

Approved for tabling

REPUBLIC OF KENYA

BW
SMA
29/4/16



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION - 2016

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

THE REPORT ON THE PETITION REGARDING THE SETTLEMENT OF NTIMIRINI –
SUBUIGA SQUATTERS ON LAND PARCELS NUMBERS 2803/3 SUBUIGA BOSNIA AND
2822/3 NTIMIRITI SETTLEMENT SCHEME

CLERK'S CHAMBERS,
DIRECTORATE OF COMMITTEE SERVICES,
THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDINGS,
NAIROBI.

NOVEMBER, 2016

*Paper laid by the
Chairperson of the
Committee on Lands
on 30/11/2011
(Shulu)*

TABLE OF CONTENTS

TABLE OF CONTENTS	ii
ANNEXES	iii
CHAIRMAN’S FOREWORD	iv
EXECUTIVE SUMMARY	v
MANDATE OF THE COMMITTEE	vi
Oversight	vi
Committee Composition	vii
MEMBERS:-	vii
Secretariat.....	vii
List of Recommendations.....	viii
1.0 INTRODUCTION.....	1
1.1 Background	1
2.0 EVIDENCE.....	1
2.1 Evidence the Hon. Kinoti Gatobu, M.P.....	2
2.2 Evidence from the Ministry of Lands and Physical Planning	2
2.3 Evidence from National Land Commission	4
2.4 Evidence from the Deputy County Commissioner- Meru County	4
2.5 Evidence from the Deputy Governor, Meru County	5
2.6 Evidence from the Secretary Meru County Land Management Board	5
2.7 Evidence from County Executive Committee – Lands & Planning Meru County.....	5
2.8 Evidence from the Managing Director Lewa Wildlife Conservancy	6
2.9 Evidence from Residents of Buuri Location, Ntimiriti – Subuiga Squatters	7
3.0 FINDINGS	8
4.0 RECOMMENDATIONS	9

ANNEXES

- A. Committee Minutes
- B. Submissions from Ministry of Lands, Housing and Urban Development
- C. Submissions from the Lewa Wildlife Conservancy
- D. Submissions from the Petitioners
- E. Copy of a petition
- F. Adoption List

CHAIRMAN'S FOREWORD

On Tuesday 13th October, 2015 the Hon. Justin B. Muturi, EGH, M.P , Speaker of the National Assembly in accordance to the provision of Standing Order 225(2)(b) conveyed a petition regarding the resettlement of Ntimiriti-Subuiga squatters on a land parcel Nos. 2806/3 Subuiga Bosnia and 2822/3 Ntimiriti settlement scheme.

The House pursuant to Standing Order 227 referred the Petition to the Departmental Committee on Lands for preparation of the Report. The Committee received the Petition on 12th November, 2015 and set out a procedure for its consideration and report to the House within 60 days as set out in Standing Order No. 227(2). However due to the nature of the inquiry and the work involved in addressing the Petition, the Committee took a longer time in responding to the petition.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition. On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

EXECUTIVE SUMMARY

The Committee in considering the petition conducted an inquiry in order to determine the pertinent issues. It held meetings with the member for Buuri Constituency, Hon. Kinoti Gatobu, M.P., Secretary, Meru County Land Management Board, County Executive Committee Member for Lands and Planning for Meru County, Deputy Governor Meru County and director of Lewa Wildlife Conservancy.

In addition, Dr. Fred Matiang'i, Ag. Cabinet Secretary of Lands, Housing and Urban Development accompanied by Mr. Martin Oloo, Legal Advisor, Amb. Ann B. Nyikuli, Director, Administration, Mr. Paul Ndung'u, Ag. Assistant Director of Survey and Ms. Carol Kinuthia, Media Advisor Submitted memorandum to the Committee. Dr. Mohammed Swazuri Chairman, National Land Commission accompanied by the Commission Chief Executive Officer, Tom Aziz presented written submission to the Committee.

The Committee further received representations from residents and squatters of the land in dispute. The Committee undertook a fact finding visit to Subuiga Bosnia and Ntimiriti Settlement Scheme on 12th February 2016, to assess the situation on the ground and collect views from residents, this enabled the Committee to receive representation from members and squatters from the Land in dispute.

The aim of this report was to answer prayers sought by petitioner with a view to establish the circumstances surrounding the Settlement of Ntimiriti – Subuiga Squatters on Land Parcels Numbers 2806/3 Subuiga Bosnia and 2822/3 Ntimiriti Settlement Scheme. The report conclude by giving findings/observation and conclusions.

MANDATE OF THE COMMITTEE

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

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;.
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

Oversight

In executing its Mandate, The Committee oversees the following Government Departments, Namely:-

- a) The Ministry of Land and Physical Planning
- b) The National Lands Commission

Committee Composition

The Departmental Committee on Lands was constituted in 2013 and its current membership is as follows:

MEMBERS:-

Chairperson	The Hon. Alex Mwiru, M.P.
Vice Chairperson	The Hon. Moses Ole Sakuda, M.P.
	The Hon. Mutava Musyimi, M.P.
	The Hon. John Kihagi, M.P.
	The Hon. Francis W. Nderitu, M.P.
	The Hon. Kipruto Moi, M.P.
	The Hon. Hellen Chepkwony, M.P.
	The Hon. Sarah Korere, M.P.
	The Hon. Benson Mbai, M.P.
	The Hon. Suleiman Dori, M.P.
	The Hon. George Oner, M.P.
	The Hon. Mathew L. Lempurkel, M.P.
	The Hon. Shakila Abdallah, M.P.
	The Hon. Dr. Paul Otuoma, M.P.
	The Hon. Thomas Mwadeghu, M.P.
	The Hon. Joseph Magwanga, M.P.
	The Hon. Ali Shariff Athman, M.P.
	The Hon. Francis Njenga, M.P.
	The Hon. Benard Bett, M.P.
	The Hon. Esther Murugi Mathenge, M.P.
	The Hon. Onesmus Ngunjiri, M.P.
	The Hon. Julius Ndegwa, M.P.
	The Hon. Patrick Kingola, M.P.
	The Hon. Kanini Kega, M.P.
	The Hon. Eusilah Ngeny, M.P.
	The Hon. Lawrence Aburi, M.P.

Secretariat

Clerk Assistant I	Mr. James Ginono
Clerk Assistant III	Mr. Joshua Ondari
Clerk Assistant III	Mr. Emmanuel Muyodi
Legal Counsel II	Ms, Mercy Wanyonyi

List of Recommendations

a) As per the first prayer: *“Inquiries into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government.”*

The Committee recommends that:

1. The settlement of squatters on LR. 2822 is unattainable as the parcel does not exist.
2. The Directorate of Criminal Investigation Department should investigate the settlement of 215 squatters on Ntimiriti Settlement Scheme and the alleged payment of Kshs 9,000 by each family.

b) As per the second prayer: *“Intervenes in the matter of the Ntimiriti-Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them.”*

3. The prayer is declined on the grounds that LR No. 2806/3 is gazetted wildlife corridor hence resettlement of squatters on the land will lead to human wildlife conflict.
4. The National Land Commission should look into the status of parcel no. 9762/2 measuring approximately 600 acres with a view of settling the squatters on that land.

1.0 INTRODUCTION

1.1 Background

The Petitioners wished to draw to the attention of the House to the following; that:-

- 1.1.1 They have been living on a section of Land Parcel No. 2806/3 Subuiga Bosnia and land parcel No. 2822/3 Ntimiriti Settlement Scheme since 1991;
- 1.1.2 The land in question was allocated to them by the officials of the then ruling party KANU through the Meru District Commissioner in 1991;
- 1.1.3 In 1998, the then Meru District Commissioner without any justifiable reason, evicted them from their settlements within the said parcels of land and advised them to form a squatters group which they did;
- 1.1.4 As a result of the evictions, they were rendered landless and have since been living in temporary/make shift houses by the roadside along the boundary of land parcels 2806/3 and 2822/3;
- 1.1.5 They have presented their grievances to various government institutions and in particular local Lands and District Commissioner's offices seeking for an amicable solution in vain
- 1.1.6 Their latest effort to seek redress on this matter includes a letter they wrote to the National Land Commission as well as one written by the Deputy County Commissioner Buuri Sub-County to the Principal Secretary, State Department for Livestock requesting for the settlement of the 215 squatters on plot LR. No. 2806/3;
- 1.1.7 Their letter to the National Land Commission has not been responded to while the response from the Principal Secretary, State Department for Livestock was not satisfactory and largely ignored their grievances;
- 1.1.8 The matter in respect of which this petition is raised is not pending before any Court of law, constitutional or legal body.

The petitioners prayed that the House:

- a) Inquiries into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government; and
- b) Intervenes in the matter of the Ntimiriti-Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them.

2.0 EVIDENCE

The Committee received submissions from the Hon. Kinoti Gatobu, M.P., Buuri Constituency, Ministry of Lands and Physical Planning, National Land Commission, Meru County Commissioner, Meru County Government, Management of Lewa Wildlife Conservancy and the Petitioners with regards to the petition;

2.1 Evidence the Hon. Kinoti Gatobu, M.P.

The member of Parliament for Buuri Constituency, appeared before the Committee on 12th November 2015 in Parliament Buildings and informed the Committee as follows, that:-

- 2.1.1 The residents have been living on a section of land parcel No. 2806/3 Subuiga Bosnia and Land Parcel No. 2822/3 Ntimiriti Settlement Scheme since 1991
- 2.1.2 The land which is 723 acres, was set aside by government as a holding ground but it was occupied by squatters;
- 2.1.3 The squatters claim that the said land was allocated to them by the officials of the then ruling party KANU through the Meru District Commissioner in 1991;
- 2.1.4 In 1998, the then Meru District Commissioner evicted the residents from the parcel of land and advised them to form squatter groups;
- 2.1.5 The residents have since been living in temporary/make shift houses by the roadside along the boundary of land parcel 2806/3 and 2822/3;
- 2.1.6 Lewa Wildlife Conservancy claims that they were given authority by the government to use the said land as a wildlife corridor that provides safe passage for wild animals;
- 2.1.7 The conservancy has not fenced the area and the squatters are allowed to graze their animals in the said land;
- 2.1.8 Lewa Conservancy insists that any occupation or attempts to convert the 700 acres to agricultural use or human settlement will restrict animal migration and hence it will lead to human – animal conflict in the area;
- 2.1.9 The residents are seeking for an amicable solution with a view of having the 215 families settled on the land initially allocated to them in 1991.

2.2 Evidence from the Ministry of Lands and Physical Planning

While appearing before the Committee, Dr. Fred Matiang'i, Ag. Cabinet Secretary accompanied by Mr. Martin Oloo, Legal Advisor, Amb. Ann B. Nyikuli, Director, Administration, Mr. Paul Ndung'u, Ag. Assistant Director of Survey, Ms. Carol Kinuthia, Media Advisor submitted memorandum stating as follows, that:-

- 2.2.1 The parcel is surrounded by the land managed by Lewa Wildlife Conservancy. It's a migratory route for elephants to Samburu National Reserve and it is frequented by endangered species like Rhinos;
- 2.2.2 The Parcel No. 2806/3 Subuiga Bosnia according to records in the Ministry was reserved for the Ministry of Livestock Development as a holding ground. The parcel was gazetted as a game corridor as per the gazette notice No. 3452 of 30th July, 1991;
- 2.2.3 Parcel No. 2822/3 Ntimiriti Settlement Scheme: - there is no Settlement Fund Trustee (SFT) Scheme established on this parcel and there are no records to indicate that the parcel existed. However, the original Parcel LR. No. 2822 was amalgamated with the others to form the current Ntimiriti Settlement Scheme;
- 2.2.4 The official search records indicate that in 1959 parcel LR. No. 2822 was amalgamated with parcel LR. No. 4634 to form parcels LR. No. 9762 of approximately 8,561 acres. This land was again sub-divided into two portions to form parcels LR. No. 9762/1 and 9762/2;

- 2.2.5 Ntimiriti Settlement Scheme was established in 1982 and registered in 1983 when the Settlement Fund Trustees bought LR. No. 9762/1 of approximately 2,369 acres together with two other parcels LR. No. 2811/1 of approximately 894 acres and LR. No. 2810 of approximately 4,589 acres measuring in total 7,852 acres the land which the scheme was established and therefore parcel LR. No. 2822/3 is not part of Ntimiriti Settlement Scheme;
- 2.2.6 The scheme was originally sub-divided into 485 plots which were allocated on the basis of 60% for local residents and 40% to other Kenyans, however, to resolve the problem of squatters some plots were subdivided and allocated to accommodate squatters who had invaded the plots;
- 2.2.7
- 2.2.8 Parcel No. 247 which was initially allocated to Luka Daudi Galgalo was subdivided into 62 plots ranging from plot nos. 756-817 and allocated as a result of the recommendations of the District Settlers Plot Selection Committee;
- 2.2.9 About 70% of the beneficiaries of Ntimiriti Settlement Scheme have cleared the SFT land charges and have been discharged for registration and issuance of title deeds and the remaining 30% are at various stages of clearing their land and development loan charges;
- 2.2.10 The Ministry is not aware of any evictions that have taken place on the said land, However, Parcel LR. No. 180 was further subdivided into 31 plots ranging from 496-524 and 529-531. Plot LR. Nos. 496, 497 and 498 were left under the Settlement Fund Trustee (SFT) and the remaining 29 plots were allocated by the District Settlement Plot Selection Committee which was held on 7th February, 1992. These plots were allocated as follows:

Plot No.	Size in acres	Allottee
i. 529	44	Mr. Daniel M. Mbiti
ii. 530	26.4	Mr. E.K. Mwongera
iii. 531	17.6	Mr. O.N. Ireri
iv. 499	5 acres each	26 beneficiaries

However, the 26 beneficiaries above were identified through balloting by 66 applicants and plot LR. Nos. 529,530 and 531 were allocated as an exchange of small plots which were surrendered to be part of the trading centre on plot 320;

- 2.2.11 Later parcel Nos. 496,497 and 498 were amalgamated to form parcel No. 527 measuring approximately 40.47Ha. Parcel No. 527 was further subdivided into parcel Nos. 881, 882 and 883 which were allocated as shown below:

Plot No.	Size in acres	Allottee
i. 881	12.4	Mr. John Githinji
ii. 882	20.33	SFT
iii. 883	8.0	Mr. John Githinji

Further, In 2010, Plot No. 882 was subdivided into 130 plots ranging from Plot No. 1701 to 1830 the plots were allocated by the District Settlers Selection Committee Meeting which was held on 3rd June, 2010 when 125 plots were allocated to squatters while the remaining 5 plots were set aside for public utilities.

2.3 Evidence from National Land Commission

Prof. Mohammed Swazuri, Chairman National Land Commission through written submissions informed the Committee as follows:-

- 2.3.1 The land reference No. 2806/3 measuring about 723 acres is situated within the Lewa Wildlife Conservancy area. It is an open grassland with very few scattered trees;
- 2.3.2 It is public land owned by the State Department of Livestock (Ministry of Livestock). The land was set aside during colonial days as a livestock holding ground for livestock moving from large grazing grounds in Northern Kenya to Nairobi and other areas;
- 2.3.3 It is currently used as a wildlife conservancy area and wildlife migratory route for elephants moving from high altitude areas of Mt. Kenya South into Samburu and further north, through Lewa Wildlife Conservancy and Ngarendare forest;
- 2.3.4 In 1991 vide Gazette Notice No. 3452 of 30th July, 1991, the government of the republic of Kenya gazetted L.R. No. 2806/3 as a game corridor;
- 2.3.5 In 1990 a group of 215 families claiming to be squatters from a village in Kibirichia location, Buuri Sub-County of Meru County moved and settled in L.R. No. 2806/3 claiming to have been allocated the same by the officials of the then ruling party Kanu. No ownership documents were ever issued to them as KANU was not an authority on land allocation;
- 2.3.6 In 1998, those people were evicted by Provincial Administration after two people were trampled upon by an elephant while guarding their farm;
- 2.3.7 Vide letter ref LMD/147 Vol. 1/147 of 16th June, 2015, the State Department of Livestock stated that L.R. No. 2806/3 and 2822/3 are still needed for the promotion of livestock development and were not available for allocation and even the land which is illegally occupied is due for repossession; and
- 2.3.8 Since LR. 2806/3 is already set aside as a public land, and already being used as a livestock holding ground and a migratory route of elephants, the position of the Commission is that L.R. No. 2806/3 should continue being used for the very original intended purpose.

