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THE SENATE

2<sup>ND</sup> SESSION

Approved  
~~W. N. Njiru~~  
03.11.2023.

THIRTEENTH PARLIAMENT

THE REPORT OF THE SENATE STANDING COMMITTEE ON LAND,  
ENVIRONMENT AND NATURAL RESOURCES

ON

PETITION BY RESIDENTS OF LAIKIPIA WEST CONSTITUENCY  
REGARDING DEGAZETTEMET OF LAND REFERENCE NO. 12493

2023

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## LIST OF ABBREVIATIONS/ ACRONYMS

COK	-Constitution of Kenya
CS	- Cabinet Secretary
EIA	-Environmental Impact Assessment
FCMA	-Forest Conservation and Management Act
KFS	- Kenya Forest Service
LR	- Land Reference
MECCF	-Ministry of Environment Climate Change & Forestry
MLPWHUD	- Ministry of Lands Public Works Housing & Urban Development
NEMA	- National Environment Management Authority
NLC	- National Land Commission

## PREFACE

**Mr. Speaker sir,**

The Standing Committee on Land, Environment and Natural Resources is established pursuant to standing order 228(3) of the Standing Orders of the Senate. As set out in the Fourth Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

### **Committee Membership**

The Committee comprises of the following Members.

1. Sen. John Muhia Methu, MP - **Chairperson**
2. Sen. (Dr) Steve Lelegwe Ltumbesi, MP - **Vice-Chairperson**
3. Sen. William Cheptumo Kipkiror CBS, MP
4. Sen. Johnes Mwashushe Mwaruma, MP
5. Sen. Issa Juma Boy, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Wamatinga Wahome, MP
8. Sen. Mariam Sheikh Omar MP
9. Sen. Beatrice Akinyi Ogola, MP

At a sitting of the Senate, The Rt Hon Speaker reported to the Senate a Petition that was submitted by Mr. Charles Waikwa and others, concerning the delayed degazettement of LR 12493 situated West of Rumuruti Township in Laikipia County.

The petition before the Senate concerns the delayed degazettement of forest land LR 12493 situated in West Rumuruti Township in Laikipia County, where the Kenya Forest Service approached Mr. Kinga wa Mwendia, the owner of parcel of land LR.No.2467/1, with the view to acquire the land for expansion of Lariak Forest and offered to compensate him with an alternative parcel of land from Rumuruti Forest. In 1980, Mr. Mwendia surrendered the original title documents in respect of land LR. No. 2467/1 to the Kenya Forest Service which was transferred to the Government and gazetted as forest land. A grant was issued on freehold basis by the Commissioner of

Lands to Mr. Mwendia for parcel of land LR No.12493, which was to be degazetted as forest land. The Kenya Forest Service has failed to formally degazette parcel of land, LR. No.12493 contrary to the agreement with Mr. Mwendia and that this failure has a resultant effect on the area being under-developed by the county government in terms of infrastructure and social amenities.

The Petitioners pray that -

- I). The Committee investigates the matter with a view to fast track the degazettement of the parcel of land L.R No. 12493 situated west of Rumuruti Township in Laikipia County.
- II). The committee intervenes in the matter to ensure that the County Government of Laikipia includes this area in its annual development plans and allocates budgets for establishment of social amenities, construction, grading and maintenance of infrastructure projects for equality and inclusivity.

Pursuant to standing order 238(1) and the Fourth Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) of the Petition to Parliament (Procedure) Act and standing order 238(2) of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioners within the prescribed period.

To facilitate a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard, the Committee invited the Petitioners to a meeting of the Committee for the Petitioners to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same.

The Committee proceeded to invite the Cabinet Secretaries of the MLPWHUD and MECCF and the Chairperson, National Land Commission, to address the issues raised in the Petition.

## ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, National Land Commission, Ministry of Environment Climate Change & Forestry and the Ministry of Lands Public Works Housing & Urban Development for their submissions and contribution to the resolution of this matter.

**Mr. Speaker Sir,**

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition concerning delayed degazettement of LR No. 12493 located in West of Rumuruti Township, Laikipia County.

Signed: .......... Date: 31/10/2023.....

**SEN. JOHN MUHIA METHU, M.P.**

**CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,  
ENVIRONMENT AND NATURAL RESOURCES**

## CHAPTER I

### 1.1 INTRODUCTION

1. At the sitting of the Senate held on 11<sup>th</sup> April, 2023, the Rt. Hon Speaker, reported to the Senate a Petition on behalf of Mr. Charles Waikwa and five other Petitioners, concerning the delayed degazettement of LR 12493 situated in West of Rumuruti Township Laikipia County.

#### 1.12 Underlying Constitutional and Statutory Provisions

2. **Article 1(1) and (2)** of the Constitution, vests all sovereign power in the people of Kenya and shall be exercised only in accordance with the Constitution.
3. **Article 1(3) (a)** of the Constitution delegates sovereign power of the Constitution to, *inter alia*, Parliament and the legislative assemblies in the county governments.
4. **Article 37** of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while **Article 119(1)** of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”
5. **Article 40 (3)(b)(i)** of the Constitution provides that the state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation- is for a public purpose or in the public interest and is carried out in accordance with the Constitution and an Act of Parliament that requires prompt payment in full or just compensation to the person.
6. **Article 60(1)(b)** of the Constitution further provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable

and according to the principle of security of land rights.

7. Under **Article 62(1)(g) & (3)** of the Constitution, public land including government forests and shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.
8. Under **Article 67(2)** of the Constitution, the National Land Commission is mandated to manage public land on behalf of the national and county governments.
9. The Forest Conservation and Management Act, No. 34 of 2016 currently enforces Article 69 of the Constitution concerning forest resources. Under section 8(m) of this Act, the Kenya Forest Service has the authority to consider and recommend to the Cabinet Secretary the determination and alteration of boundaries of public forests.
10. Section 34 of the Act further provides that any person may submit a petition to the National Assembly, to recommend a proposal to vary the boundary or revoke the registration of a public forest.
11. A petition submitted under section 34 of the Forest Conservation and Management Act shall—
  - (a) be forwarded to the National Assembly on the recommendation of the Kenya Forest Service;
  - (b) be in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the National Assembly;
  - (c) within thirty days of being committed to the relevant Committee, the Cabinet Secretary responsible for matters relating to forestry shall submit a recommendation on whether the petition should be approved, subject to the petition being subjected to an Independent Environmental Impact Assessment and public consultation being undertaken in accordance with the Forest

Conservation and Management Act;

12. Section 34(6) provides that if the resolution of the relevant committee disclosing a ground for variation of the boundaries of a public forest, is supported by a majority of the members of the National Assembly, the Cabinet Secretary shall publish a notice in the *Kenya Gazette*.

13. Section 36 of the Forest Conservation and Management Act allows for the exchange of forest areas with private land under certain conditions.

(a) The Kenya Forest Service has the authority to exchange part of a forest area with private land, but this must be done:

- i. with the consent of the private landowner;
- ii. in consultation with pertinent government agencies and stakeholders;  
and,
- iii. with the approval of the Cabinet Secretary.

14. The conditions for such an exchange are:

- (a) The exchange must promote efficient forest management and protection.
- (b) The exchange must be fair to both the Service and the landowner, as determined by an independent valuation.
- (c) An independent Environmental Impact Assessment must indicate that the exchange won't negatively impact the environment.
- (d) The forest portion being exchanged should not have any rare or endangered species and must not be crucial for water resources, like catchment areas or spring sources.

15. Additionally, KFS can buy land suitable to be designated as a public forest with the approval of the Cabinet Secretary. All purchases or exchanges require prior public consultation as detailed in the Second Schedule of the Act.

### 1.13 The Petition

16. This Petition relates to the failure by the Kenya Forest Service to degazette parcel of land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County. This was to be done in the year 1976 following an exchange of the said parcel of land with L.R. No. 2467/1 situated at Lariak in Laikipia West Constituency, Laikipia County.

17. While parcel of land L.R. No. 2467/1 was privately owned and not gazetted as forest land, the Kenya Forest Service approached the owner of the land, Mr. Kinga wa Mwendia, with a view to acquiring it for expansion of Lariak Forest. In the discussions that ensued, it was agreed that, instead of paying for the land, the Kenya Forest Service would compensate Mr. Mwendia by allocating him an alternative parcel of land to be excised from Rumuruti Forest, also in Laikipia County.

18. The framework agreed at the time between the Chief Conservator of Forests, the Commissioner of Lands, and Mr Mwendia was that –

- (a) Mr. Mwendia would surrender to the Kenya Forest Service the original Title documents in respect of L.R. No. 2467/1;
- (b) the Kenya Forest Service would excise and de-gazette the part of Rumuruti Forest to be allocated to Mr. Mwendia;
- (c) the Commissioner of Lands would allocate the said parcel to Mr. Mwendia and issue him with a Grant for the land; and
- (d) L.R. 2467/1 would then be transferred to the Government and gazetted as forest land.

19. From the available records, the Chief Conservator of Forests did write to the

Commissioner of Lands on 7<sup>th</sup> January, 1977 –

- (a) requesting the Commissioner for Lands to register L.R. No. 2467/1 in favor of the Government to enable the Kenya Forest Service to gazette it;
- (b) instructing the Divisional Forest Officer to immediately take possession of the said L.R. No. 2467/1;
- (c) authorizing the Divisional Forest Officer to immediately issue a license to Mr. Mwendia to occupy and develop the identified piece of Rumuruti Forest, pending formal excision and processing of the Grant; and
- (d) indicating that the excision was being processed and would take a little time.

20. Pursuant to the said agreement, it's alleged that by the Petitioner that Mr. Mwendia surrendered the original title documents in respect of L.R. No. 2467/1 to the Kenya Forest Service and it was transferred to the Government and gazetted as forest land. The parcel of land identified at Rumuruti Forest was also excised and a grant thereon issued by the Commissioner of Lands in favour of Mr. Mwendia, on 16<sup>th</sup> September, 1980. The parcel was allocated Land Reference No. 12493.

21. Notably, the said grant was issued on freehold basis and had no special conditions enumerated thereon. Additionally, it did not make any reference to the said land comprising forest land.

22. Contrary to the agreement that formed the basis for the exchange of the two parcels of land, the Kenya Forest Service failed to formally degazette parcel of land L.R. No. 12493 and has failed to do so to date, despite the efforts of Mr. Mwendia and his successors in title from 1980 to date. On the other hand, the Kenya Forest Service took possession of and fenced off the said LR. No. 2467/1 which became part of Lariak Forest.

23. Land Reference No.12493, measuring approximately 370 acres, has since been subdivided into many smaller parcels of land and transferred multiple times over the

past 43 years. Upon subdivision, the parcel of land was issued registration section Salama/Salama Block II. The Ministry of Lands has always processed the transfers and issued Title Deeds thereon, on freehold basis, to the transferees.

24. The agricultural activities taking place thereon have been the economic life stay of the area, and the County Government of Laikipia generates substantial revenue from cess collected on farm produce being delivered to markets.

25. However, since the Kenya Forest Service has failed to formally degazette the land as forest land, the National and county governments have failed to undertake any development activities thereon such as –

- (a) grading and maintenance of the roads cutting across the 370-acre farm, despite the roads being clearly demarcated on the survey plans for the land;
- (b) constructing the roads and bridges that would connect the land to adjacent parcels and to key public roads;
- (c) connection of the land to electricity or piped water,
- (d) construction of schools, dispensaries or other public amenities, despite provision for these amenities having been made during subdivision of the land;
- (e) construction of government administrative or security offices or deployment of officers in the area, thus exposing the farmers and residents to lawlessness as evidenced by the numerous security incidents reported; and
- (f) consideration of the farm/ area whenever national and county development plans are being prepared and the allocation of budget.

26. The petitioners indicated that they have made efforts to have these matters addressed by the relevant authorities, at both the national and county levels, all of which have failed to give a satisfactory response.

27. None of the issues raised in this Petition is pending in any court of law, constitutional or any other legal body.

28. The petitioners pray that the Senate urgently investigates this matter and –

- (a) directs the Chief Conservator of Forests to degazette parcel of land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County;
- (b) recommends that the relevant agencies of the National and county governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and
- (c) recommends that the County Government of Laikipia includes the farm in preparation of the county integrated and annual development plans and allocates budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.

## 1.2 LEGAL BASIS FOR PETITIONS

29. Petitions to the Senate are governed by the Constitution, the Petitions to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.

30. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”

31. Section 5(2) of the Petitions to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, standing order 238 of the Senate Standing Orders provides as follows-

### *238. Committal of Petitions*

*(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*

*(2) Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*

32. Standing order 239 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 238 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

## CHAPTER 2

### 2.1 CONSIDERATION OF THE PETITION

#### 2.1 1 Approach taken by the Committee

33. In considering the Petition, the Committee observed that it would be important to verify the facts alleged in the Petition and therefore resolved to conduct an inquiry on the issues raised therein.

34. The Committee received the petition from the Petitioner through the House and further met with the Petitioners and also invited the Cabinet Secretaries of the MECCF and MLPWHUD and the Chairperson NLC, who gave written responses to the Committee.

#### 2.1 2 Petitioners Submissions

35. Vide a letter REF: SEN/DSEC/LENR/3/2023(52) dated 2<sup>nd</sup> May, 2023, the Committee invited the Petitioners to physically appear before the Committee on Wednesday, 10<sup>th</sup> May, 2023. The Petitioners appeared before the Committee as invited and defended their petition.

#### 2.1 3 Responses by the Cabinet Secretary, Ministry of Lands Public works housing and urban development

36. Vide a letter REF: SEN/DSEC/LENR/3/2023/(56) dated 25<sup>th</sup> May 2023, the Committee invited the Cabinet Secretary Ministry of Lands Public works Housing and Urban Development to physically appear before the Committee on 10<sup>th</sup> May, 2023. The Principal Secretary, Ministry of Lands Public Works Housing and Urban Development appeared before the Committee on 10<sup>th</sup> May, 2023 and made the following submissions:

37. The Ministry informed the Committee that the land in question, 127.3 hectares, was registered on November 15, 1973 in favour of Kinga wa Mwendia on freehold tenure. (a copy of the title IR 26653 is provided as **Annexure 11 of the Ministry's Submissions**).
38. According to the records with the Ministry, on June 8, 1976, the then chief conservator of forests wrote to the Commissioner of Lands regarding the exchange of L.R No. 2467/1 owned by Kinga wa Mwendia, with a portion of Rumuruti forest (**Annexure 12 of the Ministry's Submissions**). The then Commissioner of Lands thereby directed that Kinga surrenders LR 2467 as public forest land and the then Ministry of Natural resources de-gazette the portion of land in Rumuruti forest to be allocated to Kinga. (**Annexure 13 of the Ministry's submission**)
39. In 1980, a surrender of LR 2467/1 to the Government was registered as per the Memorandum of Registration of Transfer of Lands. (**Annexure 14 of the Ministry's submission**)
40. By a copy of grant IR 34964 dated October 14, 1980 (**Annexure 15**), LR 12493 measuring approximately 149.1 hectares was registered in favor of Kinga, being an excision of Rumuruti forest, in exchange of the surrendered LR 2467/1.
41. Thereafter, Kinga wa Mwendia applied for subdivision (**Annexure 16** is a copy of the scheme plan) of LR 12493, which was approved by the then Chairman for the Central Authority through a letter Ref 101842/63 dated May 29, 1991. The application for subdivision was to create –
- (a) 33 agricultural plots;
  - (b) 13 commercial residential plots;
  - (c) a school of 4.05 hectares;
  - (d) a nursery school of 0.36 hectares;
  - (e) a church of 0.36 hectares;

- (f) a dispensary of 0.53 hectares;
- (g) an open space of 0.36 hectares; and,
- (h) a cattle dip of 0.405 hectares.

42. Finally, the MLPWHUD submitted that the issues raised in the Petition were beyond the mandate of the Ministry and sought to guide the committee to seek further redress with the MECCF for degazettement and the County Government of Laikipia for development planning of the area.

#### **2.1 4 Responses by the National Land Commission**

43. The Chairperson informed the Committee that the issue has been long standing for over four decades and sought to have the Commissioner of Lands and the Chief Conservator of Forest to effect degazettement of LR 12493. The Chair further averred that, section 34 of the Forest Conservation and Management Act 2016 provides for the procedure to be followed in variation of public forest boundaries. The Commission in their response indicated that, the actors in this matter are the CS in charge of environment, Senate or National Assembly. The Petitioners in this case have done the right thing by petitioning the Senate. It is now upon Senate to engage with the CS in charge of Environment on the process. If the request for degazettement is approved and gets executed, a request to effect the land exchange should be forwarded to the NLC. Land exchange is anchored under Regulation 33, of the Land (Allocation of Public Land) Regulations, 2017.

#### **2.1 5 Response by the Cabinet Secretary MECCF and the Kenya Forest Service.**

44. The Committee received consolidated responses from the MECCF and the Kenya Forest Service as follows;

45. Rumuruti forest was gazetted vide proclamation no. 44 of 1932 (Annex 1) and covers an area of 6,366.9 Ha (approx.) It was declared a Central Government Forest via Legal Notice No. 174 of 20th May 1964. (Annex 2);

46. Lariak forest was gazetted vide proclamation no. 44 of 1932 (Annex 3) and later declared a Central Forest via Legal Notice No. 174 of 20<sup>th</sup> May, 1964. (Annex 4) Currently Lariak covers an area of 4,998.2 Ha (approx.). In 1976, a land exchange program was mooted between Mr. Patrick wa Mwendia Kinga and Kenya Forest Service. Mr. Kinga was to cede his land in Lariak Settlement Scheme to Kenya Forest Service, then Forest Department, for an equivalent land in Rumuruti forest reserve. (Annex 5). The Ministry informed the committee that in 1976 a land exchange program was proposed between Mr. Kinga wa Mwendia and the KFS, whereby Kinga was to cede his private land in Lariak settlement scheme to the then Forest department for an equivalent land in Rumuruti forest reserve. (**Annexure 5 of the Ministry's submission**)
47. Further, the identified parcels of land were surveyed and Boundary Plans (BPs) were drawn to aid in the exchange process. BP No. 175/222 and BP No. 175/225 for excision and addition respectively were authenticated by the director of surveys in the Ministry of Lands (**Annexure 6 &7 of the Ministry's submission**)
48. The Ministry informed the committee that Kinga took possession of the surveyed land as per FR No. 142/108 (**Annexure 8**) of LR No. 246/1 measuring 127.3Ha and thereby registered as LR No. 12493 measuring 149.1Ha. The ceded land to KFS at Lariak was defined by FR No. 128/23 (**Annexure 9**).
49. Mr Patrick Kinga sold parcel of land LR No. 12493 to a group of 34 people and the land was demarcated and titles issued to individual group members (**Annexure 10: Report**)
50. The Ministry further indicated that the former private land belonging to Kinga in Lariak had not been gazetted as a forest area, however, the KFS took possession and established infrastructure which included a forest office.

51. As per the Ndungu Land Commission Report it was recommended that the title for parcel of land LR No. 12493 be revoked (and reasons provided on **Annexure 11**).

52. The summary on the status of the proposed exchange of part of Rumuruti & L.R. No. 2467/1 (adjacent to Lariak Forest) is as tabulated here below:

NO	FOREST BLOCK	L.R. NO.	BENEFICIARY	AREA (Ha)	BP NO. & FR NO.	YR	STATUS	REMARKS
1.	Lariak	2467/1	Kenya Forest Service	127.3	BP 175/225 & F/R 128/23	No. 1976	Addition to Lariak forest	The exchange transaction is not complete
2.	Rumuruti	12493	Kinga wa Mwendia	149.1	BP 175/222 & F/R 142/108	No. 1976	Excision from Rumuruti forest	The exchange transaction is not complete

53. Lariak and Rumuruti forest blocks have helped to stabilise the Central Highlands Forest ecosystem and its environs. It forms the water catchment area of River Ewaso Nyiro among others. The Lariak Forest ecosystem is vital to address the effects of climate change adaptation, mitigation and resilience to the communities in Laikipia County and the neighbouring Counties and beyond.

