



*Approved
SNA
28/5/26.*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION ~~2025~~ 2026

PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF P/NO.3 OF 2025 REGARDING ALLEGED ILLEGAL
ACQUISITION OF TRUST LAND L.R NO 249 OF 1963 BY THE GOVERNMENT IN
TAITA TAVETA COUNTY

Directorate of Audit Appropriations &
General Purpose Committees

Clerk's Chambers

Main Parliament Buildings

NAIROBI

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	
DAY: Thursday	
TABLED BY:	Hon. Maureen Marway MP
CLERK-AT-THE-TABLE:	Irene Nduku

MAY, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report of the Committee on Public Petition No. 3 of 2025 regarding the alleged illegal acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County.

The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Honorable John Bwire, M.P on behalf of the Petitioner.

The Committee undertook this inquiry by listening to the stakeholders and receiving written submissions from the Ministry of Land, Public Works, Housing and Urban Development, the National Land Commission and the Ministry of Tourism & Wildlife.

The Committee considered the Petition and observed that the land is defined as L.N No.249 of 1963(Legal Notice) was part of Tsavo West National Park.

The committee recommends that the petitioners formally lodge a claim of historical land injustice to the National Land Commission.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

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

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

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

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

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Paul Biego Kibichiy, M.P.
Chesumei Constituency

United Democratic Alliance (UDA)

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

Independent

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

Hon. John Bwire Okano, M.P.
Taveta Constituency

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

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

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

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

United Democratic Alliance (UDA)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

1.3 Committee Secretariat

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

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

3. Pursuant to Article 119 of the Constitution, every person has the right to petition parliament to consider any matter that is within its authority. Standing Order 227 of the National Assembly gives the Public Petition Committee mandate to respond by way of a report to the petitioner within ninety calendar days of committal of the petition to the Committee.
4. The Petition was reported to the House by the Hon. John Bwire, M.P.
5. The Petitioner is representing members of Nyario ya Kididi cha Bhatubheta Culture Community who are residents and users of a Trust Land Reference L.R No.249 of 1963 which they use for the purposes of grazing and farming.
6. The Community occupied the Trust Land until sometime in 1982 when there was a severe drought that claimed human life and livestock; and, as a result, the Community left the area and relocated to the lowlands near River Lumi.
7. The Community continued using the said Trust land as a traditional shrine for prayers and circumcision until sometime in 2022 when they were arrested and harassed by rangers from Kenya Wildlife Service (KWS) on allegations of trespass
8. After negotiations between local political leaders and KWS, the arrested members of the Community were released but on firm instructions that they should not trespass on the Trust Land on grounds that the area is part of Tsavo West National Park and is a protected area.
9. Vide a letter dated 17th August 2023, the Community sought information from the Director for Land Administration on the legal status of the Trust Land; and, on the 18th August 2023, they were expressly informed that the land is still Trust Land.
10. The Community forwarded the aforesaid information from the said Director to the KWS and requested to be allowed to continue using the Trust Land as their shrines and grazing area.
11. The KWS declined and insisted that the Trust Land is part of Tsavo West National Park and that it is a protected area.

12. In the recent past, the KWS has started fencing the Trust Land completely cordoning it off from the Community, and all efforts to have the matter resolved has not been fruitful;

2.2 Prayers

13. The Petitioners prayed that the National Assembly, through the Public Petitions Committee-
- i) Inquires into the legal status of the land *L.R. No. 249 of 1963* and recommends for the settlement of the squatters within Taveta Constituency; and
 - ii) Makes any other recommendations that it may deem fit in addressing the plight of the Petitioners.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Ministry of Tourism & Wildlife

Ms. Rebecca Miano, the CS, Ministry of Tourism and Wildlife, appeared before the Committee on Thursday, 14th April, 2026 and submitted as follows -

14. On the issue of the claim that LN.249 of 1963 as trust land reserved by Government of Kenya as grazing and farming land for natives in Taita Taveta, the land is currently part of Tsavo West National Park and it is not a trust land. The land in question falls inside the southern part of the Tsavo West National Park in Taita Taveta adjoining Kajiado County boundary. The land measures approximately 3,723 acres as defined by Boundary Plan 204/28 as an addition to Tsavo National Park in 1970.
15. The use of the land ceased from its previous uses to conservation land use as a protected area since the date it was incorporated as part of Tsavo National Park in 1970. The KWS is mandated to protect the park from any form of trespass into the Wildlife Protected Areas. This action is aimed at ensuring harmonious human-wildlife co-existence by mitigating possible areas of conflict. The service undertakes fencing within the boundaries of the National Park to safeguard both wildlife and the communities.
16. The KWS declined the request by the community to utilize the land because no other land use is permitted in this gazetted national park apart from wildlife conservation and connected purposes.

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

The Principal Secretary, Ministry of Lands, Hon. Generali Nixon Korir, presented written submissions to the committee on 9th March, 2026. He submitted as follows-

17. According to the Ministry's records, the referenced parcel of land falls in Trust land (now Community Land) within Taita Taveta District. It is defined as L.N No. 249 of 1963 (Legal Notice). It measures approximately 3723 acres as defined by boundary plan 179/37.
18. The key steps of registering a Community Land are as follows;

- i) Presentation of the inventory through CLA 6 to the Cabinet Secretary.
 - ii) Cabinet secretary to gazette an adjudication programme.
 - iii) A notice of intention to survey through form CLA 7 for a period of 60 days.
 - iv) After elapse of 60 days the surveyor prepares a cadaster
 - v) Community land proceeds to registration.
 - vi) Issuance of title deed (certificate of registration -Form CLA 4.
19. Nyario ya Kididi cha Bhatuweta community should liaise with the County Government of Taita Taveta to ensure that the inventory is forwarded to the Cabinet Secretary for Ministry of Lands, Public Works, Housing and Urban Development.

