger/Mariashoni settlement scheme there is an overlap whereby one plot is claimed by more than three occupants.
18. The Ogiek were denied land in Kapsita Settlement scheme sheet five and other people were allocated land and that people from other places have been coming with title deeds and evicting those who were originally allocated.
19. Most of the land especially at Ngongonger settlement scheme was grabbed by government officials leaving genuine squatters landless.
20. There is a blanket restriction on all title deeds in Mariashoni ward and the squatters are unable to prove that they are the rightful land owners.
21. Most of the public utilities have been grabbed leaving the Community with no land to construct schools, dispensaries and other facilities.

2.3 Turi Kanga Squatters

22. The Committee was informed that these were squatters who had been residing in a piece of land owned by one settler named Exsettler for the last 60 years.

23. The land they occupy was given to Mr. Kanga, a presidential escort by the government and efforts to resettle the squatters have been unsuccessful.

2.4 Forest Evictees

24. The Committee heard that some victims were evicted by the government from the South Eastern Mau forest and were resettled by the government in Mariashoni area between 1986 and 1988.

25. In 2007 the government issued a notice to evict the people from the area which was gazetted as forest reserve.

26. The Evictees were made to reside temporarily with relatives in Elburgon Kasarani area while awaiting the governments to resettle them. The government further put a line separating the settlement and the forest in order to ensure they do not cross into the forest again.

27. Most people living in Olenguruone had acquired property worth millions of shillings and had enrolled their children in local schools. When the first multi-party election was held in 1992, electoral violence erupted, they were displaced and their children dropped out of school.

28. They moved to Elburgon where they were fed by well-wishers and in 1997 the then Molo Member of Parliament Hon. John Njenga Mungai and the Current Nakuru County Governor, Kinuthia Mbugua, formerly a District Commissioner resettled the parents in Kapsita Elburgon. However they lost properties following in the 2007/2008 post-election violence and were not compensated with the other victims.

3. SUBMISSIONS FROM THE NAKURU COUNTY GOVERNOR

The Committee met the Governor Hon. Kinuthia Mbugua on 2nd September 2014 and he informed the Committee, that:

29. Nakuru was a cosmopolitan area and there was need for a sobriety in determination of land issues, as any action taken could heighten the level tribalism and create tension and possibly violence. Land grabbing was also common in Nakuru and the County Government would want to repossess land that had been grabbed.

30. The Ministry of Land's office in the County and the National Land Commission were yet to start working on addressing the land problems in the County and the leadership of the County needed to be involved in the resolution of the various land issues in the County.

31. There was need for the judiciary to be sensitive in terms of how they settled land matters taking into consideration the socio and political environment where the land issues arose.
32. The issue of Internally Displaced Persons (IDPs) is yet to be fully addressed and there are IDPs in Njoro, Bahati, Gilgil, Naivasha, Subukia, Molo and Rongai still living in dilapidated tents. The Ministry for Devolution, Planning and Special Programmes conducted a profiling of IDPs but this was however not conclusive and the Government should allow for another process of profiling of IDPs.
33. There are farms yet to be surveyed and the IDPs are not utilizing them well. Further other farms are held in dispute yet the National Government paid for them.
34. In Molo sub-County the Kasarani area of Elburgon has been experiencing a lot of fire outbreaks and the County Government has been assisting the squatters to rebuild their shelters. This is however not a sustainable situation as the area is very congested as there are no access of roads and sanitation is poor in the area.
35. There is need for the squatters in Kasarani to be resettled in another area.

4. SUBMISSIONS FROM THE ASSISTANT COUNTY COMMISSIONER MOLO SUBCOUNTY

The Assistant County Commissioner-Molo informed the Committee as follows, that:

36. Land was an emotive issue in Nakuru and it needed to be treated with a lot of care and local leaders should be involved in any action taken to resolve the land problems.
37. Politics has played a negative role in settlement of land issues.
38. There were still IDPs in camps although some had become integrated. However not all IDPs had been profiled.
39. Kshs.1.2 Billion had been given by the President for settlement of forest evictees in Mau Forest.
40. There were a lot of squatters who came into the Mau complex.
41. Some people had sold land in Mau and now want to encroach on other peoples land.

5. SUBMISSIONS FROM THE MINISTRY OF DEVOLUTION AND PLANNING

The Committee met with the Cabinet Secretary in the Ministry of Devolution, Planning and Special Programme who informed the Committee as follows, THAT:

42. The Ministry acknowledges the problem of internal displacement in Kenya as a

complex issue which precedes the colonial era. In post-independence Kenya, Internal displacement in the country has been linked to the political electoral cycles of 1992, 1997 2002 and 2007/2008.

43. Until 2012, there was no legal framework to deal with internally displaced people in Kenya, and internal displacement issues were often handled in the context of humanitarian assistance. Similarly, there was no designated institutional framework to deal with internal displacement until the establishment of the National Humanitarian fund and the attendant structures in 2007/2008.
44. Comprehensive data and information on how victims of internal displacement have been handled over the years have therefore proved hard to find.
45. IDPs exist as part of the wider public that is served by the Government institutions in the vicinity. IDPs are therefore not discriminated in any way and access basic amenities such as schools and hospitals that other Kenyans access and that all facilities in the vicinity of IDPs are accessible to them, and in circumstances where social facilities are non-existent or are inadequate, the Ministry sets in to purposely intervene.
46. Following the post-election violence of 2007/2008, the government established the National Humanitarian Fund through legal notice No.11 of 2008. This was followed by the appointment of the advisory board through legal notice No.1038 of 15th February 2008. This constituted the first legal framework in Kenya upon which resettlement of IDPs was based.
47. The Mandate of the Ministry is limited to resettlement of the profiled 2007/2008 post –election violence victims. In view of this limited mandate and the legal framework in place, the Ministry has not been able to extend its work to other groups such as the 1992 Molo clash victims.
48. The actual number of the 1992 Molo clashes is not known because the group has neither been profiled nor programmed for settlement as they fall outside the scope of the IDPs being considered.
49. The Ministry faces the difficult policy question of how far back in time to go in resettling past displacement. The operationalization of the “**Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012**” and its National consultative Coordination will however help to determine and sort these issues. Resources for implementation of the Act were not allocated in this financial year hence the Act is yet to be operationalized.
50. No land was ever procured and no finances were allocated for the resettlement of the Molo clash victims since this group was not considered as it was not related to the post 2007/08 post-election violence.