**In response to the Petitioners prayers the Ministry submitted that -**

- i. Direct the Chief Conservator of Forests to degazette parcel of Land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County.*

54. The process for alteration of Forest Boundary/ de-gazettment is described in detail in Section 34 of the Forest Conservation and Management Act, 2016. Thus, the Law provides that a petitioner or any person, may petition the National Assembly or the Senate to institute the process that leads to de-gazettement.

ii. *Recommends that the relevant agencies of the National and County Governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and*

55. In undertaking a land exchange Process, as provided under section 36 of the Forest Conservation and Management Act, 2016 the relevant government agencies take part in ensuring that the necessary infrastructure is established.

iii. *Recommends that the County Government of Laikipia includes the farm in preparation of the County Integrated and annual development plans and in allocating budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.*

56. Similarly, in undertaking a land exchange process, as provided under section 36 of the Forest Conservation and Management ACT, 2016 the relevant/ county government takes part in ensuring that the necessary infrastructure is established.

57. The process of land exchange programme is provided in section 36 of the Forest Conservation and Management Act, 2016 as follows:

**Exchange or outright purchase of private land and conversion to public forest land.**

58. This procedure is contained in section 36(1) of the Forest Conservation and Management Act, 2016. A simple summary of the requirements is that there has to be approval of the CS and public participation, which public participation must adhere to the requirements set out in the second schedule to the Act. This requirement is

stipulated in section 36(3) of the FCMA 2016 which states that no **purchase** or **exchange** shall be transacted without public participation.

59. The public participation requirements as per the second schedule (specific to KFS) are broken down as follows:

- (a) KFS shall be required to publish a notice about the proposal in the Kenya Gazette, two newspapers of nationwide circulation, one local newspaper circulating in the locality of the particular forest, and one radio station that broadcasts in that locality.
- (b) The notice should set out a summary of the proposal, as well as the premises at which the details of the proposal may be inspected invite written comments on or objections to the proposal to be submitted to KFS, and thereafter specify the date by which such comments are required to be received i.e. deadline. This deadline should be at least **sixty days from the date of the first publication of the notice.**
- (c) KFS is also required to make arrangements for the public to obtain copies, at a reasonable cost, of documents relating to the proposal.
- (d) KFS should consider any written comments or objections received on or before the deadline date mentioned above, as well as any comments, whether in writing or not, received at any public meeting held about the proposal at which KFS was represented, or under any other invitation, to comment.
- (e) KFS shall then, in the same manner as paragraph 1, publish the notice regarding the final decision about the proposal.

- (f) The last requirement is optional, about hosting a public meeting's may or may not host a public meeting in which the comments of the public shall be considered. The same is, of course, dependent on the importance of the issue at hand.
- (g) Note that section 36(1) of the FCMA 2016 speaks of an EXCHANGE of private land with public forest land, which will require public participation and additionally requires the following:
- i. Consultation with the relevant government agencies (NLC, County Government )
  - ii. An independent EIA Report
  - iii. An independent valuation of the land to ensure that the exchange is equitable both to service and the landowner, and
  - iv. Confirmation that the forest area to be exchanged is not a water catchment area, a spring source, or does not contain any rare or endangered species.

### **Observations and Recommendations**

60. It is clear the exchange process has not been finalised thus the available title deeds are null and void and should be recommended for revocation. It is necessary that a technical team be constituted and facilitated to enable finalization of the exchange programme. The proponent to initiate and follow the legal process.

### 3.1 ISSUES FOR CONSIDERATION

61. The Committee identified the following as the key issues arising from the Petition-

- 1). *Whether the Petitioners are justified in their quest for justice following the delayed degazettement of L.R. No. 12493, situated West of Rumuruti Township in Laikipia County*

**The petitioner submitted evidence as follows:**

62. The petitioners allege that this was to be done in the year 1976 following an exchange of the said parcel of land with L.R. No. 2467/1 situated at Lariak in Laikipia West Constituency, Laikipia County.

63. While parcel of land L.R. No. 2467/1 was privately owned and not gazetted as forest land, the Kenya Forest Service approached the owner of the land, Mr. Kinga wa Mwendia, with a view to acquiring it for expansion of Lariak Forest. In the discussions that ensued, it was agreed that, instead of paying for the land, the Kenya Forest Service would compensate Mr. Mwendia by allocating him an alternative parcel of land to be excised from Rumuruti Forest, also in Laikipia County.

**The Ministry of ECCF responded as follows:**

64. Lariak forest was gazetted vide Proclamation No. 44 of 1932 (Annex 3) and later declared a Central Forest via Legal Notice No. 174 of 20<sup>th</sup> May, 1964. (Annex 4) Currently Lariak covers an area of 4,998.2 Ha (approx.). In 1976, a land exchange program was mooted between Mr. Patrick wa Mwendia Kinga and Kenya Forest Service. Mr. Kinga was to cede his Land in Lariak Settlement Scheme to Kenya Forest Service, then Forest Department, for an equivalent land in Rumuruti forest reserve. (Annex 5). The Ministry informed the committee that in 1976 a land exchange program was proposed between Mr. Kinga wa Mwendia and the KFS, whereby Kinga was to cede his private land in Lariak settlement scheme to the then

Forest department for an equivalent land in Rumuruti forest reserve. (**Annexure 5 of the Ministry's submission**)

65. Further the identified parcels of land were surveyed and Boundary Plans (BPs) were drawn to aid in the exchange process. BP No. 175/222 and BP No. 175/225 for excision and addition respectively were authenticated by the director of surveys in the Ministry of Lands (**Annexure 6 & 7 of the Ministry's submission**)

### **Observations of the Committee**

66. The Committee acknowledges that the community has suffered due to procedural delays and emphasizes the need for expediting the necessary approvals. The Committee notes that while the law permits any individual to petition Parliament to commence the process towards de-gazettement, in this particular case, there is a duty on the Ministry of Environment, Conservation, Culture, and Fisheries (MECCF), as the responsible body, to oversee the transition of the land parcels in question to completion. This procedure should be carried out with due regard for the landowners' rights and interests, ensuring they are not adversely affected.
67. The Committee further notes that in the first instance, the MECCF should not have occupied private land that has not been gazetted.

### **II). *The process of the exchange of the two parcels of land between the individual and the Kenya Forest Service and the effect of the subdivisions to smaller parcels and the multiple transfers***

#### **The petitioner submitted evidence as follows:**

68. Contrary to the agreement that formed the basis for the exchange of the two parcels of land, the Kenya Forest Service failed to formally degazette parcel of land L.R. No. 12493 and has failed to do so to date, despite the efforts of Mr. Mwendia and his successors in title from 1980 to date. On the other hand, the Kenya Forest Service

took possession of and fenced off the said LR. No. 2467/1 which became part of Lariak Forest.

69. Land Reference No. 12493, measuring approximately 370 acres, has since been subdivided into many smaller parcels of land and transferred multiple times over the past 43 years. Upon subdivision, the parcel of land was issued Registration Section Salama/Salama Block II. The Ministry of Lands has always processed the transfers and issued Title Deeds thereon, on freehold basis, to the transferees.

**The Ministry of ECCF responded as follows:**

70. Mr. Patrick Kinga sold parcel of land LR No. 12493 to a group of 34 people and the land was demarcated and titles issued to individual group members (**Annexure 10: Report**)
71. The Ministry also confirmed that the former private land belonging to Kinga in Lariak had not been gazetted as a forest area however, the KFS took possession and established infrastructure which included a forest office.

**Observations of the Committee**

72. The Committee observed that it is imperative for the MECCF to accelerate the regularization of transferring the Lariak Forest Block LR No. 2467/1 to Kenya Forest Service through gazettelement and the degazettment. Concurrently, it should hasten the degazettelement of Rumuruti LR No. 12493 to benefit Mr. Kinga wa Mwendia from Rumuruti Forest. Accelerating these processes would provide reassurance to the residents who have already subdivided the land are making improvements to these lands.

**III). Provision of social amenities to the residents residing in the Parcel of Land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County**

**The petitioner submitted evidence as follows:**

73. Since the Kenya Forest Service has failed to formally degazette the land as forest land, the national and county governments have failed to undertake any development activities thereon. As examples –

- (a) the roads cutting across the 370-acre farm have never been graded or maintained, despite being clearly demarcated on the survey plans for the land;
- (b) the roads and bridges that would connect the land to adjacent parcels and to key public roads have not been built;
- (c) the land is yet to be connected to electricity or piped water,
- (d) no schools, dispensaries or other public amenities have been constructed, despite provision for these amenities having been made during subdivision of the land;
- (e) no government administrative or security offices have been constructed or officers deployed in the area, thus exposing the farmers and residents to lawlessness as evidenced by the numerous security incidents reported; and
- (f) the farm/ area is never considered whenever national and county development plans are being prepared and budgets thereon allocated.

**The Ministry of ECCF responded as follows:**

74. In undertaking a land exchange process, as provided under section 36 of the Forest Conservation and Management Act, 2016 the relevant/ county government takes part in ensuring that the necessary infrastructure is established.

75. Clearly the exchange process has not been finalised thus the available title deeds are null and void and should be recommended for revocation. It is necessary that a Technical Team be constituted and facilitated to enable finalization of the exchange programme. The proponent to initiate and follow the legal process.

### **Observations of the Committee**

76. The Committee emphasizes the importance of recognizing the right of the residents residing on the specified land parcels to develop their properties. The Committee recognizes that these residents should not face discrimination, especially considering they possess title deeds and any delays in finalizing the land exchange process are not attributable to them. Consequently, the Committee urges the County Government of Laikipia to guarantee the equitable distribution of social amenities to all inhabitants of Laikipia County, including those who hold property on Land Parcel LR No. 12493.

## CHAPTER 5

### COMMITTEE OBSERVATIONS

#### **Prayer One:**

Direct the Chief Conservator of Forests to degazette parcel of Land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County.

The Committee observes that:

1. The process for alteration of Forest Boundary/ degazettement is described in detail in Section 34 of the Forest Conservation and Management Act, 2016, which provides that any person may petition Parliament to institute the process that leads to degazettement of forest land. Therefore, the Committee notes that there is need for the MECCF to take responsibility and ensure that the relevant processes towards ensuring a solution to the current impasse commences.
2. In accordance with section 34 of the FCMA, a petition may be presented to Parliament for the boundary variation or revocation of public forests. However, no evidence was submitted indicating that this process had been initiated. Further, an Environmental Impact Assessment Report and evidence of public participation was not submitted before the Committee.
3. The land at Lariak has not yet been officially designated as Forest Land through gazettement. Therefore, expedited action is required to formalize its gazettement, in tandem with the degazettement of LR No. 12493.

#### **Prayer Two:**

Recommends that the relevant agencies of the National and County Governments urgently move to put in place the infrastructure, roads, bridges, drainage works,

electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and

The Committee urges the County Government of Laikipia to provide services equally to all residents of Laikipia County as per Article 43 of the Constitution.

**Prayer Three:**

Recommends that the County Government of Laikipia includes the farm in preparation of the County Integrated and annual development plans and in allocating budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.

The Committee notes that all residents within the jurisdiction of the County Government have an equal entitlement to services and developmental initiatives. Accordingly, it is imperative that the County Integrated Development Plan, as well as the County Annual Development Plans, encompass developmental projects that span the entirety of the county. This ensures that no specific areas are unjustly favoured to the exclusion of others.

## CHAPTER 6

### COMMITTEE RECOMMENDATIONS

**The Committee having investigated the matter in accordance with its mandate under the standing order 228(4) of the Senate Standing Orders recommends that:**

1. In accordance with section 36 of the FCMA, the KFS should immediately commence the procedures for:
  - a. The degazettement of the 149.1 Ha(s) segment from Rumuruti Forest, identified as land parcel Rumuruti LR No. 12493; and
  - b. The gazettement of the Lariak Forest Block LR No. 2467/1 of 127.3 Ha(s) as forest land, being an addition to Lariak Forest.
2. The County Government of Laikipia should embark on ensuring services are offered to the occupants of LR No. 12493, in compliance with Article 43 of the Constitution. This includes the integration and synchronization of the County Integrated Development Plan and the Annual Development Plans, with a view to facilitating development in the area.
3. The Committee recommends that the MECCF submits a report to the Committee detailing the progress made on the de-gazettement and gazettement processes within three (3) months following the tabling of this Report in the Senate.

## APPENDICES

### ANNEX I: MINUTES OF THE MEETINGS

#### Annex I -

- a. Minutes of the 16<sup>th</sup> sitting held on Wednesday, 10<sup>th</sup> April, 2023 – Meeting with the Petitioners;
- b. Minutes of the 17<sup>th</sup> sitting held on Wednesday, 10<sup>th</sup> May, 2023 – Meeting with the MLPWHUD and NLC
- c. Minutes of the 29<sup>th</sup> sitting held on Thursday, 3<sup>rd</sup> August, 2023 – Meeting with the MECCF
- d. Minutes of the 46<sup>th</sup> sitting held on Thursday, 26<sup>th</sup> October, 2023 – Consideration of the Committee Report on the Petition.
- e. Minutes of the 50<sup>th</sup> sitting held on Saturday, 28<sup>th</sup> October, 2023 – Adoption of the Committee Report on the Petition.

**ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS**

**Annex II (A)** – MECCF Submissions responding to the Petition

**Annex II (B)** – MLPWHUD Submissions responding to the Petition

**Annex II (C)** – NLC Submissions responding to the Petition

### **ANNEX III: SUBMISSIONS BY THE PETITIONER**

**Annex III (A)** – Petition as tabled in the Senate

**Annex III (B)** – Submissions presented by the Petitioner as evidence backing their  
Petition

**ANNEX I: MINUTES OF THE MEETINGS**



**MINUTES OF THE FIFTYITH (50<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 28<sup>TH</sup> OCTOBER, 2023 IN THE CLUB HOUSE, ENASHIPAI RESORT, NAIVASHA AT 2:00 PM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 3. Sen. Issa Juma Boy, MP            | - Member      |
| 4. Sen. Mariam Sheikh Omar, MP       | - Member      |
| 5. Sen. Wamatinga Wahome, MP         | - Member      |
| 6. Sen. Agnes Kavindu Muthama, MP    | - Member      |
| 7. Sen. Beatrice Akinyi Ogola, MP    | - Member      |

**ABSENT WITH APOLOGIES**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant II     |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III    |
| 3. Mr. Peter Adika    | - Chief Research Officer |
| 4. Ms. Angela Kagunyi | - Legal Counsel II       |
| 5. Ms. Keziah Muthama | - Fiscal Analyst III     |
| 6. Ms. Shirley Milimu | - Audio Officer III      |
| 7. Mr. Ibrahim Odindo | - Serjeant at arms       |

**MINUTE SEN/LENR/286/2023**

**PRELIMINARIES**

The Chair called the meeting to order at 2:21 pm. This was followed by a word of prayer.

**MINUTE SEN/LENR/287/2023**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after having been proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the following sittings;
  - a) *Minutes of the 28<sup>th</sup> sitting held on 2<sup>nd</sup> August, 2023*
  - b) *Minutes of the 29<sup>th</sup> sitting held on 3<sup>rd</sup> August, 2023*
  - c) *Minutes of the 38<sup>th</sup> sitting held on 19<sup>th</sup> September, 2023*
  - d) *Minutes of the 45<sup>th</sup> sitting held on 26<sup>th</sup> October, 2023;*
  - e) *Minutes of the 46<sup>th</sup> sitting held on 26<sup>th</sup> October, 2023;*
  - f) *Minutes of the 47<sup>th</sup> sitting held on 27<sup>th</sup> October, 2023;*
  - g) *Minutes of the 48<sup>th</sup> Sitting held on 27<sup>th</sup> October, 2023; and*
  - h) *Minutes of the 49<sup>th</sup> Sitting held on 28<sup>th</sup> October, 2023.*
4. Matters arising;
5. **Adoption of the Committee Report on the-**
  - a) **Petition by squatters of the Mautuma Central Settlement Scheme regarding the degazettement of 1577.86 Ha of Lugari/Turbo Forest in Kakamega County;**
  - b) **Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493; and**
  - c) **Petition by residents of Chokaa on illegal demolition at Mihang'o, Njiru Chokaa;**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/288/2023**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

1. The Committee confirmed the Minutes of the Twenty Eighth (28<sup>th</sup>) meeting held on Wednesday, 2<sup>nd</sup> August, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
2. The Committee confirmed the Minutes of the Twenty Ninth (29<sup>th</sup>) meeting held on Thursday, 3<sup>rd</sup> August, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
3. The Committee confirmed the Minutes of the Thirty Eighth (38<sup>th</sup>) meeting held on Tuesday, 19<sup>th</sup> September, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
4. The Committee confirmed the Minutes of the Forty Fifth (45<sup>th</sup>) meeting held on 26<sup>th</sup> October, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and

seconded and Sen. Beatrice Ogola, MP respectively.

5. The Committee confirmed the Minutes of the Forty Sixth (46<sup>th</sup>) meeting held on 26<sup>th</sup> October, 2023 after having been proposed and seconded by Sen. Beatrice Ogola, MP and Sen. Johnes Mwaruma, MP respectively.
6. The Committee confirmed the Minutes of the Forty Seventh (47<sup>th</sup>) meeting held on 27<sup>th</sup> October, 2023 after having been proposed and seconded by Sen. Johnes Mwashushe Mwaruma, MP and Sen. Issa Juma Boy, MP respectively.
7. The Committee confirmed the Minutes of the Forty Eighth (48<sup>th</sup>) meeting held on 27<sup>th</sup> October, 2023 after having been proposed and seconded by Sen. Johnes Mwashushe Mwaruma, MP and Sen. Agnes Kavindu Muthama, MP respectively.
8. The Committee confirmed the Minutes of the Forty Ninth (49<sup>th</sup>) meeting held on 28<sup>th</sup> October, 2023 after having been proposed and seconded by Sen. Issa Juma Boy, MP and Sen. Mariam Sheikh Omar, MP respectively.

**MINUTE SEN/LENR/289/2023**

**ADOPTION OF THE COMMITTEE  
REPORTS ON THREE (3)  
PETITIONS BEFORE THE  
COMMITTEE**

1. The Committee having reviewed the draft report on the *Petition by squatters of the Mautuma Central Settlement Scheme regarding the degazettement of 1577.86 Ha of Lugari/Turbo Forest in Kakamega County* recommended that the report be adopted with a recommendation that –

**all the remaining processes that were remaining are fastened and a report on the progress tabled before this Committee within three (3) months of the tabling of this Report.**

**The Committee adopted the report having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Maria Sheikh, MP respectively.**

2. The Committee having reviewed the draft report on the *Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493b* recommended that the report be adopted with the following recommendations –
  - a. In accordance with section 36 of the FCMA, KFS should immediately initiate and commence the process of –
    - i. Degazettement of Land Parcel Rumuruti LR No. 12493 being an excision

- of 149.1 Ha(s) from Rumuruti Forest and
- ii. Gazettment of Lariak Forest Block LR No. 2467/1 that is set to now benefit the Kenya Forest Service with 127.3 Ha(s) being an addition to Lariak Forest.
- b. The County Government of Laikipia should embark on ensuring services are offered to the residents residing in LR No. 12493 as Article 43 of the CoK 2010 including aligning of the County Integrated and Annual Development Plans to ensure the area is also developed;
  - c. The Committee recommends that a report on the progress be tabled before the Committee within three (3) months of tabling of this Report.

**The Committee adopted the report having been proposed and seconded by Sen. Beatrice Ogola, MP and Sen. Johnes Mwaruma, MP respectively.**

1. The Committee having reviewed the draft report on the *Petition by residents of Chokaa on illegal demolition at Mihang'o, Njiru Chokaa* recommended that the report be adopted with the following recommendations –
  - a. That should there be such incidences in future humane ways to evict the persons from the encroached areas should be employed; and
  - b. The petitioners have sought redress in the courts of law and therefore the matter is considered *subjudice* pursuant to the Senate Standing Orders 235(g) and 103(2) on the Form of a Petition that indicates the minimum requirements for admittance of Petitions, a matter pending in court being one of them and matters *subjudice* respectively.

**The Committee adopted the report having been proposed and seconded by Sen. Agnes Kavindu, MP and Sen. Issa Juma Boy, MP respectively.**

**MINUTE SEN/LENR/290/2023**

**ANY OTHER BUSINESS**

There was no other business discussed.

**MINUTE SEN/LENR/291/2023**

**ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at 4:57 pm. The date of the next meeting was to be called on notice.