3.3 National Land Commission

The Commission Secretary, Ms. Kabale Tache, MBS presented a written submission to the committee on Tuesday, 10th March, 2026. She submitted as follows –

- 20. Records indicate that NLC received a total of forty-one (41) historical land injustice claims from Taita Taveta County. However, as at 21st September, 2021, Nyario ya Kididi Bhatubheta Culture Community had not lodged any claim before the commission in relation to the matters raised in the petition.
- 21. Claims relating to historical land injustices are handled within the legal framework established under Article 67(2) (e) of the of the Constitution of Kenya as read with the relevant provisions of the NLC Act. In this regard, parliament amended the law to provide an opportunity for individuals and communities who had not previously filed claims relating to historical land injustices to do so within the prescribed framework.
- 22. Should the Nyario ya Kididi Bhatubheta Culture Community choose to file a claim before the Commission, the claim will be subjected to an admissibility assessment to determine whether it satisfies the legal threshold and the criteria set out under the applicable law and regulations governing historical land justice claims. This process is necessary to establish whether the matter falls within the Commission's mandate and whether it is properly before the Commission for determination.
- 23. Where the claim satisfies the adminisibilty criteria, NLC will proceed to institute the appropriate investigative process including an investigative hearing for the purpose of

inquiring into the facts and circumstances of the claim and making such findings and recommendations as may be warranted in law. However, where the claim does not need the admissibility requirements, the claimants will be dully advised and guided on the appropriate institution, forum or legal avenue through which the matter may be pursued.

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

PART FOUR

4 COMMITTEE OBSERVATIONS

25. Upon reviewing and considering the submissions by the petitioners, NLC and the Ministry of Lands, Public Works, Housing and Urban Development and the Ministry of Tourism & Wildlife, the Committee observed that—

- i) The parcel of land defined as L.N No. 249 of 1963(Legal Notice) measuring approximately 3723 acres as defined by boundary plan 179/37, was now a protected area within Tsavo West National Park under the custody of KWS.
- ii) The NLC acknowledged that the matter was a historical injustice case. However, it had not been formally presented to it as a claim.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

26. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- i) On the prayers that the National Assembly inquires into the legal status of the land L.R No.249 of 1963; **the committee found that the said land LN.249 of 1963 is part of Tsavo West National Park and is a protected area for purposes of wildlife conservation.**
- ii) On the prayer that the National Assembly makes any other recommendations that it may deem fit in addressing the plight of the Petitioners; **the committee recommends that the Nyario ya Kididi cha Bhatuweta community presents the matter before the National Land Commission as a formal historical land injustice claim.**

Signed: _____



Date: _____

28/05/26.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	
DAY: Thursday	
TABLED BY:	Hon. Maisori Marwa, MP
CLERK-AT-THE-TABLE:	Irene Nduku

ANNEXURES

Annexure 1:	Adoption List
Annexure 2:	Public Petition No.3 of 2025 Regarding Alleged Acquisition of Trust Land LR No.249 of 1963 by the Government in Taita Taveta County
Annexure 3:	Minutes of Proceedings

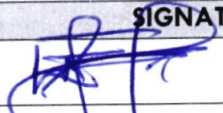
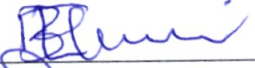
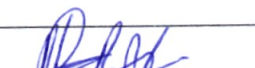
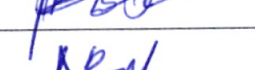
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No. 3 of 2025 alleged illegal acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County presented by Hon. John Bwire, MP.

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

DATE: 6/5/2025

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



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (FOURTH SESSION)

PUBLIC PETITION

(No.03 of 2025)

REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R. NO. 249
OF 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY

I, the **UNDERSIGNED**, on behalf of *Nyario ya Kididi cha Bhatubheta Culture Community* in Taveta Constituency, Taita Taveta County;

DRAW the attention of the House to the following:

1. **THAT**, the *Nyario ya Kididi cha Bhatubheta Culture Community* is a registered and recognized community group from Taveta Constituency, registered under the Community Land Act and the Community Land Regulations;
2. **THAT**, the Community is dedicated to preserving and advancing the welfare and culture of the Taveta people including the protection of the natives' land rights as guaranteed under Article 63 of the Constitution and the Community Land Act;
3. **THAT**, in 1963, the Government of Kenya reserved a Trust Land reference *L.R. No. 249 of 1963*, for the natives for purposes of grazing and farming;
4. **THAT**, the Community occupied the Trust Land until sometime in 1982 when there was a severe drought that claimed human life and livestock; and, as a result, the Community left the area and relocated to the lowlands near River Lumi;
5. **THAT**, the Community continued using the said Trust land as a traditional shrine for prayers and circumcision until sometime in 2022 when they were arrested and harassed by Rangers from Kenya Wildlife Service (KWS) on allegations of trespass;



**REGARDING ALLEGED ACQUISITION OF TRUST LAND L.R.
NUMBER 249 OF 1963 BY THE GOVERNMENT IN TAITA TAVETA
COUNTY**

6. **THAT**, after negotiations between local political leaders and KWS, the arrested members of the Community were released but on firm instructions that they should not trespass on the Trust Land on grounds that the area is part of Tsavo West National Park and is a protected area;
7. **THAT**, vide a letter dated 17th August 2023, the Community sought information from the Director for Land Administration on the legal status of the Trust Land; and, on the 18th August 2023, they were expressly informed that the land is still Trust Land;
8. **THAT**, the Community forwarded the aforesaid information from the said Director to the KWS and requested to be allowed to continue using the Trust Land as their shrines and grazing area;
9. **THAT**, the KWS declined and insisted that the Trust Land is part of Tsavo West National Park and that it is a protected area;
10. **THAT**, in the recent past, the KWS has started fencing the Trust Land completely cordoning it off from the Community, and all efforts to have the matter resolved has not been fruitful;
11. **THAT**, the matter presented in this petition is not pending before any tribunal, court of law, or any constitutional or legal body.

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

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

And your **PETITIONERS** will ever pray.

PRESENTED BY:



**THE HON. JOHN BWIRE OKANO, MP
MEMBER FOR TAVETA CONSTITUENCY**

Date

MINUTES OF THE 34TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, 6TH MAY, 2026 IN BAOBAB CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 2:30 P.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Hon. Edith Vethi Nyenze, M.P. | | |
| 8. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Suzanne Ndunge Kiamba, M.P.
3. Hon. Peter Irungu Kihungi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Sloya Clement Logova, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

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

MIN./PPC/2026/176:

PRELIMINARIES

The Chairperson called the meeting to order at 2.30 pm and Hon. Marwa Kitayama said the opening prayer.