51. The post- Election violence victims in Molo (Molo IDPs) were paid Kshs.10, 000.00 start up cash to each household affected during the violence and a further Kshs.25, 000.00 for reconstruction of houses on proof that their house(s) were burnt down or destroyed. Payment of Kshs.25, 000.00 was stopped and the government undertook to build a house for each IDP household. However, after being paid the start up cash of Kshs.10, 000.00 some IDPs decided to form self-help groups and pooled together the Kshs.10, 000.00 government support funds and bought 20 small parcels of land upon which they settled in pathetic living conditions in parts of the Rift Valley and Central province. These 20 groups consisting of 6,978 IDP households are the ones the government sought to resettle.

6. SUBMISSION FROM THE MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

The Committee received written submission from the Ministry of Lands, Housing and Urban Development and it was stated as hereunder, THAT:

52. The Ministry of Lands, Housing and Urban Development has never been funded to resettle the 1992/1993 and 1997 tribal clashes victims.

6.1 Njenga Karume Squatters-Kambala and Kivulini farms

53. A report from the District Land adjudication and Settlement officer Nakuru states as hereunder, that:

- i). The scheme is located in Molo District, Elburgon Division and comprises of
- ii). LR No's 9060 & 9062- Kivulini settlement scheme
- iii). LR No 9696/2 – Kivulini Highlands settlement scheme
- iv). LR No 9065 -Kivulini Extension (Kambala)

54. The schemes has a total of 423 beneficiaries, with an approximate acreage of 0.82 ha per parcel and was purchased by Settlement Fund Trustees (SFT) in 2006 from the late Hon. Njenga Karume with an intention of resettling the Likia Extension beneficiaries as compensation for losing their land in Likia which was converted to a catchment area.

55. The squatters used to work for the late Hon. Njenga Karume in his Kambala, Kivulini, Katikati highlands farms which were later purchased by government to settle IDPs and the squatters (specifically the farmers who used to work on that land) were to benefit as well.

56. The Likia beneficiaries (most of whom were Kalenjins) however objected to the land claiming it was amidst the Kikuyus with whom they had recurring hostilities over

land issues. The District Plot allocation Committee agreed to identify an alternative land for resettlement.

57. Thereafter, it was decided that Kivulini Scheme be used to settle some of the squatters in Kasarani estate in Elburgon town. The squatters were victims of Tribal clashes and were said to be living under deplorable conditions.
58. During the time of the purchase of the land, there were no squatters on the ground except for a few workers and workers structures'. The owner of the farm was required to provide a list of his permanent workers so that they could be considered on the basis of squatters residing on the farm.
59. The allocation of Kivulini Settlement Scheme was finalised with the settlement of 423 beneficiaries through issuance of letters of offer dated 19th November 2008.
60. The farm was used to settle mainly Kasarani Squatters who were victims of tribal clashes and not the Njenga Karume farm workers.

7. OBSERVATIONS

The petitioners prayed that the Departmental Committee on Lands investigates the matter and intervenes with a view to having these families expeditiously resettled and fairly compensated for the loss suffered using the money set aside for resettlement of IDPs in the 2014/2015 Financial year and scrutinizes the utilization of funds meant for resettlement and compensation of the 1992 Molo clash victims. **The Committee observes as follows, THAT:**

1. There are various cases of squatters and grabbing of land meant for resettlement of evictees of the Molo clashes.
2. The issue of Internally Displaced Persons (IDPs) in Molo is yet to be fully addressed.
3. The Ministry of Devolution, Planning and Special Programmes faces difficulties on policy regarding how far back in time to go in resettling past displacement.
4. The “**Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012**” and its National Consultative Coordination has not been operationalized.

5. There are no finances in the current financial year to operationalize “**Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012**” and to resettle molo land evictees.
6. The actual number of the 1992 Molo clash victims is not known because the group has not been properly profiled nor programmed for settlement. The IDPs under consideration currently are the 2007/08 Post Election Victims.
7. Some of the Molo IDPs have title deeds to the land they previously occupied prior to the clashes and currently know of the existence of these pieces of land.
8. There are some members of the 1992 Molo clashes victims living in Kasarani in Elburgon who were profiled and their numbers are known.

8. RECOMMENDATIONS

On the prayer that the Departmental Committee on Lands investigates the matter and intervenes with a view to having these families expeditiously resettled and fairly compensated for the loss suffered using the money set aside for resettlement of IDPs in the 2014/2015 Financial year and scrutinizes the utilization of funds meant for resettlement and compensation of the 1992 Molo clash victims. **The Committee recommends as follows, THAT:**

1. The Criminal Investigation Department (CID) of the police investigates how the Kambala, Kivulini, Katikati, Mariashoni and Highlands farms purchased by government to settle IDPs and squatters, were allocated with a view of compensating genuine squatters/IDPs who were left out in the allocation.
2. The IDPs with proof of ownership of the land they previously occupied before the clashes should be facilitated to resettle on their land, by being offered security to do so.
3. The Ministry for Devolution, Planning and Special Programmes should conduct identification and profiling of IDPs in order to comprehensively deal with IDP issues in the Country.
4. The Ministry of Devolution and Planning should fast track the appointment of members to the National Consultative Coordination Committee under the Prevention, Protection and Assistance to Internally Displaced Persons and Affected

Communities Act 2012 so as to help to determine and sort issues surrounding IDPs in the country;

5. The National Assembly sets aside Kshs. 1 Billion for allocation to the Ministry of Devolution and Planning to operationalize and implement the “Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012” and resettle the Molo 1992 clashes.