2.4 Evidence from the Deputy County Commissioner- Meru County

Mr. Joseph Kisangai the Deputy County Commissioner appeared before the Committee on 12th February 2016, informed the Committee as follows, that:-

- 2.4.1 The said land is in an area of 723 acres with an L.R. No. 2806/3, at the heart of the Lewa Wildlife Conservancy in Buuri Sub County, whilst ownership of the land is vested in the Ministry of Livestock Development; That the squatters settled in that land around 1991 while the area was under the larger Meru Central, which they alleged was allocated to them by officials of the then ruling party KANU through the Meru District Commissioner;
- 2.4.2 They were later evicted in 1998 and advised to form a group so that they could submit their petition formally;
- 2.4.3 They formed a group comprising of 215 members, led by their Chairman Joseph Mugambi but the members have increased in number since some of their children are

grown up with families too;

2.4.4 The conservancy was informed of the government plans for the settlement of IDPs on the said land but they requested the DCC Buuri to reconsider the proposed settlement plan in light of the following serious concerns:-

- i. The settlement will lead to extreme human-wildlife conflict and likely lose of human life. Fencing this land would be in conflict with the gazette notice 3452 of July 1991;
- ii. Settlement will increase security concern with respect to endangered wildlife species present in the Lewa Wildlife Conservancy particularly black rhino as well as reducing critical ecosystem connectivity;
- iii. The settlement will lead to the destruction of valuable wildlife habitat and the disruption of elephant movement patterns; and
- iv. The Lewa Wildlife Conservancy is dependent on tourism sustaining over 400 employees and extensive community development, healthcare and education support programmes.

2.5 Evidence from the Deputy Governor, Meru County

While appearing before the Committee, the Deputy Governor Hon. Raphael Muriungi, informed the Committee as follows, that:-

2.5.1 The land in question is around 750 acres;

2.5.2 The residents were moved from the said land by Lewa Conservancy because it's being used as wildlife corridor connecting the upland forests of Mt. Kenya and lower-elevation rangelands to the north; and

2.5.3 The squatters lived there for ten years and some of them have buried their people there.

2.6 Evidence from the Secretary Meru County Land Management Board

While appearing before the Committee Mr. Martin Gikunda, informed the Committee as follows, that:-

2.6.1 The said land is reserved by the State Department of Livestock Development; He met with petitioners and promised them that he was to visit the area and access the status; and

2.6.2 He was also to meet with the County Livestock Management to ascertain the status of the land in order to determine whether the land is good for human settlement.

2.7 Evidence from County Executive Committee – Lands & Planning Meru County

While appearing before the Committee Mr. Martin Bikuri, Informed the Committee as follows, that:-

2.7.1 The people of Bosnia have been exploited and need to be compensated;

2.7.2 There are incidents of land grabbing in Bosnia that need to be addressed; and

2.7.3 There is need for the government to issue the people of Meru with title deeds.

2.8 Evidence from the Managing Director Lewa Wildlife Conservancy

While appearing before the Committee Mr. Geoffrey Chege – Community Coordinator Officer , Mr. John Kinji – Community officer informed the committee as follows, that:

- 2.8.1 The Conservancy is home to 14% of Kenya's rhino population, over 400 elephants, the world's largest resident population of the endangered Grevy's zebra and more;
- 2.8.2 Lewa also promotes landscape connectivity for wildlife, especially to migratory elephants that move from the high altitude areas of Mount Kenya, through to Lewa and Ngare Ndare Forest Reserve and northwards towards the Samburu plains. Accessing these landscapes is key to survival of over 6,500 elephants in northern Kenya;
- 2.8.3 Lewa's success in wildlife conservation can be greatly attributed to its closely working partnership with the neighboring communities. The conservancy uses its unique position to initiate development in the adjoining areas, for the benefit of all;
- 2.8.4 Lewa actively supports 21 public /government schools, runs four health clinics, 11 water projects, a micro credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security to wildlife and people;
- 2.8.5 The L.R. No. 2806/3 measuring about 723 acres is located at the center of Lewa. It is owned by the Ministry of Livestock. Its current use is wildlife conservation while the neighboring communities graze their livestock on the land throughout the year;
- 2.8.6 L.R. No. 2806/3 is crucial in sustaining the extensive conservation and livelihood programmes being undertaken by Lewa. Consequently, they object the plan to settle squatters on the land due to the following reasons:
 - (i) L.R. No. 2806/3 is already gazetted as a Game Corridor through Gazette Notice No. 3542 of 30th July, 1991;
 - (ii) L.R. No. 2806/3 is surrounded by land that is managed by Lewa.
 - (iii) It's heavily utilized by wildlife including endangered species like rhinos, elephants, cheetahs and lions.
 - (iv) In addition, the land provides a critical connection linking migratory wildlife especially elephants that traverse from the high altitude areas of Mount Kenya to the south into the Samburu and further north through Lewa and Ngare Ndare Forest. This connectivity is aptly illustrated using the movement patterns of several GPS collared elephants that move from Mt Kenya to northern Kenya using this connection;
- 2.8.7 Settling squatters on L.R. No. 2806/3 will undoubtedly lead to significant human-wildlife conflicts incidents as the wildlife will invade the farmlands. Illegal settlements of squatters done in 1997 led to the death of two people when they were trampled upon by elephants as they guarded their crops. Fencing this piece of land would be extremely inappropriate as it will cut off the connectivity of wildlife. Also, L.R. No. 2806/3 does not have any woodlot and this will endanger Lewa's woodlands from illegal logging as the communities seek firewood.
- 2.8.8 The presence of squatters will increase the security concerns to the endangered wildlife

and may lead to both poaching for wildlife trophies and bush meat hunting. Presently, Lewa holds over 14% of Kenya's rhino population, 400 elephants and other threatened species whose conservation is of significant importance both as a national and international heritage. Compromising this balance will tip off Lewa's immense input in the social and economy of the region and of the country in general from proceeds arising from tourism. In addition, Lewa employs at least 300 people and is sustaining support to 21 public/government schools, runs four health clinics, 11 water projects, and a micro-credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security. Collectively, the Conservancy directly impacts the lives of close to 50,000 people. This immense support to the communities is what will be at stake if the squatters are settled on the piece of land.

- 2.8.9 The Mount Kenya National Park and Reserve (of which Lewa is part of) is one of the six UNESCO World Heritage Sites in Kenya inscribed by UNESCO. L.R. No. 2806/3 is surrounded by Lewa, and the land is part of Mount Kenya World Heritage Site. As a signatory to the World Heritage Convention (WHC), the reputation of Kenya stands to be compromised if Mount Kenya World Heritage Site is placed in the danger list by the WHC as a result of threats that may arise from settling the squatters on the Site.

2.9 Evidence from Residents of Buuri Location, Ntimiriti – Subuiga Squatters

While appearing before the Committee Mr. Joseph Mugambi, Chairman, Mrs. Ruth – petitioner, Mr. Nelson Manyara Theraria (squatter) informed the committee as follows, that:

- 2.9.1 They had lived in the land for ten years before they were evicted which he alleged that it was allocated to them by officials of the then ruling party KANU through the Meru District Commissioner;
- 2.9.2 After eviction they were advised to form a group so that they could submit their petition formally;
- 2.9.3 They were evicted from where they used to live and now they are forced to live along the road;
- 2.9.4 In 1999 the then District Commissioner promised them land but were shocked when they were denied access to their land since it had been allocated to different people;
- 2.9.5 50 Hectares was allocated to Mr. John Githinji and another fifty hectares was allocated by the District Commissioner Mr. Cheboi;
- 2.9.6 In 2009 the then District Commissioner Mr. Chege Mwangi visited them and assured them that they will be given land. In the same year survey was done and 71 squatters were registered;
- 2.9.7 During the survey, the planners, surveyors and the District Settlement requested all squatters to pay kshs. 9,000 each which they did; and
- 2.9.8 After the survey the land was given to different people contrary to what they were promised earlier.

3.0 FINDINGS

The Committee made the following observation from evidence adduced in meetings and the field visit, that:-

1. L.R. No. 2806/3 is gazetted as a Game Corridor vide Gazette Notice No. 3542 of 30th July, 1991;
2. The L.R. No. 2806/3 which measures approximately 723 acres is located at the center of Lewa and is public land owned by the State Department of Livestock (Ministry of Livestock), The land was set aside during colonial days as a livestock holding ground for livestock moving from large grazing ground in Northern Kenya to Nairobi and other areas;
3. L.R. No. 2806/3 is used as a wildlife corridor connecting the upland forests of Mt. Kenya and lower-elevation rangelands to the north, The parcel is surrounded by land managed by Lewa Wildlife Conservancy and is a migratory route of elephants to Samburu National Reserve and it is frequented by endangered species like Rhinos; the Lewa Wildlife Conservancy is dependent on tourism sustaining over 400 employees and extensive community development, healthcare and education support programmes;
4. Settling squatters on L.R. No. 2806/3 will increase security concern with respect to endangered wildlife species present in this ecosystem particularly black rhino as well as reducing critical ecosystem connectivity, human-wildlife conflict and likely loss of human life and the presence of squatters will increase the security concerns to the endangered wildlife and may lead to poaching for wildlife trophies ,bush meat hunting, the destruction of valuable wildlife habitat and the disruption of elephant movement patterns; and fencing this land would be in conflict with the gazette notice no. 3452 of July 1991;
5. The Mount Kenya National Park and Reserve is one of the six UNESCO World Heritage Sites in Kenya inscribed by UNESCO. L.R. No. 2806/3 is surrounded by Mount Kenya World Heritage Site. As a signatory to the World Heritage Convention (WHC), the reputation of Kenya stands to be compromised if Mount Kenya World Heritage Site is placed in the danger list by the WHC as a result of threats arising from settling the squatters on the Site;
6. Ntimiriti Settlement Scheme was established in 1982 and registered in 1983; the Settlement Fund Trustees bought LR. No. 9762/1 of approximately 2,369 acres together with two other Parcels. No. 2811/1 of approximately 894 acres and parcel No. 2810 of approximately 4,589 acres measuring in total 7,852 acres. Therefore Parcel No. 2822/3 does not exist and has never existed. There was no Settlement Fund Trustee (SFT) Scheme established on this parcel and there are no records to indicate that the parcel existed. However the original Parcel LR. No. 2822 was amalgamated with others to form the current Ntimiriti Settlement Scheme; further the official search records indicate that in 1959 parcel LR. No. 2822 was amalgamated with parcel LR.

No. 4634 and other crown land (public land) parcel to form parcel LR. No. 9762 of approximately 8,561 acres; and

7. In 1991 people started encroaching into the area leading to human wildlife conflict. They were evicted from the area in the year 1994 and in 1998, the government through Meru District Commissioner evicted squatters from land L.R. No. 2806/3 who have since been living in temporary houses by the roadside along the boundary of land parcel 2806/3 ;

4.0 RECOMMENDATIONS

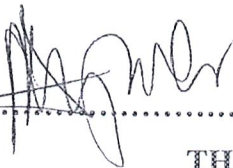
The Committee made the following Recommendations from evidence adduced in meetings and the field visit, that:-

- (a) As per the first prayer: *"Inquiries into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government."*

The Committee recommends that:

1. The settlement of squatters on LR. 2822 is unattainable as the parcel does not exist.
2. The Directorate of Criminal Investigation Department should investigate the settlement of 215 squatters on Ntimiriti Settlement Scheme and the alleged payment of Kshs 9,000 by each family.
- (b) As per the second prayer: *"Intervenes in the matter of the Ntimiriti-Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them."*
3. The prayer is declined on the grounds that LR No. 2806/3 is gazetted wildlife corridor hence resettlement of squatters on the land will lead to human wildlife conflict.
4. The National Land Commission should look into the status of parcel no. 9762/2 measuring approximately 600 acres with a view of settling the squatters on that land.

SIGNED.....



DATE.....

24th Nov. 2016

THE HON. ALEX M. MWIRU, MP

CHAIRPERSON - DEPARTMENTAL COMMITTEE ON LANDS

ANNEXES

MINUTES OF THE 73RD SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 2ND SEPTEMBER, 2016, TRAVELLERS HOTEL & SPA, MOMBASA AT 9.00 AM

PRESENT:

- | | |
|---|------------------|
| 1. The Hon. Alex Mwiru, M.P. | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | Vice Chairperson |
| 3. The Hon. Omar Mwinyi, M.P. | |
| 4. The Hon. Thomas Mwadeghu, M.P. | |
| 5. The Hon. Patrick Makau, M.P. | |
| 6. The Hon. KaniniKega, M.P. | |
| 7. The Hon. Sarah Korere, M.P. | |
| 8. The Hon. Mathew L. Lempurkel, M.P. | |
| 9. The Hon. Esther Murugi, M.P. | |
| 10. The Hon. Dr. Paul Otuoma, M.P. | |
| 11. The Hon. Benson Mbai, M.P. | |
| 12. The Hon. Hellen Chepkwony, M.P. | |
| 13. The Hon. Bernard Bett, M.P. | |
| 14. The Hon. Joseph OyugiMagwanga, M.P. | |
| 15. The Hon. Francis W. Nderitu, M.P. | |
| 16. The Hon. Suleiman Dori, M.P. | |
| 17. The Hon. OnesmusNgunjiri, M.P. | |
| 18. The Hon. John Kihagi, M.P. | |
| 19. The Hon. Francis NjengaKigo, M.P. | |
| 20. The Hon. MutavaMusyimi, M.P. | |
| 21. The Hon. HezronAwitiBollo, M.P. | |
| 22. The Hon. George Oner, M.P. | |
| 23. The Hon. Julius Ndegwa, M.P. | |
| 24. The Hon. AthmanShariff, M.P. | |

ABSENT WITH APOLOGIES:

1. The Hon. MpuruAburi, M.P.
2. The Hon. KiprutoMoi, M.P.
3. The Hon. EusilahNgeny, M.P.
4. The Hon. Shakila Abdallah, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|-----------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Joshua Ondari | Clerk Assistant III |
| 3. Ms. Mercy Wanyonyi | Legal Counsel III |
| 4. Ms. Farida Ngasura | Audio Officer |

MINUTE NO. DCL/LN/2016/301 PRELIMINARIES

The chairman called the meeting to order at 10.15 a.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/302

CONSIDERATION AND ADOPTION OF REPORT ON THE PETITION BY RESIDENTS OF SUBUIGA REGARDING THE RESETTLEMENT OF NTIMIRITI

SUBUIGA SQUATTERS IN MERU COUNTY ON LAND
PARCEL NOS. 2806/3 SUBUIGA BOSINIA &
NTIMIRITI SETTLEMENT SCHEME

The Committee considered the report and came up with the following observations and recommendation: -

Observations

1. L.R. No. 2806/3 is gazetted as a Game Corridor vide Gazette Notice No. 3542 of 30th July, 1991;
2. The L.R. No. 2806/3 which measures approximately 723 acres is located at the center of Lewa and is public land owned by the State Department of Livestock (Ministry of Livestock), The land was set aside during colonial days as a livestock holding ground for livestock moving from large grazing ground in Northern Kenya to Nairobi and other areas;
3. L.R. No. 2806/3 is used as a wildlife corridor connecting the upland forests of Mt. Kenya and lower-elevation rangelands to the north, The parcel is surrounded by land managed by Lewa Wildlife Conservancy and is a migratory route of elephants to Samburu National Reserve and it is frequented by endangered species like Rhinos; the Lewa Wildlife Conservancy is dependent on tourism sustaining over 400 employees and extensive community development, healthcare and education support programmes ;
4. Settling squatters on L.R. No. 2806/3 will increase security concern with respect to endangered wildlife species present in this ecosystem particularly black rhino as well as reducing critical ecosystem connectivity, human-wildlife conflict and likely loss of human life and the presence of squatters will increase the security concerns to the endangered wildlife and may lead to poaching for wildlife trophies ,bush meat hunting,the destruction of valuable wildlife habitat and the disruption of elephant movement patterns; andfencing this land would be in conflict with the gazette notice no. 3452 of July 1991;
5. The Mount Kenya National Park and Reserve is one of the six UNESCO World Heritage Sites in Kenya inscribed by UNESCO. L.R. No. 2806/3 is surrounded by Mount Kenya World Heritage Site. As a signatory to the World Heritage Convention (WHC), the reputation of Kenya stands to be compromised if Mount Kenya World Heritage Site is placed in the danger list by the WHC as a result of threats arising from settling the squatters on the Site;
6. Ntimiriti Settlement Scheme was established in 1982 and registered in 1983; the Settlement Fund Trustees bought LR. No. 9762/1 of approximately 2,369 acres together with two other Parcels. No. 2811/1 of approximately 894 acres and parcel No. 2810 of approximately 4,589 acres measuring in total 7,852 acres. Therefore Parcel No. 2822/3 does not exist and has never existed. There was no Settlement Fund Trustee (SFT) Scheme established on this parcel and there are no records to indicate that the parcel existed. However the original Parcel LR. No. 2822 was amalgamated with others to form the current Ntimiriti Settlement Scheme; further the official search records indicate that in 1959 parcel LR. No. 2822 was amalgamated with parcel LR. No. 4634 and other crown land (public land) parcel to form parcel LR. No. 9762 of approximately 8,561 acres; and
7. In 1991 people started encroaching into the area leading to human wildlife conflict. They were evicted from the area in the year 1994 and in 1998, the government through Meru District Commissioner evicted squatters from land L.R. No. 2806/3

who have since been living in temporary houses by the roadside along the boundary of land parcel 2806/3 ;

Recommendation

As per the first prayer: *“Inquiries into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government.”*

The Committee recommends that:

- i) The settlement of squatters on LR. 2822 is unattainable as the parcel does not exist.
- ii) The Directorate of Criminal Investigation Department should investigate the settlement of 215 squatters on Ntimiriti Settlement Scheme and the alleged payment of Kshs 9,000 by each family.