MIN./PPC/2026/177:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Edith Nyenze, M.P and seconded by, Hon. Janet Sitienei, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and Adoption of the following Reports on: -**
 - (i) **Public Petition No. 03 of 2025 by the Government of Taita Taveta County regarding the alleged illegal acquisition of Trust Land L.R No 249 of 1963;**

- (ii) **Public Petition No. 09 of 2024 by Amani Self Help Group regarding Ownership Dispute of Land Parcel L.R. No. 209- 11970 – Dandora/Mowlem, Area, Kangundo Road in Embakasi West Constituency; and**
- (iii) **Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 Retired Teachers' Group.**

6. Any Other Business

7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/178: CONFIRMATION OF MINUTES

This agenda item was deferred.

MIN./PPC/2026/179: CONSIDERATION AND ADOPTION OF REEPORTS ON VARIOUS PUBLIC PETITIONS

a) Public Petition No. 03 of 2025 by the Government of Taita Taveta County regarding alleged illegal acquisition of Trust Land L.R No 249 of 1963

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Janet Sitienei, MP and seconded by the Hon. Marwa Kitayama, MP –

- (i) **On the prayers that the National Assembly inquires into the legal status of the land L.R No.249 of 1963;** the committee found that the said land LN.249 of 1963 is part of Tsavo West National Park and is a protected area for purposes of wildlife conservation.
- (ii) **On the prayer that the National Assembly makes any other recommendations that it may deem fit in addressing the plight of the Petitioners;** the committee recommends that the Nyario ya Kididi cha Bhatuweta community presents the matter before the National Land Commission as a formal historical land injustice claim.

b) Public Petition No. 9 of 2024 by Amani Self Help Group regarding Ownership Dispute of Land Parcel L.R. No. 209- 11970 – Dandora/Mowlem, Area, Kangundo Road in Embakasi West Constituency

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Nerbert Muriuki, MP and seconded by the Hon. Marwa Kitayama, MP –

- (i) On the prayer that the Public Petitions Committee establishes the status of ownership of Parcel of Land, L.R. No. 209/11970 in Dandora/Mowlem Area, Kangundo Road, in Embakasi West Constituency, vis-a-vis the allegedly illegally acquired title deed held by the private developer, **The Committee acknowledges that in ELC Case No. 288 of 2013 Amani Self Help Group (the Petitioners) were ordered to vacate L.R No. 209/11970 and hand over vacant possession to Charles Munene Gatimu and Karegi Catherine Kamanja as the rightful owners, and that subsequent appeals by the Petitioners were dismissed.**
- (ii) On the prayer that the Public Petitions Committee intervene to have the Government, through the Ministry of Lands and Physical Planning to avail or table all legal documents regarding the ownership of Parcel of Land, L.R. No. 209/11970 in Dandora/Mowlem Area, Kangundo Road, Nairobi, in Embakasi West Constituency. **The Committee acknowledges that all documentation were availed to the competent court and were indeed the basis of the court ruling.**

c) Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 Retired Teachers' Group

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Beatrice Elachi, MP and seconded by the Hon. Joshua Kandie, MP –

- (i) On the prayer that the Committee investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers;** the Committee notes that the court decisions in Simon P. Kamau and 190 Others vs. TSC (Nakuru HCCC No. 65 of 2006) were final and binding. The Government subsequently implemented the award by identifying 23,487 eligible teachers (those who retired between 1st July 1998 and 30th June 2003). Of these, 22,600 teachers have been paid a total of Kshs. 17,776,459,524. A balance of 887 claims remain pending, the majority of which (1997/98 cohort) attract no additional financial entitlement, with only a small fraction undergoing routine finalization.
- (ii) On the prayer that the Committee recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases;** the Committee recommends that the National Treasury settles the outstanding 887 pending claims within ninety (90) days of tabling of this report.
- (iii) On the prayer that the Committee directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts;** the Committee notes that the Teachers Service Commission and the National Treasury did submit the list of beneficiaries and status of payment of all beneficiaries.
- (iv) On the prayer that the Committee ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings;** the Committee notes that the National Treasury confirmed that existing funds were adequate to settle the outstanding balances.

MIN./PPC/2026/180:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 5:30 p.m.

Sign:

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COM

Date 28/05/26..

MINUTES OF THE 28TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 14TH APRIL, 2026 IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER AT 11:40 A.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Patrick Ntwiga Munene, CBS, M.P. | | |
| 7. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

- | | | |
|---|---|--------------------|
| 1. Hon. Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Maisori Marwa Kitayama, M.P. | | |
| 3. Hon. Patrick Makau King'ola, M.P. | | |
| 4. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 5. Hon. Peter Irungu Kihungi, M.P. | | |
| 6. Hon. Paul Biego Kibichiy, M.P. | | |
| 7. Hon. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Sloya Clement Logova, M.P. | | |

IN-ATTENDANCE

NATIONAL ASSEMBLY

Hon. (CAPT) Ruweida Mohamed Obo, MP

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Pascal Valerian | - | Hansard Reporter II |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Ms. Fridah Ngari | - | Media Relations Officer |

MINISTRY OF TOURISM AND WILDLIFE

- | | | |
|------------------------|---|---|
| 1. Ms. Rebecca Miano | - | Cabinet Secretary, Ministry of Tourism & Wildlife |
| 2. Ms. Silvia Museiya | - | PS, State Department for Wildlife, Min. of Tourism & Wildlife |
| 3. Prof. Erastus Kanga | - | DG, KWS |
| 4. Ms. Benta Musima | - | CMLS, KWS |
| 5. Ms. Joycelyn Makina | - | SAD, KWS |
| 6. Mr. Collins Nthuni | - | AD-Land Management |
| 7. Mr. Hassan Bashir | - | Assistant Director |
| 8. Mr. James Gichui | - | PA, PS |

- | | | |
|-------------------------|---|---------------------|
| 9. Ms. Patricia Saurei | - | Ministry of Tourism |
| 10. Mr. Gideon Nyambuga | - | SWO |
| 11. Ms. Florence Kanana | - | DD PHWC |

MIN./PPC/2026/145: PRELIMINARIES

The Vice Chairperson called the meeting to order at 11:40 am and said a word of prayer.