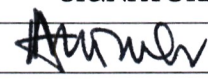
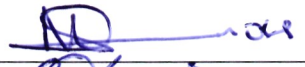
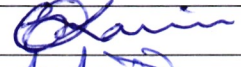






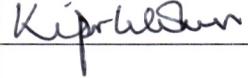
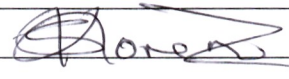
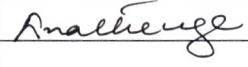
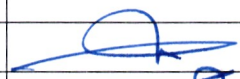


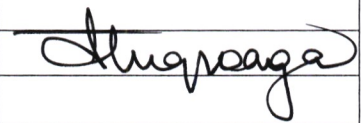
ATTENDANCE LIST

DEPARTMENTAL COMMITTEE ON LANDS

DATE: 23/10/14

VENUE: SMALL BOARD ROOM
HARAMBEEHSE 9TH FLOOR

AGENDA: ADOPTION OF THE REPORT ON THE PETITION FOR THE RESETTLEMENT OF
THE 1992 MOLO CLASH VICTIMS

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chairman	
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)	Vice Chairman	
3.	The Hon. Onesmas Ngunjiri, M.P.	Member	
4.	The Hon. Mutava Musyimi, M.P.	Member	
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.	Member	
8.	The Hon. A. Shariff, M.P.	Member	
9.	The Hon. Eusilah Jepkosgei, M.P.		
10.	The Hon. Benard Bett, M.P.	Member	
11.	The Hon. Kipruto Moi, M.P.	Member	
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.		
14.	The Hon. Sarah Korere, M.P.	Member	
15.	The Hon. Julius Ndegwa, M.P.		
16.	The Hon. Benson Mbai, M.P.		
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.	Member	
19.	The Hon. Gideon M. Mung'aro, M.P.		
20.	The Hon. Hezron Awiti Bollo, M.P.	Member	
21.	The Hon. Suleiman Dori Ramadhani, M.P.	"	
22.	The Hon. George Oner Ogalo, M.P.		
23.	The Hon. Lekidime Lempurkel Mathew, M.P.		
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	"	
26.	The Hon. Thomas Mwadeghu, M.P.		
27.	The Hon. Magwanga Joseph Oyugi, M.P.	Member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.		

MINUTES OF THE NINETY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 23RD OCTOBER 2014, IN THE SMALL BOARD ROOM, HARAMMBEE HOUSE, 9TH FLOOR AT 11.30 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Onesmus Ngunjiri, M.P.
5. The Hon. Dr. Paul Otuoma, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Francis Njenga Kigo, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
10. The Hon. Eusilah Ngeny, M.P.
11. The Hon. Esther Murugi, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.
14. The Hon. Suleiman Dori, M.P.
15. The Hon. Bernard Bett, M.P.
16. The Hon. John Kihagi, M.P.
17. The Hon. Kipruto Moi, M.P.

APOLOGIES

1. The Hon. Thomas Mwadeghu, M.P.
2. The Hon. Hellen Chepkwony, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Shakila Abdallah, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. George Oner, M.P.
7. The Hon. Mathew L. Lempurkel, M.P.
8. The Hon. Gideon Mung'aro, M.P.
9. The Hon. Mpuru Aburi, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Julius Ndegwa, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwihaki Clerk Assistant III

MINUTE NO. DCK/LN/2014/215

PRELIMINARIES

The Chairman called the meeting to order at 12.00 p. m with a word of prayer. The Chairman thereafter informed the Members that the Committee would visit Karen on Monday 27th October at 2.00pm. The Committee would then meet the Cabinet Secretary for Lands and the Chairman National Land Commission on Tuesday 28th October at 10.00 a.m. over the Karen and Lamu Land Issue and the statement requested by the Hon. Jakoyo Midiwo.

MINUTE NO. DCK/LN/2014/216

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Mutava Musyimi, M.P and seconded by the Hon. Francis Waweru, M.P.

MINUTE NO. DCK/LN/2014/217

CONFIRMATION OF MINUTES

The minutes of the 92nd sitting held on 16th October 2014 were proposed by Hon. Njenga Kigo, M.P and seconded by the Hon. Francis Waweru, M.P as a true record of the proceedings and signed by the Chairman.

MINUTE NO. DCK/LN/2014/218

MATTERS ARISING

a. Vide Minute No. DCL/LN/2014/213(a) Ministerial Statement Requested By Hon. Waihenya and Hon Phillip Rotino

The Chairman brought to the attention of members the Speakers ruling in regard to the General Oversight Committee. Members were further informed that, three Committee's would meet at different times on Tuesday Mornings in the Chambers to interrogate respective Cabinet Secretaries but under the Chairmanship of respective Committee chairs. Three Cabinet Secretaries would appear before the Committee at a time and each would be allocated a maximum of 50 minutes. Meetings will be scheduled in the order paper.