As per the second prayer: *“Intervenes in the matter of the Ntimiriti-Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them.”*

The prayer is declined and the Committee recommends that:

- i) LR No. 2806/3 is gazetted wildlife corridor hence resettlement of squatters on the land will lead to human wildlife conflict.
- ii) The National Land Commission should look into the status of parcel no. 9762/2 measuring approximately 600 acres with a view of settling the squatters on that land.

The report was adopted after having been proposed by Hon. Joseph OyugiMagwanga, MP and seconded by Hon. John Kihagi, MP.

MINUTE NO. DCL/LN/2016/303

CONSIDERATION AND ADOPTION OF THE
REPORT ON THE PETITION BY RESIDENTS OF
MOCHONGOI SETTLEMENT SCHEME

The Committee deferred the adoption of the report and resolved to invite the Cabinet Secretary Ministry of Environment and Natural Resources to respond to the following: -

- a) The status of the said forest and the size of the forest which has been encroached by squatters;
- b) What is the Ministry doing in regards with the degazettement part of Mochongoi Forest occupied by squatters?

MINUTE NO. DCL/LN/2016/304

ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 12:43 pm the meeting was adjourned.

SIGNED.....

(CHAIRPERSON)

DATE..... 02/09/2016

MINUTES OF THE 10th SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 12th FEBRUARY 2016 IN MERU COUNTY AT 2.00 PM

PRESENT:

1. The Hon. John Kihagi, M.P.
2. The Hon. Patrick Makau, M.P
3. The Hon. Francis W. Nderitu, M.P
4. The Hon. Dr. Paul Otuoma, M.P.
5. The Hon. Kipruto Moi, M.P.
6. The Hon. Sarah Korere, M.P.
7. The Hon. Julius Ndegwa, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. Mathew L. Lempurkel, M.P
10. The Hon. Mpuru Aburi, M.P.
11. The Hon. Joseph Oyugi Magwanga, M.P.
12. The Hon. Bernard Bett, M.P.

Chairing

ABSENT WITH APOLOGIES:

1. The Hon. Alex Mwiru, M.P.
2. The Hon. Moses Ole Sakuda, M.P.
3. The Hon. Hellen Chepkwony, M.P.
4. The Hon. Onesmus Ngunjiri, M.P.
5. The Hon. A. Shariff, M.P.
6. The Hon. Shakila Abdallah, M.P.
7. The Hon. Mutava Musyimi, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Suleiman Dori, M.P
10. The Hon. Eusilah Ngeny, M.P.
11. The Hon. Esther Murugi, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

Chairperson

Vice - Chairperson

ABSENT WITHOUT APOLOGIES:

1. The Hon. Oscar Sudi, M.P
2. The Hon. Kanini Kega, M.P.

IN ATTENDANCE:

- | | |
|-----------------------------------|------------------------------|
| 1. The Hon. Boniface Gatobu, M.P. | -Buuri Constituency |
| 2. Mr. Joseph Mugambi, | -Chairman, Subuiga Squatters |
| 3. Mrs. Ruth Ncurubi | -Petitioner, |
| 4. Mr. Nelson Manyara Theraria | -Squatter |
| 5. Mr. Geoffrey Chege | -Community Coordinator |
| 6. Mr. John Kinji | -Community officer |

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|-------------------------|
| 1. Mr. James Ginono | - Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | -Clerk Assistant III |
| 3. Mr. Joshua Ondari | -Clerk Assistant III |
| 4. Mr. Ahmed Yakub | -Media Relation Officer |

MINUTE NO. DCL/LN/2016/42

PRELIMINARIES

The Chairperson called the meeting to order at 2.17 p.m., followed by a word of prayer.

MINUTE NO. DCL/LN/2016/43

SUBMISSION FROM RESIDENTS OF BUURI LOCATION, NTIMIRITI – SUBUIGA SQUATTERS

while appearing before the Committee Mr. Joseph Mugambi, Chairman , Mrs. Ruth – petitioner, Mr. Nelson Manyara Theraria (squatter) informed the committee as follows, that:

1. They have stayed in the said land for ten years before they were evicted which they alleged that . was allocated to them by officials of the then ruling party KANU through the Meru District Commissioner;
2. After eviction they were advised to form a group so that they could send their petition formally;
3. They were evicted from where they used to live and now they are forced to live along the road;
4. In the year 1999 the then District Commissioner promised that the Land belonged to them but they were shocked when they denied the access to their land since it been allocated to different people;

5. Fifty hectare was allocated to Mr. John Githinji and another fifty hectare was allocated to by then the District Commissioner Mr. Cheboi;
6. In 2009 then the District Commissioner Mr. Chege Mwangi visited them and assured them that they will be given land. In the same year survey was done and the 71 squatters were registered;
7. During the survey the planners, surveyors and the District Settlement requested all squatters to pay kshs. 9,000 each which they did; and
8. After the survey the land was given to different people contrary to what they were promised earlier.

MINUTE NO. DCL/LN/2016/44

MEETING WITH THE MANAGING DIRECTOR LEWA
WILDLIFE CONSERVANCY

while appearing before the Committee Mr. Geoffrey Chege – Community Coordinator Officer , Mr. John Kinji – Community officer informed the committee as follows, that:

1. The Conservancy is home to 14% of Kenya's rhino population, over 400 elephants, the world's largest resident population of the endangered Grevy's zebra and more;
2. Lewa also promotes landscape connectivity for wildlife, especially to migratory elephants that move from the high altitude areas of Mount Kenya, through to Lewa and Ngare Ndare Forest Reserve and northwards towards the Samburu plains. Accessing these landscapes is key to survival of over 6,500 elephants in northern Kenya;
3. Lewa's success in wildlife conservation can be greatly attributed to its closely working partnership with the neighboring communities. The conservancy uses its unique position to initiate development in the adjoining areas, for the benefit of all;
4. Lewa actively supports 21 public /government schools, runs four health clinics, 11 water projects, a micro credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security to wildlife and people;

5. The L.R. No. 2806/3 measuring about 723 acres is located at the center of Lewa. It is owned by the Ministry of Livestock. Its current use is wildlife conservation while the neighboring communities graze their livestock on the land throughout the year;
6. L.R. No. 2806/3 is crucial in sustaining the extensive conservation and livelihood programmes being undertaken by Lewa. Consequently, they object the plan to settle squatters on the land due to the following reasons:
 - a) L.R. No. 2806/3 is already gazetted as a Game Corridor through Gazette Notice No. 3542 of 30th July, 1991;
 - b) L.R. No. 2806/3 is surrounded by land that is managed by Lewa. It's heavily utilized by wildlife including endangered species like rhinos, elephants, cheetahs and lions. In addition, the land provides a critical connection linking migratory wildlife especially elephants that traverse from the high altitude areas of Mount Kenya to the south into the Samburu and further north through Lewa and Ngare Ndare Forest. This connectivity is aptly illustrated using the movement patterns of several GPS collared elephants that move from Mt Kenya to northern Kenya using this connection;
 - c) Settling squatters on L.R. No. 2806/3 will undoubtedly lead to significant human-wildlife conflicts incidents as the wildlife will invade the farmlands. Illegal settlements of squatters done in 1997 led to the death of two people when they were trampled by elephants as they guarded their crops. Fencing this piece of land would be extremely inappropriate as it will cut off the connectivity of wildlife as demonstrated in (2) above. Also, L.R. No. 2806/3 does not have any woodlot and this will endanger Lewa's woodlands from illegal logging as the communities seek firewood;
 - d) The presence of squatters will increase the security concerns to the endangered wildlife and may lead to both poaching for wildlife trophies and bush meat hunting. Presently, Lewa holds over

14% of Kenya's rhino population, 400 elephants and other threatened species whose conservation is of significant importance both as a national and international heritage. Compromising this balance will tip off Lewa's immense input in the socio economic wellbeing of the region and of the country in general from proceeds arising from tourism. In addition, Lewa employs at least 300 people and is sustaining support to 21 public/government schools, runs four health clinics, 11 water projects, and a micro-credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security. Collectively, the Conservancy directly impacts the lives of close to 50,000 people. This immense support to the communities is what will be at stake if the squatters are settled on the piece of land.

e) The Mount Kenya National Park and Reserve (of which Lewa is part of) is one of the six UNESCO World Heritage Sites in Kenya. Since L.R. No. 2806/3 is surrounded by Lewa, and this land is also part of the Mount Kenya World Heritage Site, and as a signatory to the World Heritage Convention (WHC), the reputation of Kenya stands to be compromised if the Mount Kenya World Heritage Site is placed on the Danger List by the WHC.

MINUTE NO. DCL/LN/2016/45

ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 5.30 p.m. the meeting was adjourned.

SIGNED: 
(CHAIRPERSON)

DATE: 23/02/2016
.....

IN ATTENDANCE:

- | | |
|----------------------------------|--|
| 1. The Hon. Raphael Muriungi | -Deputy Governor, Meru County |
| 2. The Hon. Boniface Gatobu, M.P | -Buuri Constituency |
| 3. Mr. Joseph Kisangai, | -Deputy County Commissioner |
| 4. Mr. Martin Gikunda, | -Secretary, County Land Management Board |
| 5. Mr. Martin Bikuri, | -C.E.C, Lands and Planning Meru County |

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|-------------------------|
| 1. Mr. James Ginono | -Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | -Clerk Assistant III |
| 3. Mr. Joshua Ondari | -Clerk Assistant III |
| 4. Mr. Ahmed Yakub | -Media Relation Officer |

MINUTE NO. DCL/LN/2016/36

PRELIMINARIES

The Chairperson called the meeting to order at 10.10 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2016/37

MEETING WITH THE DEPUTY COUNTY COMMISSIONER- MERU COUNTY

While appearing before the Committee Mr. Joseph Kisangai Informed the Committee as follows, that:-

1. The said land is in an area of 723 acres with an L.R. No. 2806/3, in the heart of the Lewa Wildlife Conservancy in Buuri Sub County, whilst ownership of the land is vested in the Ministry of Livestock Development;
2. The squatters settled in that land around 1991 while the area was under the larger Meru Centre which they alleged it was allocated to them by officials of the then ruling party KANU through the Meru District Commissioner;
3. They were later evicted around 1998 and advised to form a group so that they could send their petition formally;
4. They formed a group comprising of 215 members, led by their Chairman Joseph Mugambi but the members have increased since some of their children are grown up with families too;
5. The conservancy was informed of the government plans for the settlement of IDPs on the said land

but they requested the DCC Buuri to reconsider the proposed settlement plan in light of the following serious concerns:-

6. The settlement will lead to extreme human-wildlife conflict and likely loss of human life and fencing this land would be in conflict with the gazette notice 3452 of July 1991;
7. Settlement will increase security concern with respect to endangered wildlife species present on the Lewa Wildlife Conservancy particularly black rhino as well as reducing critical ecosystem connectivity;
8. The settlement will lead to the destruction of valuable wildlife habitat and the disruption of elephant movement patterns; and
9. The Lewa Wildlife Conservancy itself dependent on tourism sustaining over 400 employees and extensive community development, healthcare and education support programmes as a result.

MINUTE NO. DCL/LN/2016/38 MEETING WITH THE SECRETARY MERU COUNTY LAND
MANAGEMENT BOARD

While appearing before the Committee Mr. Martin Gikunda, informed the Committee as follows, that:-

1. The said land is reserved by the state department of Livestock Development;
2. He met with petitioners and promised them that he was to visit the area and access the status; and;
3. He was also to meet with the County Livestock Management to know the status of the Land if the land is good for human settlement.

MINUTE NO. DCL/LN/2016/39 MEETING WITH CEC – LANDS & PLANNING MERU COUNTY

While appearing before the Committee Mr. Martin Bikuri, Informed the Committee as follows, That:-

1. The people of Bosnia have been exploited and need to be compensated;
2. There are incidents of land grabbing in Bosnia and need to be addressed;

3. There is need for the government to issue the people of Meru with title deeds.


MINUTE NO. DCL/LN/2016/40 MEETING WITH THE DEPUTY GOVERNOR MERU COUNTY

While appearing before the Committee the Deputy Governor Hon. Raphael Muriungi, Informed the Committee as follows, that:-

1. The land in question is around 750 acres;
2. The residents were moved from the said land by Lewa Conservancy because its being used as wildlife corridor connecting the upland forests of Mt. Kenya and lower-elevation rangelands to the north; and
3. The squatters lived there for ten years and some of them have buried their people there.

MINUTE NO. DCL/LN/2016/41 ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 12.30 p.m. the meeting was adjourned.

SIGNED:

(CHAIRPERSON)

DATE:
23/02/2016

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT
(THIRD SESSION)

PETITION

(No. 25 of 2015)

CONVEYANCE OF A PETITION REGARDING THE RESETTLEMENT OF
NTIRIMITI-SUBUIGA SQUATTERS ON LAND PARCEL NOS. 2806/3 SUBUIGA
BOSNIA AND 2822/3 NTIMIRITI SETTLEMENT SCHEME

Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of a petition, jointly signed by Mr. Joseph Mugambi and Ms. Ruth Nchurubu, on behalf of two hundred and fifteen (215) members of the Ntirimiti-Subuiga squatters in Meru County. The Petitioners claim that they were evicted from their land, Parcel Nos. 2806/3 Subuiga Bosnia Meru and 2822/3 Ntimiri Settlement Scheme, where they had been settled by the Government in 1991.

Honourable Members,

The Petitioners are therefore praying that the National Assembly, through the Departmental Committee on Lands:

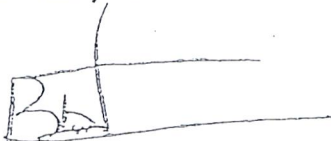
- (a) inquires into the circumstances under which the squatters were unjustifiably evicted from the land, which they had been allocated by the Government in 1991; and

(b) intervenes in the matter of the Ntirimiti – Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of Land Parcel No. 2806/3 that had initially been allocated to them.

Honourable Members,

Pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Lands for consideration. The Committee is encouraged to engage the National Land Commission and the Ministry of Lands, Housing and Urban Development with a view to exploring a viable solution to the delicate issues contained in the petition.

I thank you!



THE HON. JUSTIN B. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, October 13, 2015



MS. 5

SUBUIGA SQUATTERS GROUP
SUBUIGA LOCATION
BUURI SUB-COUNTY
MERU COUNTY

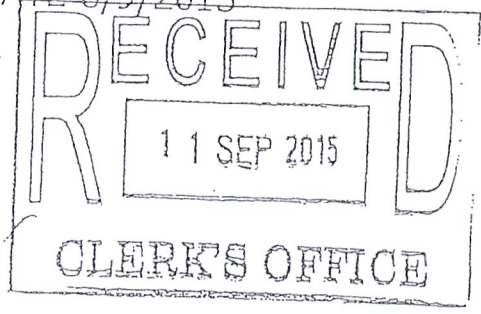
TO

THE CLERK
NATIONAL ASSEMBLY
PARLIAMENT BUILDING
P.O BOX 41842-00100
NAIROBI

Mr. Njoroge

DATE 8/9/2015

T.A. Sidi
11/9/15



RE: PETITION CONCERNING THE SETTLEMENT OF NTIRIMITI -
SUBUIGA SQUATTERS ON LAND P.NO. 2806/3 SUBUIGA BOSNIA AND
LAND P.NO. 2822/3 NTIRIMITI SETTLEMENT SCHEME

We, the Undersigned, on behalf of two hundred and fifteen (215) members of Ntirimiti- Subuiga squatters are citizens of Kenya and residents of Subuiga Location, Buuri Sub-County within Meru County.