MIN./PPC/2026/146: ADOPTION OF AGENDA

The proposed agenda was adopted hereunder having been proposed by Hon. Edith Vethi Nyenze, M.P and seconded by, Hon. Beatrice Kadeveresia Elachi, CBS, M.P

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;
4. Matters Arising;
5. **Meeting with the CS, Ministry of Tourism and Wildlife on the following Petitions-**
 - a) **Public Petition by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime on the re-categorisation of Tsavo East and Tsavo West National Parks.**
 - b) **Public Petition by the Hon. John Bwire, MP on alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County by (Taveta Constituency).**
 - c) **Public Petition by the Hon. (Capt.) Ruweida Obo, MP on the recognition and protection of the Traditional and Cultural Rights of the Kiwayu Island Community; and**
 - d) **Public Petition by the Residents of Kitui South Constituency on the encroachment on community land by the Kenya Wildlife Service in Kitui County.**
6. Any other Business; and
7. Adjournment

MIN./PPC/2026/147: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/148: MEETING WITH THE CABINET SECRETARY, MINISTRY OF TOURISM AND WILDLIFE.

The Cabinet Secretary for the Ministry of Tourism and Wildlife Ms. Rebecca Miano, appeared before the Committee and submitted as follows:

- i. **Public Petition by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the re-categorisation of Tsavo East and Tsavo West National Parks.**
 - a) The role of the Kenya Wildlife Service (KWS) is to enforce wildlife laws and related statutes, and to ensure compliance with conservation regulations. In addition, KWS collaborates with county governments and local communities in the management of wildlife corridors and dispersal areas outside formally protected zones.
 - b) The petition by Taita Taveta County appears to treat the Tsavo National Parks as localized assets belonging to a single county. However, Tsavo constitutes a transboundary ecosystem

shared across multiple counties, and therefore cannot be administered as a county-specific resource.

- c) The proposed re-categorisation of Tsavo would necessitate the fragmentation of the park into multiple management regimes, which would likely undermine ecological integrity, disrupt wildlife migration corridors, and give rise to inter-county disputes over resource control and benefit-sharing. The current designation of Tsavo as a National Park remains the most viable framework for ensuring equitable benefit-sharing among all host counties and safeguarding the national interest, in accordance with Article 62 of the Constitution.
- d) The Ministry therefore urged the Committee to dismiss the petition on the grounds that it contravened the constitutional mandate of the National Government under the Fourth Schedule (Part 1, Section 22), which assigns responsibility for the protection of the environment and natural resources to the national level. Further, the Ministry relied on Article 62(1)(d) and Article 62(3) of the Constitution of Kenya, 2010, which classify national parks as public land vested in the national government for the benefit of all citizens.
- e) The Ministry also requested the Committee to reject the allegation of discrimination under Article 27 of the Constitution. The classification of Tsavo National Parks as public land does not constitute discriminatory treatment but rather reflects a rational and necessary policy distinction aimed at preserving a transboundary ecosystem shared by counties including Taita Taveta, Kitui, and Tana River.
- f) Finally, the Ministry urged the Committee to uphold the ecological integrity of the Tsavo ecosystem by maintaining a unified national management regime. Such an approach is essential to prevent fragmentation of wildlife habitats, ensure consistency in conservation standards, and strengthen anti-poaching efforts. The Committee may further consider referring the matter to the Intergovernmental Relations Technical Committee (IGRTC) for structured intergovernmental engagement and resolution of the issues raised.

Committee Observations

- a) The Committee observed that the Amboseli transited to Kajiado County and a similar framework can be done for Tsavo where by the counties involved benefit from the park.
- b) The list of Corporate Social Investments done by KWS does not cover all the counties that share Tsavo.

Committee Resolution

The Ministry to submit a comprehensive and disaggregated report on all Corporate Social Investments undertaken within the Tsavo ecosystem, indicating beneficiary counties.

ii. Public Petition by the Hon. John Bwire regarding alleged acquisition of Trust Land L.R N0. 249 of 1963 by the Government of Taita Taveta County.

- a) On the claim that L.R. No. 249 of 1963 was designated as trust land reserved for grazing and farming by local communities in Taita Taveta County, the Ministry submitted that the land in question currently forms part of Tsavo West National Park and therefore no longer constitutes trust land.

- b) The land is situated within the southern section of Tsavo West National Park, adjoining the Kajiado County boundary, and measures approximately 3,723 acres as defined under Boundary Plan No. 204/28. It was incorporated into Tsavo National Park in 1970, at which point its use transitioned from communal grazing and farming to conservation as a protected area.
- c) The Kenya Wildlife Service (KWS), pursuant to its statutory mandate, is responsible for the protection and management of all gazetted wildlife protected areas. This includes preventing encroachment and unauthorized land use within national parks. The Service undertakes measures such as boundary demarcation and fencing to safeguard both wildlife and adjacent communities, thereby promoting harmonious human–wildlife coexistence and mitigating conflict.
- d) The Ministry further submitted that no alternative land use is permissible within a gazetted national park other than wildlife conservation and related purposes. Consequently, the request by the community to utilise the land for grazing or settlement was declined in accordance with the applicable legal and regulatory framework.

Committee Observations

- a) The Committee observed that the relevant Gazette Notice formalizing the incorporation of L.R. No. 249 of 1963 into Tsavo National Park is not readily available within the records of the Ministry of Lands.
- b) The Committee noted that the submissions by the Ministry did not comprehensively address all the concerns raised by the petitioner and were therefore unsatisfactory.
- c) The Committee further observed apparent inconsistencies in the manner in which similar cases such as the management of Amboseli—have been handled in comparison to Tsavo.

Committee Resolution

The Committee directed the Ministry of Tourism and Wildlife, in collaboration with the Kenya Wildlife Service (KWS), to prepare and submit a comprehensive and well-documented response within two (2) weeks. The submission should include all relevant legal instruments, gazette notices, historical records, and policy justifications relating to the status and management of L.R. No. 249 of 1963 for the Committee’s consideration.

iii. Public Petition by the Hon. (Capt.) Ruweida Obo, M.P regarding recognition and protection of the traditional and cultural rights of the Kiwayu Island community.