MINUTE NO. DCK/LN/2014/219

CONSIDERATION OF A PETITION BY TWIGA FARM EVICTEES

Members considered the petition by Twiga Farm Evictees who have been residing in the land known as LR No. 9312,9313 and 3760. The petitioners claim that the land has never been part of Mboi Kamiti Land Buying Company and that they were evicted by government officers from the land in 2012. The petitioners are praying that parliament intervenes to have a thorough audit carried out to determine the Bonafide owners of the land; have the petitioners immediately and adequately compensated by the state for forceful eviction, loss of life and property and recommends investigations by the CID on the criminal culpability of all state officers involved.

As provided for in Standing Order 90 on declaration of interest, the Hon. John Kihagi, MP declared his interest in the matter and informed the members that he is involved as a consultant in planning for Mboi Kamiti.

Members noted with concern that the Mboi Kamiti land buying company has been having internal wrangles and it's not clear who the directors are.

Members also observed that the conflict over the land has drawn in individuals in the Kiambu County Government who have vested interest in the matter.

The Committee Resolved to conduct an enquiry into the ownership of the Land and in that regard, THAT:

1. The Cabinet Secretary for Lands Housing and Urban Development and the Chairman, National Land Commission should appear before the Committee to shed more light on the matter;
2. That the Registrar of Companies should provide to the Committee a list of the Bonafide Directors of Mboi Kamiti land buying Company;
3. Once the List of Directors is availed, the Directors should be invited to appear before the Committee to give evidence;
4. That the County Executive Committee Member for Lands in Kiambu County be invited to appear before the Committee and give evidence on the petition ;
5. That the Committee undertakes a field visit to Twiga Farm in Juja to interact with the petitioners.

MINUTE NO. DCK/LN/2014/220

CONSIDERATION OF A PETITION BY HON SHIMBWA OMAR MWINYI ON LEASED LAND MEANT FOR EXPANSION OF MOI INTERNATIONAL AIRPORT IN CHANGAMWE CONSTITUENCY

Members considered the petition by Changamwe residents who are praying that Parliament intervenes to have the government discontinue any further leasing of land Plot No 12223/VI/MN belonging to natives of Bokole in Airport Ward, and Plot No.1066 sec.VI/MN in Port Reitz Ward in Changamwe Constituency.

The Committee Resolved:

To undertake an inspection visit of the area jointly with the visit scheduled for Nyali Constituency on 31st October 2014.

MINUTE NO. DCK/LN/2014/221

ADOPTION OF THE REPORT ON THE PETITION FOR THE RESETTLEMENT OF ENOOSUPUKIA EVICTED PERSONS

The Report was adopted after being proposed by the Hon.Sarah Korere, M.P and Seconded by the Hon. Joseph Magwanga, M.P with the following amendments:

That the Committee made the following observations:

1. The Enoosupukia IDPs have been suffering for the last 20 years since they were evicted from there Land in 1992 and 1993.
2. The Enoosupukia Evictees victims have not been properly profiled nor registered and operate as individual groups and only the Internally Displaced Persons of the Post-Election Violence of 2007/2008 were profiled and are being resettled.
3. The Enoosupukia Evictees have previously sought assistance from the government but have not been resettled and there has been no land identified for their resettlement .

That the Committee recommended as follows:

1. The Ministry for Devolution and Planning should within 100 Days operationalize the National Humanitarian Fund Advisory Board for it to implement its Mandate.
2. The National Land Commission through the Task force on Historical Injustices expedites the process of formulating the Bill on Historical Injustices for consideration by Parliament as it would help address Historical Land injustices.
3. Ministry for Devolution and Planning should profile and register the Enoosupukia Evictees with a view to support them in rebuilding their lives.

MINUTE NO. DCK/LN/2014/222

ADOPTION OF THE REPORT ON THE PETITION FOR THE RESETTLEMENT OF INTERNALLY DISPLACED PERSONS IN NAIROBI

The Report was adopted after being proposed by the Hon. Dr. Paul Otuoma, M.P and Seconded by the Hon. Bernard Bett, M.P with the following amendments:

That the Committee made the following observations:

- a) The group has met various government officials in its attempt to get assistance and in 2012, they received food aid which was withdrawn at the beginning of 2013 and since then they

have sought assistance from the County Government but were referred back to the Ministry of Devolution and Planning.

- b) The group comprises of people who were affected during the 2007-2008 post-election violence and at that time they were working and living in Nairobi. Most of the group members were born and were living in Mathare, Kibira, Kamukunji and Njiru before being displaced in the Post-election violence of 2007/8, and did not own any land and the members consist of mostly small businessmen/women and that the group was registered as a community Based Organization on 21st June 2013.
- c) Delay in the operationalization of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012 (IDP Act) and its National Consultative Committee is hampering efforts to determine policy issues concerning IDPs in the country.
- d) Most IDPs in Nairobi were either tenants or small businessmen mostly in slum areas and their displacement was different in that most moved to other estates or within the estates after the clashes. Although some lost personal properties to looters, none lost land and a few were displaced from their houses. In view of this, the National Humanitarian fund Board therefore considered most of these IDPs as integrated and decided to pay each of them Kshs.10, 000.00 as startup capital.

That the Committee recommended as follows:

- a) Resources for the implementation of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012 (IDP Act) and IDP policy be provided for in the Budget for the 2015/2016 Financial year so that the Ministry can operationalize the Act.
- b) The Ministry for Devolution and Planning should within 100 Days operationalize the National Humanitarian Fund Advisory Board for it to implement its Mandate.