In exercise of the provisions of article 119 of the constitution of Kenya;

DRAW the attention of the House to the following:

THAT:

- We have been living on a section of Land Parcel No 2806/3 Subuiga Bosnia and Land Parcel No. 2822/3 Ntirimiti Settlement Scheme since 1991.
- The Land in question was allocated to us by the officials of the then ruling party KANU through the Meru District Commissioner in 1991.
- In 1998, the then Meru District commissioner without any justifiable reason, evicted us from our settlements within the said parcels of land and advised us to form a squatters group which we did.
- As a result of the evictions, we were rendered landless and have since been living in temporary/ make shift houses by the roadside along the boundary of Land Parcels 2806/3 and 2822/3.

PETITION CONCERNING THE SETTLEMENT OF NTIRIMITI – SUBUIGA
SQUATTERS ON LAND P.NO. 2806/3 SUBUIGA BOSNIA AND LAND
P.NO. 2822/3 NTIRIMITI SETTLEMENT SCHEME

THAT:

- We have presented our grievances to various government institutions and in particular local Lands and District commissioner's offices seeking for an amicable solution but in vain.
- Our latest effort to seek redress on this matter include a letter we wrote to the National Land Commission as well as one written by the Deputy County Commissioner Buuri Sub-County to the Principal Secretary, State Department for Livestock requesting for the settlement of the 215 squatters on P. No. 2806/3.
- Our letter to the National Land Commission has not been responded to while the response from the Principal Secretary, State Department for Livestock was not satisfactory and largely ignored our grievances.

THAT:



Matters relating to the allocation of Land P. No. 28063 to Ntirimiti Subuiga Squatters in respect of which this petition is made is NOT pending before any Court of Law, Constitutional or legal body.

HEREFORE your humble petitioners pray that parliament



As a matter of urgency, inquires into the matter of Subuiga Ntirimiti Squatters with a view of having the 215 families currently living in deplorable and inhuman conditions settled on part of land P. No. 2806/3 initially allocated to them in 1991.

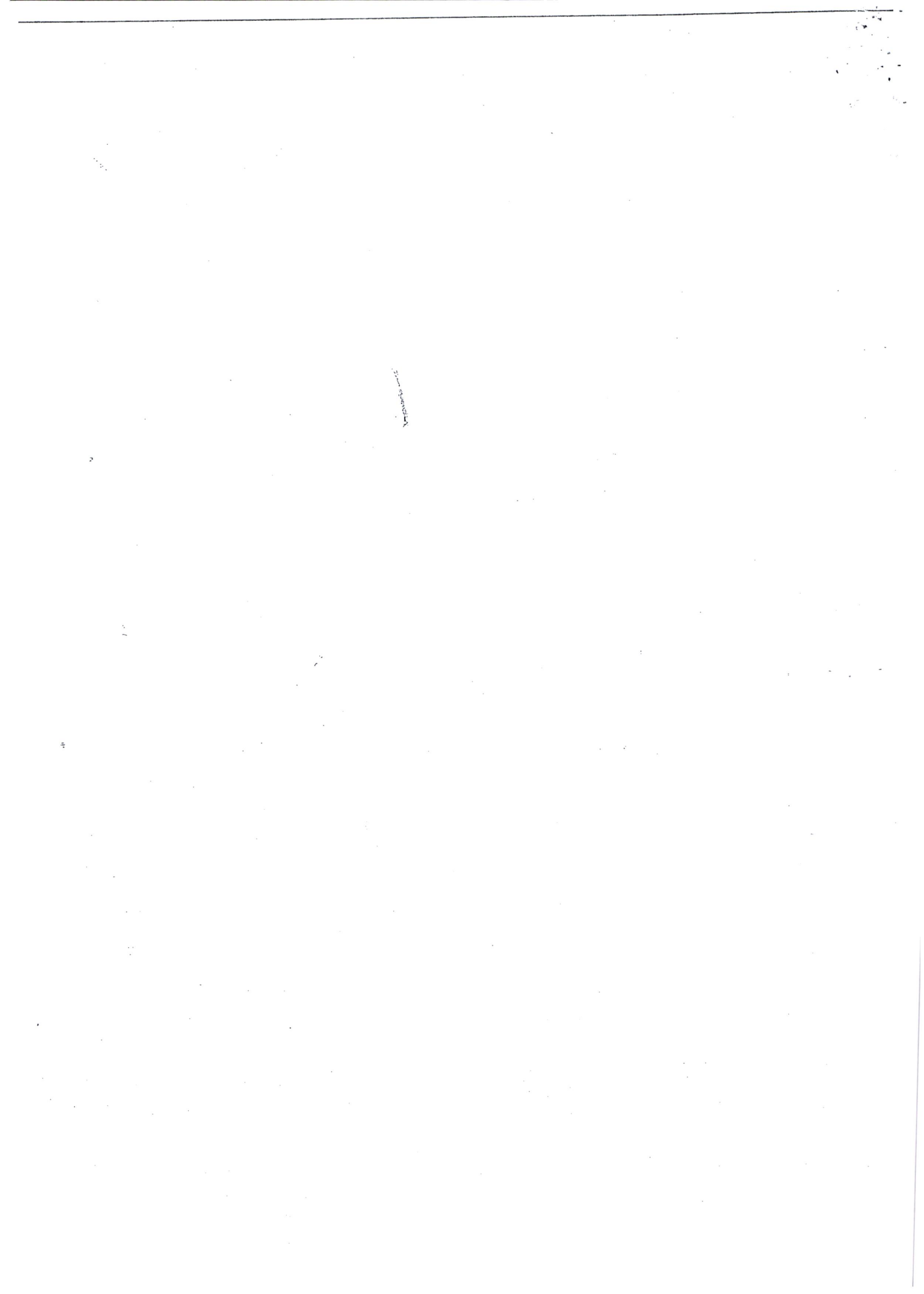
**PETITION CONCERNING THE SETTLEMENT OF NTIRIMITI – SUBUIGA
SQUATTERS ON LAND P.NO. 2806/3 SUBUIGA BOSNIA AND LAND
P.NO. 2822/3 NTIRIMITI SETTLEMENT SCHEME**

And your petitioners will ever pray.

NAME	ADDRESS	NATIONAL ID/ PASSPORT NO.	SIGNATURES OR THUMB IMPRESSION
1. JOSEPH MUGAMBI	Box 22 Timau	4465662	
2. RUTH CHURUBU	Box 22 Timau	10381331	

Petition concerning the settlement of Ntirimiti-Subuiga squatters on land P. No. 2806/3 Subuiga Bosnia and Land P. No. 2822/3 Ntirimiti settlement scheme.

NAME OF PETITIONER	SIGNATURE/THUMB IMPRESSION
1. JOSEPH MUGAMBI	
2. RUTH NCHURUBU	





REPUBLIC OF KENYA

MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

DEPARTMENTAL COMMITTEE ON LANDS

1. Petition by the Hon. Mathew Lempurkel, M.P. on behalf of residents of Segera Ward, Laikipia North Constituency regarding alleged abuse, torture and land Conflict.

- a) Whether the Ministry is aware of the land tussle between members of the Maasai community living in Segera and member of North Tetu Cooperative society.
- b) Status of the land in question in terms of registration, LR Number and the registered owners.
- c) Details of acquisition, sale and transfers on the land.

2. Petition by Mr. Joseph Mugambi and Ms. Ruth Nchurubu regarding the resettlement of Ntirimiti-Subuiga squatters in Meru County on Land Parcel Nos. 2806/3 Subuiga Bosnia and 2822/3 Ntirimiti Settlement Scheme

Details of Parcel 2806/3 Subuiga Bosnia and 2822/3 Ntirimiti Settlement Scheme regarding the following:-

- a) Acreages of the aforementioned parcels of land
- b) When the schemes were created and registered
- c) Details of the allottees
- d) The circumstances leading to the eviction of Ntirimiti-Subuiga squatters from the land and the current status.

3. Petition by the Non. William Kisang, M.P on behalf of Chebororwa Community in Marakwet West Constituency

regarding ceding of 1,800 acres of Chebororwa Agricultural Training Centre to Chebororwa Community

- a) Provide information as to whether the land in question was set aside for settlement of squatters.
- b) Details and proof of the transfer of the land from Elgeyo Marakwet County to Uasin Gichu County.
- c) The current status of the land.

ANSWERS

1. Petition by the Hon. Mathew Lempurkel, M.P on behalf of residents of Segera Ward, Laikipia North Constituency regarding alleged abuse, torture and land conflict in Segera, Laikipia County.

a) Whether the Ministry is aware of the land tussle between members of the Maasai Community living in Segera and member of North Tetu Cooperative Society.

The land being referred to is **L.R 9847** in Segera Ward Laikipia County. According to our records, there is no documented dispute over the same.

The land in question was a big ranch which was later subdivided into three blocks namely;

(i) **SegeraSegera Block 1** – Registered in the name of Northern Approaches measuring 5000 acres with 2725 land parcels with each having individual titles – registration was **done in 1995**.

(ii) **SegeraSegera Block 2** –Registered in the name of Mbugi O. Ngai measuring 6462 acres with 2726 parcels with individual titles – registration was done in **August 1999**.

BRIEF HISTORY

a. (i) Parcel No. 2806/3 Subuiga Bosnia

According to records in the Ministry, the above **263.05** Ha parcel of land was reserved for the Ministry of Livestock Development as a holding ground. The parcel was gazetted as a game corridor as per gazette notice **No. 3452 of 30th July, 1991. (See Annex I)**. The parcel of Land is surrounded by the land managed by Lewa Wildlife Conservancy. It is a wildlife migratory route of elephants to Samburu National Reserve and it is frequented by endangered species like Rhinos. In the early 1990s people started encroaching into the area leading to human wildlife conflict. They were evicted from the area in the year 1995 during the Bosnia war and thus the name Bosnia.

(ii) Parcel No. 2822/3 Ntirititi Settlement Scheme

There is no Settlement Fund Trustee (SFT) settlement scheme established on Parcel No. LR 2822/3 and there are no records to indicate the parcel existed. However, the original Parcel LR No. 2822 was amalgamated with others to form the current Ntirititi Settlement scheme. The official search records indicate that in the year 1959, Parcel LR No. 2822 was amalgamated with Parcel LR No. 4634 and another Crown Land (Public Land) parcel to form Parcel LR. No. 9762 of approximately 8,561 acres. The new Parcel LR. No. 9762, was again sub-divided into two portions to form Parcels LR. No. 9762/1 and 9762/2.

In order to establish Ntirititi Settlement Scheme, the Settlement Fund Trustees bought LR. No. 9762/1 of approximately 2,369 acres together with two other Parcels LR No. 2811/1 of approximately 894 acres and LR No. 2810 of approximately 4,589 acres measuring in total 7,852 acres. This is the land on which the scheme was established. From the foregoing, therefore, Parcel No. LR 2822/3 is not part of Ntirititi Settlement Scheme. **(See Annex II)**

b) When the schemes were created and registered

Ntiriti Settlement Scheme was established in 1982 and was registered in 1983.

c) Procedure used in identifying and allocating the parcels.

The scheme was originally sub-divided into 485 plots which were allocated on the basis of 60% to the local residents and 40% to other Kenyans. (**See Annex III List of Beneficiaries**).

However, to resolve the problem of squatters some plots were subdivided and allocated to accommodate the squatters who had invaded the plots.

Parcel No. 180

Parcel No. 180 was further sub-divided into 31 plots ranging from 496 – 524 and 529 – 531.

Plot Nos 496, 497 and 498 were left under the Settlement Fund Trustee (SFT). The remaining 29 plots were allocated by the District Settlement Plot Selection Committee which was held on 7th February, 1992. (**See Annex IV minutes of their meeting**) These plots were allocated as follows: -

Plot No.	Size in acres	Allottee
529	44	Mr.Daniel M. Mbiti
530	26.4	Mr.E. K. Mwongera
531	17.6	Mr. O. N. Ileri
499	- 5 acres each	26 beneficiaries
524		

Total No. of plots = 29

The above 26 beneficiaries were identified through balloting by 66 applicants. While plot 529, 530 and 531 were allocated as an exchange of small plots which were surrendered to be part of the trading centre on plot 320.

Parcel No. 527

Later parcel Nos 496, 497 and 498 were amalgamated to form Parcel No. 527 measuring approximately 40.47 Ha. Parcel No. 527 was further subdivided into Parcel Nos 881, 882 and 883 which were allocated as shown below: -

Plot No.	Size in Ha	<u>Allottee</u>
881	12.4	John Githinji
882	20.33	SFT
883	8.09	John Githinji

Parcel No. 882

In the year 2010 Plot No. 882 was subdivided into 130 plots ranging from Plot No. 1701 to 1830. The plots were allocated by the District Settlers Selection Committee meeting, which was held on 3rd June, 2010 allocated 125 plots to squatters while the remaining five (5) plots were set aside as public utilities. **(See Annex V)**

Parcel No. 247

The above parcel of land which was initially allocated to Luka Daudi Galgalo was sub-divided into 62 plots ranging from plot No. 756 – 817 and allocated through the recommendations of the District Settlers Plot Selection Committee. **(See Annex VI).**

About 70% of the beneficiaries of Ntirimiti Settlement Scheme have cleared the SFT land charges and have been discharged for registration and

issuance of title deeds and the remaining 30% are at various stages of clearing their land and development loan charges.

d) Details of the allottees

The lists of beneficiaries for Ntirimiti Settlement Scheme are attached. **(See Annex III, IV, V and VI).**

e) The circumstances leading to the eviction of Ntirimiti – Subuiga squatters from the land and the current status.

The Ministry is not aware of any evictions that have taken place on the said land. The status thus remains as stated in a(i) and a(ii) above

3. Petition by the Hon. William Kisang, M.P on behalf of Chebororwa Community in Marakwet West Constituency regarding ceding of 1,800 acres of Chebororwa Agricultural Training Centre to Chebororwa Community

a) Provide information as to whether the land in question was set aside for settlement of squatters.

BACKGROUND INFORMATION

Location and land reference number

The land reference numbers for this land is **L.R. 3047** (1238 acres) and **L.R. 2210** (1239 acres). It is located adjacent to the Northern edge of UasinGishu County and is situated 37 miles from Eldoret town. It measures approximately **2477** acres. **L.R. 2210** forms a steep escarpment facing South-West. This land is steep and mountainous and therefore unsuitable for commercial farming. L.R. No. 3047 is suitable for arable farming but it is currently utilized for grazing purpose by both the residents of UasinGishu and Marakwet West.

From available records the two parcels have never been set aside for settlements of squatters.

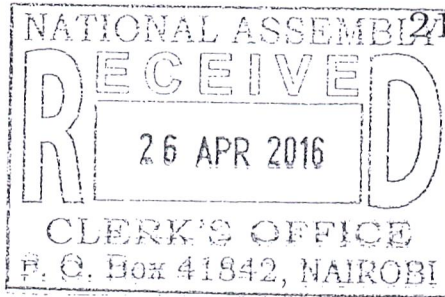


OFFICE OF THE SECRETARY/CEO

Telegrams "MINILANDS"
"Nairobi"
Telephone Nairobi 2718050
When replying please quote

ARDHI HOUSE
NGONG ROAD
P.O. BOX 41777
NAIROBI

Ref: NLC/1/7/13/Vol.11



21st April, 2016

Justin Bundi
Clerk to the National Assembly
Parliament Buildings
NAIROBI

Dear Sir,

RE: REPLY TO PARLIAMENTARY PETITION NO. 25 & 28 OF 2015

Forwarded herewith is a reply to the petition No. 25 & 28 of 2015 by Ntirimiti Subuiga Squatters on land parcel No. 2806/3 and 2822/3 – Buuri Sub-county of Meru County and residents of Isidlo county.

Yours faithfully,

CHAVANGLAZIZ TOM
SECRETARY/CEO

[Handwritten signatures and notes]
② GINONO
pls deaf
FA
28/4
@ Al Chuitas
28/4/16

PETITION NO 25 OF 2015

PETITION REGARDING THE RESETTLEMENT OF NTIRIMITI – SUBIGA SQUATTERS ON LAND PARCEL NO. 2806/3 SUBUIGA BOSNIA AND 2822/3 NTIRIMITI SETTLEMENT SCHEME

Petition Statement

The petitioner had petitioned National Assembly, through the Departmental committee on lands to:-

- (i) Inquire into the circumstances under which the squatters were unjustifiably evicted from the land which they had been allocated by the Government in year 1991.
- (ii) Intervene in the matter of the Ntitimiti Subuiga squatters, with a view of having the two hundred and fifteen(215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No.2806/3 that had initially been allocated to them

Ownership of LR. No. 2806/3

Land reference No. 2806/3 measuring about 723 Acres is situated within the Lewa wildlife conservancy area. It is an open grassland with very few scattered trees.