Signed \_\_\_\_\_



Date 31/10/2023

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES



**MINUTES OF THE FORTY SIXTH (46<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 26<sup>TH</sup> OCTOBER, 2023 IN THE CLUB HOUSE, ENASHIPAI RESORT, NAIVASHA AT 2:00 PM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 3. Sen. Issa Juma Boy, MP            | - Member      |
| 4. Sen. Mariam Sheikh Omar, MP       | - Member      |
| 5. Sen. Wamatinga Wahome, MP         | - Member      |
| 6. Sen. Agnes Kavindu Muthama, MP    | - Member      |
| 7. Sen. Beatrice Akinyi Ogola, MP    | - Member      |

**ABSENT WITH APOLOGIES**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant II     |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III    |
| 3. Mr. Peter Adika    | - Chief Research Officer |
| 4. Ms. Angela Kagunyi | - Legal Counsel II       |
| 5. Ms. Keziah Muthama | - Fiscal Analyst III     |
| 6. Ms. Shirley Milimu | - Audio Officer III      |
| 7. Mr. Ibrahim Odindo | - Serjeant at arms       |

**MINUTE SEN/LENR/250/2023**

**PRELIMINARIES**

The Chair called the meeting to order at 2:28pm. This was followed by a word of prayer.

**MINUTE SEN/LENR/251/2023**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of the draft report on the Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493;**
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/252/2023**

**CONSIDERATION OF THE DRAFT  
REPORT ON THE PETITION BY  
RESIDENTS OF LAIKIPIA WEST  
CONSTITUENCY REGARDING  
DEGAZETTEMENT OF LAND  
REFERENCE NO. 12493**

The Secretariat took the Members through the draft report on the aforementioned Petition highlighting various legal submissions underpinning the Petition, submissions from the Petitioners as well as responses submitted by the Cabinet Secretaries of the Ministry of Lands, Public Works, and Housing, Ministry of Environment, Climate Change, and Forestry, and the Chairperson of the National Land Commission. Further, the Committee was taken through the key issues for consideration as follows-

- a) *Whether the Petitioners are justified in their quest for justice following the delayed degazettement of L.R. No. 12493, situated West of Rumuruti Township in Laikipia County;*
- b) *The process of the exchange of the two parcels of Land between the individual and the Kenya Forest Service and the effect of the subdivisions to smaller parcels and the multiple transfers; and*
- c) *Provision of social amenities to the residents residing in the Parcel of Land L.R. No. 12493, situated West of Rumuruti.*

Having examined the Petitioners submissions and evidences as well as the responses submitted by the Ministry of Lands, Public Works, and Housing, the Ministry of Environment, Climate Change, and Forestry and the National Land Commission the Committee made the following observations-

- a) The community has been greatly affected by the delay and thus expeditious approval of the requisite approvals should be done to ensure justice is given;
- b) That even though the Law provides that a Petitioner; any person, may petition Parliament to institute the process that leads to degazettement, the obligation is on the Ministry of Environment, Climate Change and Forestry being the agency responsible for requesting the switch of the parcels of Land to ensure the process

is done to its completion and should not have had detrimental effects to the owner of the said parcel of land;

- c) The Ministry of Environment, Climate Change and Forestry ought not to have occupied private land that has not been gazetted;
- d) The Ministry of Environment, Climate Change and Forestry should hasten the process of regularizing the exchange of Lariak Forest Block LR No. 2467/1 to Kenya Forest Service by gazettment and the degazettment of Rumuruti LR No. 12493 in favour of Mr. Kinga wa Mwendia from Rumuruti Forest. This would give comfort to the residents living in the already subdivided parcels of land as they make improvements on their land; and
- e) The need to ensure that the residents living on the said parcels of land have a right to development in their residences and should not be discriminated on yet they were issued title deeds and the delay in completion of the exchange process is not their doing. Additionally, the Committee thus noted that the County Government of Laikipia ought to ensure that all social amenities are equally shared to all residents of Laikipia County including persons owning property in the parcel of Land LR No. 12493.

**MINUTE SEN/LENR/253/2023**

**ANY OTHER BUSINESS**

There was no other business discussed.

**MINUTE SEN/LENR/254/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at 4:30 pm. The date of the next meeting was to be called on notice.

Signed \_\_\_\_\_



Date 28/10/2023

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**



## MEMO

TO : THE RT. HON. SPEAKER

TO : THE CLERK

THRO' : DEPUTY CLERK (E.G)

THRO' : Ag. DIRECTOR, DSEC

THRO' : DEP. DIRECTOR, DSEC

FROM : CLERK ASSISTANT I

DATE : 1<sup>ST</sup> NOVEMBER, 2023

SUBJECT : FORWARDING OF REPORTS ON PETITION

**Rt. Hon. Speaker**

You may approve for tabling

J. M. Nyegenye, C.B.S.,

Clerk of the senate/secretary, PSC

Date: 02/11/23

02 NOV 2023

*Recommended for approval for tabling.*

*Ef 02/11/2023*

Ag. DIRECTOR, DSEC

*Forwarded and recommended for approval for tabling*

*02/11/2023*

The Senate Standing Committee on Land, Environment and Natural Resources at its sitting held on 28<sup>th</sup> October, 2023 adopted Reports on the following Petitions:

1. Petition concerning delayed degazettement of 1577.86 of land in Lugari/Turbo;
2. Petition concerning the illegal demolition at Mihang'o Njiru Chokaa; and
3. Petition concerning delayed degazettement of LR 12493 located in West of Rumuruti Township, Laikipia County.

This is to request for your approval for tabling of the aforementioned and attached reports.

  
Victor Bett



Mr. Hon. Speaker  
U.S. House of Representatives  
Washington, D.C.

Dear Mr. Speaker:



**MINUTES OF THE TWENTY NINTH (29<sup>th</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 3<sup>RD</sup> AUGUST, 2023 AT THE ROOM 23, 5<sup>TH</sup> FLOOR, BUNGE TOWER AT 9:00 AM**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. John Muhia Methu, MP               | - Chairperson      |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 3. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |
| 4. Sen. Johnes Mwashushe Mwaruma, MP       | - Member           |
| 5. Sen. Beatrice Akinyi Ogola, MP          | - Member           |

**ABSENT WITH APOLOGIES**

- |                                   |          |
|-----------------------------------|----------|
| 1. Sen. Agnes Kavindu Muthama, MP | - Member |
| 2. Sen. Mariam Sheikh Omar, MP    | - Member |
| 3. Sen. Issa Juma Boy, MP         | - Member |
| 4. Sen. Wamatinga Wahome, MP      | - Member |

**IN ATTENDANCE**

**I. FRIENDS OF THE COMMITTEE**

1. Sen. Godfrey Osotsi, MP
2. Sen. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP

**II. FRIENDS OF THE COMMITTEE**

- |                                  |                               |
|----------------------------------|-------------------------------|
| 1. Mr. Gitonga Mugambi           | - PS, Forestry                |
| 2. Mr. Alfred Gichu              | - State Dept. of Forestry     |
| 3. Mr. Kihara Ndungu             | - SOF                         |
| 4. Dr. Kennedy Ondimu            | - Dir. Ecosystem, NEMA        |
| 5. Ms. Caroline Muriuki          | - Snr. Wetlands Officer, NEMA |
| 6. Mr. A. L. Lemarkoko 'ndc' (k) | - KFS, Chief Conservator      |
| 7. Ms. Ruth Kerubo               | - KFS, Legal Officer          |

**III. SECRETARIAT**

- |                     |                      |
|---------------------|----------------------|
| 1. Mr. Victor Bett  | -Clerk Assistant I   |
| 2. Ms. Ivy Nyambura | -Clerk Assistant III |

- |                       |                                |
|-----------------------|--------------------------------|
| 3. Ms. Angela Kagunyi | -Legal Counsel                 |
| 4. Mr. John Gichia    | -Research Officer III          |
| 5. Mr. Jack Lemeteki  | -Media Relations Officer       |
| 6. Mr. Shirley Milimu | -Audio Officer                 |
| 7. Ms. Keziah Muthama | -Fiscal Analyst III            |
| 8. Ms. Lydia Kagumba  | -Public Communications Officer |
| 9. Mr. Ibrahim Odindo | -Sergeant-At-Arms              |

**MINUTE SEN/LENR/172/2023**

**PRELIMINARIES**

The meeting was called to order at 9.25 am followed by a word of prayer.

**MINUTE SEN/LENR/173/2023**

**ADOPTION OF AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Meeting with the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry for deliberations on –**
  - i. *The Message by Nyandarua County Assembly on the resolution on a motion petitioning the Senate to ensure the exploitation of the forest harvest in the Aberdare Forest and other public forests in Nyandarua is done within the legal framework;*
  - ii. *The Petition concerning degazettement of Land Reference No. 12493, situated West of Rumuruti Township in Laikipia County;*
  - iii. *The Petition concerning destruction of 41 HA Siany Wetlands- L.R.NO. North Mugirango/Magwagwa II/403;*
  - iv. *The Petition concerning delayed degazettement of approximately 1,577.86 Hectares of land in Lugari/Turbo Forest;*
  - v. *The Statement sought by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP, regarding measures towards the attainment of the recommended healthy forest cover level nationally and, more specifically, in Kisumu County;*
  - vi. *The Statement sought by Sen. George Osotsi, MP regarding the harvesting of cypress trees at Kibiri Forest, Vihiga County; and*
  - vii. *The Statement sought by Sen. Hamida Kibwana, MP concerning the lifting of the ban on logging in public and community forests in Kenya.*
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/174/2023**

**MEETING WITH THE CABINET  
SECRETARY, MINISTRY OF  
ENVIRONMENT, CLIMATE CHANGE  
AND FORESTRY**

The Chairperson invited the Principal Secretary, State department for forestry and the accompanying team from the Ministry of Environment, Climate Change and Forestry to introduce themselves and give an explanation to the Committee of the non-appearance of the Cabinet Secretary.

The Principal Secretary informed the Members that the Cabinet Secretary had to attend to another official engagement that had come up and therefore sent the PS to convey her apologies to the Committee and represent her in the meeting.

The Committee noted with concern that the Cabinet Secretary was not showing enough commitment to the Committee and thus leading to a huge back log on the part of the Committee in addressing matters that fall under the mandate of the Ministry.

On further deliberations, the Committee resolved to;

- i. Adjourn the meeting with the Principal Secretary, State Department of Forestry and send out another invitation to the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry to appear before the Committee as the matters to be deliberated on would require direct responses from the Cabinet Secretary herself; and
- ii. Have the various Ministries under the Committee's oversight mandate to send written submissions ahead of the meeting to allow Members time to interrogate and familiarize themselves with the documents in order to enable them to engage better with the visiting Stakeholders.

**MINUTE SEN/LENR/175/2023**

**ANY OTHER BUSINESS**

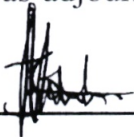
There was no other business discussed.

**MINUTE SEN/LENR/176/2023**

**ADJOURNMENT AND DATE OF NEXT  
MEETING**

The meeting was adjourned at 10.16 am. The next meeting was to be communicated on notice.

Signed \_\_\_\_\_



Date 31/10/2023

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON,  
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**



**MINUTES OF THE EIGHTEENTH (18<sup>th</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 24<sup>TH</sup> MAY, 2023 IN CAUCUS 110 BOARDROOM, FIRST FLOOR, KICC BUILDING AT 8:30 AM**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. John Muhia Methu, MP             | - Chairperson      |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Vice Chairperson |
| 3. Sen. Agnes Kavindu Muthama, MP        | - Member           |
| 4. Sen. Johnes Mwashushe Mwaruma, MP     | - Member           |
| 5. Sen. Beatrice Akinyi Ogola, MP        | - Member           |

**ABSENT WITH APOLOGIES**

- |  |          |
|--|----------|
| 6. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 7. Sen. Mariam Sheikh Omar, MP             | - Member |
| 8. Sen. Issa Juma Boy, MP                  | - Member |
| 9. Sen. Wamatinga Wahome, MP               | - Member |

**SECRETARIAT**

- |                       |                              |
|-----------------------|------------------------------|
| 1. Mr. Victor Bett    | -Clerk Assistant I           |
| 2. Ms. Ivy Nyambura   | -Clerk Assistant III         |
| 3. Mr. Mitchell Otoro | -Legal Counsel I             |
| 4. Mr. John Gichia    | -Research Officer III        |
| 5. Mr. Jack Lemeteki  | -Media Relations Officer III |
| 6. Mr. Shirley Milimu | -Audio Officer III           |
| 7. Ms. Keziah Muthama | -Fiscal Analyst III          |
| 8. Mr. Daniel Kirwa   | -Sergeant-At-Arms            |

**MINUTE SEN/LENR/106/2023:**

**PRELIMINARIES**

The Chairperson called the meeting to order at 8.50 am, followed by a word of prayer.

**MINUTE SEN/LENR/107/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after having been proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Beatrice Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the-
  - (i) 15<sup>th</sup> Sitting held on 27<sup>th</sup> April, 2023;
  - (ii) 16<sup>th</sup> Sitting held on 10<sup>th</sup> May, 2023 (*Session 1*); and
  - (iii) 17<sup>th</sup> Sitting held on 10<sup>th</sup> May, 2023 (*Session 2*)
4. Matters Arising;
5. **Consideration of Legislative Business before the Committee;**
6. **Consideration of the Committee Work Plan for June, 2023;**
7. Any Other Business; and
8. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/108/2023:**

**CONFIRMATION OF MINUTES OF THE  
PREVIOUS MEETING**

The Committee confirmed the following Minutes from the previous meetings as follows;

- i. Minutes of the 15<sup>th</sup> sitting held on 27<sup>th</sup> April, 2023 after having been proposed and seconded by Sen. Johnes Mwaruma and Sen. Beatrice Ogola, MP, MP respectively;
- ii. Minutes of the 16<sup>th</sup> sitting held on 10<sup>th</sup> May, 2023 (*Session 1*) after having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Beatrice Ogola, MP respectively; and
- iii. Minutes of the 17<sup>th</sup> sitting held on 10<sup>th</sup> May, 2023 (*Session 2*) after having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Beatrice Ogola, MP respectively.

**MINUTE SEN/LENR/109/2023**

**MATTERS ARISING**

**Under 17<sup>th</sup> Sitting MINUTE SEN/LENR/103/2023**

1. The Committee noted that there was need to follow up on the status by the National Land Commission on the cease of issuance of titles due to a magnitude of cases on double ownership of titles and sale and resell of titles already compensated in LAPSSET as raised by Sen. Shakilla Mohamed, MP.
2. Further, they resolved to invite the Kenya Airports Authority before the Committee regarding the Statement by Sen. Johnes Mwaruma, MP concerning the residents of Ikanga whose land was encroached by Kenya Airports Authority (KAA).

**MINUTE SEN/LENR/110/2023:**

**CONSIDERATION OF LEGISLATIVE  
BUSINESS BEFORE THE COMMITTEE**

The Secretariat took the Committee through the legislative business pending before the committee and the status as well as proposed way forwards to dispense of the standing matters. The Committee noted the contents of the paper.

**MINUTE SEN/LENR/111/2023:**

**CONSIDERATION OF THE COMMITTEE  
WORK PLAN FOR JUNE, 2023**

The Secretariat took the Committee through the June, 2023 work plan whereby the Committee resolved to:

- i. Adopt the Committee June, 2023 Work plan entirely as proposed.
- ii. Meet with the Petitioners on the Petition to the Senate by Mbogo's family of Mbari ya Mbogo concerning historical injustices and illegal alienation of L.R No. 7153/1, 7153/2, 7153/R also known as L.R.12825; and
- iii. Have the Secretariat prepare and send out invitation letters to the Cabinet Secretaries of the Ministry of Water, Sanitation and Irrigation, the Ministry of Environment, Climate Change and Forestry, the Ministry of Lands, Housing and Urban Development on the proposed meetings contained in the Committee Work Plan for June, 2023

**MINUTE SEN/LENR/112/2023**

**ANY OTHER BUSINESS**


There was no other business discussed.

**MINUTE SEN/LENR/113/2023**

**ADJOURNMENT AND DATE OF NEXT  
MEETING**

The meeting was adjourned at 9.18 am. The date of the next meeting was to be held on notice.

Signed \_\_\_\_\_



Date \_\_\_\_\_

24/5/2023

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**



**MINUTES OF THE SEVENTEENTH (17<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 10<sup>TH</sup> MAY, 2023 IN THE SENATE CHAMBERS AT 10:00 AM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 3. Sen. Wamatinga Wahome, MP         | - Member      |
| 4. Sen. Beatrice Akinyi Ogola, MP    | - Member      |

**ABSENT WITH APOLOGIES**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |
| 3. Sen. Mariam Sheikh Omar, MP             | - Member           |
| 4. Sen. Agnes Kavindu Muthama, MP          | - Member           |
| 5. Sen. Issa Juma Boy, MP                  | - Member           |

**IN ATTENDANCE**

**INVITED SENATORS**

- |                              |                              |
|------------------------------|------------------------------|
| 1. Sen. Fatuma Dullo, MP     | - Senator, Isiolo County     |
| 2. Sen. Julius Murgor, MP    | - Senator, West Pokot County |
| 3. Sen. Shakilla Mohamed, MP | - Nominated Senator          |

**NATIONAL LAND COMMISSION**

- |                              |                |
|------------------------------|----------------|
| 1. Mr. Gershom Otachi        | - Chairperson  |
| 2. Mr. Alister Murimi Mutugi | - Commissioner |
| 3. Ms. Tiyah Galgalo         | - Commissioner |

**SECRETARIAT**

- |                       |                       |
|-----------------------|-----------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I   |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III |
| 3. Mr. Mitchell Otoro | - Legal Counsel I     |

- |                       |                               |
|-----------------------|-------------------------------|
| 4. Mr. John Gichia    | - Research Officer III        |
| 5. Mr. Jack Lemeteki  | - Media Relations Officer III |
| 6. Mr. Shirley Milimu | - Audio Officer III           |
| 7. Mr. Ibrahim Odindo | - Sergeant-At-Arms            |

**MINUTE SEN/LENR/101/2023:**

**PRELIMINARIES**

The Chairperson called the meeting to order at 10.25 am, followed by a word of prayer.

**MINUTE SEN/LENR/102/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after having been proposed by Sen. Wamatinga Wahome, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Meeting with the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development and the Chairperson, National Land Commission to consider a Petition and pending Statements;**
  - (i) *Presentation by the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development; and*
  - (ii) *Presentation by the Chairperson, National Land Commission.*
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/103/2023:**

**MEETING WITH THE CABINET SECRETARY, MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT AND THE CHAIRPERSON, NATIONAL LAND COMMISSION TO CONSIDER A PETITION AND PENDING STATEMENTS**

- i. Presentation by the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development*

The Chairperson began by informing the committee that the CS, Lands, Public Works, Housing and Urban Development sent his apologies as he had to travel out of the country on official duties and the Committee resolved to invite him at a later date.

- ii. Presentation by Chairperson, National Land Commission*

The Chairperson, NLC tabled the respective responses to the various statements and petition as was requested by the Committee. *(Submissions attached for reference).*

The Statements and Petition were;

- i. A Petition concerning degazettment of Land Reference No. 12493, situated in West of Rumuruti Township in Laikipia County.
- ii. Statement requested by Sen. Shakila Abdala, MP on 17<sup>th</sup> November, 2022 concerning the land acquisition of the LAPSSET Corridor Programme;
- iii. Statement requested by Sen. Tabitha Karanja Keroche, MP on 2<sup>nd</sup> March, 2023 regarding the status of resettlement of informal settlers in Molo, Nakuru County;
- iv. Statement requested by Sen. Johnes Mwaruma, MP on 14<sup>th</sup> March, 2023 regarding the residents of Ikanga whose land was encroached by Kenya Ports Authority;
- v. Statement requested by Sen. Wamatinga Wahome, MP on 23<sup>rd</sup> March, 2023 on alleged irregularities in land acquisition for dam construction projects; and
- vi. Statement requested by Sen. Fatuma Dullo, MP on 30<sup>th</sup> November, 2022 regarding the Criteria used in computing compensation to land owners along the Horn of Africa Gateway Project in Isiolo County;

Additionally, the Senators who had inquired on the respective Statements and were present during the meeting were able to seek further clarifications to the Responses provided by the Commission.

The Chairperson then directed that the Statement responses be shared with the Senators and that should there be any supplementary questions from the responses then the same can be shared with the Committee for the respective responses to be sought from the Commission.