MINUTE NO. DCK/LN/2014/223

ADOPTION OF THE REPORT ON THE PETITION FOR THE RESETTLEMENT OF THE 1992 MOLO CLASH VICTIMS

The Report was adopted after being proposed by the Hon. Francis Waweru, M.P and Seconded by the Hon. John Kihagi, M.P with the following amendments:

That the Committee made the following observations:

1. There are various cases of squatters and grabbing of land meant for resettlement of evictees of the Molo clashes.
2. The issue of Internally Displaced Persons (IDPs) in Molo is yet to be fully addressed.
3. The Ministry of Devolution, Planning and Special Programmes faces difficulties on policy regarding how far back in time to go in resettling past displacement.
4. The **“Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012”** and its National Consultative Coordination has not been operationalized.
5. There are no finances in the current financial year to operationalize **“Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012”** and to resettle molo land evictees.

6. The actual number of the 1992 Molo clash victims is not known because the group has not been properly profiled nor programmed for settlement. The IDPs under consideration currently are the 2007/08 Post Election Victims.
7. Some of the Molo IDPs have title deeds to the land they previously occupied prior to the clashes and currently know of the existence of these pieces of land.
8. There are some members of the 1992 Molo clashes victims living in Kasarani in Elburgon who were profiled and their numbers are known.

That the Committee recommended as follows:

1. The Criminal Investigation Department (CID) of the police investigates how the Kambala, Kivulini, Katikati, Mariashoni and Highlands farms purchased by government to settle IDPs and squatters, were allocated with a view of compensating genuine squatters/IDPs who were left out in the allocation.
2. The IDPs with proof of ownership of the land they previously occupied before the clashes should be facilitated to resettle on their land, by being offered security to do so.
3. The Ministry for Devolution, Planning and Special Programmes should conduct identification and profiling of IDPs in order to comprehensively deal with IDP issues in the Country.
4. The Ministry of Devolution and Planning should fast track the appointment of members to the National Consultative Coordination Committee under the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 so as to help to determine and sort issues surrounding IDPs in the country;
5. The National Assembly sets aside Kshs. 1 Billion for allocation to the Ministry of Devolution and Planning to operationalize and implement the "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and resettle the Molo 1992 clashes.

MINUTE NO. DCK/LN/2014/224

ADOPTION OF THE REPORT ON BANITA SETTLEMENT SCHEME

As per the provisions of Standing order 90 on Declaration of interest, the Hon.Kipruto Moi declared his interest in the matter as the Member for Rongai Constituency. He further proposed that the following recommendation be included,

That in the allocation exercise, 60 % of the land be allocated to pastoralists and 40 % to former workers of the farm'

The Report was adopted after being proposed by the Hon. Francis Waweru, M.P and Seconded by the Hon. John Kihagi, M.P with the following amendments:

That the Committee made the following observations:

1. Banita settlement scheme was formerly a sisal estate and is located in Makongeni location, Rongai Division, Nakuru County (former Nakuru District).
2. The land was bought by the Government through the settlement fund Trustee (SFT) from Maji Mingi group of companies to settle squatters within the Makongeni area of Rongai Division in Nakuru County.
3. The Government purchased a total of 14,115 acres at a price of Kshs. 292,078,280/- as hereunder:
 - a) Two agreements were made in Purchase of the Banita Land. Agreement dated

12102/1999 for Banita estate for parcels L.R 10774, 8933/2, 9977, 8932/2 (partly) and 10939 (partly) with a total of 11,115 acres at Kshs. 230 million and;
b) L.R 8932/2 (IR 12748) comprising 200 acres at Kshs. 41, 385,520.

4. The settlement process i.e. planning, survey and demarcation began in May 2002 and was completed in July 2007.
5. Beneficiaries were identified between October and November 2002 followed by letters of offer dated 18/12/2002.
6. There was political interference in the allotment process.
7. The Banita Settlement Scheme was planned surveyed and allocation done but the residents of the scheme are not in agreement with the way it was implemented.
8. Many People continue to transact and sell the land despite the fact that it is in dispute.
9. The allotment exercise was covered in fraud and malpractice which was perpetrated by land officials, former provincial administration, and other civil servants.

That the Committee recommended as follows

1. The Ministry of Land, Housing and Urban Development and the National Lands Commission commences with immediate effect a land audit in the area with a view to establish genuine allottees and identifying outsiders who were allotted land in the scheme illegally and demarcate sites for building Public Utilities like Schools, Hospitals, Police Station and public Markets.
2. The Ministry of Lands, Housing and Urban Development and the National Land Commission in collaboration with stakeholders commences a fresh allotment exercise in the settlement scheme.
3. The Ethics and Anti- Corruption Commission conducts investigations into the conduct of government officers who fraudulently issued allotment letters and probes the conduct of officers who were in the former provincial on their role in land matters and security in Banita scheme.
4. The initial report declaring the area as semi-arid be followed/used and the basis of allotment of land be a minimum of 10 acres per person based on the classification of Banita as a semi-arid area.
5. That in the allocation exercise, the ratio to be used be as follows: 60 % of the land be allocated to pastoralists, and 40 % be allocated to former workers of the farm.
6. The Ministry of Land, Housing and Urban Development puts caveats in the Land so as to stop any transactions on the land and any activity be declared illegal until the dispute is resolved.

MINUTE NO. DCK/LN/2014/225 ANY OTHER BUSINESS

The following matters arose:

1. Auction of Land in Kajiado West Constituency

The Hon. Moses Ole Sakuda, M.P informed the committee that two group ranches in Kajiado West Constituency had been put on auction in the Daily Nation of 23rd October 2012. The Land in question covers the whole of Magadi Division in Kajiado West Constituency including the Schools and other public facilities within the land.

It was resolved that a letter be written to the Attorney general through the Committee Chairman to request that the Attorney General Intervenes in the matter and the sale be put in abeyance in order to reduce tensions in the area and to allow the Committee to investigate the matter.