- a) The Ministry, through the Kenya Wildlife Service (KWS), submitted that the Service has consistently supported the harmonious coexistence between indigenous communities and marine wildlife conservation initiatives within Kiwayu Island and the wider Kiunga Marine National Reserve.
- b) It was noted that most investors operating within Kiwayu Island have engaged directly with local community groups and individuals, and do not have formal lease arrangements with KWS. Consequently, there are currently no existing leases between KWS and the investors within the Island.
- c) The Ministry further submitted that irregular land allocations occurred within parts of the Reserve beginning in 1994. KWS has since taken steps to address this issue and has reported all such irregular allocations to the relevant authorities, including the Ministry of Lands, the

National Land Commission (NLC), and the Ethics and Anti-Corruption Commission (EACC). The Service is actively pursuing the revocation of the illegal allocations and titles.

- d) Additionally, the Service has developed a Management Plan for the Kiunga Marine National Reserve covering the period 2025–2035. The Plan was formulated through a consultative process, during which the existence of indigenous community settlements in Kiwayu Island was acknowledged. It further outlines proposals aimed at promoting sustainable coexistence between local communities and marine conservation efforts.
- e) The Ministry indicated its willingness to engage with relevant agencies and stakeholders to develop a structured roadmap for recognising and formalising land rights of indigenous community members residing in Kiwayu Island, while ensuring the continued protection of the marine ecosystem.

Committee Observations

- a) The Committee observed that the designation of the area as a marine reserve may not have been preceded by adequate public participation, particularly involving the affected local communities.
- b) The Committee noted that the Ministry's submissions did not sufficiently demonstrate awareness of the current realities and challenges in Kiwayu Island, and therefore did not fully address the concerns raised by the petitioner.

Committee Resolution

The Committee directed the Ministry of Tourism and Wildlife, in collaboration with KWS, to prepare and submit a comprehensive and updated response within two (2) weeks. The response should specifically address issues of public participation, land tenure, investor arrangements, and the protection of cultural and community rights in Kiwayu Island.

iv. Public Petition No.29/2025 by residents of Kitui South Constituency regarding the encroachment of community land by KWS in Kitui County

- a) The Ministry, through the Kenya Wildlife Service (KWS), submitted that the Service has partnered with the Kitui County Government in the management of the reserve, owing to its ecological significance as part of a wildlife corridor linking Tsavo National Park, South Kitui National Reserve, and Kora National Park.
- b) It was further submitted that KWS, in collaboration with the County Government, manages only the legally gazetted reserve and does not extend its operations into community land parcels. The Service indicated that it has undertaken measures aimed at promoting sustainable coexistence between wildlife and local communities, including land use management strategies that balance conservation objectives with community interests.
- c) The Ministry emphasized that KWS has not acquired any land outside the gazetted boundaries of the reserve. However, in instances where boundary overlaps or disputes may arise, the Government remains open to engaging with affected communities to resolve such issues through dialogue and negotiation.

Committee Observation

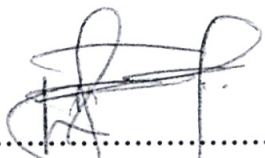
The Committee observed the need for KWS to undertake a comprehensive review and verification of all its boundaries to clearly establish the precise acreage under its jurisdiction and to eliminate any ambiguity regarding potential encroachment into community land.

Committee Resolution

The Committee resolved to undertake a site visit to Kitui South Constituency to verify the status of the land in question, ascertain the extent of the alleged encroachment, and engage directly with stakeholders on the ground.

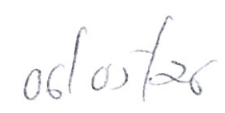
MIN./PPC/2026/149: ADJOURNMENT

There being no other business, the meeting was adjourned at 2:15 p.m.

Sign: 

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 

**MINUTES OF THE 12TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON TUESDAY, 10TH MARCH, 2026 IN COMMITTEE ROOM ON THE
5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30
P.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 6. Hon. Peter Irungu Kihungi, M.P. | | |
| 7. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Patrick Ntwiga Munene, CBS, M.P.
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Maisori Marwa Kitayama, M.P.
8. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

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

MIN./PPC/2026/060: PRELIMINARIES

The Chairperson called the meeting to order at 2:30 pm and said a word of prayer. He informed the meeting that the delay in commencing the meeting was due to the scheduled United Democratic Alliance(UDA)- Orange Democratic Movement(ODM) joint Parliamentary Group meeting that had the attendance of majority of the Committee Members.

MIN./PPC/2026/061: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. (Eng.) Bernard Nebart Muriuki, M.P and seconded by, Hon. Paul Biego Kibichiy, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising;
5. **Meeting with the Principal Secretary, Ministry of Lands, Public Works, Housing & Urban Development; Chief Executive Officer, National Land Commission; and Director-General, Kenya National Highways Authority, regarding the following:-**
 - i. Public Petition by landowners affected by the construction of the Embu Ring/Connector Road project in Embu County;
 - ii. Public Petition by Mr. Ibrahim Nthitu Makwattah, regarding compensation of compulsory acquired land and properties along Kibwezi - Kitui Road;
 - iii. Public Petition by residents of Gitei Village, Kiambu County Road reserve boundaries and protection of ancestral land;
 - iv. Public Petition by Hon. (Prof) Phyllis Bartoo, MP, regarding waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan;
 - v. Public Petition by workers of Nyario ya Kididi cha Bhatubheta culture community in Taveta Constituency regarding alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County;
 - vi. Public Petition by Hon. Sarah Korere, MP, regarding revocation of the gazettement of Mukogodo forest reserve as a public forest;
 - vii. Public Petition by Hon. Rahim Dawood, MP, regarding compensation and Land allocation to Mau Mau War Veterans of Meru County.
6. Any Other Business
7. Adjournment and date for the next Sitting

MIN./PPC/2026/062:

CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/063:

**MEETING WITH THE PRINCIPAL SECRETARY,
MINISTRY OF LANDS, PUBLIC WORKS,
HOUSING & URBAN DEVELOPMENT, CHIEF
EXECUTIVE OFFICER, NATIONAL LAND
COMMISSION AND THE DIRECTOR GENERAL,
KENYA NATIONAL HIGHWAYS AUTHORITY.**

The Chairperson informed the meeting that the Principal Secretary, Ministry of Lands, the Chief Executive Officer, National Land Commission, and the Director General, Kenya National Highways Authority had each submitted their written responses on the

petitions. The Chairperson further stated that, due to other exigencies, they were unable to attend the meeting.