The Committee thereafter proceeded to make the following resolutions;

- a) Engage the Ministry of Environment, Forestry and Climate Change and the Ministry of Lands, Public Works, Housing and Urban Development by inviting both Cabinet Secretaries as well as the Kenya Forest Service State Corporation to further deliberate on the Petition concerning degazettment of Land Reference No. 12493, situated West of Rumuruti Township In Laikipia County.
- b) The leaders from Isiolo County under the Leadership of Sen. Fatuma Dullo to meet with the National Land Commission to deliberate further on the Statement regarding the Criteria used in computing compensation to land owners along the Horn of Africa Gateway Project in Isiolo County and report back to the Committee by 13<sup>th</sup> June, 2023. Direction was also given to the NLC to immediately withdraw the list of persons to be compensated under the project

from Kenya National Highways Authority (Kenha) and the Committee be copied in their communications.

- c) The National Land Commission immediately informs the Ministry of Lands, Public Works, Housing and Urban Development and LAPSSET of the double ownership of titles and sale and resell of titles already compensated as raised by Sen. Shakilla Mohamed, MP and reiterated by the Committee. The Committee should also be copied in these communications.

**MINUTE SEN/LENR/104/2023**

**ANY OTHER BUSINESS**

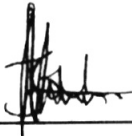
There was no other business discussed.

**MINUTE SEN/LENR/105/2023**

**ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at 12.13 pm. The date of the next meeting was to be held on notice.

Signed \_\_\_\_\_



Date 24/5/2023

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**  
**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL**  
**RESOURCES**



**MINUTES OF THE SIXTEENTH (16<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 10<sup>TH</sup> APRIL, 2023 IN THE SENATE CHAMBER AT 9:00 AM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 3. Sen. Wamatinga Wahome, MP         | - Member      |
| 4. Sen. Mariam Sheikh Omar, MP       | - Member      |
| 5. Sen. Beatrice Akinyi Ogola, MP    | - Member      |

**ABSENT WITH APOLOGIES**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |
| 3. Sen. Agnes Kavindu Muthama, MP          | - Member           |
| 4. Sen. Issa Juma Boy, MP                  | - Member           |

**PETITIONERS**

1. Mr. Charles Waikwa
2. Mr. Peter Weru Munga
3. Mr. Mbai Christopher
4. Ms. Cindy Mulemi

**SECRETARIAT**

- |                       |                        |
|-----------------------|------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I    |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III  |
| 3. Mr. Mitchell Otoro | - Legal Counsel II     |
| 4. Mr. John Gichia    | - Research Officer III |
| 5. Mr. Shirley Milimu | - Audio Officer III    |
| 6. Mr. Ibrahim Odindo | - Sergeant-At-Arms     |

**MINUTE SEN/LENR/094/2023:**

**PRELIMINARIES**

The Chairperson called the meeting to order at 9.26 am followed by a word of prayer.

**MINUTE SEN/LENR/095/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 15<sup>th</sup> Sitting held on 27<sup>th</sup> April, 2023;
4. Matters Arising;
5. **Meeting with Petitioners on the Petition concerning degazettment of land reference no. 12493, situated West of Rumuruti Township in Laikipia County;**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/096/2023:**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

The confirmation of minutes was deferred to the next meeting.

**MINUTE SEN/LENR/097/2023:**

**MATTERS ARISING**

There were matters arising as the confirmation of minutes was deferred.

**MINUTE SEN/LENR/098/2023:**

**MEETING WITH PETITIONERS ON THE PETITION CONCERNING DEGAZETTMENT OF LAND REFERENCE NO. 12493, SITUATED WEST OF RUMURUTI TOWNSHIP IN LAIKIPIA COUNTY**

The Secretariat took members through a brief of the Petition highlighting the background, legal framework and issues of attention to the Committee.

The Committee then met the Petitioners who presented their prayers before the committee as follows;

- i. Direct the Chief Conservator of Forests to degazette parcel of land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County;

- ii. Recommends that the relevant agencies of the national and county governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and
- iii. Recommends that the County Government of Laikipia includes the farm in preparation of the county integrated and annual development plans and in allocating budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.

The Committee thereafter resolved to invite the Cabinet Secretaries of the Ministry of Environment, Climate Change and Forestry and the Ministry of Lands, Public Works, Housing and Urban Development as well as the Kenya Forest Service to respond to the Petition before the Committee.

**MINUTE SEN/LENR/099/2023**

**ANY OTHER BUSINESS**

There was no other business.

**MINUTE SEN/LENR/100/2023**

**ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at 10.09 am. The date of the next meeting was to be held on Wednesday, 10th May, 2023 at 10.20 am .

Signed \_\_\_\_\_



Date \_\_\_\_\_

**24/5/2023**

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES**

**ANNEX II: SUBMISSIONS BY STAKEHOLDERS**

# ANNEX



# II(A)

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

## **MINISTERIAL RESPONSE BY THE CABINET SECRETARY TO A PETITION CONCERNING THE DE-GAZETTEMET OF LAND REFERENCE NO. 12493, SITUATED IN WEST RUMURUTI TOWNSHIP IN LAIKIPIA COUNTY**

A Petition dated 13<sup>th</sup> February, 2023 was made before the Clerk of the Senate requesting for the De- gazettement of Land Reference Number: 12493, situated west of Rumuruti Township in Laikipia County and thereafter conveyed to the Ministry for a response.

### **Legal Framework**

#### **a. Variation of boundaries or revocation of Public forests**

The legal framework under Forest Management and Conservation Act 2016 Part IV—Conservation and Management of Forests on de-gazettement is provided in Section 34:-

Section 34. (1) Any person may petition the National Assembly or the Senate, for the variation of boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest.

2) A petition under subsection (1) shall demonstrate that the variation of boundaries or revocation of the registration of a public forest or a portion of a public forest does not —

(a) endanger any rare, threatened or endangered species; or

(b) adversely affect its value as a water catchment area; and prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes.

(A) II

Amend

(3) A petition made under subsection (1) shall be considered in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the relevant House.

(4) The Cabinet Secretary shall, within thirty days of the petition being committed to the relevant Committee, submit a recommendation on whether the petition should be approved subject to —

(a) the petition being subjected to an independent Environmental Impact Assessment; and

(b) public consultation being undertaken in accordance with the Second Schedule.

(5) If the relevant Committee, reports that it finds that the petition—

(a) does not disclose a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, no further proceedings shall be taken; or

(b) discloses a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, the National Assembly or the Senate shall vote on whether to approve the recommendation.

(6) If the resolution under subsection (5) (b) is supported by a majority of the members of the National Assembly or the Senate, present and voting, the Cabinet Secretary shall publish a notice in the Gazette.

#### **b. Exchange of forest areas with private lands**

This Procedure is contained in section 36(1) of the Forest Conservation and Management Act, 2016. A simple summary of the requirements is

that there has to be approval of the CABINET SECRETARY and public participation, which public participation must adhere to the requirements set out in the second schedule to the Act. This requirement is stipulated in section 36(3) of the FCMA 2016 which states that no **purchase** or **exchange** shall be transacted without public participation.

The public participation requirements as per the second schedule (specific to KFS) are broken down as follows:

1. KFS shall be required to publish a notice about the proposal in the Kenya Gazette, two newspapers of nationwide circulation, one local newspaper circulating in the locality of the particular forest, and one radio station that broadcasts in that locality.

The notice should set out a summary of the proposal, as well as the premises at which the details of the proposal may be inspected invite written comments on or objections to the proposal to be submitted to KFS, and thereafter specify the date by which such comments are required to be received i.e. deadline. This deadline should be at least **sixty days from the date of the first publication of the notice.**

2. KFS is also required to make arrangements for the public to obtain copies, at a reasonable cost, of documents relating to the proposal.

3. KFS should consider any written comments or objections received on or before the deadline date mentioned above, as well as any comments, whether in writing or not, received at any public meeting held about the proposal at which KFS was represented, or under any other invitation, to comment.

4. KFS shall then, in the same manner as paragraph 1, publish the notice regarding the final decision about the proposal.

5. The last requirement is optional, about hosting a public meeting's may or may not host a public meeting in which the comments of the public shall be considered. The same is, of course, dependent on the importance of the issue at hand.

**Note that** section 36(1) of the FCMA 2016 speaks of an EXCHANGE of private land with public forest land, which will require public participation and additionally requires the following:

- a) Consultation with the relevant government agencies (NLC, County Government)
- b) An independent EIA Report
- c) An independent valuation of the land to ensure that the exchange is equitable both to service and the landowner, and
- d) Confirmation that the forest area to be exchanged is not a water catchment area, a spring source, or does not contain any rare or endangered species.

### **Historical Background of the De-gazettement of L.R No. 12493 situated West of Rumuruti Township in Laikipia County**

Rumuruti forest was gazetted vide Proclamation No. 44 of 1932 (**Annex 1**) and covers an area of 6,366.9 Ha (approx.) It was declared a Central Government Forest via Legal Notice No. 174 of 20<sup>th</sup> May 1964. (**Annex 2**) Lariak forest was gazetted vide Proclamation No. 44 of 1932 (**Annex 3**) and later declared a Central Forest via Legal Notice No. 174 of 20<sup>th</sup> May 1964. (**Annex 4**) Currently Lariak covers an area of 4,998.2 Ha (approx.). In 1976, a land exchange program was mooted Between Mr. Patrick Wa Mwendia Kinga and Kenya Forest Service. Mr. Kinga was to cede his Land in Lariak Settlement Scheme to Kenya Forest Service, then Forest Department, for an equivalent land in Rumuruti forest reserve. (**Annex 5**).

The identified parcels of land were surveyed and Boundary Plans (BPs) drawn to aid in the exchange process. BP No. 175/222 and BP No. 175/225 for Excision and Addition respectively were authenticated by the Director of Surveys, Ministry of Lands. **(Annexures 6 & 7).**

The Boundary plans were to aid in the process of Land exchange program. This was not to be since, after the publishing of the 28 days Gazette Notice on the intention to effect the said transactions, the gazettelement did not take place.

Mr. Kinga took possession of the Surveyed Land as per FR No. 142/108 **(Annex 8)** L.R. No. 246/1 of 127.3 Ha. and registered as L.R. No. 12493 measuring 149.1 Ha. The ceded land to KFS at Lariak is defined by F/R No. 128/23. **(Annex 9)**

However, the process stalled since 1981 due to the Ndung'u Land Commission Report which recommended revocation of Title L.R. No. 12493. **(Annex 11)**

Sources indicate that Mr. Patrick Mwendia sold parcel L.R. No. 12493 to a group of 34 people. The land was demarcated and Titles issued to individual group members. **(Annex 10: Report)**

The Forest Department, Now Kenya Forest Service, took possession of Mr. Kinga's land in Lariak and established infrastructure which included among others forest office. As it stands the land in question has not been gazetted as a forest area.

**Prayer- 1 Directs the Chief Conservator of Forests to degazette parcel of Land L.R No. 12493, situated West of Rumuruti Township in Laikipia County.**

**Response:** The Chief Conservator of Forests does not have the powers to de-gazette the forest. However, Ministry of Environment, Climate Change

and Forestry is aware of this matter together other similar matters across the country and is in the process of constituting a team to compile and look at each of these cases and provide a report on the actions to be taken.

It is noteworthy that the process of de-gazettement as highlighted in the legal framework above involves several stakeholders in a participatory framework of which Parliament forms a key part.

The current government is committed to address this matter to its logical end.

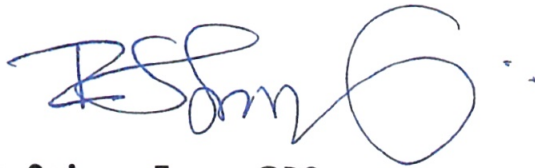
**Prayer- 2 Recommends that the relevant agencies of the national and county governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area.**

**Response:** Out of the policy of 'one Government approach', the Ministry will liaise with other the relevant government agencies as well as the County to address this recommendation. It is worthy to note this recommendation falls outside the mandate and scope of this Ministry.

**Prayer- 3 Recommends that the County Government of Laikipia includes the farm in preparation of the County Integrated and annual development plans and in allocating budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.**

**Response:** The recommendation falls outside the mandate and scope of this Ministry; this is because the Ministry does not have mandate over the affairs of the County Government.

Thank You, Honourable Chair.

A handwritten signature in blue ink, appearing to read 'Soipan Tuya', followed by a large, stylized circular flourish.

**Hon. Soipan Tuya, CBS**  
**Cabinet Secretary**  
**Ministry of Environment, Climate Change and Forestry**

Date.....8/2/23.....

PROCLAMATION No. 44.

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

J. A. BYRNE.



BY His Excellency Sir Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the areas described in the First Schedule hereto to be Forest Areas for the purpose of the aforementioned Ordinance.

The Rules and Proclamations mentioned in the Second Schedule hereto are hereby cancelled.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 30th day of April, 1932.

W. M. LOGAN,  
*for Colonial Secretary.*

## BOUNDARIES OF THE RUMURUTI FOREST RESERVE.

Commencing at the north-east corner of L.R. No. 2480, thence south-easterly bounded by the south-western boundary of L.R. No. 4633 to its intersection with the Melwa River;

thence south-easterly by the south-western boundary of L.R. No. 4423/2 to its intersection with the Narok River;

thence by that river down-stream to its intersection with the southern boundary of L.R. No. 4423/3;

thence south-easterly by that boundary to its intersection with the western boundary of L.R. No. 2494;

thence southerly by part of the western boundary of that portion and by that of L.R. No. 2493;

thence south-westerly by part of the north-western boundary of L.R. No. 2491 to its intersection with the northern boundary of L.R. No. 4423/1;

thence westerly by the latter boundary to its intersection with the eastern boundary of L.R. No. 2485;

thence northerly by part of the latter boundary to the south-east corner of L.R. No. 2483;

thence by the eastern boundaries of L.R. Nos. 2483, 2482, 2481 and 2480 to the point of commencement.

## BOUNDARIES OF THE OL BOLOSSAT FOREST RESERVE.

Commencing at the south-west corner of L.R. No. 2913, thence easterly bounded by the southern boundaries of that portion and of L.R. No. 2914.

thence southerly by part of the western boundary of L.R. No. 2915 and by those of L.R. Nos. 2918, 2920, 3349 and 3352 to the southern corner of the last;

thence westerly by the northern boundary of L.R. No. 2650;

thence in a generally northerly and north-westerly direction by the eastern, northern and north-western boundaries of L.R. No. 2654 to the south-east corner of L.R. No. 2657;

thence northerly by the eastern boundary of the latter portion to the point of commencement.

Amended  
by Pro No  
14 of 13-2-33

ANNEX 2

DECLARATION  
OF  
CENTRAL FORESTS

LEGAL NOTICE No 174  
20TH. MAY 1964

SUPERCEDES ALL PREVIOUS GAZETTE NOTICES

*Kenya Gazette Supplement No 77 of 12/6/64*

LEGAL NOTICE No. 174

*THE KENYA INDEPENDENCE ORDER NO. 116*

~~THE FORESTS ACT~~ 116

(Cap. 385) *(L.N. 118 of 1962)*

DECLARATION OF CENTRAL FORESTS

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

*Amended by  
L.N. 118  
of 1962*

2. This notice shall be deemed to have come into operation on 1st June 1963.

SCHEDULE

District	Description
Nyandarua, Fort Hall and Nyeri	<p><input checked="" type="checkbox"/> ABERDARE FOREST</p> <p>That piece of land of approximately 302,583 acres, situated approximately 27.62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <p>Proclamation No. 29 of 1947. Proclamation No. 22 of 1950. Proclamation No. 36 of 1950. Proclamation No. 47 of 1952. Proclamation No. 18 of 1955. Proclamation No. 34 of 1955. Legal Notice No. 113 of 1957. Legal Notice No. 352 of 1958.</p>
Kilifi	<p><input checked="" type="checkbox"/> ARABUKO-SOKOKE FOREST</p> <p>That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p>
Nakuru	<p><input checked="" type="checkbox"/> BAHATI FOREST</p> <p>That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p>Proclamation No. 122 of 1934. Proclamation No. 36 of 1950. Legal Notice No. 443 of 1956. Legal Notice No. 351 of 1958.</p>

*Schedule 2  
of Constitution  
deleted or amended  
12/12/64  
Act 23/64*

## SCHEDULE—(Contd.)

District	Description
	⊗ PEKERRA FOREST
Baringo	That piece of land of approximately 10,770 acres, situated approximately 14-25 miles south of Kabarnet township, which was declared to be a forest area by Legal Notice No. 27 of 1962.
	⊗ PEMWAI FOREST
Baringo	That piece of land of approximately 365 acres, situated approximately five miles north-east of Kabarnet township, which was declared to be a forest area by Proclamation No. 15 of 1949.
	⊗ RUMURUTI FOREST
Laikipia	That piece of land of approximately 15,733 acres, situated approximately 10 miles north-east of Thomson's Falls township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 36 of 1950.
	⊗ SAIMO FOREST
Baringo	That piece of land of approximately 1,835 acres, situated approximately 14 miles north-east of Kabarnet township, which was declared to be a forest area by Proclamation No. 15 of 1949.
	⊗ SANAO FOREST
Baringo	That piece of land of approximately 740 acres, situated approximately 14 miles south-east of Kabarnet township, which was declared to be a forest area by Proclamation No. 15 of 1949.
	⊗ SEKENWO FOREST
Baringo	That piece of land of approximately 2,130 acres, situated approximately 12 miles south-east of Kabarnet township, which was declared to be a forest area by Legal Notice No. 27 of 1962.
	⊗ SHIMBA FOREST
Kwale	That piece of land of approximately 47,550 acres, adjoining the southern boundary of Kwale township, which was declared to be a forest area by Proclamation No. 407 of 1956.
	⊗ SOGOTI FOREST
Elgeyo-Marakwet	That piece of land of approximately 8,800 acres, situated approximately 35 miles north-east of Eldoret municipality, which was declared to be a forest area by Proclamation No. 102 of 1941.

PROCLAMATION No. 44.

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

J. A. BYRNE.



BY His Excellency Sir Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the areas described in the First Schedule hereto to be Forest Areas for the purpose of the aforementioned Ordinance.

The Rules and Proclamations mentioned in the Second Schedule hereto are hereby cancelled.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 30th day of April, 1932.

W. M. LOGAN,  
for Colonial Secretary.

thence south-westerly and southerly by the northern boundaries of L.R. Nos. 4335, 4334, 4336 and the western boundaries of L.R. Nos. 4336, 4337 and 4338 to the south-west corner of the last;

thence north-westerly by a straight line, which forms part of the north-eastern boundary of the Eastern Mau Forest Reserve, to the point of commencement.

The area L.R. No. 1518, which is included in the foregoing boundaries, is not part of the forest reserve and is excluded therefrom.

#### BOUNDARIES OF THE EBURU FOREST RESERVE.

Commencing on the south-eastern boundary of L.R. No. 1771 at a beacon about 8,454 feet from its most southern corner;

thence bounded north-easterly by part of that south-eastern boundary to the south-west corner of L.R. No. 2956/1;

thence north-easterly by the southern boundary of the latter portion;

thence south-easterly by the southern boundaries of L.R. Nos. 1776 and 1777 and the western boundary of L.R. No. 6529 to the southern corner of the last;

thence westerly by part of the north-western boundary of L.R. No. 419 to its most western corner;

thence south-westerly by a straight line to the north-east corner of L.R. No. 1695 and onwards by the northern boundary of that portion to its north-west corner;

thence north-westerly by a straight line to the point of commencement.