It is a public land owned by the state department of livestock(Ministry of Livestock) The land was set apart during colonial days as a livestock holding ground, for livestock moving from the large gazing ground in Northern Kenya to Nairobi and other areas.

It is currently used as a wildlife conservancy area and wildlife migratory route for elephants moving from high altitude areas of Mt Kenya to South into Samburu and further north, through Lewa Wildlife Conservancy and Ngarendare forest.

In 1991 vide Gazette Notice No. 3452 of 30th July 1991, the government of the republic of Kenya gazetted L.R. No. 2806/3 as a game corridors (copy of the gazette Notice attached).

Illegal settlement by Machaka Squatters

In 1990 a group of 215 families claiming to be squatters from a village in Kibirichia location, Buuri Sub-county of Meru County moved and settled in L.R. No. 2806/3 claiming to have been allocated the same by the officials of the then ruling party Kanu. No ownership document were issued to them as Kanu was not an authority on land allocation.

In 1998, those people were evicted by Provincial Administration after 2 people were trampled by an Elephant while guarding their farm. The information obtained from the ground is that those people have relocated to other areas and there is no trace of them around LR No. 2806/3.

Position of state department of livestock

Vide letter ref LMD/147 Vol.1/147 of 16th June 2015 copy attached, state department of livestock, have stated that LR No. 2806/3 and 2822/3 are still needed for promotion of livestock, development and not available for allocation and even the land which is illegally occupied is due for repossession.

National Land Commission

Since Lr No. 2806/3 is already set a side as a public land, and already being used as a livestock holding ground and migratory route of elephants the position of National Land commission is that LR No. 2806/3 should continue being used for the very original intended purpose (holding ground).


S.K. MBURUGU
PLAO -PARLIAMENT

Figure 2: Scanned copy of Gazette Notice No. 3452 of 30th July 1991 designating L.R. No. 2806/3 as a Game Corridor

2nd August, 1991

THE KENYA GAZETTE

1181

SCHEDULE "D"
COMMERCIAL PLANS—KIRI

Plot No.	Area in Hectares (Approx.)	Stool Premium	Annual Rent	Success Fee
		Sh.	Sh.	Sh.
1	0-0435	2,600	520	2,290
2	0-0430	2,520	504	2,290
3	0-0433	2,600	520	2,290
4	0-0435	2,600	520	2,290
5	0-0430	2,400	480	2,290
6	0-039	2,400	480	2,290
7	0-039	2,400	480	2,290
8	0-060	3,200	640	2,290
9	0-054	3,200	640	2,290
10	0-021	1,300	260	2,290
11	0-0238	1,400	280	2,290
12	0-0280	1,700	340	2,290
13	0-0232	1,400	280	2,290
14	0-0232	1,400	280	2,290
15	0-0232	1,400	280	2,290
16-18	0-0232	1,400	280	2,290
22	0-030	1,800	360	2,290
23	0-0478	2,200	440	2,290
24	0-0460	2,200	440	2,290
25-28	0-0480	2,900	580	2,290
29	0-0490	3,000	600	2,290
30	0-0238	1,400	280	2,290
31	0-0260	1,800	360	2,290
32	0-0309	1,800	360	2,290

GAZETTE NOTICE No. 3454

THE ADVOCATES (ADMISSION) REGULATIONS
(Cap. 16, Sub. Leg.)

PURSUANT to regulation 20 of the Advocates (Admission) Regulations, it is notified that—

Stephen P. Mang'ere Aminga,
Catherine A. Mueka,
Daniel Mudanyi Ochenja,
Moses Gitau,
Rebecca Mwendwa,
Wycliffe Angu Kitigin,
Nancy Wambui Kang'ethe,
William Ikutha Maema,
Agnes Mueni Kitiku,
Macchara Njeru,
Onzongo B. O. Richard,
Anne Nyambura Njiru,
Mathew Kihini Itongo,
Peter Kihika Wrorua,
John Ngai Gikanyo,
Zablon Omwario Makuri,
Erans Moronge, Mose,
Ann Wambui Ngugi,
Agnes Mwakali Muia,
Alaha Rimui Mbugua Ngigi,
Stephen Gitau,

have complied with the provisions of section 13 of the Advocates Act, as to pupillage and the passing of examinations subject to such exemptions as may have been granted under subsection (2) of that section.

Dated the 31st July, 1991.

M. N. NZIOKA,
Secretary,
Council of Legal Education.

GAZETTE NOTICE No. 3452

MINISTRY OF LANDS AND HOUSING
OPENING OF GAME CORRIDOR

TAKE NOTICE that the Government of Republic of Kenya is opening L.R. No. 2806/3 as a Game Corridor. The said L.R. No. 2806/3 is situated in Meru District and it is owned by the Ministry of Livestock Development and will remain vested in the Ministry of Livestock Development.

Dated the 30th July, 1991.

WILSON GACANIA,
Commissioner of Lands.

GAZETTE NOTICE No. 3455

THE CO-OPERATIVE SOCIETIES ACT
(Cap. 490)

APPOINTMENT OF MANAGEMENT COMMISSION

WHEREAS due inspection has been held into the affairs of Cherangani Farmers Co-operative Society Limited, and whereas I am satisfied that the management committee is not performing its duties properly.

Now, therefore, in exercise of the powers conferred upon me by section 64 of the Co-operative Societies Act, I order the removal of the entire management committee and appoint—

District Officer, Cherangani Division—(Chairman),
Divisional Co-operative Officer, Cherangani Division—(Secretary),
Divisional Agricultural Extension Officer, Cherangani Division—(Treasurer),

Members:
Assistant Education Officer, Cherangani Division,
Field Officer, Co-operative Bank, Eldoret,

to manage the affairs of the said society, for a period of twelve (12) months, from the date hereof and order that the allowances of Commission members be paid out of the society's funds.

Dated the 23rd July, 1991.

R. W. ROMETT,
Commissioner for Co-operative Development.

GAZETTE NOTICE No. 3453

THE REGISTERED LAND ACT
REGISTRATION OF INSTRUMENT
(Cap. 300, section 33)

WHEREAS Kimutai Sambu, of P.O. Box 88, Rongai in the Republic of Kenya, is registered as proprietor of that piece of land known as Rongai/Rongai Block 1/1097, situate in Nakuru District, and whereas the High Court of Kenya at Nakuru, in civil suit No. 384 of 1991, by a vesting order, ordered that the land title deed to the parcel of land and all rights and interests therein be vested to and registered in the name of Timothy Kipchumba Biwott, of P.O. Box 2982, Nakuru, and whereas all efforts made to compel the registered proprietor to surrender the land title deed issued in respect of the said piece of land to the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I shall dispense with the production of the said land title deed and proceed to register the said vesting order and issue a land title deed to Timothy Kipchumba Biwott (ID/4257146/67), and upon such registration, the said land title deed issued earlier to the said Kimutai Sambu shall be deemed to be cancelled and of no effect.

Dated the 2nd August, 1991.

J. W. GDUOR,
Land Registrar,
Nakuru District.

GAZETTE NOTICE No. 3454

THE ADVOCATES (ADMISSION) REGULATIONS
(Cap. 16, Sub. Leg.)

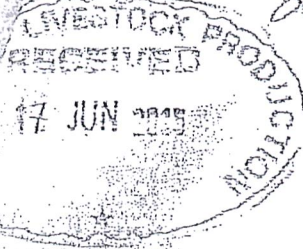
PURSUANT to regulation 20 of the Advocates (Admission) Regulations, it is notified that—

Stephen P. Mang'ere Aminga,
Catherine A. Mueka,
Daniel Mudanyi Ochenja,
Moses Gitau,
Rebecca Mwendwa,
Wycliffe Angu Kitigin,
Nancy Wambui Kang'ethe,
William Ikutha Maema,
Agnes Mueni Kitiku,
Macchara Njeru,
Onzongo B. O. Richard,
Anne Nyambura Njiru,
Mathew Kihini Itongo,
Peter Kihika Wrorua,
John Ngai Gikanyo,
Zablon Omwario Makuri,
Erans Moronge, Mose,
Ann Wambui Ngugi,
Agnes Mwakali Muia,
Alaha Rimui Mbugua Ngigi,
Stephen Gitau,

have complied with the provisions of section 13 of the Advocates Act, as to pupillage and the passing of examinations subject to such exemptions as may have been granted under subsection (2) of that section.

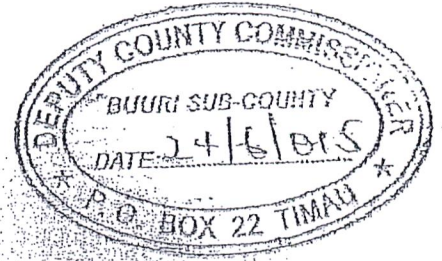
Dated the 31st July, 1991.

M. N. NZIOKA,
Secretary,
Council of Legal Education.



MSD

REPUBLIC OF KENYA



Ministry of Agriculture, Livestock and Fisheries
State Department of Livestock
Office of the Principal Secretary

Telephone: 2732093
Email: pslivestock@kenya.go.ke
When Replying Please Quote

KILIMO HOUSE
CATHEDRAL ROAD
P. O. Box 34188-00100
NAIROBI

Ref: LMD/147 VOL. 1/147

16th June, 2015

The Deputy County Commissioner
Buuri Sub County
P.O Box 22-10406
TIMAU

RE: PETITION FOR ALLOCATION OF LAND TO NTIRIMILI LR. NO: 2806/3

Reference is made to your letter Ref: No: BUU/LND/5/3/VOL.1/73 requesting this Department to consider allocating the above mentioned parcel of land to Ntirimili Subuiga squatters. This land belongs to the state Department of Livestock, although it has over time been illegally encroached by squatters.

Our Ministry is at the moment trying to repossess all parcels of land irregularly allocated, acquired or illegally occupied, for use in the promotion of livestock development activities. The department has two such parcels of land in your subcounty targeted for repossession: LR NO 2806/3 (700 acres) currently occupied by Ntirimili Subuiga squatters and another one, LR.NO 2822/3 (200 acres) which is being illegally used by the proprietor of the adjacent Kisima farm.

This Department therefore declines to consent to your request for allocation of its parcels of land to settle the said squatters or for other uses.


Prof. Fred H. K Segor
Principal Secretary



THE PRESIDENCY
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Telegrams; "Districter" Buuri
Telephone:
Fax: (061)
Email: dcbuuri@yahoo.com
When replying please quote
Ref No: BUU/LND/5/3/VOL. 1/76
And date:

DEPUTY COUNTY COMMISSIONER,
BUURI SUB COUNTY,
P.O. BOX 22 -10406,
TIMAU.

11th February, 2016

COUNTY COMMISSIONER
MERU COUNTY
P.O. BOX 703
MERU

RE: BRIEF REPORT OF LAND PARCEL NO. LR 2806/3

The above said land is in an area of 723 acres, LR 2806/3, in the heart of the Lewa wildlife conservancy in Buuri Sub County, whilst ownership of this land is vested in the Ministry of livestock Development.

The squatters settled in that land around 1991 while the area was under the larger Meru Central, which they alleged it was allocated to them by the officials of the then ruling party KANU through the Meru District Commissioner.

They were later evicted around 1998 and advised to form a group so that that they could send their petition formally.

They formed a group comprising of 215 members, led by their Chairman Joseph Mugambi but the members have increased since some of their children are grown up with families too.

They filled two petitions, one to the Clerk of the National Assembly dated 8th September 2015 and the second dated 18th /01/2016 to the secretary, County Land Management Board.

The conservancy was informed of the government plans for the settlement of IDPs on LR 2806/3. They then requested the DCC Buuri to reconsider the proposed settlement plan in light of the following serious concern based on the attached letter dated 26th May 2009.

Kindly find other documents relating on the same matter.

Thank you.

MAUREEN JALANG'O
FOR: DEPUTY COUNTY COMMISSIONER
BUURI SUB COUNTY

Incl.

1. Petition to the Clerk of National Assembly dated 8th /09/2015
2. Petition to the County Management Board dated 18th /01/2016
3. Letter dated 9th/10/2014
4. Lewa Conservancy letter dated 26th/05/ 2009
5. Gazette notice No.3452 dated 30th July 1991

THE LEWA WILDLIFE CONSERVANCY

Kenya Wildlife Service
P.O. Box 40241
Nairobi, Kenya



Lewa Wildlife
Private Day
Visit in Kenya

Tel: +254 20 770000
Fax: +254 20 77197

Tel: +254 20 770000
info@lewa.org
www.lewa.org

16th May, 2009

The Director
Kenya Wildlife Service
Box 40241
Nairobi 00100



Dear Sir,

Re: LR 2806/3 within the Lewa Wildlife Conservancy

I refer you to an area of 723 acres, LR 2806/3, in the heart of the Lewa Wildlife Conservancy, as outlined on the attached map (LMD). Whilst ownership of this land is vested in the Ministry of Livestock Development, the Conservancy has recently been informed of government plans for the settlement of IDPs on LR 2806/3. The Conservancy has formally requested the DC, Buuri District, to reconsider proposed settlement plans, in light of the following serious concerns:

- In 1991 the Commissioner of Lands gazetted LR 2806/3 as a Game Corridor, as per Gazette Notice 3452 of 30th July 1991 (see attached gazette notice).
- LR 2806/3 is surrounded by land managed by the Lewa Wildlife Conservancy for wildlife conservation. It is frequented by endangered species, including black rhino, and serves as a critical migratory route for elephants between the Ngara Ngara Forest and rangelands to the north surrounding the Samburu National Reserve (see attached map showing elephant movement patterns).
- Prior illegal settlement of LR 2806/3 resulted in the death of two black rhinos by elephants, as evidenced in a letter of May 1998 from the Chief Director of Wildlife to the DC Laikipia, requesting that squatters be removed immediately to comply with legal gazettement and avoid further conflict (see attached letter).
- Further settlement will undoubtedly lead to extreme human-wildlife conflict, and likely loss of human life. Fencing this LP would be in conflict with Gazette Notice 3452 of July 1991.
- LR 2806/3 has no water, and holds no potential for rain-fed agriculture. Irrigated agriculture is not possible given the absence of water. Firewood is also absent. Settlement would undoubtedly serve to create a largely destitute community.
- Those squatters removed in the past are now resident in Ntirimiti, and will be watching the proposed settlement with interest. Communities in the immediate vicinity (Manyangai and Suboiga) use LR 2806/3 for livestock grazing. Settlement is likely to exacerbate ethnic tension in the area.
- Settlement will increase security concerns with respect to endangered wildlife species present on the Lewa Wildlife Conservancy, particularly black rhino, as well as reducing critical ecosystem connectivity.


- Given the international recognition accorded Kenya for the nation's wildlife conservation efforts, and the significance of tourism to the national economy, there is little doubt that the destruction of valuable wildlife habitat, and the disruption of elephant movement patterns, will result in significant international press coverage.
- The Lewa Wildlife Conservancy is itself dependent on tourism, sustaining over 400 employees and extensive community development, healthcare, and education support programmes as a result. The conservancy's five high end lodges and high profile clients would undoubtedly be adversely affected by the proposed settlement scheme.

Whilst the DC, Buuri District, has given his assurance that he will strive to avert plans for settlement in this critical wildlife corridor, the Conservancy requests the support of KWS in securing the permanent gazettement of the land as a protected natural area, as provided for by Section 54(1) of the Environmental Management and Co-ordination Act of 1999.

We would be very grateful if you would give this issue the consideration it so clearly deserves. Please do not hesitate to request further information, or to suggest that we meet to discuss the issue as necessary. I would certainly be very pleased to welcome you to Lewa to review the status of the land in question, as well as to update you on our rhino conservation programmes.

I look forward to hearing from you.