Committee Resolution

The Committee resolved that the written submissions by the three entities sufficed and would be considered and adopted into the reports, which were scheduled to be reviewed the following week during the report writing retreat to be held in Mombasa County from 15th to 22nd March, 2026.

MIN./PPC/2026/064:

ANY OTHER BUSINESS

Regarding the public petition by landowners affected by the construction of the Embu Ring/Connector Road project in Embu County, the meeting was informed that the matter fell under the mandate of the Kenya Rural Roads Authority and not the Kenya National Highways Authority. The meeting therefore resolved that KeRRA be invited to provide information on the petition.

MIN./PPC/2026/065:

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 3:00 p.m. The next meeting will be held on Wednesday, 11th March, 2026 at the same venue.

Sign:.....

Date 01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT
MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

Honourable Chair,

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

PETITIONS;

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

RESPONSE

We wish to respond as follows;

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

The Petition

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

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

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

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

Response

Honourable Chair, we wish to respond as follows;

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

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

The Petition

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

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

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

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

Response

Honourable chair. I wish to respond as follows;

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

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

The Petition

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

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

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

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

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

Response

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

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

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

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

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

The Petition

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

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

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

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

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

Response

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

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

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

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

To date, the status is as follows: -

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

The total amount accruing is approximately Ksh.13 million.

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

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

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

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

The Petitioner

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

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

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

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

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

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

Response

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

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

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

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

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

The Petition

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

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

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

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

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

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

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

(i) Recommends that the Gazette Notice No. 174 of 1964 be revoked and the 20,189 hectares of Mukogodo Forest be subsequently gazetted of as a community forest;

(ii) Recommends that the remaining 10,000 hectares of Mukogodo Forest be allocated for the resettlement of the Il Ng'wesi and Yaaku communities; and

(iii) Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

Response

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

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

The Petition

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

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

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

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

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

Response

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

Honourable Chair, I submit.



Hon. Generali Nixon Korir
PRINCIPAL SECRETARY

9th March 2026



MINISTRY OF TOURISM & WILDLIFE

RESPONSE TO THE PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION NO. 3 OF 2025 REGARDING THE ALLEGED ACQUISITION OF TRUST LAND L.N 249 of 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY AND PETITION NO 14 OF 2025 ON RECOGNITION AND PROTECTION OF THE TRADITIONAL AND CULTURAL RIGHTS OF THE KIWAYU ISLAND COMMUNITY.

13TH APRIL, 2026

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON PUBLIC PETITION NO. 3 of 2025: REGARDING ALLEGED ACQUISITION OF TRUST LAND L.N 249 of 1963 BY THE GOVERNMENT IN TAITA TAVETA COUNTY.

1.0 INTRODUCTION

The Ministry of Tourism and Wildlife (MoTW) acknowledges the petition from the Hon. Member of Parliament for Taveta Constituency on behalf *Nyario ya Kididi cha Bhatubheta Cultural Community* regarding the following issues;

1. The claim that Land Reference No. 249 of 1963 is Trust Land reserved by the Government of Kenya for grazing and farming by the local community in Taita Taveta County.
2. The assertion that the community occupied the land until 1982, when they relocated due to drought conditions.
3. The claim that the community has been using the land as a traditional shrine for prayers and circumcision until 2022, when members were arrested by the Kenya Wildlife Service (KWS) for trespassing.
4. The complaint that the community is not allowed access to the land on account of it being part of Tsavo West National Park, a protected area.
5. The claim that the land remained Trust Land as at 18th August 2023, based on information obtained from the Director of Land Administration.
6. The decision by the Kenya Wildlife Service (KWS) to decline the community's request to utilize the land as a shrine and for grazing purposes.
7. The issue relating to the fencing of the land by KWS.

2.0 LEGAL CONTEXT

2.1 *Constitution of Kenya 2010*

Article 62. (1) (g) describes Public Land to include *inter alia* government forests other than Community forests, game reserves, water catchment areas, National Parks, government animal Sanctuaries and specially Protected Areas. Tsavo West National Park within which LN. 249 of 1963 is located is a gazetted Wildlife Protected Area within Taita Taveta County.

Article 62. (4) describes that Public Land shall not be disposed of or otherwise used except in terms of an Act of Parliament specifying the nature and terms of that disposal or use.

2.2 *Wildlife Conservation and Management Act, 2013*

This legislation mandates KWS to manage and conserve all National Parks, Wildlife Conservation areas and Sanctuaries established under this Act.

Section 102 (1) (a) of the Act stipulates that any person who enters or resides in a National Park or Reserve otherwise than under license, permit or in the cause of his duty as authorized officer or person lawfully employed in the Park or Reserve commits an offence under breach of Protected area regulations and is liable to prosecution.

Section 102 (2) stipulates that no person shall enter into a National Park with any livestock for any purpose without authorization.

2.3 *National Land Commission Act, 2012*

Pursuant to Article 67(2) of the Constitution Part II section (1) of NLC Act 2012, the commission, among other functions, shall manage public land on behalf of both National and County Government as well as conduct research related to land and the use of natural resources, make recommendations to appropriate authorities and give consent for alienation of any public land by the National and County Government according to article 67(3) of the constitution.

2.4 *Land Act, 2013*

Part II of the Land Act, 2012, Section 11 on the conservation of ecologically sensitive public land shall be maintained by the Commission and consult existing institutions dealing with conservation. The Commission shall identify areas that are within Public Land and demarcate and take any justified action on those areas and act to prevent environmental degradation and climate change.

Part II Section 19 subsection (1) and (2) contains rules and regulations for the Commission to protect critical ecosystem and involve stakeholders in management and utilization of land based natural resources.

3.0 RESPONSE TO MATTERS RAISED BY THE PETITIONER

3.1 Claim that LN. 249 of 1963 as trust-land reserved by Government of Kenya as grazing and farming land for natives in Taita Taveta County

The land in question falls inside the southern part of Tsavo West National Park in Taita Taveta County adjoining Kajiado County Boundary. The land measures approximately 3,723 Acres is defined by Boundary Plan 204/28 as an addition to Tsavo National Park in 1970.