#### BOUNDARIES OF THE LARIK FOREST RESERVE.

Commencing at the north-east corner of L.R. No. 2466;

thence bounded by straight lines bearing 65 degrees 49 minutes 19 seconds for about 7,015 feet to a beacon and 90 degrees 55 minutes 42 seconds for about 6,963 feet to another beacon which is the north-east corner of the reserve;

thence south-easterly by a straight line to the northern corner of L.R. No. 6322;

thence south-westerly by the north-western boundary of that portion to its south-west corner;

thence westerly by part of the northern boundary of L.R. No. 2461 to the south-east corner of L.R. No. 2467;

DECLARATION  
OF  
CENTRAL FORESTS

LEGAL NOTICE No 174  
20TH MAY 1964

SUPERCEDES ALL PREVIOUS GAZETTE NOTICES

*Kenya Gazette Supplement No 77 of 2/6/64*

LEGAL NOTICE No. 174  
*The Kenya Independence Order 1963*  
**THE FORESTS ACT 1963**  
(Cap. 385) (A.N. 118 of 1963)

**DECLARATION OF CENTRAL FORESTS**

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

*Amended by  
A.S. 2  
Supplement 20  
8/9/1964*

2. This notice shall be deemed to have come into operation on 1st June 1963.

**SCHEDULE**

District	Description
Nyandarua, Fort Hall and Nyeri	<p><b>ABERDARE FOREST</b></p> <p>That piece of land of approximately 302,583 acres, situated approximately 27.62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <p>Proclamation No. 29 of 1947. Proclamation No. 22 of 1950. Proclamation No. 36 of 1950. Proclamation No. 47 of 1952. Proclamation No. 18 of 1955. Proclamation No. 34 of 1955. Legal Notice No. 113 of 1957. Legal Notice No. 352 of 1958.</p>
Kilifi	<p><b>KARABURO-SOKOKE FOREST</b></p> <p>That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p>
Nakuru	<p><b>BAHATI FOREST</b></p> <p>That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p>Proclamation No. 122 of 1934. Proclamation No. 36 of 1950. Legal Notice No. 443 of 1956. Legal Notice No. 351 of 1958.</p>

*Schedule 2  
of Constitution  
deleted or amended  
11/12/64  
Rt 25/64*

4,295,801

6712

Annex 4

SCHEDULE (Contd.)

District	Description
Machakos	<p data-bbox="1002 342 1129 387">KYAI FOREST</p> <p data-bbox="869 376 1289 477">That piece of land of approximately 262 acres, situated approximately 25 miles south-east of Machakos township, which was declared to be a forest area by Legal Notice No. 532 of 1960.</p>
Machakos	<p data-bbox="975 477 1150 521">KYEMUNDU FOREST</p> <p data-bbox="861 504 1281 604">That piece of land of approximately 348 acres, situated approximately 34 miles south-east of Machakos township, which was declared to be a forest area by Legal Notice No. 532 of 1960.</p>
Lakipia	<p data-bbox="963 604 1129 649">LAPIAK FOREST</p> <p data-bbox="853 631 1276 739">That piece of land of approximately 9,854 acres, situated approximately 21 miles north of Thomson's Falls township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by -</p> <p data-bbox="901 734 1141 795">Proclamation No. 2 of 1954. Legal Notice No. 44 of 1963</p>
West Pokot	<p data-bbox="963 795 1117 840">LELAN FOREST</p> <p data-bbox="845 822 1268 922">That piece of land of approximately 70,686 acres, situated approximately 23-48 miles north-east of Kitale township, which was declared to be a forest area by Legal Notice No. 128 of 1958.</p>
Baringo	<p data-bbox="954 922 1120 967">LEMBUS FOREST</p> <p data-bbox="837 949 1260 1072">That piece of land of approximately 55,700 acres, situated approximately 15-20 miles north of Londiani township, which was declared to be a forest area by Legal Notice No. 280 of 1959 and as amended by Legal Notice No. 98 of 1960.</p>
Samburu	<p data-bbox="946 1072 1112 1117">LEROGHI FOREST</p> <p data-bbox="829 1099 1252 1200">That piece of land of approximately 227,200 acres, situated approximately 80 miles north-east of Thomson's Falls township, which was declared to be a forest area by Proclamation No. 2 of 1936.</p>
Nyandarua	<p data-bbox="946 1200 1106 1245">LESHAM FOREST</p> <p data-bbox="821 1227 1244 1328">That piece of land of approximately 481 acres, situated approximately three miles south-east of Thomson's Falls township, which was declared to be a forest area by Legal Notice No. 454 of 1960.</p>

Officer Initials

ANNEX 5

MINISTRY OF NATURAL RESOURCES

Telegrams: "Forestes", Nairobi  
Telephone: Nairobi 21141-2  
When replying please quote  
Ref. No. FOR.68/9/297  
and date



FOREST DEPARTMENT  
P.O. Box 3050  
NAIROBI  
12th March, 1976

Mr. Kinga Wamwendia,  
P.O. Box 21118,  
NAIROBI.

EXCHANGE OF L.R. NO. 2467/1 - 127.3 HA.  
(APPROXIMATELY)

Please refer to your letter of 30th January, 1976 in which you were applying for an exchange of land involving your L.R. No. 2467/1 and a piece of forest in Rumuruti.

2. I am pleased to inform you that the exchange is approved. I will shortly be requesting the Commissioner of Lands to get in touch with you for the purpose of surrendering title to L.R. No. 2467/1.

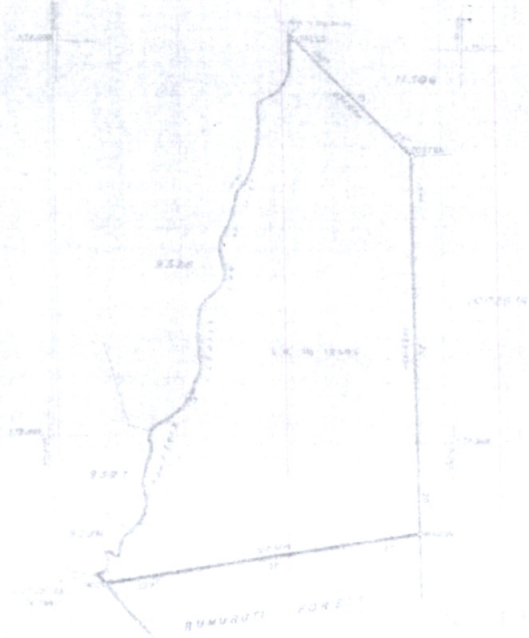
3. As for your request at paragraph 6 of your letter our officers in the field are looking into the matter with a view to ascertaining whether there will be need for compensation for the house and water supply. In considering this, account will be taken of the value of the trees that you might gain in Rumuruti Forest. I will shortly be communicating with you regarding our findings.

  
(O. W. MURU)  
CHIEF CONSERVATOR OF FORESTS

EXCISION FROM RUMURUTI FOREST

AREA = 149.4 Ha (Approx.)

SCALE 1:10,000



1. This plan shows the  
 boundaries of the excision from Rumuruti Forest  
 2. The area is 149.4 Ha (Approx.)  
 3. The area is 149.4 Ha (Approx.)  
 4. The area is 149.4 Ha (Approx.)  
 5. The area is 149.4 Ha (Approx.)  
 6. The area is 149.4 Ha (Approx.)  
 7. The area is 149.4 Ha (Approx.)  
 8. The area is 149.4 Ha (Approx.)  
 9. The area is 149.4 Ha (Approx.)  
 10. The area is 149.4 Ha (Approx.)

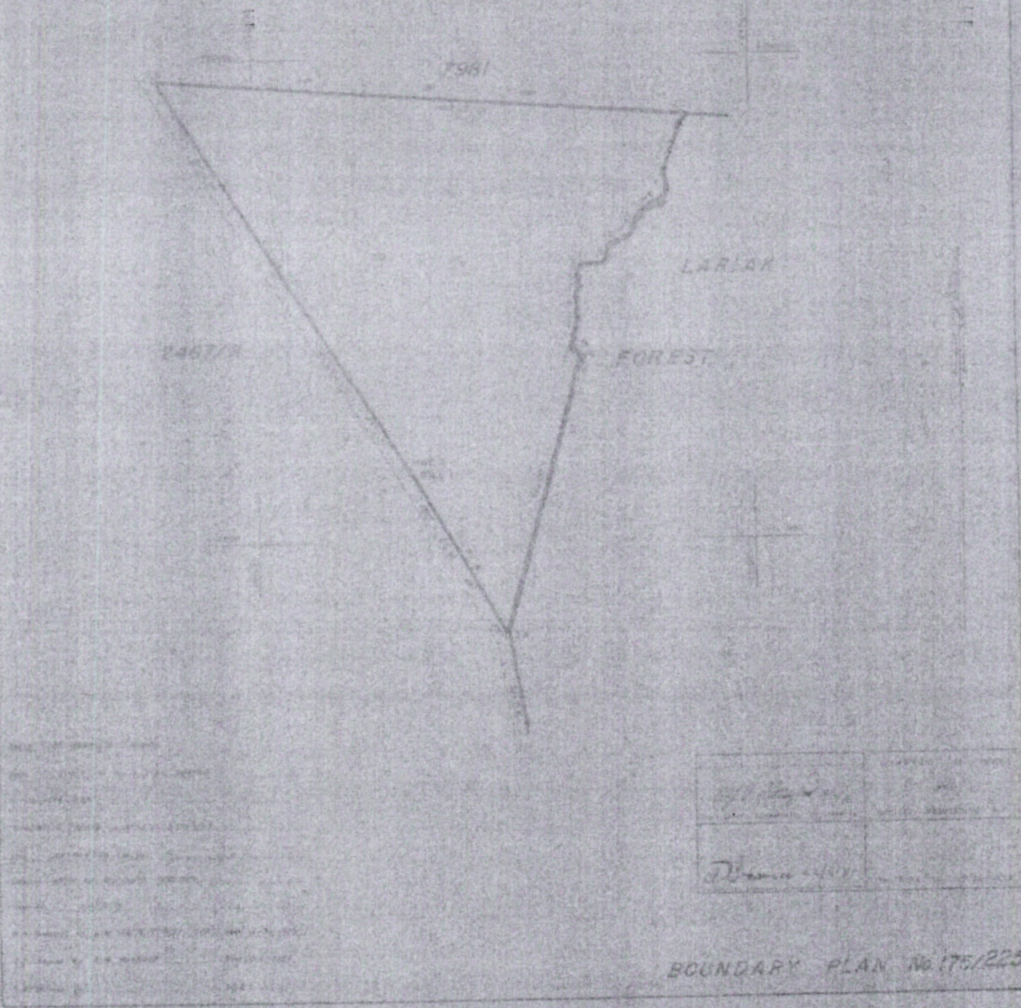
[Signature]  
 [Signature]  
 [Signature]

BOUNDARY PLAN No. 175/222

1:10,000

ADDITION TO LARIAK FOREST

L.R. No. 2467/1  
Area: 127.3 Ha. (Approx.)  
Scale 1:10,000

BOUNDARY PLAN No 175/225



Station	Bearing	Distance	Angle	Area of Section
1	N 88° 37' 0" W	251.712		
2	S 88° 37' 0" W	251.712		
3	N 88° 37' 0" W	251.712		
4	S 88° 37' 0" W	251.712		
5	N 88° 37' 0" W	251.712		
6	S 88° 37' 0" W	251.712		
7	N 88° 37' 0" W	251.712		
8	S 88° 37' 0" W	251.712		

Area	Survey	Distance



I hereby certify that the above is a true and correct copy of the original survey as shown to me and that the same has been verified in accordance with the usual regulations and with the approval of the Surveyor General.

SCALE 1:100,000

Plot/Ford No. 128/23  
 Ref. Map/Plan No. 128/23  
 Registration Block  
 Registration District  
 Locality

Registration	Transferable	Authoritative	Date	Record	Date

Folio No. 23  
 Register No. 23



**INTERNAL MEMO**

---

TO: Director

FROM: FCA Coordinator

DATE: 20<sup>TH</sup> December 2016

**SUBJECT: REPORT ON LAND EXCHANGE BETWEEN MR. PATRICK WAMWENDIA KINGA, STANLEY KIRANGA KARURI AND FORMER FOREST DEPARTMENT**

---

Attached, please find the above report on the land exchange between Mr. Patrick Wamwendia Kinga, Stanley Kiranga Karuri and the former Forest Department following our field visit to Laikipia County.

**GREGORY MBITA**

# REPORT ON LAND EXCHANGE BETWEEN MR. PATRICK WAMWENDIA KINGA, STANLEY KIRANGA KARURI AND FORMER FOREST DEPARTMENT

## BACK GROUND INFORMATION

Records held at the survey section indicate that the former Forest Department entered into an Agreement with Mr. Patrick Wamwendia Kinga in 1976 where Mr. Kinga was to surrender his land in Lariak Settlement Scheme Laikipia County to Forest Department and in exchange be allocated equivalent land size at Rumuruti forest.

Both parcels of land were surveyed and Boundary Plans Nos. 175/225 and 175/222 prepared and authenticated by the Director of Surveys for the gazettment and degazettment processes of the respective land parcels to proceed. The mandatory 28 days Kenya gazette notice notifying the gazettment and degazettment process was published. Mr. Kinga vacated his land bordering the Lariak forest and the Forest Department took possession of the same and went ahead to construct the current Lariak Forest Station and other infrastructure.

Mr. Kinga on the other hand took possession of the exchanged forest land in Rumuruti forest that had been surveyed and registered as LR No. 12493 measuring 149.3 ha. However, the whole process stalled since 1981 and to date, the process has never been formalized.

In addition to Mr Kinga, records indicate that another person by name Stanley Kiranga Karuri had also expressed interest to exchange his land at Lariak Settlement Scheme also adjacent to the Lariak forest. However, the intended land exchange never materialized, hence the request by the late Mr. Karuri's sons to revisit the matter vide their letter to the Director KFS ref no.KKK/GEN/015 dated 9<sup>th</sup> November 2016 (refer copy attached)

## FACT FINDING TEAM

The Director constituted a team to visit the field on fact finding assignment in relation to the land exchanges. The team from KFS Hqs comprised of Mr. Gregory Mbita (Coordinator Forest Conservancy Areas), Evans Kegode (Head Survey) and Patrick Njagi (Legal Office). The team was joined in the field by the HOC Central Highlands, the EC

ANNEX 10  
Laikipia and the Forest Station Managers Rumuti, Lariak and South Marmaret forest stations.

## METHODOLOGY

The team together with the field officers first held a consultative meeting at the EC's Office whereby previous correspondences and briefs on the land exchange were scrutinized.

Thereafter, the team invited and interviewed Mr. Charles Wambugu Waikwa and Mr. Isaac Nderitu who represented a land buying company that bought the said land LR No. 12493 from Mr. Patrick Wamwendia Kinga sometime in 1991.

Also invited and interviewed were the six (6) sons of the late Stanley Kiranga Karuri following a letter they had written to the Director on 9<sup>th</sup> November 2016 on their intention of pursuing their late father's intent of exchanging the land parcel LR No. 10024/4 at Lariak Settlement Scheme.

The team later made field visits to the specific land parcels in Rumuti and Lariak forests where the land owners accompanied the KFS team. Another close up consultative meeting was later held after the field visits for building a consensus based on the facts collected.

## FINDINGS

From the records and correspondences scrutinized, the team was able to establish the following:

### 1. Land Exchange between Mr. Patrick Wamwendia Kinga and Forest Department

- a) Land exchange between Mr. Patrick Wamwendia Kinga and the Forest Department indeed took place but the process of degazetting and gazetting the exchanged land parcels was never finalized.
- b) Mr. Patrick Wamwendia Kinga later sold his exchanged land parcel LR No. 12493 to another group of 34 people whereby the land was demarcated and title deeds issued to the group members. This information was given by the two representatives of the land buying group.

- c) Each member of the group has taken possession of the piece of allocated to him/her at the former forest land in Rumuruti forest, and some have put up houses.
- d) The Forest Department took possession of Mr. Patrick Wamwendia Kinga's land in Lariak and later put up an office and other infrastructure as per the current status. The land in question has not been gazetted to date either.

**2. Land Exchange between Mr. Stanley Kiranga Karuri and Forest Department**

- a) The Karuri's indicated having interest in land exchange that their late Father Stanley Kiranga Karuri had long time initiated with the Forest department but which never materialized.
- b) The land parcel L.R No. 10024/4 is located east of Lariak Forest Station and borders the Lariak Forest. The land is still forested with indigenous shrub vegetation as it not suitable for agriculture due to rugged topography and poor rocky soils. Portions of bare rocky areas were also noted.
- c) However the team was later informed that there are allegations that the land had been sold by Mr. Karuri to a third party, a Dr. Githae. Some of the Karuri's sons admitted part of the land had been sold but the others denied the claims. This raised doubts on their sincerity on the matter.

**CONCLUSIONS**

- 1. From the foregoing, it is clear the intentions of Mr Kinga and Forest Department to exchange the land parcels were in good faith only that the process was never taken to conclusion.
- 2. The intended exchange between Mr. Stanley Kiranga Karuri and Forest Department never took off in the first place. Besides, it appears there are unresolved issues as the land in question is said to have been sold to another party by name Dr. Githae.

## RECOMMENDATIONS

ANNEX 10

1. The land exchange between Patrick Wamwendia Kinga and Forest Department (now Kenya Forest Service) should be finalized and regularized through gazettment and degazettment. The Head Survey Section needs to follow up the matter to its logical conclusion.
2. The Service should NOT proceed with the intention of land exchange being fronted by late Mr. Stanley Kiranga Karuri's sons. This is due to the allegations that the land in question was to another party, and the sons appear not sincere since they gave conflicting information on the matter.

ANNEX II



REPUBLIC OF KENYA

Report of the Commission of Inquiry  
into the  
Illegal/Irregular Allocation  
of  
Public Land

**ANNEXES VOLUME II**

Presented to

His Excellency  
Hon. Mwai Kibaki, C.G.H., M.P.  
President and Commander-in-Chief of the Armed Forces of the  
Republic of Kenya

June, 2004

Price: KSh. 1,000

PRINTED BY THE GOVERNMENT

# ANNEX II (B)



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

**RESPONSES TO THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES.**

**Honourable Chair,**

Pursuant to a letter Ref. SEN/DSEC/LENR/3/2023 (56) dated May 25, 2023, the Committee invited the Cabinet Secretary Ministry of Lands, Public Works, Housing and Urban Development to respond to the following:

- 1) Statement requested by Sen. (Rtd) Justice S. Madzayo, CBS, MP on November 16, 2022 regarding the demolition of houses and eviction of persons residing in Pindukiani village, Ganda ward, Kilifi County;
- 2) Statement requested by Sen. Joseph Kamau, MP on February 21, 2023 regarding the status of land discharge process in Lamu County;
- 3) Statement requested by Sen. Shakila Abdala, MP on November 17, 2022 concerning the land acquisition of the LAPSET Corridor programme;
- 4) Statement requested by Sen. Johnes Mwaruma, MP on March 8, 2023 on ownership status and adjudication of Kishamba B land in Voi Sub County, Taita Taveta County;
- 5) Statement requested by Sen. Tabitha Karanja Keroche, MP on March 2, 2023 regarding the status of resettlement of informal settlers in Molo, Nakuru County;
- 6) Statement requested by Sen. Wamatinga Wahome, MP on March 23, 2023 on alleged irregularities in land acquisition for dam construction projects;
- 7) Statement requested by Sen. Edwin Sifuna, MP on March 28, 2023 on the illegal and irregular misallocation of public community land in Buruburu phase 5 on Katulo Road (Nairobi/Block 79/789);
- 8) Statement requested by Sen. Edwin Sifuna, MP on March 28, 2023 on the allegations of illegal allocation of public utility land plots in Woodley Estate, Nairobi City County;

Handwritten text in blue ink, possibly a signature or initials, located at the top of the page.

- 9) Statement requested by Sen. Julius Murgor, MP on March 30, 2023 on the grabbing of land belonging to Kanyarkwat Group Ranch in West Pokot County.
- 10) Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493.
- 11) Petition by Mbogo's family of Mbari ya Mbogo concerning forgery, perjury and illegal alienation of L.R. No's 7153/1, 7153/2, 7153/R also known as L.R. 12825.

Honourable Chair, in response to the above, I wish to state as follows: -

**RESPONSES**

10. **Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493.**

**Background**

**Honourable Chair,**

The petitioners allege Kenya Forest Service failed to degazette L.R No. 12493, situated in Laikipia County following an exchange of the said parcel of land with L.R No. 2467/1 situated at Lariak in Laikipia West Constituency.

They claim that while the parcel of land, L.R No. 2467/1 was privately owned and not gazetted as forest land, the Kenya Forest Service approached the owner of the land, Mr. Kinga Wa Mwendia with a view of acquiring it for expansion of Lariak Forest. They say that it was agreed that instead of paying for the land, The Kenya Forest Service would compensate Mr. Mwendia by allocating him an alternative parcel of land to be excised from Rumuruti Forest also in Laikipia County.