2. Naivasha Report-(Munengi/Isakhakia report)

It was resolved that the report be scheduled for discussion by members in the coming week.

3. Community Land Bill

The Committee was informed that the bill had not been submitted.

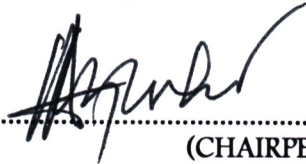
Members noted that the bill is crucial and very critical to the management of Community land in the Counties.

It was resolved that a letter be written to the Ministry and NLC to enquire on the progress of drafting the bill.

MINUTE NO. DCK/LN/2014/225 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being fifty four Minutes past one O'clock, the Chairperson adjourned the Sitting Monday 27th October at 2.00 p. m

SIGNED


.....
(CHAIRPERSON)

DATE

4/11/2014
.....

**MINUTES OF THE EIGHTY FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE (K)
ON LANDS HELD ON TUESDAY 2ND SEPTEMBER 2014, AT THE MOLO ASSISTANT
COUNTY COMMISSIONERS OFFICE GROUNDS,ELBURGON ,AT 2.00 P.M.**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Onesmus Ngunjiri, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Paul Otuoma, M.P.
5. The Hon. Kipruto Moi, M.P.
6. The Hon. Joseph Oyugi Magwanga, M.P.
7. The Hon. George Oner, M.P.

APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
- 2.The Hon. John Kihagi, M.P.
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. A. Shariff, M.P.
- 5.The Hon. Francis W. Nderitu, M.P.
6. The Hon. Kanini Kega, M.P.
7. The Hon. Francis Kigo Njenga, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
- 10.The Hon. Bernard Bett, M.P.
- 11.The Hon. Hellen Chepkwony, M.P.
- 12.The Hon. Eusilah Ngeny, M.P.
- 13.The Hon. Esther Murugi, M.P.
- 14.The Hon. Sarah Korere, M.P.
- 15.The Hon. Mathew L. Lempurkel, M.P.
- 16.The Hon. Julius Ndegwa, M.P
- 17.The Hon. Suleiman Dori, M.P.
- 18.The Hon. Thomas Mwadeghu, M.P
- 19.The Hon. Gideon Mung'aro, M.P.
- 20.The Hon. Patrick Makau, M.P.
- 21.The Hon. Mpuru Aburi, M.P.
- 22.The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

1. Hon .Jacob Macharia, M.P

MOLO SUB COUNTY OFFICIALS

1. Ms. Josephine Kihara -Assistant County Commissioner,Elburgon
2. Hon. Florence W.Njoroge -MCA Elburgon

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III
3. Ms. Lynette Otieno - Legal Counsel II
4. Ms. Farida Ngasura - Hansard

MINUTE NO. DCL/LN/ 2014/187 COURTESY CALL ON THE ELBURGON ASSISTANT COUNTY COMMISSIONER

The Committee was informed that;

1. The majority of the residents in the Area were Internally displaced persons evicted from various places in the 1992 clashes;
2. Most of the Cases received at the office revolve around land matters although some of them are already in Court;
3. The Communities represented there include Ogieks, Kikuyus, Kisiis, and Kalenjins
4. There is need to resolve the land issues in the area and to resettle the IDPs in Elburgon and other areas
5. In 1988, most of the residents lived in the forest area and when they were evicted they moved to Molo /Elburgon where they bought plots which are too small for any meaningful development;
6. There are different IDPs ranging from those evicted in 1992 ethnic Clashes, 1997 clashes and those of the 2007/8 Post-election violence;
7. The government had plans to resettle the 1988 forest evictees and allocated Ksh.400 million to buy land in Kivulini to resettle them. Only part of the money was used while the rest was lost through fraud;
8. Some election violence evictees moved in with relatives and were therefore not profiled with other victims;

In Mugogeri and Kapsita, the land has caveats put due to the Mau Complex issue

MINUTE NO. DCL/LN/ 2014/188 SUBMISSIONS FROM THE PETITIONERS

Mr. Samuel Mburu, Mr. Victor Mutai, Mr. Jack Juma, Mr. Oteki and Mr. Oloo Nyanginga representing various communities in the area informed the Committee that:

1. They were evicted from various areas e.g. Kuresoi, Chepakundi, Olenguruone, Eldoret, Kitale, Kamwaura in 1992;
2. About 175 members of the Molo Clash victims group are deceased;
3. The government had allocated them 400 million for resettlement but only 169 million was used;
4. They have sought assistance from the government and held demonstrations but have not yet been resettled;
5. During the 2007/8 post- election violence, they settled in various camps;
6. Before the 1992 evictions, some had land which they were forced to sell at throw away prices when they fled due to the conflict and bought small plots in Molo measuring 40 by 80 and 60 by 80 ;
7. There was never any formal registration of the 1992 clash victims by the government. Most of them are living as integrated IDPs and they formed groups

- and registered themselves;
8. The 2007/8 IDPs were fed and clothed in camps but the 1992 victims were forgotten;
 9. Since 1992, the number of street children in Molo increased;
 10. The Molo clash victims did not benefit from the Ksh 10,000 and ksh.20,000 cash payout by the government to post election violence victims since only those that moved to camps benefited;
 11. The Kivulini settlement scheme was allocated to undeserving people at the expense of genuine evictees;
 12. The Ogiek are living as squatters and lack titles to their lands;
 13. In Bogangeri, Mariashoni and Kapsita caveats have been put on the titles
 14. Public utilities in Mariashoni ie schools and hospitals are non -existed since land for development of the public utilities has been grabbed;
 15. They are seeking compensation from the government since they lost land and property in the 1992 evictions.