Tsavo West National Park was surveyed in 1998 as per approved Survey Plan Folio Register No. 287/34 which includes the land LN. 249 of 1963. This survey was registered as Grant No. C.R 36021 on Title L.R.No. 24360 which includes the land LN. 249 of 1963. Therefore, this land is currently part of Tsavo West National Park and is not Trust land.

3.2 The Community occupied the land until 1982 and relocated due to drought conditions in the area

The use of the land ceased from its previous uses to conservation land use as a protected area since the date and time it was incorporated as part of Tsavo National Park in 1970. Any other occupation within the land since 1970 is therefore, unlawful and amounts to trespass and encroachment into a protected area.

3.3 The Community has been using the land as a traditional shrine for prayers and circumcision until 2022 when they were arrested by KWS for trespassing

The land which is currently part of Tsavo West National Park since 1970 is a Protected Area and any encroachment or human activities inside the Park boundaries amount to trespass as stipulated in the Wildlife Conservation Management Act. Any person who trespasses into a protected area is liable to arrest and prosecution.

3.4 The community is not allowed access to the land on account of it being part of Tsavo West National Park, and a protected area

The Service is mandated to protect the Park from any form of trespass into all Wildlife Protected Areas. This action is aimed at ensuring harmonious human – wildlife co-existence by mitigating possible areas of conflict.

3.5 The land remained Trust Land as at 18th August 2023, based on information obtained from the Director of Land Administration

The Service has not received any official communication from the Ministry of Lands or any other Government office disputing the land as being part of Tsavo West National Park.

3.6 The decision by the Kenya Wildlife Service (KWS) to decline the community's request to utilize the land as a shrine and for grazing purposes.

The Service declined the request because no other land use is permitted in this gazetted National Park apart from Wildlife Conservation and connected purposes. This action is also aimed at ensuring harmonious human – wildlife co-existence by mitigating possible areas of conflict.

3.7 Fencing of the land by KWS

The Service undertakes fencing within the boundaries of the National Park to safeguard both the Wildlife and Communities.

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON PUBLIC PETITION NO. 14 of 2025: REGARDING RECOGNITION AND PROTECTION OF THE TRADITIONAL AND CULTURAL RIGHTS OF THE KIWAYU ISLAND COMMUNITY

1.0 INTRODUCTION

The Ministry of Tourism and Wildlife (MoTW) acknowledges receipt of the petition from the Hon. Member of Parliament for Lamu East Constituency, submitted with the consent of the residents of Kiwayu Village, regarding the following issues:

1. The request for recognition of Kiwayu Island as community land and as the ancestral home of an indigenous community within Lamu East Constituency.
2. The allegation of encroachment by private developers, including the issuance of leases to private investors within the area.
3. The existence of title deeds and alleged irregular land allocations within the Kiunga Marine National Reserve.
4. The proposal for the degazettement of Kiunga Marine National Reserve and its conversion into community land.
5. The request for restoration of land ownership rights to the local residents of Kiwayu Island.

2.0 LEGAL, POLICY AND INTERNATIONAL OBLIGATIONS

2.1 *Constitution of Kenya 2010*

Article 62 describes Public Land to include *inter alia* government forests other than Community forests, game reserves, water catchment areas, National Parks, government animal Sanctuaries and specially Protected Areas. Kiunga Marine National Reserve, within which Kiwayu Island is located is a gazetted special Marine Protected Area within Lamu County.

2.2 *Wildlife Conservation and Management Act, 2013*

This legislation mandates KWS to manage and conserve all National Parks and Reserves, including Marine Protected Areas established under this Act.

Section 37 of the Wildlife Conservation and Management Act, 2013 provides for variation of boundaries or revocation of a National Reserve. It stipulates that a variation of the National Reserve or declaration of a wildlife conservation area shall cease to be a National Reserve or change the status from a National Reserve shall

only be considered by the Cabinet Secretary where a proposal is recommended by the relevant County Government after consultation with the National Land Commission and the Service in accordance with subsection (2) and is subsequently approved by a resolution of parliament. The relevant County Government, The National Land Commission and the Service shall not recommend any such proposal unless they are satisfied that such variation of the boundary or cessation of National Reserve proposed by the notice shall not: -

- (i) endanger any rare, threatened or endangered species;
- (ii) Interfere with the migration and critical habitat of the wildlife;
- (iii) Adversely affect its value in provision of environmental goods and services, and,
- (iv) prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes.

Further, the proposal for variation/cessation needs to be subjected to an Environmental Impact Assessment in accordance with the provisions of the Environmental Management and Coordination Act, 1999; and public consultation in accordance with the Fourth Schedule has to be undertaken in relation to the proposal.

Therefore, any variation of boundary, degazettement or excision within Kiunga Marine National Reserve will require adherence to or otherwise amendment of this law.

2.3 National Land Commission Act, 2012

Pursuant to Article 67(2) of the Constitution part 2 section (1) of NLC Act, 2012 the Commission, among other functions, shall manage public land on behalf of both National and County Government as well as conduct research related to land and the use of natural resources, make recommendations to appropriate authorities and give consent for alienation of any public land by the National and County Government according to article 67(3) of the constitution.

2.4 Land Act, 2013

Part 2 of the Land Act, 2012 Section 11 on conservation of ecologically sensitive public land shall be maintained by the Commission and consult existing institutions dealing with conservation. The Commission shall identify areas that are within

Public land and demarcate and take any justified action on those areas and act to prevent environmental degradation and climate change.

Part 2 section 19 subsection (1) and (2) contains rules and regulations for the Commission to protect critical ecosystem and involve stakeholders in management and utilization of land based natural resources.

2.5 International Recognition and Obligations

Internationally, in 1980, under the UNESCO's Man and Biosphere (MAB) Programme, Kiunga Marine National Reserve was declared as a UNESCO Biosphere Reserve. The entire Reserve was recognized for its international importance particularly for its unique biodiversity including seagrass beds, coral reefs and the largest mangrove ecosystem in Kenya and forms part of the larger biodiversity hotspot in the Western Indian Ocean.