The petitioners further added that the framework agreed upon at the time between the Chief Conservator of Forests, the Commissioner of Lands, and Mr. Mwendia was that;

- i. Mr Mwendia would surrender to the Kenya Forest Service the original title documents in respect of L.R No. 2467/1;
- ii. The Kenya Forest Service would excise and degazette the part of Rumuruti Forest to be allocated to Mr. Mwendia;
- iii. The Commissioner of Lands would allocate the said parcel to Mr. Mwendia and issue him with a Grant for the land; and

- iv. L.R No. 2467/1 would then be transferred to the Government and gazetted as Forest land.

The petitioners allege that pursuant to the said agreement, Mr Mwenda surrendered the original title document in respect of L. R No. 2467/1 to the Kenya Forest Service and it was transferred to the government and gazetted as forest land. Furthermore, the parcel of land identified as Rumuruti Forest was also excised and a Grant thereon issued by the Commissioner of lands in favor of Mr Mwendia, on September 16, 1980. The parcel was allocated Land Reference No. 12493.

They further claim that contrary to the agreement that formed the basis for the exchange of the two parcels of land, the Kenya Forest Service failed to formally degazette L.R No. 12493 and has failed to do so to date despite the efforts of Mr. Mwendia and his successors. On the other hand, the Kenya Forest Service took possession of and fenced off the said L.R No. 2467/1 which became part of Lariak Forest.

The petitioners also claim that L.R No. 12493 measuring approximately 370 acres has since been subdivided into many smaller parcels and transferred multiple times over the past 43 years. Their claim is that upon subdivision, the parcel of land was issued Registration Section Salama/Salama Block II.

The petitioners added that the agricultural activities taking place thereon have been the economic life stay of the area and the County government of Laikipia generates substantial revenue from cess collected on farm produce being delivered to markets.

The petitioners further allege that failure by the Kenya Forest Service to degazette the land as forest land, the National and County government have failed to undertake any development activities. They indicated the following;

- i. The roads cutting across the 370 acre- farm have never been graded or maintained, despite being clearly demarcated on the survey plans for the land;
- ii. The roads and bridges that would connect the land to adjacent parcels and to key public roads have not been built;
- iii. The land is yet to be connected to electricity and piped water;
- iv. No schools, dispensaries or other public amenities have been constructed, despite provision for these amenities having been made during subdivision of the land;
- v. No government administrative or security offices have been constructed or offices deployed in the area, thus exposing the residents to lawlessness as evidenced by the numerous security incidents reported; and
- vi. The area is never considered whenever national and county development plans are being prepared and budgets allocated.

The Petitioners claim that efforts to have the matter addressed by relevant authorities at County and National government have been futile reason which they have requested that this Committee;

1. Directs the Chief Conservator of Forests to degazette parcel of land L.R No. 12493, situated west of Rumuruti Township in Laikipia County;
2. Recommends that the relevant agencies of the national and County governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and
3. Recommends that the County government of Laikipia includes the farm in preparation of the County integrated and annual development plans and in allocating budgets for construction, grading, and maintenance of infrastructure projects and other amenities thereon.

#### Response

Honourable Chair,

According to our records, the land in question, L.R No. 2467/1 measuring approximately 127.3 hectares was registered on November 15, 1973 in favour of Kinga Wamwendia on freehold tenure. See annexure 11 a copy of the title IR 26653.

On June 8, 1976, the then Chief Conservator of Forests wrote to the Commissioner of lands regarding the exchange of L.R No. 2467/1 owned by Kinga Wamwendia with a portion of Rumuruti forest. A copy of the letter is hereby marked annexure 12. The then Commissioner of lands in his response approved the proposal and directed that Mr. Kinga Wamwendia surrenders L.R NO. 2467/1 to Government and the then Ministry of Natural Resources de-gazette that portion of land that is to be allocated to Mr. Kinga Wamwendia. A copy of the letter is marked annexure 13.

A surrender of L.R No.2467/1 to the Government of Kenya was registered on October 14, 1980 as per the Memorandum of Registration of Transfer of lands marked as annexure 14

Honourable Chair, L.R No.12493 measuring approximately 149.1 hectares being an excision of Rumuruti Forest was on October 14, 1980 registered in favor of Kinga Wamwendia in exchange of the surrendered L.R No.2467/1. Annexure 15 is a copy of Grant No. IR 34964.

Mr Kinga Wamwendia applied for subdivision of L. R No. 12493 which was approved by the then Chairman for the Central Authority vide a letter Ref: 101842/63 dated May 29, 1991. The subdivision was to create: -

- i) 33 agricultural plots
- ii) 13 Commercial cum Residential plots
- iii) 1 School of 4.05 hectares
- iv) 1 Nursery School of 0.36 hectares
- v) 1 Church of 0.36 hectares
- vi) 1 Dispensary of 0.53 hectares
- vii) 1 open space of 0.36 hectares
- viii) 1 cattle dip of 0.405 hectares

This is as per the subdivision scheme plan which was approved on May 29, 1991 (Annexure 16).

Honourable Chair, the issues raised by the petitioners are beyond the mandate of the Ministry. We humbly request the Committee to liaise with the Ministry of Environment, Climate Change and Forestry and the County Government of Laikipia to implement the de-gazettement and planning of the area.

11. Petition by Mbogo's family of Mbari ya Mbogo concerning forgery, perjury and illegal alienation of L.R. No's 7153/1, 7153/2, 7153/R also known as L.R. 12825.

The Petitioners lay a historical injustice claim on L.R. No. 12825 and raise various claims of irregularities and fraudulent dealings on the land and pray that the Honourable Senate;

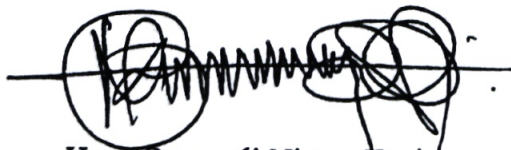
- i. Investigate the matter with a view to returning the Ancestral land back to Mbogo's Family of Mbari ya Mbogo.
- ii. Stop any further day to day development, sale and leasing off, by defendants till the matter is settled.
- iii. Resolve that all beneficiaries, investors and stakeholders operating thereon to compensate on properties and all illegally occupied land, and
- iv. Resolve on the compensation for historical injustices, damages and other losses as a result of forceful eviction meted on Mbogo's family.

Honourable Chair,

The Petitioners' claim was determined by the National Land Commission, Historical Land Injustice Committee as claim No. NLC/HLI/053/2017. Furthermore, the claim is currently before the Nairobi Environment and Land Court in Milimani ELC Civil Case No. 557 of 2009.

The Ministry waits for the court's determination and directions in the court case.

Honourable Chair, I submit.



Hon. Generali Nixon Korir  
PRINCIPAL SECRETARY

June 13, 2023

Presented on 15<sup>th</sup> November, 1973  
At 4.00 pm:

①

REPUBLIC OF KENYA  
THE REGISTRATION OF TITLES ACT  
( CHAPTER 281 )  
CERTIFICATION OF TITLE: Number I.R. 26653

DEPARTMENT OF LAND  
DOCUMENT SCANNER

I HEREBY CERTIFY that KINGA WAMWENDIA of Post Office Box Number 21118 in the Republic of Kenya pursuant to a Transfer registered as Number I.R. 733/31 is now the registered proprietor as owner for an estate in fee simple of ALL that piece of land situate West of Rumuruti Town in the Laikipia District containing by measurement one hundred and twenty seven decimal three hectares or thereabouts and being Land Reference Number 2467/1 as delineated on Land Survey Plan Number 93890 annexed to the said Transfer SUBJECT however to the Act Special Conditions and Encumbrances specified in the Memorandum hereunder written.


IN WITNESS whereof I have hereunto set my hand and seal this fifteenth day of November one thousand nine hundred and seventy-three.

  
REGISTRAR OF TITLES.

MEMORANDUM

- (1) The Government Lands Act (Chapter 280)
- (2) The Special Conditions contained in a Grant Registered as Number I.R. 733/1.

LAND TITLES REGISTRY—NAIROBI, KENYA  
REGISTRATION OF TITLES ACT  
REGISTERED AS No. I.R. 26653/1

Presented 15 - 11 - 1973  
This 4.00 pm  
Rem: 





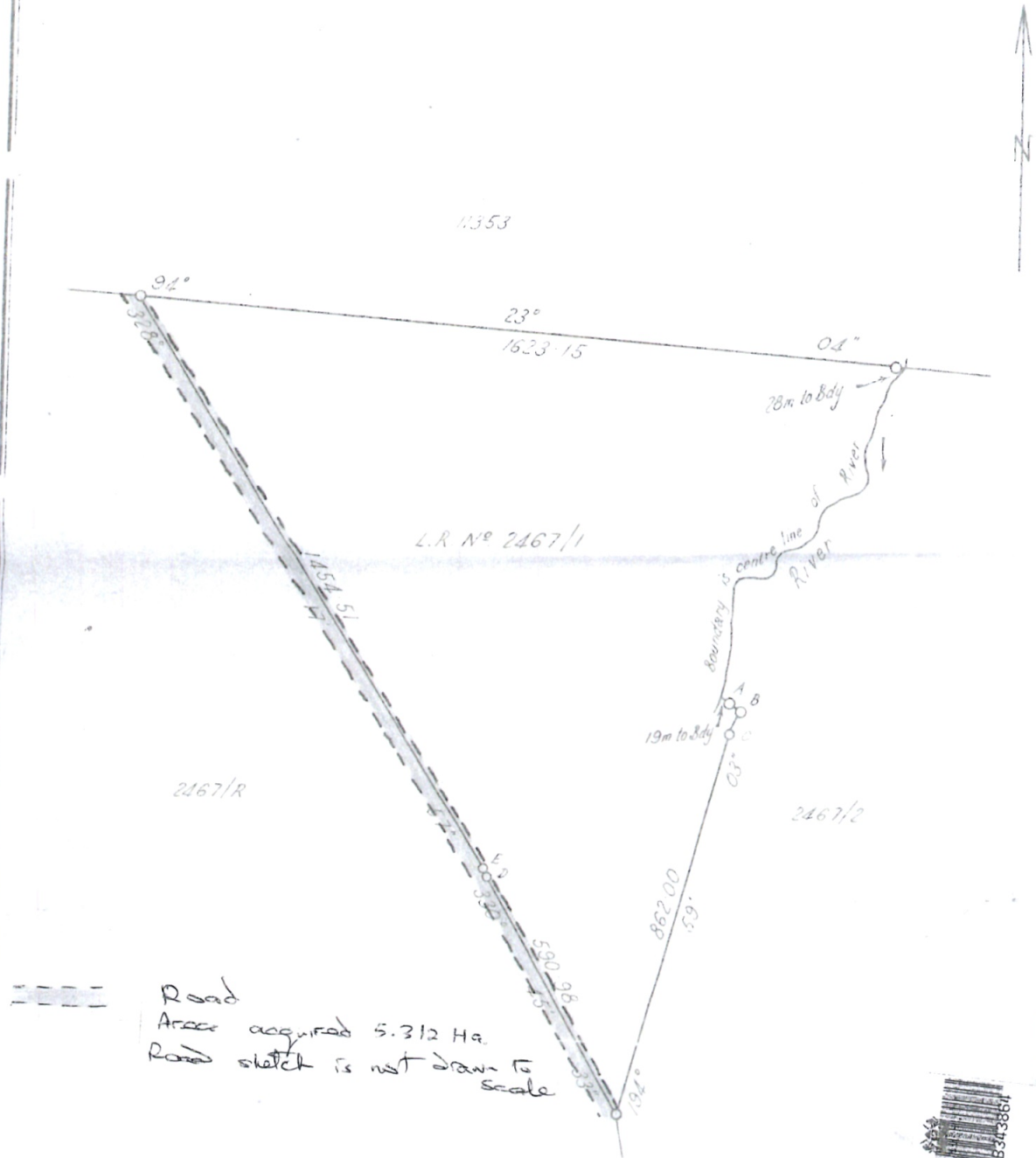
# REPUBLIC OF KENYA

DISTRICT OF LAIKIPIA  
 Locality *West of Rumuruli Town*  
 Reference Map *North A 37 A & 7*  
*5 III D*

Land Reference No *2467/1*  
 (Orig No \_\_\_\_\_)  
 Sub division No \_\_\_\_\_ (Orig No \_\_\_\_\_)  
 of Section No \_\_\_\_\_

	Bearings			Distances
	°	'	"	Metres
A-B	129	32	08	31.46
B-C	203	04	10	57.80
D-E	331	53	47	13.20

Area *127.3 Ha (Approx)*



**TRUE COPY . NOT  
 FOR REGISTRATION  
 PURPOSES**

*[Signature]*  
 for Director of Surveys  
 Nairobi *12<sup>th</sup>* Oct. 19*73*

Traced by *M. Muturi*  
 Compared by *A. P. Muturi*

Scale 1 in 10,000

**DEED PLAN No. 93890**

ANNEXURE 12

MINISTRY OF NATURAL RESOURCES

Telegrams: "FORESTRY", Nairobi  
Telephone: Nairobi 22141-2  
When replying please quote  
Ref. No. ... FOR.68/9/304  
and date



8

FOREST DEPARTMENT  
P.O. Box 30513  
NAIROBI

DEPARTMENT  
- 9 JUN 1976  
OF LANDS

8th June, 1976.

The Commissioner of Lands  
P.O. Box 30089  
NAIROBI.

89046/12

80 in file  
9/6

EXCHANGE OF L.R. NO. 2467/1

MR. KINGA WAMWENDIA

Mr. Kinga Wamwendia who owns L.R. 2467/1 next to Lariak Forest has proposed to give it to us and in exchange get a portion of Rumuruti Forest next to his other farm L.R. No. 11306. Both are in Laikipia District.

2. The Permanent Secretary, Ministry of Natural Resources has agreed to the proposal. L.R. 2467/1 is approximately 127.3 hectares and it has permanent improvements like a stone house of 3 bedrooms and water supply with 3 kilometres of piping. It is recommended that in Rumuruti we give approximately 150 hectares which should also cover the permanent improvements.

3. If you agree could you please let me have the necessary agreement forms for transfer so that I can forward them to Mr. Wamwendia for completion by his lawyers.

4. Enclosed is a map of L.R. No. 2467/1 and part of 1:5000 sheet 105/4 showing L.R. No. 11306 and Rumuruti Forest. The part of Rumuruti Forest that we would give is shown "A". These are the only copies I have and I would be grateful if you could return them when you have finished.

*O. M. Mburu*

(O. M. MBURU)

CHIEF CONSERVATOR OF FORESTS

Copy to:-

The Permanent Secretary  
Ministry of Natural Resources  
NAIROBI.

- Ref. your B14.03./56 of 12th February, 1976. The maps sent to you with my FOR.68/9/293 of 2nd February, 1976 showed the proposal more clearly but you seem to have lost them.

14  
Date

(a)

(A)

89046/9

30th June,

70

89046/13

The Chief Conservator of Forests,  
P.O. Box 30513,  
Nairobi.

EXCHANGE OF L.K. No. 2407/1

Your ref. P.O. 08/0/304 of 8th June, 1970

The proposed exchange of land has my blessing. It will therefore be necessary that the following steps are taken to facilitate the exchange:-

Mr. Kinga Mwendia will have to surrender L.K. 2407/1 to Government i.e. This Department. Your Ministry will have to de-gazette that portion of land that is to be allocated to Mr. Kinga Mwendia. It will be at this stage when I will be in a position to allocate that portion of land to Mr. Kinga wa Mwendia on terms and conditions similar to those dictating his L.K. 2407/1. L.K. 2407/1 will then be gazetted as forest reserve by your Ministry.

Could you please advise Mr. Kinga wa Mwendia.

W. K. NGENG  
Chief Conservator of Forests  
Nairobi

REPUBLIC OF KENYA

Serial No. 2202

DEPARTMENT OF LANDS  
LAND TITLES REGISTRY  
NAIROBI/MOMBASA

27

To:

- THE COMMISSIONER OF LANDS (RECORDS BRANCH).
- THE COMMISSIONER OF LANDS (VALUATION OFFICE).
- THE COMMISSIONER OF LANDS (LAND RENTS).
- THE COMMISSIONER OF INCOME TAX.
- THE CITY VALUER, NAIROBI.
- THE MANAGING DIRECTOR, KENYA RAILWAYS.

891049/33

THE TOWN CLERK, ~~NA~~ Nakuru

THE CLERK, COUNTY COUNCIL OF Nakuru

THE SENIOR ECONOMIST/STATISTICIAN, P.O. Box 30289, NAIROBI.

THE EXECUTIVE OFFICER, THE PROVINCIAL AGRICULTURAL BOARD, P.O. ~~BOX~~ Nakuru

MEMORANDUM OF REGISTRATION OF TRANSFER OF LANDS

Surrender

the details whereof appear below, has this day been registered as.....

I.R.26653/6

Date of Document 16th September, 1990

Transferor Kinga Wamwendia

~~Transferor~~ To: The Government of Kenya

Address of Transferee, P.O. Box C/o Box 30089, Nairobi

L.R. No. 2467/1 (Orig. No. ....)

Area 127.3 ha.

Locality W. of Rumuruti Town

Consideration Sh. -

Term -

Annual Rent Sh. -

Due From -

Presented by Registrar of Titles, Nairobi

Date of Presentation 14th October, 1990

*E.G. Mbugua*

E.G. Mbugua

for Registrar of Titles

	Noted by	Checked by	Remarks
OFFICER I/C RECORDS:			
Land Register .. .. .	<i>[Signature]</i>		
Return of Grants .. .. .			
Files .. .. .	<i>[Signature]</i>		
Cards .. .. .			
RECORD DRAUGHTSMAN .. .. .			
VALUATION OFFICE .. .. .			

Noted by *[Signature]*  
17/12/90 8/12/90

9

39

2203

Serial No. ....  
To: .....

DEPARTMENT OF LANDS  
LAND TITLES REGISTRY  
NAIROBI/MOMBASA

- THE COMMISSIONER OF LANDS (RECORDS BRANCH).
- THE COMMISSIONER OF LANDS (VALUATION OFFICE).
- THE COMMISSIONER OF LANDS (LAND RENTS).
- THE COMMISSIONER OF INCOME TAX.
- THE CITY VALUER, NAIROBI.
- THE MANAGING DIRECTOR, KENYA RAILWAYS.

- THE TOWN CLERK, .....
- THE CLERK, COUNTY COUNCIL OF .....
- THE SENIOR ECONOMIST/STATISTICIAN, P.O. Box 30289, NAIROBI.
- THE EXECUTIVE OFFICER, THE PROVINCIAL AGRICULTURAL BOARD, P.O. BOX .....

**MEMORANDUM OF REGISTRATION OF TRANSFER OF LANDS**

NEW GRANT:-

the details whereof appear below, has this day been registered as.....  
I.R. 34964/1

Date of Document..... 16-9-1980.

Transferor..... The President of the Republic of Kenya

Transferee..... Kinga Wamwendia

Address of Transferee, P.O. Box..... 21118 Nairobi

L.R. No..... 12493 (Orig. No.....)

Area..... 149.1 ha (less Reparian Reserve

Locality..... West of Rumuruti Town

Consideration Sh.....

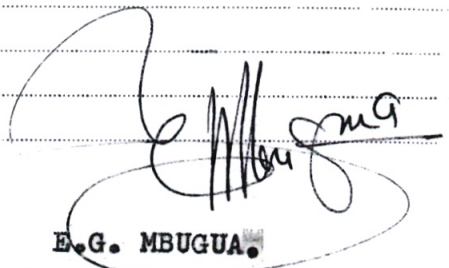
Term..... Free-hold

Annual Rent Sh.....

Due From.....

Presented by..... The Registrar of Titles Nairobi


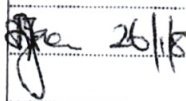
Date of Presentation..... 14-10-1980



E.G. MBUGUA

for Registrar of Titles

89046-42

	Noted by	Checked by	Remarks
OFFICER I/C RECORDS:			
Land Register .. .. .			
Return of Grants .. .. .			
Files .. .. .			
Cards .. .. .			
RECORD DRAUGHTSMAN .. .. .		Noted	
VALUATION OFFICE .. .. .			

REFERENCE SECTION  
To note the ...