Sincerely,

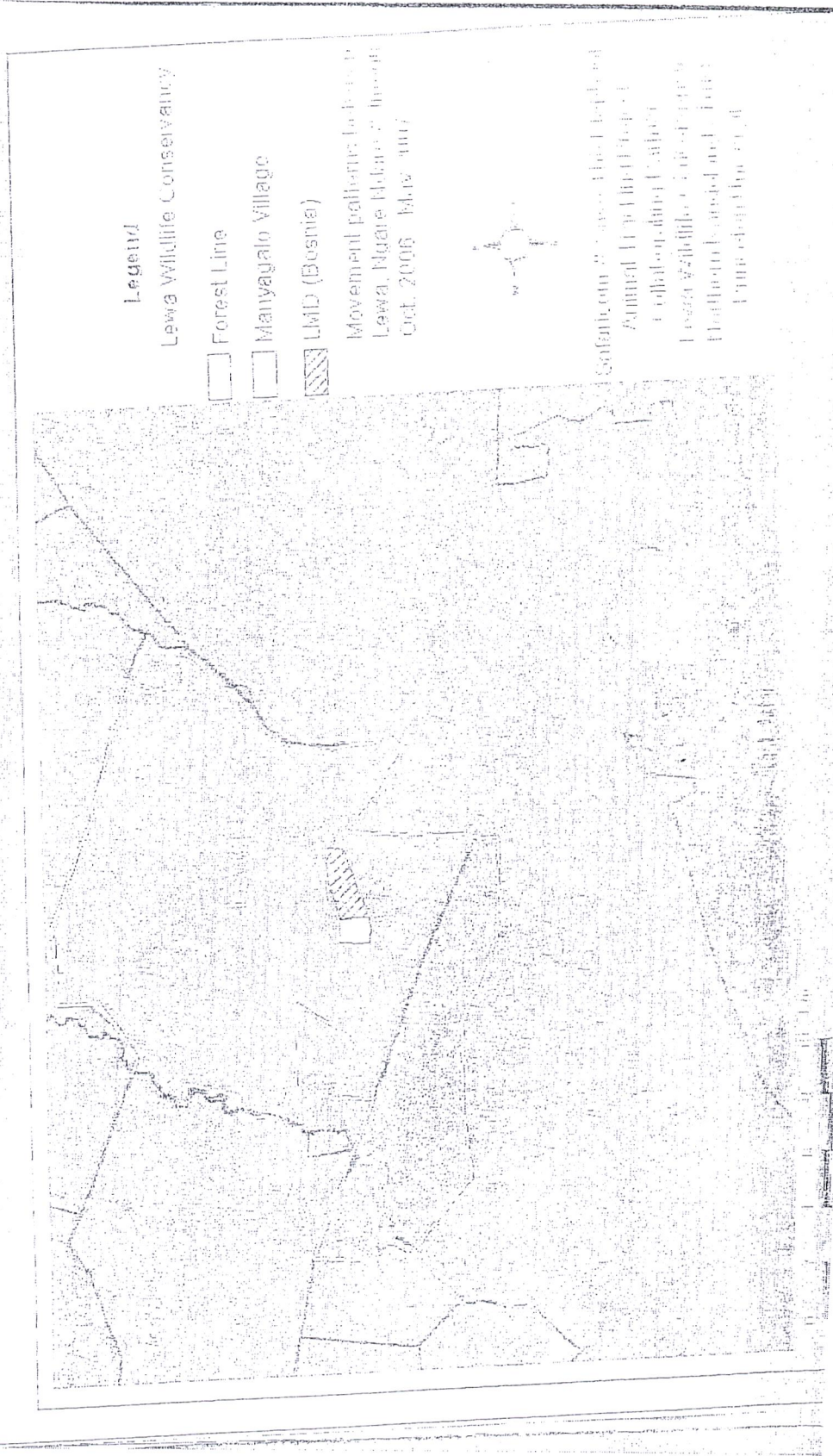


Dr. Jonathan Moss, CEO, Lewa Wildlife Conservancy

cc:

Commissioner of Lands
District Commissioner, Buuri District
Assistant Director, Mountain Conservation Area, KWS

**MOVEMENT PATTERNS OF THE MOUNTAIN LEOPARD BETWEEN HIENTI AND NGARE NGARE FOREST (LEWA):
October 2006 - May 2007**



SCHEMES "D"
COMMERCIAL PASTURE PLANS

Plot No.	Area of Plot (Acres)	Annual Rent		Survey Feet
		Sh.	cts.	
1	0-0435	2,600	520	2,290
2	0-0420	2,720	504	2,200
3	0-0435	2,600	520	2,290
4	0-0415	2,600	520	2,290
5	0-0390	2,400	480	2,000
6	0-040	2,400	480	2,000
7	0-030	2,400	480	2,000
8	0-060	3,000	600	2,400
9	0-055	3,200	640	2,560
10	0-021	1,300	260	1,040
11	0-0250	1,200	240	960
12	0-0220	1,400	280	1,120
13	0-022	1,400	280	1,120
14	0-022	1,400	280	1,120
15	0-022	1,400	280	1,120
16	0-022	1,400	280	1,120
17	0-022	1,400	280	1,120
18	0-022	1,400	280	1,120
19	0-022	1,400	280	1,120
20	0-022	1,400	280	1,120
21	0-022	1,400	280	1,120
22	0-022	1,400	280	1,120
23	0-022	1,400	280	1,120
24	0-022	1,400	280	1,120
25	0-022	1,400	280	1,120
26	0-022	1,400	280	1,120
27	0-022	1,400	280	1,120
28	0-022	1,400	280	1,120
29	0-022	1,400	280	1,120
30	0-022	1,400	280	1,120
31	0-022	1,400	280	1,120
32	0-022	1,400	280	1,120
33	0-022	1,400	280	1,120
34	0-022	1,400	280	1,120
35	0-022	1,400	280	1,120
36	0-022	1,400	280	1,120
37	0-022	1,400	280	1,120
38	0-022	1,400	280	1,120
39	0-022	1,400	280	1,120
40	0-022	1,400	280	1,120
41	0-022	1,400	280	1,120
42	0-022	1,400	280	1,120
43	0-022	1,400	280	1,120
44	0-022	1,400	280	1,120
45	0-022	1,400	280	1,120
46	0-022	1,400	280	1,120
47	0-022	1,400	280	1,120
48	0-022	1,400	280	1,120
49	0-022	1,400	280	1,120
50	0-022	1,400	280	1,120
51	0-022	1,400	280	1,120
52	0-022	1,400	280	1,120
53	0-022	1,400	280	1,120
54	0-022	1,400	280	1,120
55	0-022	1,400	280	1,120
56	0-022	1,400	280	1,120
57	0-022	1,400	280	1,120
58	0-022	1,400	280	1,120
59	0-022	1,400	280	1,120
60	0-022	1,400	280	1,120
61	0-022	1,400	280	1,120
62	0-022	1,400	280	1,120
63	0-022	1,400	280	1,120
64	0-022	1,400	280	1,120
65	0-022	1,400	280	1,120
66	0-022	1,400	280	1,120
67	0-022	1,400	280	1,120
68	0-022	1,400	280	1,120
69	0-022	1,400	280	1,120
70	0-022	1,400	280	1,120
71	0-022	1,400	280	1,120
72	0-022	1,400	280	1,120
73	0-022	1,400	280	1,120
74	0-022	1,400	280	1,120
75	0-022	1,400	280	1,120
76	0-022	1,400	280	1,120
77	0-022	1,400	280	1,120
78	0-022	1,400	280	1,120
79	0-022	1,400	280	1,120
80	0-022	1,400	280	1,120
81	0-022	1,400	280	1,120
82	0-022	1,400	280	1,120
83	0-022	1,400	280	1,120
84	0-022	1,400	280	1,120
85	0-022	1,400	280	1,120
86	0-022	1,400	280	1,120
87	0-022	1,400	280	1,120
88	0-022	1,400	280	1,120
89	0-022	1,400	280	1,120
90	0-022	1,400	280	1,120
91	0-022	1,400	280	1,120
92	0-022	1,400	280	1,120
93	0-022	1,400	280	1,120
94	0-022	1,400	280	1,120
95	0-022	1,400	280	1,120
96	0-022	1,400	280	1,120
97	0-022	1,400	280	1,120
98	0-022	1,400	280	1,120
99	0-022	1,400	280	1,120
100	0-022	1,400	280	1,120

Gazette Notice No. 3452

MINISTRY OF LANDS AND HOUSING
OPENING OF GAME CORRIDOR

TAKE NOTICE that the Government of Republic of Kenya is opening L.R. No. 2805/3 as a Game Corridor. The said L.R. No. 2805/3 is situated in Meru District and it is owned by the Ministry of Livestock Development and will remain vested in the Ministry of Livestock Development.

Dated the 30th July, 1991.

WILSON GACANIA,
Commissioner of Lands.

Gazette Notice No. 3453

THE REGISTERED LAND ACT
REGISTRATION OF INSTRUMENT
(Cap. 300, section 33)

WHEREAS Kimutai Sambu, of P.O. Box 281, Rongai in the Republic of Kenya, is registered as proprietor of that piece of land known as Rongai/Rongai Block 1/1097, situated in Nakuru District, and whereas the High Court of Kenya at Nakuru, in civil suit No. 384 of 1991, by a vesting order, ordered that the land title deed to the parcel of land and all rights and interests therein be vested to and registered in the name of Timothy Kipchumba Biwet, of P.O. Box 2982, Nakuru, and whereas all efforts made to compel the registered proprietor to surrender the land title deed issued in respect of the said piece of land to the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I shall dispense with the production of the said land title deed and proceed to register the said vesting order and issue a land title deed to Timothy Kipchumba Biwet (ID/427145/87) and upon such registration, the said land title deed issued earlier to the said Kimutai Sambu shall be deemed to be cancelled and of no effect.

Dated the 2nd August, 1991.

J. W. ODUOR,
Land Registrar,
Nakuru District.

THE CO-OPERATIVE SOCIETIES ACT

PURSUANT to regulation 1 of the Co-operative Societies Regulations, 1964, notice is given that the following persons have been appointed as members of the Management Committee of the Cherangani Farmers Co-operative Society Limited, and that the said persons have taken the oath of office and are now acting as members of the said Management Committee.

- Stephen P. King'ara, Acting Chairman
- Catherine A. Mureka,
- Daniel Mwangi Ochenje,
- Moses Gitau,
- Rebecca Mwendwa,
- Wycliffe Angu Kibigiu,
- Nancy Wambui Kang'aria,
- William Isutha Masana,
- Agnes Mueni Kihika,
- Macarius Njiru,
- Onsongo B. O. Richard,
- Anna Nyambura Njiru,
- Matthew Kibunji Isaga,
- Peter Kihika Warczun,
- John Ngai Gikonyo,
- Emilio Omwario Makori,
- Evans Moronge, Musa,
- Iain Wambui Ngugi,
- Agnes Mwikali Mutia,
- Alahn Rinali Mbugua Ngigi,
- Stephen Gitau.

have complied with the provisions of section 12 of the Advocates Act, as to nuptiality and the passing of examinations subject to such exemptions as may have been granted under subsection (2) of that section.

Dated the 31st July, 1991.

M. N. NZIONA,
Secretary,
Council of Legal Education.

Gazette Notice No. 3455

THE CO-OPERATIVE SOCIETIES ACT
(Cap. 490)

APPOINTMENT OF MANAGEMENT COMMITTEE

WHEREAS due inspection has been held into the affairs of Cherangani Farmers Co-operative Society Limited, and whereas I am satisfied that the management committee is not performing its duties properly.

Now, therefore, in exercise of the powers conferred upon me by section 64 of the Co-operative Societies Act, I order the removal of the aforesaid management committee and appointment of the following persons as members of the Management Committee of the said Society:

- District Officer, Cherangani Division—(Chairman)
- Divisional Co-operative Officer, Cherangani Division—(Secretary)
- Divisional Agricultural Extension Officer, Cherangani Division—(Treasurer)
- Members:
 - Assistant Education Officer, Cherangani Division.
 - Field Officer, Co-operative Bank, Eldoret.

to manage the affairs of the said society, for a period of twelve (12) months, from the date hereof and order that the remuneration of Commission members be paid out of the society's funds.

Dated the 23rd July, 1991.

R. W. B. B. B. B.
Commissioner for Co-operative Societies.



THE PRESIDENCY
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Telegrams: "Districter" Buuri
Telephone:
Fax:
Email: buuri@yahoo.com
When replying please quote
Ref No: BUULND/5/3/VOL.1/73
And date:

DEPUTY COUNTY COMMISSIONER
BUURI SUB-COUNTY
P.O. BOX 22-10406
TIMAU

9th October 2014

THE PRINCIPAL SECRETARY
STATE DEPARTMENT OF LIVESTOCK
P.O. BOX 34188
NAIROBI

RE: PETITION FOR ALLOCATION OF LAND PARCEL NO. INTERIMITHI L.R.
NO 2806/3.

I refer to to above subject matter and confirm that the said land parcel is in this sub county.

The Ntirimithi squatters settled in that land around 1991, when the area was under the larger Iyeru Central which is now the Meru County. They were later removed around 1998 and advised to form a group so that they could send their petition formally.

They formed a group and they are 215 members, led by their chairman Joseph Mugambi but the members are a bit higher since some of their children are grown ups now with even families too.

This group has been to several offices trying to get a permanent solution and settle their families without any help up-to-date.

Am therefore writing to request your office to consider them, should there be any allocation of land on the said parcel.

Thank you


NDAMBUKI MUTHIKE
DEPUTY COUNTY COMMISSIONER
BUURI SUB-COUNTY



**MEMORANDUM FROM LEWA WILDLIFE CONSERVANCY ON THE
PROPOSED SETTLEMENT OF SQUATTERS ON L.R. No. 2806/3 ENCLOSED
WITHIN THE BOUNDARIES OF THE CONSERVANCY**



Submitted to the Parliamentary Committee on Land at
Lewa Wildlife Conservancy

12 February 2016

**MEMORANDUM FROM LEWA WILDLIFE CONSERVANCY CONCERNING THE PROPOSED
SETTLEMENT OF SQUATTERS ON L.R. No. 2806/3 ENCLOSED WITHIN THE CONSERVATION AREA**

Introduction to Lewa Wildlife Conservancy

The Lewa Wildlife Conservancy is an award-winning catalyst and model for community-centric conservation, a UNESCO World Heritage Site and features on the IUCN Green List of excellence in protected area management.

Lewa is the heart of wildlife conservation, sustainable development and responsible tourism in northern Kenya and our successful working model has provided the framework on which many conservation organisations in the region are based.

The Conservancy is home to 14% of Kenya's rhino population, over 400 elephants, the world's largest resident population of the endangered Grevy's zebra and more. Lewa also promotes landscape connectivity for wildlife, especially to migratory elephants that move from the high altitude areas of Mount Kenya, through to Lewa and Ngare Ndare Forest Reserve, and northwards towards the Samburu plains. Accessing these landscapes is key to the survival of over 6,500 elephants in northern Kenya.

Lewa's success in wildlife conservation can be greatly attributed to its closely working partnership with the neighbouring communities. The Conservancy uses its unique position to initiate development in the adjoining areas, for the benefit of all. Today, Lewa actively supports 21 public/government schools, runs four health clinics, 11 water projects, a micro-credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security to wildlife and people. Collectively, the Conservancy directly impacts the lives of close to 50,000 people, and in return, most of these people have become the first line of defence against instigators of wildlife crimes.

Importance of L.R. No. 2806/3 in the conservation of wildlife

The L.R. No. 2806/3 measuring about 723 acres is located at the center of Lewa (Fig. 1). It is owned by the Ministry of Livestock. Its current use is wildlife conservation while the neighbouring communities graze their livestock on the land throughout the year.

It has been brought to the attention of the Management of Lewa that a petition has been submitted to Parliament requesting for squatters to be resettled on L.R. No. 2806/3. We note that this is one of the many attempts that have been made in the last two decades to resettle squatters on this piece of land. While land matters are emotive in the country, we wish to state that L.R. No. 2806/3 is crucial in sustaining the extensive conservation and livelihood programmes being undertaken by Lewa. Consequently, we object the plan to settle squatters on this land due to the following reasons:

1. L.R. No. 2806/3 is already gazetted as a Game Corridor through Gazette Notice No. 3542 of 30th July 1991 (Fig. 2).
2. L.R. No. 2806/3 is surrounded by land that is managed by Lewa (Fig. 1). It is heavily utilized by wildlife including endangered species like rhinos, elephants, cheetahs and lions. In addition, the land provides a critical connection linking migratory wildlife especially elephants that traverse from the high altitude areas of Mount Kenya to the south into the Samburu and further north through Lewa and Ngare Ndare Forest. This connectivity is aptly illustrated using the movement patterns of several GPS collared elephants that move from Mt Kenya to northern Kenya using this connection (Fig. 3).
3. Settling squatters on L.R. No. 2806/3 will undoubtedly lead to significant human-wildlife conflicts incidents as the wildlife will invade the farmlands. Illegal settlements of squatters done in 1997 led to the death of two people when they were trampled by elephants as they guarded their crops. Fencing this piece of land would be extremely inappropriate as it will cut off the connectivity of wildlife as demonstrated in (2) above. Also, L.R. No. 2806/3 does not have any woodlot and this will endanger Lewa's woodlands from illegal logging as the communities seek firewood.