3.0 RESPONSE TO MATTERS RAISED BY THE PETITIONER

3.1 Establishment of Kiunga Marine National Reserve and Location of Kiwayu Island

Kiunga Marine National Reserve was established on 11th June 1979 vide legal Notice No. 291 of 26th October 1979 under the Boundary Plan No.216/39. The Reserve covers **25,000 Hectares** south of the Kenya–Somalia border in Lamu County. Therefore, Kiunga Marine National Reserve is a gazetted marine protected area. This Marine Protected Area is also a recognized **UNESCO Biosphere Reserve** with a 60 km coral reef barrier, seagrass beds, supporting endangered dugongs, sea turtles, and massive seabird colonies. It has the largest mangrove ecosystem in Kenya and outstands as part of the larger **biodiversity hotspot** in the **Western Indian Ocean**.

Approximately 51 Islands exist within the Kiunga Marine National Reserve boundary. ***Kiwayu is one of the islands within this larger Kiunga Marine National Reserve Boundary.*** Kiwayu Island occupies an approximate area of **465 Hectares** and has villages inhabited by human settlements and their ancillary land uses.

3.2 Recognition of Kiwayu Island as Community Land

The island has been home to an indigenous Swahili/Bajuni community whose livelihoods depend on artisanal fishing,

mangrove conservation and sustainable marine resource management. The Service has consistently supported harmonious co-existence of the indigenous communities and marine wildlife conservation initiatives within Kiwayu and entire Reserve.

3.3 Alleged Encroachment by Private Developers

Kiwayu Island has attracted tourism investors who have developed tourist hotels and accommodation facilities within the Island. Most of these investors have collaborated with local community groups and individuals and do not engage KWS for any formal leasing arrangement. Therefore, there are no existing leases between KWS and current investors within Kiwayu Island.

3.4 Existence of Title Deeds and Irregular Land Allocations

Some irregular land allocations occurred in parts of the Reserve from 1994. The Service has been pursuing cancellation of these allocations. All these irregular land allocations within the Reserve have been reported to relevant authorities for action including Ministry of Lands, National Land Commission and EACC. The Service is currently pursuing the cancellation of the illegal allocations and titles.

The Service has prepared a current Management Plan, covering year 2025 -2035, for Kiunga Marine National Reserve. The Plan was prepared through a consultative process where existence of human settlements by indigenous Communities in Kiwayu Island was recognized and plan proposals made towards promoting co-existence between the communities and marine wildlife conservation.

3.5 Proposal for Degazettement of Kiunga Marine National Reserve

Any degazettement of Kiunga Marine National Reserve would require parliamentary approval, a comprehensive environmental impact assessment, and due consideration of national and international wildlife conservation interests and commitments. The Ministry and the Service do not support degazettement as it would pose serious risks to ecological integrity of the Reserve and the potential for an adverse precedent affecting other protected areas.

3.6 Restoration of Land Ownership Rights to Local Residents

X The Service is ready to engage with the other relevant agencies and stakeholders to establish a possible road map towards conferring rights of land ownership to the local indigenous community settlers in Kiwayu Island while ensuring co-existence of the communities and marine protected ecosystem.

Reserve Park - only animals
Marine - both
70 title deed
3.4



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

COMMISSION'S RESPONSE TO THE PUBLIC PETITIONS COMMITTEE

PARLIAMENT BUILDINGS

TUESDAY, 10TH MARCH 2026

BY:

KABALETACHE ARERO, MBS,

COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER



NATIONAL LAND COMMISSION
*Office of the Secretary/
Chief Executive Officer*



National Land Commission, 316 Upperhill Chambers, 2nd Ngong Avenue, off Ngong Road
P.O. Box 44417 - 00100, Nairobi-KENYA, Tel: 0111042800, Email: info@landcommission.go.ke
Website: www.landcommission.go.ke

REF: NLC/NA/PPC/2026/03(1)

9th March, 2026

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear

Clerk,

**RE: INVITATION TO A MEETING WITH THE PUBLIC PETITIONS
COMMITTEE**

Reference is made to your letter Ref. NA/DAA&GPC/PPC/2026/014 dated **18th February 2026** inviting the National Land Commission to appear before the Public Petitions Committee on **Tuesday, 10th March 2026 at 11:30 a.m.** to make submissions on the petitions listed therein.

The Commission appreciates the importance of the matters before the Committee and the invitation to appear. However, we regret to inform you that the Commission was unable to attend the scheduled meeting due to unavoidable official commitments. We sincerely apologize to the Committee for the absence.

Nevertheless, the Commission has prepared and hereby submits its written responses to the matters raised in the petitions for the Committee's consideration. Should the Committee require any clarification on the submissions made, the Commission remains available to provide further information or to appear before the Committee at a future date as may be directed.

Yours

Kabale Tache Arero, MBS

7 SECRETARY/CEO.

Encls

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

Honourable Chair,

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

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

RESPONSES

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

PETITIONERS CLAIM

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

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

OUR RESPONSE

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

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

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

Honourable Chair:

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

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

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

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

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

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

OUR RESPONSE

Background

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

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

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

Role of APEC Consortium

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

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

Legal Framework Governing Compulsory Acquisition

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

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

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

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

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

Status of the Acquisition

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

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

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

Compensation Status

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

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

Commission's Position on the Petition

Honourable Chair:

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

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

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

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

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

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

PETITIONERS CLAIM

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

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

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

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

OUR RESPONSE

Honourable Chair and Committee Members

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

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

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

PETITIONERS CLAIM

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

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

OUR RESPONSE

Honourable Chair and Committee Members

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

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

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

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

PETITIONERS CLAIM

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

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

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

OUR RESPONSE

Honourable Chair and Committee Members

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

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

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

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

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

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

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

PETITIONERS CLAIM

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

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

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

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

OUR RESPONSE

Honourable Chair and Committee Members

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

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

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

PETITIONERS CLAIM

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

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

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

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OUR RESPONSE

Honourable Chair and Committee Members

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

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

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

PETITIONERS' CLAIM

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

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

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

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

OUR RESPONSE

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

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

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

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

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

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

CONCLUSION

Honourable Chairpersons and Honourable Members,

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

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

Honourable Chairpersons and Honourable Members, I submit.


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

Encl