Noted  
26/11/81  
20/11/80

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 728060  
or 723348  
When replying please quote  
Ref. No. 101842/63  
and date



DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

29th May, 1991

95

✓ Kinga Wamwendia  
P.o. Box 298  
NYERI

Dear Sir,

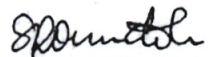
RE: THE LAND PLANNING ACT (CAP.303)

Rumuruti - L.R. No.12493 - 149.1 ha. - Freehold - Proposed sub-division into 33 agricultural plots ranging from 1.21 to 8.09 ha. and change of user to 13 Commercial-cum-residential plots of 0.06 ha. each, a Primary school (4.05 ha.) a nursery school (0.53 ha.) a church (0.36) a dispensary (0.36) an open space (0.36) ha. and a cattle dip (0.405 ha.) - C.A.R. No.230/89

Further to my letter ref. No.101842/61 of 21st. May, 1991 and your acceptance letter dated 21st. May, 1991, my final approval is hereby accorded.

Enclosed please find a copy of the approved plan for your survey work.

Yours faithfully,

  
R.O. Oludo  
for: CHAIRMAN  
CENTRAL AUTHORITY

c.c.

The Director of Surveys  
NAIROBI

- With approved plan.

The District Land Officer  
P.o. Box 820  
NYAKHHURU

ROO/

301-97063



PROPOSED SUBDIVISION OF L.R. No. 12493  
 LAIKIPIA DISTRICT  
 TO CREATE :-

33 AGRICULTURAL PLOTS RANGING BETWEEN 1.21 AND 8.09 Ha.  
 Nos 1—18, 24, 25 & 27—39

13 COMMERCIAL—CUM—RESIDENTIAL PLOTS Nos. A—M 0.06 Ha.

1 SCHOOL OF 4.05 Ha.  
 1 NURSERY SCHOOL OF 0.36 Ha.  
 1 CHURCH OF 0.36 Ha.  
 1 DISPENSARY OF 0.53 Ha.  
 1 OPEN SPACE OF 0.36 Ha.  
 1 CATTLE DIP OF 0.405 Ha.

OWNERS SIGNATURE  
 \_\_\_\_\_

N  
 ↑  
 ———  
 ↓  
 N

SCALE 1 : 5,000

ROADS ARE 5, 6 AND 10 METRES  
 ALL MEASUREMENTS ARE APPROXIMATE

F.101842

29/5/91

Stewart

8-1046-67

22/4



# ANNEX II (C)




**NATIONAL LAND COMMISSION**

**RESPONSES TO THE SENATE STANDING COMMITTEE ON LAND,  
ENVIRONMENT AND NATURAL RESOURCES.**

**REPORT BY:**

**GERSHOM OTACHI BW'OMANWA  
CHAIRMAN**

**10<sup>TH</sup> MAY 2023**



**RESPONSES TO STATEMENTS AND A PETITION PENDING BEFORE  
SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND  
NATURAL RESOURCES**

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**Honourable Chair,**

Pursuant to the letter Ref: **SEN/DSEC/LENR/3/2023/(50)** dated **2<sup>nd</sup> May, 2023** from the Clerk of the Senate inviting the Chairman, National Land Commission to appear before the Committee on Wednesday, 10<sup>th</sup> May 2023 to respond to statements and petition pending before the Committee.

**Honourable Chair and Committee Members,** the National Land Commission (NLC) was established under articles 67 and 248 of the Constitution of Kenya 2010. It was formed to spearhead the land reform agenda in Kenya as intended in the National Land Policy 2009. The Commission is operationalized through Acts of Parliament that include, the National Land Commission Act, 2012; the Land Act, 2012 and the Land Registration Act, 2012. The role of the Commission is to facilitate sustainable land use in Kenya through a holistic land policy, efficient land management practices, equitable access to land, comprehensive land registration, consider and make recommendation on Historical Land Injustice claims and applying appropriate land dispute handling mechanisms among others.

**Honourable Chair and Committee Members,** we have considered the statements and the petition as listed in the referred letter and we wish to respond as follows:

- 1) STATEMENT REQUESTED BY SEN. SHAKILA ABDALA, MP ON 17<sup>TH</sup> NOVEMBER, 2022 CONCERNING THE LAND ACQUISITION OF THE LAPSSET CORRIDOR PROGRAMME;**

- a. ***Provide a report detailing the land acquisition process for LAPSSET Corridor Programme, including the exact land placement, acreage, amount paid per acre, and the justification for the project.***

The Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor Program is a regional multi modal-infrastructure program that integrates Roads, Railway and Pipeline components between the three partner states of Kenya, South Sudan and Ethiopia; and connects them to the Port of Lamu at Kenya's coast. The Corridor Program is intended to create a second strategic Corridor opening up the Northern parts of Kenya, connecting her to the partner states of Ethiopia and South Sudan, and in the long term, creating a land bridge between the East and West coasts of Africa. It is a significant enabler for enhanced regional trade and integration and unlocking regional potential through infrastructure development.

In Kenya, the LAPSSET Corridor Program is the largest Vision 2030 flagship project and encompasses seven key components, namely;

- a. Lamu Port & Special Economic Zone
- b. Highways
- c. Railways
- d. Crude and Product Oil Pipelines
- e. International airports in Lamu, Turkana and Isiolo
- f. Resort Cities in Lamu, Turkana and Isiolo
- g. High Grand Falls Multipurpose Dam

In addition, the following supporting infrastructure is also planned alongside the key components:

- h. Water supply lines;
- i. Power supply lines; and
- j. Fibre optic cable and communication systems.

The Commission received a request for compulsory land acquisition for the LAPPSET program from the Cabinet Secretary for Ministry of Transport, Infrastructure, Housing and Urban Development (**Annexure 1**) resulting in publication of the gazette notice number 8676 of 21st October, 2016 for intention to acquire and subsequent notices of addendum and corrigenda vide notices number 1518 of 16th February, 2018, 6382 of 28th August, 2020 & 9849 of 20<sup>th</sup> September, 2021 which provided coordinates for the extent of land being acquired.

Inquiries have been conducted for the project vide gazette notices number (s) Gazette Notice No. 3783 of 23rd April, 2021 & 9850 of 20<sup>th</sup> September, 2021, 14032 of 11<sup>th</sup> November 2022 and 4384 of 4<sup>th</sup> April 2023.

A summary of land required and stage of acquisition is summarized in the table below: -

	County	Components	Area (Ha)	Length (km)	Stage of Land Acquisition
1.	Lamu	500m Wide Corridor	2,704	54	Inquiry Phase
		Lamu Port area	28,139		Title Issued
		Oil Refinery	100		Intention to acquire gazetted in 2019
		Lamu Industrial Zone/City	10,744		Intention to acquire gazetted in 2019
		SEZ	820		Request for compulsory land acquisition not yet received.
		Lamu Resort City	470		Intention to acquire gazetted in 2019
		Lamu Airport	2,409		Intention to acquire gazetted in 2019
2.	Garissa	500m Wide Corridor	16,785	344	Awards Phase
3.	Meru	500m Wide Corridor	1,922	38	Inquiry Phase
4.	Isiolo	500m Wide Corridor	4,601	93	Awards Phase
		Isiolo Resort City	5,012		Intention to acquire gazetted in 2019
		Isiolo Airport	1,477		Intention to acquire gazetted in 2019
5.	Samburu	500m Wide Corridor	10,148	202	Inquiry Phase
	Turkana	500m Wide Corridor	20,618	412	Inquiry Phase

6.		Turkana Resort City	5,000		Intention to acquire gazetted in 2019
		Turkana Airport	1,500		Intention to acquire gazetted in 2019
7.	Marsabit	500m Wide Corridor	16,500	330	Intention to acquire gazetted in 2019

Registered land within Hindi-Magogoni Scheme which forms part of the 500m corridor in Lamu County was gazetted vide Gazette Notice Number 9849 and inquiries held as published vide Gazette Notice Number 9850 of 20<sup>th</sup> September, 2021. However, the joint survey team from KeNHA, LAPSSET and NLC confirmed that the extent of majority of the land parcels on ground did not conform with Registry Index Map (RIM) from the Survey Office at the Ministry of Lands. This was communicated to the acquiring agency vide a letter ref: NLC/VAL.1455/IV/33 dated 31<sup>st</sup> January, 2022. The exercise was therefore put on hold pending ground verification of the boundaries by the Land Registrar and District Surveyor to enable publication of corrigenda of gazette areas which were found to be erroneous. The Commission will proceed with the finalization of valuation and issuance of Awards once the survey report is finalized by LAPSSET, and upon publication of the corrigenda notice to avoid erroneous computation of awards.

Payment to landowners has only been made to those within the port area who were compensated at a Market Value of Ksh. 1,500,000/- per acre. The remaining components of the project are still in the process of acquisition and therefore amount to be awarded are yet to be determined by the Commission.

***b. Inform the Senate whether all people and organizations that vacated their land for the LAPSSET Corridor Programme have been compensated and if not, state the reasons.***

As stated previously, PAPs within the port area were compensated with the exception of those who had pending issues such as succession and disputes.

The process of acquiring the 500m corridor is ongoing and the Commission has completed inspection of the entire corridor from Lamu to Lokichar in Turkana county. Public inquiries are ongoing and has so far been undertaken within Hindi Magogoni Scheme in Lamu, Garissa, Isiolo and Turkana Counties.

**c. *State the land requirement for the Lamu Special Economic Zone and Industrial City.***

The Commission received a request to acquire land for the Lamu Special Economic Zone vide Letter Ref. LCD/A/7/2/7(9) dated 27<sup>th</sup> April 2023 from LAPSSET Corridor Development Authority and its under consideration.

**2) STATEMENT REQUESTED BY SEN. FATUMA DULLO, MP ON 30<sup>TH</sup> NOVEMBER 2022 REGARDING THE CRITERIA USED IN COMPUTING COMPENSATION TO LAND OWNERS ALONG THE HORN OF AFRICA GATEWAY PROJECT IN ISIOLO COUNTY;**

**a. *Table a list of all land acquired by the National Land Commission (NLC) along the Isiolo – Modogashe road, indicating the amount owed to each land owner and the criteria used in determining the compensation figures.***

Horn of Africa Gateway Development Project (HoGDP), is a road project being implemented by Kenya National Highway Authorities (KeNHA) in the Upper Eastern and Northern part of Kenya. The project transverses Isiolo, Meru, Garissa, Wajir and Mandera counties. The project is phased in different sections whose construction financing is funded by different entities. Phase 1 extends to approximately 200Kms from Isiolo to Modogashe and is funded by the World Bank. The section is divided into two lots: Lot 1 from Isiolo to Kulamawe falls within Meru county and Isiolo counties, and Lot 2 Kulamawe to

Modogashe falls within Isiolo County. There are sixteen (16 No.) identified Townships/settlement areas between Isiolo and Modogashe.

The Commission received a request from KeNHA vide letter Ref. KeNHA/04.D/S.HoAGDP/Vol.1/01 dated 14<sup>th</sup> September, 2020 (**Annexure 2A**) requesting the Commission to value the affected properties within the road corridor surveyed for HoAGDP as per the Resettlement Action Plan (RAP) undertaken by KeNHA. The valuation was to facilitate compensation to affected persons for their structures and business only. This was to comply with World Bank Operational Policy on involuntary resettlement in line with the project's funding agreement signed between the Government of Kenya and the Development Partners. The project therefore has no land acquisition component as the project will be implemented on the demarcated road corridor.

The valuation schedule of KSHS.554,969,790/- as follows:

i.	Ngaremara Settlement	882,610.00
ii.	Gambella Settlement	11,763,250.00
iii.	Ndumuru Settlement	10,020,100.00
iv.	Buulu Settlement	5,082,990.00
v.	Kachuru Settlement	29,150,610.00
vi.	Yaqbarsadi Settlement	7,520,620.00
vii.	Kulamawe Settlement	120,189,620.00
viii.	Boji Settlement	35,875,280.00
ix.	Garbatulla Town	163,875,320.00
x.	Eldera Settlement	16,707,330.00
xi.	Eldere Settlement	53,386,250.00
xii.	Bullo Settlement	6,046,750.00
xiii.	Barquque Settlement	7,768,790.00
xiv.	Janju Settlement	4,009,740.00
xv.	Modogashe Town	82,690,530.00

- b. Explain the valuation criteria used by NLC in determining the figures, giving reasons for the biased discrepancy in compensating several land owners, noting that owners of mud houses were paid than owners of permanent stone houses.**

The basis of valuation of structures was replacement cost approach derived and analyzed from the rates published by IQSK (Institute of Quantity Surveyors of Kenya) and advisories obtained from Ministry of Transport, State Department of public works (**Annexure 2B**). Adjustments were made to accommodate cost variations resulting from factors like type of construction materials and transport costs. The rates were applied on the plinth area of the structures affected. Structure owners were also compensated for loss of rent/income while tenants were compensated for relocation costs where applicable.

The following rates were adopted for various structures inspected along the corridor;

<b>Sno.</b>	<b>Structure description</b>	<b>Rates applied per sqm</b>
1.	Highrise stone wall	35,000 - 40,000
2.	Double storey stone wall	30,000-35,000
3.	Modern stonewall bungalows	25,000-30,000
4.	Standard single storey stone walls,	20,000-25,000
5.	Brick walls	15,000 - 20,000
6.	Wooden structure on screed floor	12,000-15,000
7.	GCI structures	10,000-15,000
8.	Mud wall	12,000-15,000
9.	Dash manyattas	2,500-3,500

The structure values were arrived at by multiplying the compensable rates to plinth areas, and then adding 15% as disturbance allowance. This therefore provided the total compensation amount payable.

**c. Give reasons for NLC's decision to compensate structures only excluding land.**

The structures being compensated are the ones which have been identified to be on the demarcated road corridor as per the project funding agreement between the Government and the Financiers. There is no land acquisition component in the project.

The construction is within an existing road corridor and therefore no private/community interest are being acquired. Although the structures are within the road corridor, the structures are being compensated in line with World Bank guidelines on involuntary re-settlement.

**d. Outline measures put in place, if any, to ensure NLC undertakes a standard revaluation, taking into account compensation for both land and structures.**

Compensation for land can only be made where there is acquisition of private or community land, an element that has not been communicated by the acquiring authority (KeNHA) to Commission.

To ensure equitable compensation within the project to the affected persons, the Commission has adopted similar compensation rates for similar structures. Additionally, the Commission adheres to provisions of Land Act No. 6 2012 (revised 2019) and the Land (Assessment of Just Compensation) Rules as per the Legal Notice Number 283 of 2017.

The Commission is currently reviewing its Land Acquisition Processes and Procedures Manual to ensure compliance with the law and internal processes by the Commission before service of awarded amounts. In this regard, the Commission adopts the accepted valuation principles and methods in

assessing market values according to International Valuation Standards (IVS) and Kenya Valuation Standards (KVS).

**3) STATEMENT REQUESTED BY SEN. JOHNES MWARUMA, MP ON 14<sup>TH</sup> MARCH, 2023 REGARDING THE RESIDENTS OF IKANGA WHOSE LAND WAS ENCROACHED BY KENYA AIRPORTS AUTHORITY:**

***a. State whether there was involvement of the land owners of Ikanga, pursuant to Article 232(1)9d) of the Constitution, before their land was acquired by the Kenya Airports Authority (KAA) to pave way for the expansion of Ikanga Airstrip.***

In July 2019 the Kenya Airports Authority requested the Commission to undertake a valuation on 12 land parcels to enable the Authority compensate persons affected by encroachment on private land by the Authority. The Commission conducted the inspection and assessment of value and provided the Authority with a Report and Valuation on 24<sup>th</sup> September 2019 (**Annexure 3**). The Commission was only involved in provision of an advisory valuation to the Authority and not compulsory land acquisition. During inspection of the affected properties the PAPs were informed of the purpose of the valuation and the inspection was conducted in the company of a PAPs representative.

***b. Provide a list of residents who lost their land as a result of this expansion of the Ikanga Airstrip.***

The Commission was requested to undertake valuation over the 12 land parcels listed in letter Ref.KAA/ES/VOI/932/C(39) dated 5<sup>th</sup> July 2019 and the affected residents as per title searches were:

#	Title Number	Title Area (Ha)	Area Encroached (Ha)	Registered Owner(S)
1	Mbololo/Mraru/3588	2.62	0.26	Rose Meso Mwambere
2	Mbololo/Mraru/3071	3.1	0.19	Boniface S. Shumael Mgedi
3	Mbololo/Mraru/3584	0.19	0.04	Swaleh Mahmud Sheikh
4	Mbololo/Mraru/3070	0.75	0.43	Roselyne Machocho Mwalukuku
5	Mbololo/Mraru/3582	0.9	0.31	Samwel Mwangemi Kifuso
6	Mbololo/Mraru/3313	1.63	0.33	Habel Mwagha Mkombola & Richard Mwakera Mwikamba
7	Mbololo/Mraru/3352	2.07	0.49	Habel Mwagha Mkombola & Richard Mwakera Mwikamba
8	Mbololo/Mraru/3976	0.4	0.04	Urbandale Enterprises Limited
9	Mbololo/Mraru/3975	2.24	0.16	Julius Mwachuga Kirama
10	Mbololo/Mraru/4014	0.0469	0.0465	Grace Elizabeth Mkabili
11	Mbololo/Mraru/4015	0.0465	0.02	Catherine Maghuwa Zawadi
12	Mbololo/Mraru/4028	0.0935	0.06	Christopher Senge Alama

***c. Explain reasons for the inordinate delay in compensation of the land owners and whether there are any plans to compensate them, as provided for by Article 40(3)(b) of the Constitution and Section 111 of the Land Act (2012) giving timelines within which such compensation, if any, will be availed.***

The valuation undertaken by the Commission was for advice to the Kenya Airports Authority on the Market Value to be applied during compensation. The Commission did not undertake a compulsory land acquisition project in the manner provided for in the Land Act, 2012 as that was not the request by the Authority at the time. The advisory valuation report was anticipated to be used by KAA in payment of compensation to the affected persons.

**4) STATEMENT REQUESTED BY SEN. WAMATINGA WAHOME, MP ON 23<sup>RD</sup> MARCH 2023 ON ALLEGED IRREGULARITIES IN LAND ACQUISITION FOR DAM CONSTRUCTION PROJECTS.**

- a. *Provide a list and particulars of parcels of land acquired by the National Land Commission for the purpose of dam construction projects since 2020, stating the amounts paid for them as compensation to the respective owners and indicating the market value of those parcels.***

**Honourable Chair and Committee members**, the following dam projects have been undertaken by the Commission since 2020:-

- i. Karimenu II Dam Phase II
- ii. Soin-Koru Dam
- iii. Mwache Dam
- iv. Lower Nzoia Irrigation Development and Flood Mitigation Project Phase 1 in Siaya and Busia Counties
- v. Ruiru II Dam
- vi. Thwake Dam Phase II
- vii. Kwa Mbila Dam

**Honourable Chair and Committee Members**, in computing the amount of compensation payable for a specified interest in a parcel of land is in accordance with the statutory provisions and Land Act 2012, The Land (Assessment of Just Compensation) Rules, 2017, The Land Value (Amendment) Act, 2019 and in line with the best practice as provided by International and Kenyan Valuations Standards. The basis of compensation for land is the Market Value, whose determination and sources of valuation data to be employed are provided as follows:

- a. Market comparables from registered transactions at respective land registries sourced from the Ministry of Lands.
- b. Transfer documents on which stamp duty has been duly paid.
- c. Market based land value indices generated by private practitioners in the real estate profession.
- d. Market information from land based professionals including registered valuers, estate agents and data from sales agreements drawn by practicing advocates.

Section 107 of Land Act No. 6 of 2012 prescribes the criteria for value of land compulsorily acquired for both freehold and leasehold interests. It requires the Cabinet Secretary in charge of lands to develop a land value index in consultation with county governments for approval by national assembly and the senate. The indices once finalized will be a useful guide to land values to be applied in different counties.

**i. KARIMENU II DAM PROJECT PHASE II**

The project site is located in Gatundu North District of Kiambu County approximately 75km north of Nairobi city. Karimenu dam with an estimated yield of approximately 103,000m<sup>3</sup> /d as per the master plan provided the most suitable source that can supply the towns of Ruiru and Juja with an initial surplus to Nairobi. The dam was designed and constructed to supplement water supply for Ruiru and Juja Satellite Towns as envisaged in the Water Master Plan for Nairobi.

**The Phase I** acquisition of land the Dam was undertaken in 2018 vide gazette notice no.3970 of 27<sup>th</sup> April, 2018 and 5265 & 5267 of 31<sup>st</sup> May,2018.