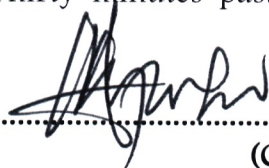
The Committee noted that the issue of Caveats on the titles to various lands touching on the Mau Complex is already before the Committee.

MINUTE NO. DCL/LN/2014/189

ADJOURNMENT

And the time being Thirty minutes past three O'clock, the Committee proceeded to Nakuru.

SIGNED



.....
(CHAIRPERSON)

DATE

.....
16/10/2014

MINUTES OF THE SEVENTY SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 14TH AUGUST 2014, AT THE SECOND FLOOR BOARD ROOM, MAIN PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

- | | | |
|--|---|------------------|
| 1. The Hon. Alex Mwiru, M.P. | - | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | - | Vice Chairperson |
| 3. The Hon. Onesmus Ngunjiri, M.P. | | |
| 4. The Hon. John Kihagi, M.P. | | |
| 5. The Hon. Francis W. Nderitu, M.P. | | |
| 6. The Hon. Benson Mbai, M.P. | | |
| 7. The Hon. A. Shariff, M.P. | | |
| 8. The Hon. Bernard Bett, M.P. | | |
| 9. The Hon. Kipruto Moi, M.P. | | |
| 10. The Hon. Sarah Korere, M.P. | | |
| 11. The Hon. Hellen Chepkwony, M.P. | | |
| 12. The Hon. Kanini Kega, M.P. | | |
| 13. The Hon. Esther Murugi, M.P. | | |
| 14. The Hon. Suleiman Dori, M.P. | | |
| 15. The Hon. Mathew L. Lempurkel, M.P. | | |
| 16. The Hon. Joseph Oyugi Magwanga, M.P. | | |
| 17. The Hon. Mpuru Aburi, M.P. | | |
| 18. The Hon. Patrick Makau, M.P. | | |

ABSENT WITH APOLOGY

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Eusilah Ngeny, M.P.
3. The Hon. Gideon Mung'aro, M.P.
4. The Hon. Francis Kigo Njenga, M.P.
5. The Hon. George Oner, M.P.
6. The Hon. Hezron Awiti Bollo, M.P.
7. The Hon. Julius Ndegwa, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Shakila Abdallah, M.P.

ABSENT WITHOUT APOLOGY

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

- | | | |
|-----------------------|---|-------------------------------|
| 1. Mr. James Ginono | - | Clerk Assistant I |
| 2. Ms. Ruth Mwhaki | - | Clerk Assistant III |
| 3. Mr. Noah Arap Too | - | Research and Policy Analyst I |
| 4. Ms. Lynette Otieno | - | Legal Counsel II |

MINUTE NO. DCL/LN/2014/150

PRELIMINARIES

The Chairman called the meeting to order at 10.00 a.m with a word of prayer.

MINUTE NO. DCL/LN/2014/151

EVIDENCE: RESPONSE TO PETITIONS BEFORE THE COMMITTEE

The Cabinet Secretary for Devolution and Planning, Ms. Anne Waiguru, accompanied by Dr. John Konchella, Permanent Secretary, Mr. Simon Munyiri, Ms. Betty Maina, Senior advisor and Mr. Joseph Macharia appeared before the Committee and gave evidence on the following petitions:

1. Petition for the resettlement of victims of the 1992 Molo clashes

2. Petition regarding the provision of funds for resettlement of Internally displaced persons
3. Petition regarding resettlement of Enoosupukia evictees

The Committee was informed THAT:

1. Until 2012, there was no legal framework to deal with internal displacement in Kenya, and internal displacement issues were often handled in the context of humanitarian assistance. Similarly, there was no designated institutional framework to deal with internal displacement until the establishment of the National Humanitarian fund and the attendant structures in 2007/2008. Comprehensive data and information on how victims of internal displacement have been handled over the years have therefore proved hard to find.
2. Following the Post-Election Violence of 2007/8, the government established the National Humanitarian Fund through a legal notice no.11 of 2008. This was followed by the establishment of the advisory board through legal notice no 1038 of 15th February 2008 to:
 - a) Determine the persons who were adversely affected by the violence
 - b) Resettle the persons displaced by the PEV
 - c) Replace basic household effects destroyed during the PEV
 - d) Enable the victims to restart their basic livelihood
 - e) Reconstruct basic housing
 - f) Rehabilitate community utilities and institutions destroyed during the violence
3. The Mandate of the ministry is limited to resettlement of the people profiled after the 2007/2008 Post Election Violence after establishment of a legal framework. The Ministry was however directed to resettle specific groups of forest evictees from Mau, Kieni, Embombut, Teldet and Kipkurere.

The Committee was further informed as follows:

Regarding the Petition for the resettlement of victims of the 1992 Molo clashes

THAT:-

1. In view of the legal framework in place, the ministry has not been able to extend its work to other groups such as the 1992 Molo Clashes victims.
2. The actual number of the 1992 Molo clashes is not known because the group has neither been profiled nor programmed for settlement as they fall outside the scope of the IDPs being considered.
3. The Ministry faces the difficult policy question of how far back in time to go in resettling past displacement. The operationalization of the "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and its National consultative Coordination will however help to determine and sort these issues.
4. Resources for implementation of the Act were not allocated in this financial year hence the Act is yet to be operationalized.

Regarding the Petition regarding the provision of funds for resettlement of internally displaced persons.