4. The presence of squatters will increase the security concerns to the endangered wildlife and may lead to both poaching for wildlife trophies and bush meat hunting. Presently, Lewa holds over 14% of Kenya's rhino population, 400 elephants and other threatened species whose conservation is of significant importance both as a national and international heritage. Compromising this balance will tip off Lewa's immense input in the social and economy of the region and of the country in general from proceeds arising from tourism. In addition, Lewa employs at least 300 people and is sustaining support to 21 public/government schools, runs four health clinics, 11 water projects, a micro-credit programme with over 800 women, forestry programmes and also assists local law authorities in providing security. Collectively, the Conservancy directly impacts the lives of close to 50,000 people. This immense support to the communities is what will be at stake if the squatters are settled on the piece of land.
5. The Mount Kenya National Park and Reserve (of which Lewa is part of) is one of the six UNESCO World Heritage Sites in Kenya inscribed by UNESCO. Since L.R. No. 2806/3 is surrounded by Lewa, then this land is also part of the Mount Kenya World Heritage Site. As a signatory to the World Heritage Convention (WHC), the reputation of Kenya stands to be compromised if the Mount Kenya World Heritage Site is placed on the Danger List by the WHC as a result of threats that may arise from settling the squatters on the Site.

Figure 1: Location of L.R. No. 2806/3 in relation to Lewa Wildlife Conservancy and Ngare Ndare Forest Reserve

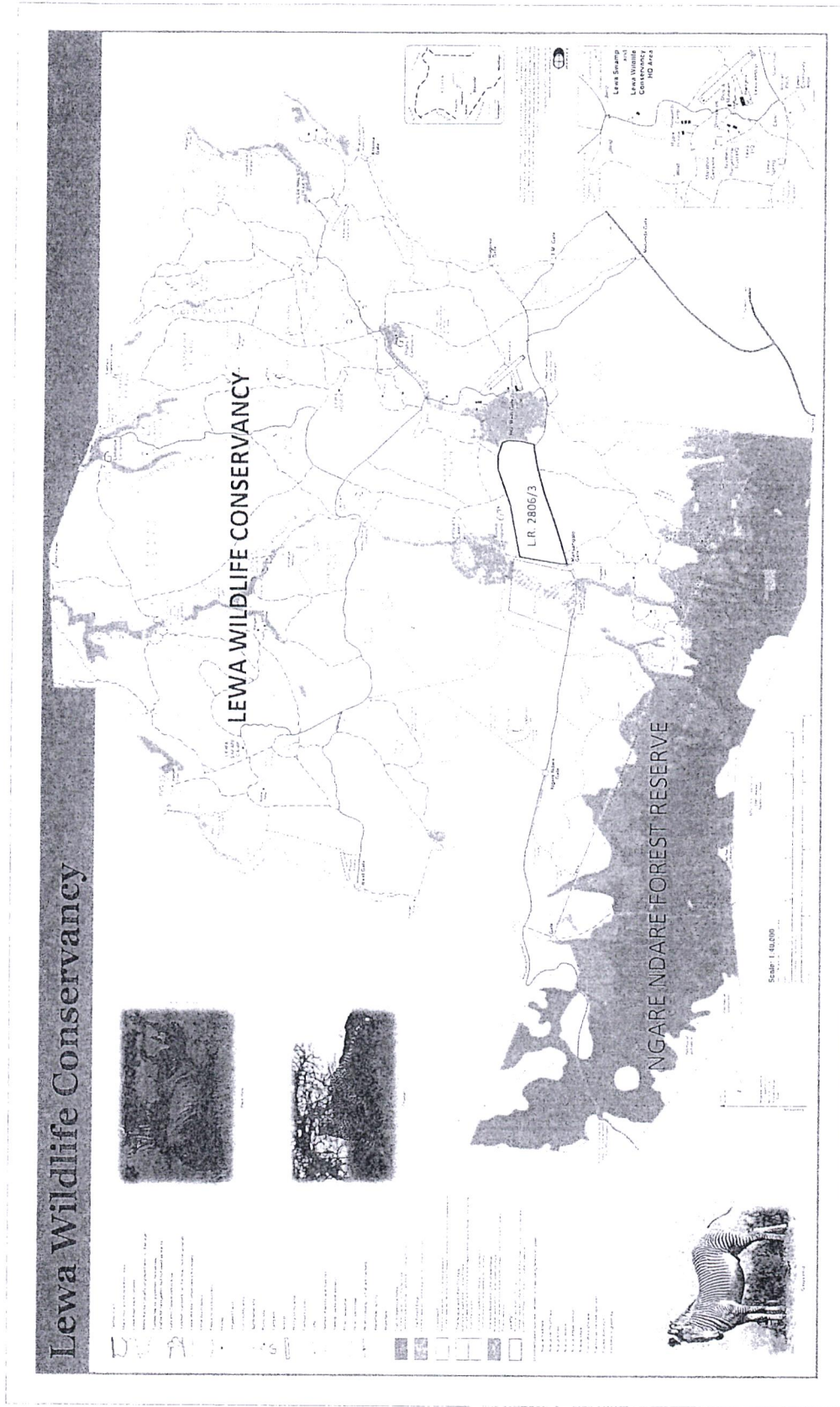


Figure 2: Scanned copy of Gazette Notice No. 3452 of 30th July 1991 designating L.R. No. 2806/3 as a Game Corridor

2nd August, 1991
THE KENYA GAZETTE
1191

SCHEDULE "D"
COMMERCIAL PLOTS—KILIFI

Plot No.	Area in Hectares (Approx.)	Stated	Annual	Survey
		Premium	Rent	Fees
		Sh.	Sh.	Sh.
1	0-0435	2,600	520	2,290
2	0-0420	2,520	504	2,290
3	0-0435	2,600	520	2,290
4	0-0435	2,600	520	2,290
5	0-0390	2,400	480	2,290
6	0-039	2,400	480	2,290
7	0-039	2,400	480	2,290
8	0-050	2,600	520	2,290
9	0-057	2,700	540	2,290
10	0-021	1,300	260	2,290
11	0-0238	1,200	240	2,290
12	0-0230	1,200	240	2,290
13	0-0232	1,400	280	2,290
14	0-0232	1,400	280	2,290
15	0-0232	1,400	280	2,290
16-18	0-0232	1,400	280	2,290
22	0-030	1,600	320	2,290
23	0-0373	2,100	420	2,290
24	0-0300	2,200	440	2,290
25-28	0-0480	2,900	580	2,290
29	0-0490	3,000	600	2,290
30	0-0233	1,400	280	2,290
31	0-0360	1,800	360	2,290
32	0-0300	1,800	360	2,290

Gazette Notice No. 3454
THE ADVOCATES (ADMISSION) REGULATIONS
(Cap. 18, Sub. Leg.)

PURSUANT to regulation 20 of the Advocates (Admission) Regulations, it is notified that—

Stephen P. Mang'ere Amulya,
Catherine A. Mueyaka,
Daniel Madanyi Gehenja,
Moses Gitau,
Rebecca Mwendwa,
Wycliffe Anjo Kitigia,
Nancy Wambui Kang'ethe,
William Kutha Maema,
Agnus Muri Kiilu,
Maclaria Njeru,
Omsongo B. O. Richard,
Anne Nyambura Njiru,
Mathew Kirihaji Ironga,
Peter Kihika Warona,
John Ngali Gikonye,
Zablon Omwaro Mukeri,
Evans Moronge, Mose,
Ann Wambui Nguji,
Agnes Mwikali Muta,
Alahn Rimui Mbugua Ngigi,
Stephen Gitau,

have complied with the provisions of section 13 of the Advocates Act, as to pupillage and the passing of examinations subject to such exemptions as may have been granted under subsection (2) of that section.

Dated the 31st July, 1991.

M. N. NZIOKA,
*Secretary,
Council of Legal Education.*

Gazette Notice No. 3452

MINISTRY OF LANDS AND HOUSING
OPENING OF GAME CORRIDOR

TAKE NOTICE that the Government of Republic of Kenya is opening L.R. No. 2806/3 as a Game Corridor. The said L.R. No. 2806/3 is situated in Meru District and it is owned by the Ministry of Livestock Development and will remain vested in the Ministry of Livestock Development.

Dated the 30th July, 1991.

WILSON GACANIA,
Commissioner of Lands.

Gazette Notice No. 3453

THE REGISTERED LAND ACT
REGISTRATION OF INSTRUMENT
(Cap. 300, section 33)

WHEREAS Kinutai Sambu, of P.O. Box 83, Rongai in the Republic of Kenya, is registered as proprietor of that piece of land known as Rongai/Rongai Block 1/1/031, situate in Nakuru District, and whereas the High Court of Kenya at Nakuru, in civil suit No. 384 of 1991, by a vesting order, ordered that the land title deed to the parcel of land and all rights and interests therein be vested to and registered in the name of Timothy Kipchumba Biwot, of P.O. Box 2982, Nakuru, and whereas all efforts made to compel the registered proprietor to surrender the land title deed issued in respect of the said piece of land to the land registrar have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I shall dispense with the production of the said land title deed and proceed to register the said vesting order and issue a land title deed to Timothy Kipchumba Biwot (ID/42571*6/67), and upon such registration, the said land title deed issued earlier to the said Kinutai Sambu shall be deemed to be cancelled and of no effect.

Dated the 2nd August, 1991.

I. W. ODUOR,
*Land Registrar,
Nakuru District.*

Gazette Notice No. 3455

THE CO-OPERATIVE SOCIETIES ACT
(Cap. 490)
APPOINTMENT OF MANAGEMENT COMMISSION

WHEREAS due inspection has been held into the affairs of Cherangani Farmers Co-operative Society Limited, and whereas I am satisfied that the management committee is not performing its duties properly.

Now, therefore, in exercise of the powers conferred upon me by section 64 of the Co-operative Societies Act, I order the removal of the entire management committee and appoint—

District Officer, Cherangani Division—(Chairman),
Divisional Co-operative Officer, Cherangani Division—(Secretary),
Divisional Agricultural Extension Officer, Cherangani Division—(Treasurer),

Members:

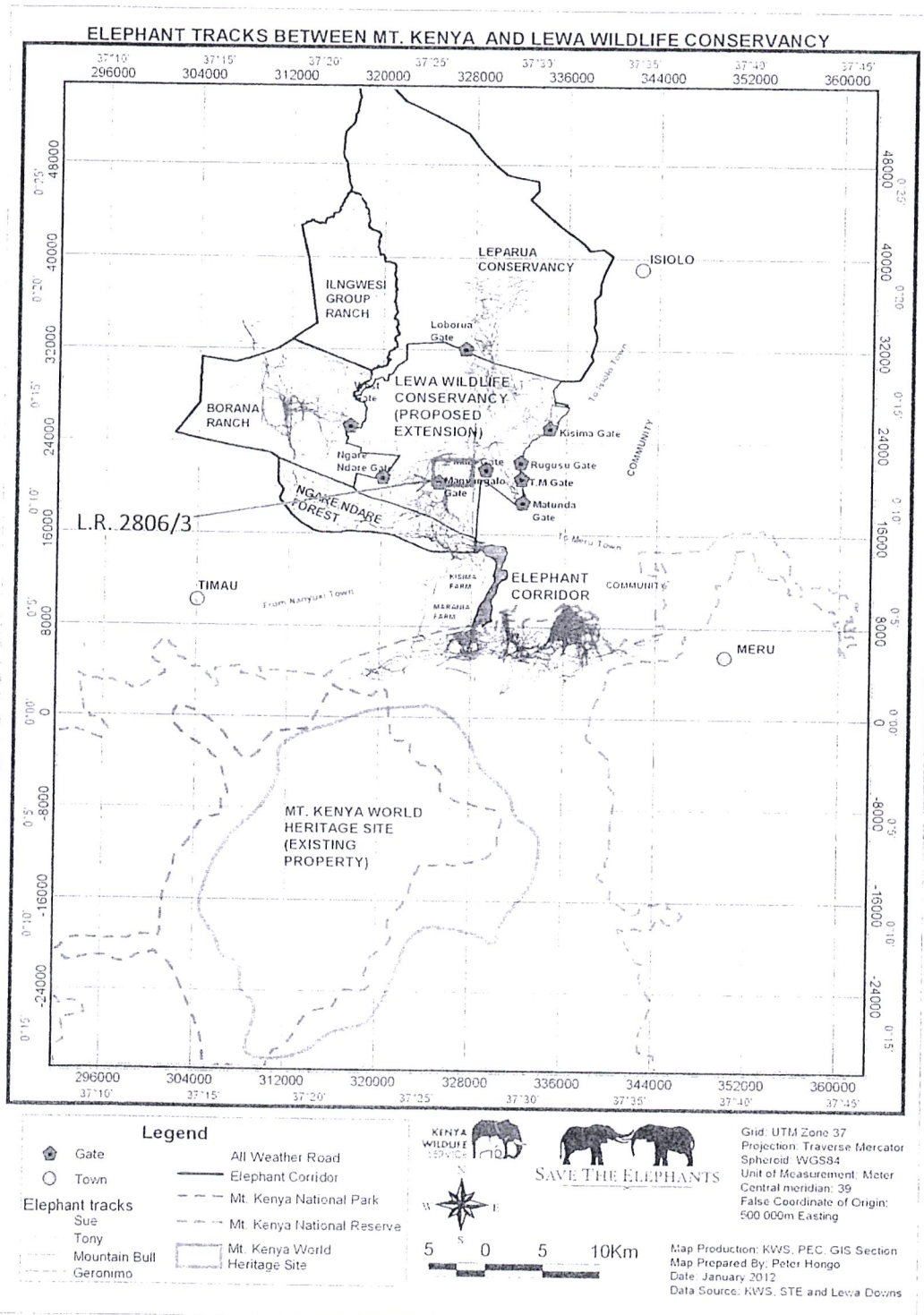
Assistant Education Officer, Cherangani Division,
Field Officer, Co-operative Bank, Eldoret,

to manage the affairs of the said society, for a period of twelve (12) months, from the date hereof and order that the allowances of Commission members be paid out of the society's funds.

Dated the 22nd July, 1991.

R. W. BOMETT,
Commissioner for Co-operative Development.

Figure 3: Movement patterns of GPS collared elephants from Mt Kenya to northern Kenya and back through Lewa Wildlife Conservancy and Ngare Ndare Forest Reserve



SUBUIGA SQUATTERS,
C/O SUBUIGA POLICE STATION,
P.O. BOX 119
MERU.

20/4/03

TO
THE MINISTER FOR LANDS & SETTLEMENTS
P.O. BOX 30450
NAIROBI.

Dear Sir,

RE: MEMORANDUM FROM 1983 -20003

Honourable Minister this is a brief history of Subuiga Village.

We came to Subuiga in 1983 when the Chief was Joshua and the Assistant Chief Mburugu

In the year 1988 P.S MATHENGE came to visit PETER RUTEERE PARIS in his home and told him that he wanted to sell his parcel of land and he would sell it to those who are in occupation that parcel of land was No. 180 and he sent Mr. Ruteere to us.

In the year 1990 Macharia from GUANDARU AGENCIES came and told us that he has been given authority to sell the two parcels of land that is land parcel No. 180 and No. 250. Luka Galgalu we registered ourselves through OLEKAPARO AND MAILANYI ADVOCATES who were based in Nanyuki and the fee was Ksh 500/= and one share was Ksh 13,000/=

In 1991 settlement came and they employed us as casuals to help them demarcate the parcels of land and the NTIRIMITI SETTLEMENT road for 3 months. In the year 1992 Survey Officers together with other people who were claiming that the land was theirs and which they still claim to date but we took the initiative of chasing them and we chased them for good. We then went to court and obtained an injunction from the High court of Kenya at Meru.

In the year 1998 four months the high court case was finalized and the Judge said that there is no one else claiming for the land apart from us the squatters and he prayed the Government to give the said land to the relevant occupiers.

In the year 1999 October the Respondents in the High court case came again and started claiming that the land is theirs which tug of war over the ownership prevails to date.

In May 2000 the Chief brought us a notice to burn our houses. We remember that the D.C Meru on 20th June 1999 had called us for a meeting which was attended by the O.C.P.D Meru Police, KANU Chairman Ntirimiti Location, Kanu Chairman Subuiga Sub-Location, Councilor Ntirimiti Location, Chief Ntirimiti Location and Assistant Chief Subuiga Sub-Location among others.

The D. C CHELIMO CHEBOI told us that we should stay wherever we are and that he left the Chief to ensure that there was no problem concerning that matter until the Government gets us a place to occupy.

After one month Hon. DAVID MWIRARIA (M.P MERU) accompanied us to the D.C and the D.C promised that his office will give us 100 acre from the parcel of land No. 180 and the ones who will not get a place to be given to be taken to Sirmon.

In October 1999 John Kithinji came and sold 3 plots No's 496,497 and 498. So the people whom he sold the parcels to started invading us.

We pray your good office to help us and ensure that we get our land back.
Thanking you in Advance.

Yours Faithfully,

GEORGE GITOBU-M'IKIARA 

NELSON MANYARA 

SILAS KIRUJA 

C.C

-HON DAVID MWIRARIA

-D.C MERU

-MINISTRY OF LANDS & SETTLEMENT-MERU

-COUNCILLOR MEMEUI

KISIMA LOCATION

MINISTRY OF LANDS & SETTLEMENT

LAND ADJUDICATION AND
SETTLEMENT DEPARTMENT
P.O. Box 10297

NAIROBI

6th April 1994


M/s Nelson Manyara & Others,
Subuiga Squatters
Lower Intimili Settlement scheme
P.O. Box 1065
MERU

LANDLESS SQUATTERS

I refer to your letter dated 7th March, 1994 on the above subject.

I have no land to allocate to you right now as a solution to your squatter problems.

It is envisaged that you should take up your matter with the Provincial Administration of your area for further advice and necessary solution.


A. K. TOMNO
DIRECTOR OF LAND ADJUDICATION & SETTLEMENT

copy to:

The District Commissioner,
Private Bag,
MERU

The District Land Ad & Settlement Officer
Private Bag
MERU

Hokusa Ketur nleData Kava Jui barua

MINISTRY OF LANDS

Telegraphic Address: "LANDCON"
Telephone: Nairobi 718050
When replying please quote



LAND ADJUDICATION AND
SETTLEMENT DEPARTMENT
P.O. Box 30297 - 00100
NAIROBI

Ref. No. **AS/C/1 VOL.III/1708**
And date

Date 3rd August, 2010

Nelson Manyara M'Raria, ID NO. 2522672
C/o District Land Adjudication and Settlement
P.O. Box 84
NAKURU

Dear Sir/Madam,

SETTLEMENT PLOT – LETTER OF OFFER

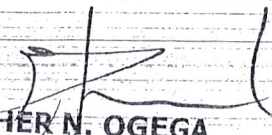
I am pleased to inform you that your application for a Settlement Plot has been successful.

The Government, through the Settlement Fund Trustees of Post Office Box Number 30449, Nairobi, a body corporate established under Section 167 of the Agriculture Act (Cap.318) hereby offers you plot No. **1708** of approximately **0.081 Ha** at **NTIRIMITI SETTLEMENT SCHEME** in **IMENTI NORTH DISTRICT**.

In pursuant thereto, please note that you are required to report to the District Land Adjudication and Settlement Officer, **IMENTI NORTH DISTRICT** so that you are shown the plot boundaries and be issued with a letter confirming this before documentation.

This offer is valid for 90 days from the date of this letter. Within this period, you should pay the 100% outright purchase (**Kshs.1,263.36**) for the plot and documented accordingly, failure to which will lead to cancellation for the offer without further notice.

Yours faithfully,


ESTHER N. OGEGA
DIRECTOR OF LAND ADJUDICATION AND SETTLEMENT

c.c.
Permanent Secretary,
Ministry of Lands,
P.O. Box 30450,
NAIROBI.

The District Commissioner,
IMENTI NORTH DISTRICT.

District Land Adjudication and Settlement Officer,
P.O. Box 2208
IMENTI NORTH DISTRICT.

ORIGINAL
REPUBLIC OF KENYA

OFFICIAL RECEIPT A 5736632

Station Meru Date 25-8-2020
RECEIVED from Nelson Manyara M/Raria
Sum of One thousand Two Hundred
Sixty four cents only
on account of Ntivismiti S.S. Plot no. 1708

Vote Head S.F.T

Sub-Head Debtors

Item K.R.

Cash Cheque No C

KSh. <u>1264/2</u> cts.
Ac.
No. <u>10.21.001.281</u>

K.R.

Signature of Officer receiving remittance

FORM 6

GPK (SP) 7026—50m Bks—01/03

M'KINOGA M'NDAGIRIA 1ST PLAINTIFF
M'KINOGA M'NDURITHI 2ND PLAINTIFF
MOSES KAMUNDI 3RD PLAINTIFF

V D R S O S

THE DIRECTOR OF SETTLEMENT FUND TRUSTEES DEFENDANT
Subjunct

M'KINOGA M'NDAGIRIA, MOSES KAMUNDI and M'KINOGA M'NDURITHI are the 1st, 2nd and 3rd plaintiffs in this suit filed through a plaint dated 20th July 1992 against the Director of Settlement Fund Trustee (The Defendant)

This suit is instituted by each three plaintiffs on their own behalf and on behalf of 39 others having the same interest pursuant to the provisions of order 1 Rule 8 Civil Procedure Rules.

The plaintiffs pleaded in the suit that the defendant was the registered proprietor of the land comprised in Title No. NTIRIKITI SETTLEMENT SCHEME/180 measuring 108 Ha. that for a consideration partly paid to the defendant through their agents M/s OLS KAPARO & MALLIKI advocates the plaintiffs were settled on the said land. They further pleaded that the defendant in April 1991 subdivided the said land into 28 pieces and assigned new titles Nos. NTIRIKITI SETTLEMENT SCHEMES/496 - 524 inclusive; that the plaintiffs are in possession of all these 28 parcels and are therefore entitled to be registered as proprietors under that scheme.

In a defence filed on 22.9.92 by the Attorney General the defendant denied ever dealing with M/s OLS KAPARO & MALLIKI advocates, admitted subdividing the suit land in 1991 and admitted giving the plaintiffs notice to vacate the suit land and averred that the plaintiffs are in illegal occupation of the suit land and therefore are not entitled to be registered as owners.

Ruling and Judgment

Malhenge Squat 5

In fact he neither called the D.O., the chief, M/S Ole Kaparo & Mailanyi advocates, nor Mr. Mathenge. The 3rd plaintiff gave evidence as PWS also told the court that the land was surveyed in 1990-1991. Before then he had moved onto the land in 1983. Then the District Officer and the Chief announced that Mr. Mathenge was selling that same land which Mr was his. He paid Kshs. 500 entrance fee and Kshs. 13,000 to M/S Kaparo who were Mr. Mathenge's lawyers. He produced receipts as exhibit 3.

That was the evidence in support of the plaintiff's cases. As I said Mr. Mathenge, M/S Kaparo & Mailanyi and the chief and D.O. were not called by the plaintiffs. The defendant called Mr. Omeri Momenyi as his main witness. Mr. Momenyi is a Registrar of titles legal officer in the Ministry of lands and settlement Fund Trustees Department.

He said the S.F.T. is a body corporate whose functions are to acquire, and replan agricultural land for purposes of settlement. It was founded in 1961. He said the land which was initially targeted was the WHITE HIGHLANDS occupied by white settlers. The Government then bought off these lands and settled the landless indigenous people.

He said Ntirimit settlement scheme/180 measuring 103 HA was one of these settlement schemes which was acquired. He said initially this land was allocated to Mr. Mathenge, who was then a permanent secretary in the office of the president. It is not clear why such a big piece of land had to be allocated to one individual, who was a permanent secretary and who may not have been a landless person. Mr. Mathenge did not take up the allocation and possession and did not pay for it.

This necessitated the S.F.T. to repossess it and replan it afresh. He told the court that the scheme was replanned in agricultural plots of various sizes, and these were surveyed by the Meru District surveyor and the various plots were allocated to various

"I had earlier I bought the land from M/S Kaparo. I have now said I paid to Macharia who issued the receipt and it is the chief who advised us the land was for sale. I have not received any threats to move out. I learnt that we were being asked to move out of the land. We have never been asked to move out. I am not aware if the land has been given to other people. I applied for the land when I saw the surveyors come. I have not been given it. I am in illegal possession."

This witness/plaintiff was not re-examined by his advocates the late Mwarania. The 2nd plaintiff gave evidence as FWI on the 15th November 1994 and he told the court that he lives in Kibirionda and is a farmer at Ntirimiti settlement scheme plot No. 180 measuring 108 HA where he occupies 3 acres. He said he and the other plaintiffs moved into the farm in 1983. He said that the suit land was being sold by the District Officer and Chief.

He said they have lived there for 10 years and in 1991 they began paying entrance fees of Kshs. 500 per person. One share was worth Kshs. 25,000 representing one acre. He said some of them paid for the shares. He said that the District Officer and the chief announced the sale of the land in a baraza and that the said D.O. and the chief represented the defendant. He said that they paid the entrance fee to M/S Kaparo & Co advocates for the defendant and he produced his receipt as exhibit No. 1. He said also he produced the green card as exhibit No. 2.

In cross-examination by Mr. Mazoro the 2nd plaintiff told the court that before 1983 he had been living in Kibirionda village. He applied to the Director of lands to be given the land but since then he has not paid for it. He said he intended to call Mr. Mathenge as his witness because he is the one who told them that the suit land was his. He told the court that the land belongs to the settlement Fund Trustees but he was not calling the chief.

through the District Settlement plots allocation committee chaired by the District Commissioner Huru, whose secretary was the District land adjudication officer. He said that none of the plots in the said scheme was allocated with any plot in the scheme. He produced the green cards (defence ex 2), the survey maps (defence ex 3a and 3b) and the minutes of the allocation committee and the list of the allottees (defence ex 4).

In cross-examination Mr. Momenyi told the court that this farm was acquired in 1970, was allocated to Mr. Mathenge in 1982, that allocation was revoked in 1990 or 1991 although he would not produce the letter of revocation, and that Mr. Mathenge had not taken up possession of the said farm, and that at the time of such revocation no people had settled in that land and that the plaintiffs moved into these land in 1992. He confirmed that this land has been preserved for the landless people of Kenya who have already applied and been allocated the same.

And in re-examination Mr. Momenyi said that the S.L.F. still holds title of this scheme for the rightful allottees or beneficiaries. The defendant then called ALEXANDER MWABUK NJALI DW 2, a surveyor of the Huru District Office. He told the court that he is the one who carried out survey of the said scheme and draw up the maps. The plots in question were divided into smaller plots which were numbered 499 - 524 and bigger plots number 496, 497 and 498.

He said when he was carrying out the survey work there were no people living on the land. In cross-examination he told the court he started survey work in December 1987 and completed it on 23rd April 1991.

From the above recorded evidence I am satisfied that Settlement scheme/180 had been allocated to Mr. Mathenge, then permanent secretary in the office of the president sections in 1982. That allocation could not, by any stretch of imagination, have been said to have been proper. It contravened the policy of the S.L.F.

persons who are claiming ownership of the plots which they occupy on the suit land. A defence to the amended plaint was filed on 14.11.94 by Mr. J. M. MUKORO, litigation counsel for the Attorney General and pleaded specifically in paragraph 9 thereof as follows:

119. The defendant dealed that the plaintiffs are entitled to be registered as proprietors of this suit premises and state further that he cannot be forced to transfer his right in property to strangers."

The first plaintiff gave evidence as PW2 and told the court that he lives at SUEJICA in the NZIRIMITI settlement scheme and had done so for about 12 years.

He was giving his evidence on 7th December 1994. He said that he had built a house there and lived with his family on 5 acres. He said that he bought them from Mr. Mathenge, then permanent secretary in the president's office through the firm of Ole Kaparo & Nailang.

Firstly the chief of the area had announced that the land was up for sale and anybody living there should buy it. Before the announcement by chief he had lived there for four years. He said the land was subdivided in 1991 and he learnt that it doesn't belong to them now.

In cross-examination by the Mr. Mukoro this plaintiff told the court that he had lived in the suit land for 6 years and not for 12 years as he had said in his evidence in chief. He said that he bought the land in question and was issued with receipts in the names of Mr. Mathenge.

He said he bought about 5 acres and has cultivated it. The witness said the following in particular:

which was to allocate certain targeted white Highlands to the landless indigenous Kenyans. Mr. Mathenge rose to the occasion and refused to take up the allocation, refused to pay for it and did not even bother to move with it. As a result of that, that allocation was revoked in 1990/1991 and the S.F.T. caused the land to be subdivided with agricultural plots of various sizes and this was done by Mr. Njagi DW2, between December 1989 and April 1991.

I accept the evidence of Mr. Njagi that before 1987 the scheme was not inhabited by anybody. Evidence of such occupation by the plaintiffs was discredited and is unreliable. After the survey work in 1991 the plaintiffs then moved in and settled on the various plots.

The plaintiffs explanation that they paid money to M/S Ole Kapuro & Mailanyi advocates which was to be passed over to Mr. Mathenge cannot be accepted by this court. Mr. Mathenge, Mr. Ole Kapuro and Mailanyi were not called to give evidence and it was important that they were called. I am therefore unable to hold that the plaintiffs occupation of the plots in this suit land was legitimate. I therefore decline to declare them rightful owners of plots which they occupy. Their claims in this suit are hereby dismissed.

* I have however taken into account Mr. Murithi's submission that some plots in Ntirimit settlement scheme measuring 108 Ha, being a very large area, are now occupied by the plaintiffs who are landless and therefore have no other place to go. They should be given the opportunity to purchase their respective plots which they each occupy as they now rank first in the allocation. They have been in occupation since 1992 and nobody else is claiming the said plots except the S.F.T. In my view it would be prudent for the settlement Fund Trustees to formally allocate to the plaintiffs the plots which each individual plaintiff is occupying on payment of any required fees.

.../37

This, is however, entirely within the discretion of the S.F.T.
This is the order but dated and delivered this 6th April 1998
in the presence of Mr. Muriithi for the plaintiffs and Mr. Mutuku
holding brief for Mr. Marero for defendants.
Mr. Paul Itirikia C.C.

A.G.A. NYANG
JUDGE

6.4.98

A copy of this is a true copy of the original
1998
DEPUTY REGISTRAR
HONOURABLE COURT OF APPEALS
Nairobi

ZAKA X@

© 728682334

Victor gitud.
0721964244

no

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CIVIL SUIT NO. 242 of 1992

M'RINGE A M'MBUIKIA) 1st PLAINTIFF
MOSES KIMUNDI) 2nd PLAINTIFF
M'NKANATA M'MURITHI) 3rd PLAINTIFF
3 PLAINTIFFS and 39 OTHERS

V E R S U S

THE DIRECTOR-SETTLEMENT FUND TRUSTEES.....DEFENDANT

THE ANNEXED SCHEDULE

- | | |
|-----------------------------|-------------------------------|
| 1. M'RINDIRA M'MBUIKIA | 22. JOSUDA MAGIRI |
| 2. MOSES KIMATHI M'MBUIKIA | 23. MARY KINYA |
| 3. M'NKANATA M'MURITHI | 24. M'MAGIRI M'MUNGANZA |
| 4. JUSTUS KIRIMI M'MUTUNGI | 25. SECELIA KARIMI |
| 5. TABITHA MUKAMI M'MBOGORI | 26. ZIPPORAH KAOME |
| 6. NELSON MANYARA M'RARIA | 27. SUSAN KARIMI |
| 7. BERGALO M'ITI | 28. JULIUS KITHERA |
| 8. JOSEPH NG'ANG'A | 29. MOSES GWANTAI |
| 9. PETER MUCIHA | 30. WAKERA NGARI |
| 10. REGINA RIARA | 31. JULIAN M'RIMBERIA |
| 11. JAMES MWORIA | 32. JOSEPH MUTUMA |
| 12. SILAS KIROJA | 33. JOSEPH MUGAMBI M'RIMBERIA |
| 13. EVANGELINE TIRINDI | 34. JOHN NGUGI M'ITHIRI |
| 14. ESTER NCOGO M'IKIUGU | 35. SOLOMON CHOKE MWORIA |
| 15. KITHINJI M'RINGEIA | 36. NARITHA GACHERI |
| 16. FRANCIS MUTHAMIA | 37. M'PWERANDU M'ANYORO |
| 17. JULIUS M'ITHI NKINKI | 38. KEA SIMBA |
| 18. STEPHEN ETIRAI | 39. MARY NYEGERA M'KIREGA |
| 19. CHARITY KAGUNA OMARI | 40. MWERIA NGIHUNA |
| 20. SHADRACK M'IRUNGI | 41. JOHN NG'ANG'A |
| 21. ayubu GATONI M'MWONGO | 42. ANDREW GIKUNDA |

4/12/93
A. MBAYA & CO.
ADVOCATES