THAT:-

1. The government is aware of the existence of IDPs in Nairobi and the ministry has profiled some 19, 146 individuals IDP and the records have 3,439 households.
2. The government is aware of some IDPS who were not profiled as it was difficult to establish when and where they were displaced. e.g Njiru group;

3. Most IDPs in Nairobi were either tenants or small businessmen mostly in slum areas and their displacement was different in that most moved to other estates or within the estates after the clashes.
4. Most IDPs lost nothing, a number lost personal properties to looters and none lost land. The National Humanitarian fund Board therefore considered most of these IDPs as integrated and decided to pay each of them Ksh.10,000 startup capital. They were therefore not considered for any other additional resettlement package.
5. During the 2007 Post Election violence, 663, 921 people (composed of 245,416 households) were displaced within the Country; 80,000 houses destroyed countrywide, 1300 lives lost while 640 IDP households fled to Uganda.
6. At the height of the vilence,350,000 IDPs sought refuge in 118 camps while 313,921 IDPs were integrated
7. Given that IDPs were faced with different situations and needs, they were categorized into four main categories
 - a. The 70,000 households (or 350,000 individuals) IDPs who agreed to voluntarily return to their farms through the Rudi Nyumbani operation.
 - b. The 8,754 families (including 2,574 Turkana IDPs) who formed self-help groups that were profiled by the ministry before the set deadline of 30th September 2008.These IDPs were resettled in government procured land with the exception of Ksh.400,000 each in lieu of land settlement
 - c. All the other IDPs numbering 165,846 households were categorized as integrated IDPs living among the various communities in the country. The integrated IDPs were paid Ksh.10,000 as startup capital
 - d. The 8910 forest evictee households who were also resettled through cash payment programme.
8. The Ministry was allocated Ksh.705 million for resettlement of IDPs in the current Financial year which has been earmarked for the following activities:
 - a. Construction of IDP 2,400 houses in various government procured farms
 - b. Complete survey work, balloting and showing of plots in a number of farms where IDPs are settled in government procured lands.
 - c. Resettlement of 243 Kenya IDPs still in Uganda.
9. In the last four years, the ministry has received kshs.2, 856, 009, 000 for IDPs which has been utilized totally in IDP related activities.
10. Since the Commencement of the resettlement of IDPs in 2008,the government has spent Kshs. 15 billion in resettlement as follows
 - a) Procurement of Land(entirely from the Ministry of Lands for purchase of Land)Ksh.3,279,100,360
 - b) Government Support to the Ministry of Special Programmes Kshs. 4,776,351,167
 - c) Food –Kshs. 966,766,245
 - d) Non Food items –Kshs 117,615,000
 - e) Turkana Houses-1,000,000,000
 - f) Payments mobilized form the Ministry of Lands, Interior and Treasury –Kshs. 3,319,600,000
 - g) ADB project is Kshs. 1,700,000,000

The Committee was further informed THAT:-

1. The Ministry opted for cash payments as opposed to buying land for victims due to price escalations, locals wanting compromises for the land and victims refusing to move to other areas where land was bought;
2. Rose farm (2000 acres) was purchased at a cost of Kshs.560 million but no IDPS were settled. The Farm now belongs to the Agricultural Development Corporation;
3. The Lease for Muhu farm expired before the transaction could be completed;
4. Donga farm has a case in court after a dispute arose from the family members who sold the land;

5. Majority of forest evictees moved out of the forest areas after resettlement but a few still remain. The Ministries of Environment and Interior are looking into the matter with a view to establishing who moved and who remained;
6. The Ministry is in the process of establishing a Board under the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012, and is awaiting submission of member's names from various institutions. The Chairman of the Board has already been appointed.

Regarding the Petition for the resettlement of Enoosupukia evictees

THAT:-

1. The Ministry has received the case of Enoosupukia IDPs,/Forest evictees numbering 3,612 for consideration;
2. Ministry is unable to deal with the matter because issues surrounding their claims could best be addressed by the ministry of Land, Housing and Urban Development.
3. The Evictees have been able to demonstrate that between 1993 and 2013, the Ministry of Lands was addressing their matter under their resettlement program. The matter was therefore wrongly shifted to the Ministry of Devolution.
4. The Ministry has therefore neither profiled nor programmed the Enoosupukia IDPs for resettlement as it has concentrated on the Post-Election Violence IDPs for now and the position has been communicated to the Enoosupukia group representatives.

The Committee Resolved;

That the Cabinet Secretary submits the following information to the Committee in two weeks:

1. A breakdown of where the Land procured for resettlement of IDPs was bought
2. The beneficiaries of the Ksh. 3,319,600,000 cash payment
3. Breakdown of the Item of Government support to the Ministry of Special Programmes worth Ksh.4,776351,167

MINUTE NO. DCL/LN/2014/152 ANY OTHER BUSINESS

The Committee noted that the Cabinet Secretary for Lands Housing and Urban Development had failed to honor the invitation to appear before the Committee. The Committee also observed that the Cabinet Secretary is quick to honor invitations when the agenda before the Committee is favorable to the Ministry.

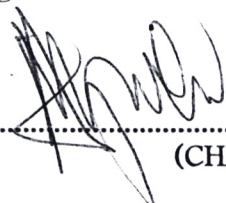
The Committee Resolved;

That another invitation letter be made to the Cabinet Secretary for Lands, Housing and Urban Development to appear before the Committee on Tuesday 19th August 2014.

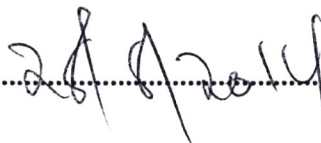
MINUTE NO. DCL/LN/2014/153 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Twenty Minutes past one O'clock, the Chairperson adjourned the Sitting until Tuesday 19th August 2014 at 9.00 am at the Small Dining, Main Parliament Buildings.

SIGNED


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(CHAIRPERSON)

DATE


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