**The Phase II** acquisition of land for the dam commenced in 2020 vide gazette notice no.1735 of 28<sup>th</sup> February,2020. Subsequent gazette notices published vide no.s 3102 of 14<sup>th</sup> April, 2020, 3945 of 12<sup>th</sup> June,2020; 5276 of 28<sup>th</sup> July,

2020,7655 of 2<sup>nd</sup> October,2020; 10916 of 22<sup>nd</sup> December, 2020 and 3606 of 16<sup>th</sup> April,2021, 14014 of 20<sup>th</sup> December, 2021 & 5364 & 5365 of 6<sup>th</sup> May,2022.

This Phase of the project entailed acquisition for dam reservoir, Treated Water Pipeline ,Borrow Pit and Spoil extension and the Ruiru-Juja Pipeline. The analysis of values of land during this period were KShs.2,600,000 per acre for the agricultural properties.

Currently, the land value index for Kiambu County has not been finalized and therefore the Commission relied on the stamp duty valuation from State Department of Lands and Physical Planning in arriving at the Market Values dam location. Section 107A (5) of the Land Act directs the Commission to disregard any increase in land values after publication of the notice of intention to acquire.

## **ii. SOIN-KORU DAM**

This project is being implemented by National Water Harvesting and Storage Authority (NWHSA) and comprises a multipurpose dam on River Nyando to mitigate the effects of frequent floods in the lower areas of the river and to boost socio-economic activities in the area through irrigation, provision of clean water and generation of electricity. The project is situated within Kisumu and Kericho Counties.

The Commission commenced the process of acquiring land required for the project in 2020 vide gazette notice number 5273 of 28th July, 2020. Subsequent notices of addenda, corrigenda and inquiry have been published vide Gazette Notice Numbers 5404 of 4th June 2021 & 6989 of 17th June 2022, Gazette Notice No. 1221 of 12th February, 2021, 5405 of 4th June, 2021 and 6990 of 17th June 2022.

The project is being implemented in two phases as follows:-

- a) Phase I (Embankment area) that covers 135.97 Ha.
- b) Phase II (Dam area) that covers 673.24 Ha.

In arriving at the Market Values for land , the Commission collected market data from stamp duty valuations from Ministry of Lands, Physical Planning and Urban Development (MoLPPUD), valuations from private real estate practitioners within the region and sale agreements. Land within Kisumu County was assessed at a market value of KShs.600,000-900,000 per acre while parcels within Kericho County were valued at KShs.350,000/= to 500,000/= per acre.

### **iii. MWACHE MULTI – PURPOSE DAM IN KWALE COUNTY**

The proposed Mwache Dam is a Kenya Vision 2030 project aiming to supplement water supply for Mombasa City and the adjacent areas in Kinango Sub County in Kwale County. It has been given high priority by Ministry of Water and Sanitation (MOWS), the Coast Development Authority (CDA), the Coast Water Services Board (CWSB) and the National Treasury.

Mwache Dam Resettlement Action Plan is divided into two RAP Reports (RAP 1 and RAP 2). This is because of the geographical expanse of the land being acquired - approximately 2,209Ha (5,500 acres).

RAP 1a covers all Priority 1 works areas i.e. the lower check dam site and quarry site areas (part of which are in Mwavumbo Group Ranch) and main dam site and some operational areas, all Priority 2 areas i.e. part of main dam operational and reservoir areas and part of Priority 3 areas (part of main dam operational and impoundment areas and part of the lower check dam reservoir areas , silt pile) and access roads A, F,& H, C, G and J. RAP 1b covers part of

Priority 3 i.e., the rest of the main dam and lower check dam reservoir areas all of which are within Mwavumbo Group Ranch.

In priority 1 has a total number of 273 parcels (approximately 404 HA), while in P2 has a total number of 415 parcels (approximately 534 HA). Priority 3 is currently ongoing and details will be availed on completion.

**Priority 1** acquisition of the land for the Dam was undertaken from 2018 to 2020 vide gazette notice nos. 8986 of 31<sup>st</sup> August, 2018, 6554 & 6555 of 4<sup>th</sup> September, 2020.

**Priority 2** acquisition of the land for the Dam was undertaken from 2020 to 2022 vide gazette notice nos. 9174 & 9175 of 6<sup>th</sup> November, 2020, 4393 & 4394 of 7<sup>th</sup> May, 2021, 8821 & 8822 of 27<sup>th</sup> August, 2021, 5371 & 5372 of 6<sup>th</sup> May, 2022, 11732 & 11733 of 28<sup>th</sup> September, 2022 and 15187 & 15188 of 5<sup>th</sup> December, 2022.

**Priority 3** acquisition of the land for the Dam is currently ongoing from 2022 to present vide gazette notice nos. 14028 of 11<sup>th</sup> November, 2022, and 5783 & 5784 of 5<sup>th</sup> May, 2023.

The law under section 107A (5) of the Land Act directs the Commission to disregard any increase in land values after publication of the notice of intention to acquire which was done vide gazette notice no 8986 of 31<sup>st</sup> August, 2018 for priority 1 and 9174 of 6<sup>th</sup> November, 2020 for priority 2. The analysis of values of land during this period ranged from KShs.250,000 to KShs. 500,000 per acre depending on location, terrain, access to the river and roads.

**iv. LOWER NZOIA IRRIGATION DEVELOPMENT AND FLOOD MITIGATION PROJECT PHASE 1 IN SIAYA AND BUSIA COUNTIES.**

Lower Nzoia Irrigation Development and Flood Mitigation Project Phase 1 in Siaya and Busia Counties is a World Bank (WB) funded project. The project aims are two (2) folds: to increase irrigated land and to improve flood protection in the perennial flood hit areas of Budalangi and Lower Nzoia regions in Western Kenya. The project is supported by the World Bank (WB) under the Kenya Water Security and Climate Resilience Program (KWSCRIP).

The land acquisition for the project was initiated pursuant to Kenya Gazette Notice No. 12525 of 22<sup>nd</sup> December 2017. Subsequent addendum gazettes include 3621 of 2018, 11107 of 2018, 11109 of 2018, 1794 of 2020 (Block 1, 2, 3 & 4), 4200 of 2020, 5996 of 2020, 8593 of 2020 (Blocks 5, 6 & 7), 10262 of 4th December 2020 & 2181 of 5th March 2021 (both for Northern Dyke), 2179 of 5th March 2021 (Blocks 6-9 & 11-14), 6378 of 25th June 2021 (Main Canal 10), 6379 of 25th June 2021 (Tertiary Canals), 10086 of 26th August 2022 (Cross Drains 1, 2, 3 & 4) and 14030 of 11th November 2022 (Cross Drains & Other GAPS).

Public inquiries have been held pursuant to gazette notices numbers 3620 of 2018, 11108 of 2018, 4201 of 2020, 5848 of 14th August 2020 (Blocks 1, 2, 3 & 4), 2182 of 5th March 2021 (Northern Dyke), 1220 of 12th February 2021 and 9852 of 17th September 2021 (Main Canal 10, Secondary Canals (6, 8, 9, 11, 12, 13 & 14 and Southern Dykes), 10087 of 26th August 2022 and 14031 of 11th November 2022 (Cross Drains 1, 2, 3, 4, 5, Secondary Canal 8 (Realignment) and other GAPS).

From the year 2020, the Commission has so far undertaken land acquisition various project phases: main canals, secondary canals, tertiary canals, cross drains, northern dyke and gaps in the main canal. 3,954 persons have been

affected by the project and compensation for the various components totals KShs.1,223,646,884 at present.

The Commission obtained land information through undertaking land value research at the Siaya and Busia County Lands Offices for the various registration sections. Analysis of land values during the period ranged from KShs. 300,000 to KShs. 800,000 per acre depending on size, location, terrain, and accessibility.

#### **v. RUIRU II DAM**

Ruiru II Dam Water Supply Project is a proposed new water source aiming to supply the City of Nairobi and its satellite towns of Kiambu, Ruiru, Thika, Juja, Karuri, Githunguri, Limuru, Lari, Mavoko, Tala and Kangundo. The implementing agency is Athi Water Works Development Authority (AWWDA). Land acquisition is phased out and prioritized.

The Commission has commenced the exercise by first acquiring the dam footprint (Phase I) area which will make available approximately 30.1 hectares or 75 acres of land to the contractor. The second phase is earmarked for the campsite and disposal (Phase II) areas and will additionally avail approximately 28.52 hectares or 70.5 acres.

Valuation for acquisition of dam footprint (Phase I) has been finalized, awards served to and accepted by the 144-project affected persons and disbursement of funds is presently on-going. The combined compensation sum for the 144-project affected persons is Kshs.565,159,469/-. For the *dam footprint* region, disbursement of compensation funds is presently on-going.

The land acquisition for Phase I (Dam footprint) was undertaken pursuant to Kenya Gazette Notice No. 8481 of 21st October 2020. Subsequent gazettes include 3786 of 23<sup>rd</sup> April 2021 and 6994 of 17<sup>th</sup> June 2022, 3785 of 23<sup>rd</sup> April

2021, 8823 of 27<sup>th</sup> August 2021, 203 of 14<sup>th</sup> January 2022, 6994 of 17<sup>th</sup> June 2022 and 11730 of 28<sup>th</sup> September 2022.

The Commission undertook land value research at the Kiambu County Land Registry and from real estate practitioners before arriving at a figure of Kshs. 5,000,000/- per acre.

**vi. THWAKE MULTI-PURPOSE DAM PROJECT**

Thwake Multi-Purpose Dam Project is a major water project whose land acquisition for Phase I commenced in the year 2016 pursuant to Kenya Gazette notice number 1172 of 26<sup>th</sup> February 2016. The project is located in Kitui and Makueni Counties.

Phase II of the project involves land acquisition of 9 additional titles for a buffer road. The land acquisition was initiated pursuant to Gazette Notice number 3287 of 30<sup>th</sup> April 2020. The final compensation schedule has a total of 29 project affected persons with a combined compensation sum of KShs. 44,972,854/-. Awards were served and accepted by all the 29 project affected persons.

The land value adopted per acre was Ksh. 200,000/- per acre. All the 9 titles that are being acquired for Phase II of Thwake Dam fall under Mavindini/Mavindini land registration section.

**vii. KWA MBILA DAM**

Kwa Mbila earth dam is located in Kavumbu Area of Makueni County approximately 40km southeast of Wote Town. The project involves compensation of part of Parcel No. Mbuvo/Kiangini/32, submerged by Kwa Mbila earth dam which was constructed by the County Government of Makueni in 2016. After construction, the dam water levels increased submerging part of

the subject parcel. The owner of the parcel raised a complaint with the county government and upon assessment, a decision to acquire the portion of land encroached by the dam through compulsory acquisition was arrived at.

In arriving at the Market Value of land, the Commission relied on stamp duty valuations from Makueni Lands Registry and other Market information from land based professionals in Makueni County. The notice of intention to acquire was published vide gazette notice number 4330 of 7th May, 2021 and the value of land was assessed at Kshs. 350,000 per acre.

The summary of land acquisition for dam projects is presented in the table below.

STATUS REPORT ON LAND ACQUISITION FOR DAM PROJECTS									
Project	Acquiring Entity	No. of Land Parcels	Acreage Acquired (Ha)	Project Cost	Amount Received	Amount Not Remitted	Amount Paid	Balance	Remarks
Karimenu Dam	Athi Water	683	221	3,452,534,948.00	3,447,132,976.45	5,401,971.55	3,306,125,961.00	141,007,015.45	Payment Ongoing
Soin Koru Dam	Ministry of Water	402	895.172	2,856,848,592.54	447,000,000.00	2,409,848,592.54	430,520,101.80	16,479,898.20	Payment Ongoing
Mwache Dam Water Project	Ministry of Water	795	901	1,638,915,291.00	1,550,000,000.00	88,915,291.00	1,520,073,049.00	29,926,951.00	Payment Ongoing
Lower Nzoia Irrigation Project	Ministry of Water	3,357	265	1,486,403,609.00	1,061,500,000.00	424,903,609.00	864,917,731.00	196,582,269.00	Payment Ongoing
Ruiru II Dam	Athi Water	111	71	565,159,487.00	565,159,487.00	-	477,699,534.00	87,459,953.00	Payment Ongoing
Thwake Multi-Purpose Dam Project	Ministry of Water	9	24	3,589,905,030.05	3,589,905,030.05	-	3,589,905,030.00	-	Paid
Kwa Mbila Dam	County Govt. Makeni	2	1.19	1,679,285	-	-	-	-	Payment pending
	<b>TOTAL</b>	<b>5,358</b>	<b>2,378</b>		<b>10,660,697,494</b>	<b>2,498,763,884</b>	<b>10,189,241,407</b>	<b>471,456,087</b>	

***b. Investigate and table findings on reports of collusion and conspiracy between individuals, companies and officials of the Ministry of Lands, Housing and Urban Development and the National Land Commission (NLC) to acquire land in anticipation of projects and dispose them to the Government at exorbitant prices for these projects, thereby occasioning loss of money by the Taxpayer.***

The Commission's land acquisition activities are subject to annual internal audit, and external audit by the Office of the Auditor General. No reports of collusion and conspiracy in relation to dam projects have arisen. Additionally, the Commission has in the past been subject of investigation by investigative agencies including Ethics and Anti-corruption Authority and Directorate of Criminal Investigations. Any persons found culpable have been handled as required by the law.

***c. State the action to be taken against those involved, including measure to surcharge them for the loss by Government.***

When there is sufficient information to institute an investigation, any persons found culpable will be handled according to the provisions of the law.

***d. State measures being taken to promote awareness to communities, whose land has been marked for government projects, from disposing their land to unscrupulous land speculators.***

The Commission undertakes continuous sensitization throughout the land acquisition process, particularly prior to land acquisition during the reconnaissance visit, prior to inspection of properties and during Inquiry.

**5) STATEMENT REQUESTED BY SEN. TABITHA KARANJA KEROCHE, MP ON 2ND MARCH 2023 REGARDING THE STATUS OF RESETTLEMENT OF INFORMAL SETTLERS IN MOLO, NAKURU COUNTY;**

Settlement Programmes are implemented by National Government in consultation with the National Land Commission and respective County Governments as provided in sections 134 and 135 of the Land Act 2012 and Regulation 32 of the Land Regulations, 2017. According to the Act, those targeted for settlement include squatters and displaced persons.

Settlement Programmes can be undertaken on either public land or private land by the Land Settlement Fund Board of Trustees established under section 135 (1) of the Land Act 2012. The board membership comprise Cabinet Secretaries in charge of Lands (Chairperson), National Treasury, Agriculture, Environment and Natural Resources, Internal Security and a representative of the Commission.

- **Settlement on Public Land:** Where public land is involved, the national government or respective county government is required to request NLC to reserve the subject land for settlement. The request for reservation is to be supported by georeferenced and authenticated survey plan. On receipt of request, NLC will process and if satisfied that the request meets the criteria, then the said public land will be reserved to the Land Settlement Fund Board of Trustees (LSFBT) for implementation that is planning survey and allocate to households.
- **Settlement on Private Land:** LSFBT is empowered under section 135(3)(b) to purchase private land for settlement programs. Once purchased, the land is planned surveyed and allocated to households.

We are aware, that the National Government is implementing settlement programmes in various parts of the country. To facilitate this NLC has since 2019 received 48 requests and the status of each request is as shown in **Annexure 4**. From the annexure, you will note that there is no pending request for reservation of land for settlement from the County Government of Nakuru for any part of the county in general and more specifically Molo.

**6) STATEMENT REQUESTED BY SEN. JOHNES MWARUMA, MP ON 8TH MARCH, 2023 ON OWNERSHIP STATUS AND ADJUDICATION OF KISHAMBA B LAND IN VOI SUB-COUNTY, TAITA TAVETA COUNTY;**

Land adjudication refers to the process of ascertainment of rights held by occupants of land that was categorized as trust land. From this definition, it is clear that the process of land adjudication follows definition of adjudication areas in line with the Land Adjudication Act (Cap 284).

Matters relating to land adjudication and the administration and management of Community Land would be best handled by the CS lands. The Commission participates in land adjudication as one of the actors, together with the NGAO officials in the adjudication areas and sections.

The Commission's role in adjudication and settlement matters touches on monitoring processes followed in creating rights and interests in land in line with Section 5(2)(b) of the National Land Commission Act, 2012.

**7) PETITION CONCERNING THE DEGAZETEMENT OF LAND REFERENCE NO. 12493, SITUATED IN WEST OF RUMURUTI TOWNSHIP IN LAIKIPIA COUNTY.**

This touches on a long standing matter running for over four decades and sought to have the Commissioner of Lands, and the Chief Conservator of Forest

to effect degazettement of LR. No. 12493. Preliminary information adduced from the petition to Senate indicates that the request for degazettement follows exchange of part of a forest land with private land. Section 34 of the Forest Conservation and Management Act, 2016 provides for the procedure to be followed in variation of boundaries of a public forest. The actors in this matter are the CS in charge of Environment, Senate or National Assembly. The petitioners in this case have done the right thing by petitioning Senate. It is now upon Senate to engage with the CS in charge of Environment on the process. If the request for degazettement is approved and gets executed, a request to effect the land exchange should be forwarded to the NLC. Land exchange is anchored under the Regulation 33, Land (Allocation of Public Land) Regulations, 2017.

**Honourable Chair, I submit.**



**GERSHOM OTACHI BW'OMANWA**  
**CHAIRMAN**  
**10<sup>TH</sup> MAY 2023**

**ANNEX III: SUBMISSIONS BY THE PETITIONER**

**ANNEX**

**III(A)**

13<sup>th</sup> February, 2023

The Clerk of the Senate  
Parliament Buildings  
P.O. Box 41842 – 00100

**NAIROBI**

Email: [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)

**RE: PETITION TO THE SENATE CONCERNING DEGAZETTMENT OF  
LAND REFERENCE NO. 12493, SITUATED WEST OF RUMURUTI  
TOWNSHIP IN LAIKIPIA COUNTY**

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We, the undersigned citizens of the Republic of Kenya, and residents of Laikipia West Constituency, in Laikipia County;

**DRAW** the attention of the Senate to the following:

1. This Petition relates to the failure by the Kenya Forest Service to degazette parcel of land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County. This was to have been done in the year 1976 following an exchange of the said parcel of land with L.R. No. 2467/1 situated at Lariak in Laikipia West Constituency, Laikipia County.
2. While parcel of land L.R. No. 2467/1 was privately owned and not gazetted as forest land, the Kenya Forest Service approached the owner of the land, Mr. Kinga wa Mwendia, with a view to acquiring it for expansion of Lariak Forest. In the discussions that ensued, it was agreed that, instead of paying for the land, the Kenya Forest Service would compensate Mr. Mwendia by allocating him an alternative parcel of land to be excised from Rumuruti Forest, also in Laikipia County.
3. The framework agreed at the time between the Chief Conservator of Forests, the Commissioner of Lands, and Mr Mwendia was that –
  - i) Mr. Mwendia would surrender to the Kenya Forest Service the original Title documents in respect of L.R. No. 2467/1;
  - ii) the Kenya Forest Service would excise and de-gazette the part of Rumuruti Forest to be allocated to Mr. Mwendia;
  - iii) the Commissioner of Lands would allocate the said parcel to Mr. Mwendia and issue him with a Grant for the land; and
  - iv) L.R. 2467/1 would then be transferred to the Government and gazetted as forest land.
4. From the available records, the Chief Conservator of Forests did write to the Commissioner of Lands on 7<sup>th</sup> January, 1977 –
  - i) requesting the Commissioner for Lands to register L.R. No. 2467/1 in favour of the Government to enable the Kenya Forest Service to gazette it;

(A) III  
XIV

Petition to the Senate Concerning Degazettment of Land Reference No. 12493, Situated West of Rumuruti Township in Laikipia County

- ii) instructing the Divisional Forest Officer to immediately take possession of the said L.R. No. 2467/1;
  - iii) authorising the Divisional Forest Officer to immediately issue a license to Mr. Kinga wa Mwendia to **occupy and develop** the identified piece of Rumuruti Forest, pending formal excision and processing of the Grant; and
  - iv) indicating that the excision was being processed and would take a little time.
5. Pursuant to the said agreement, Mr. Mwendia surrendered the original Title documents in respect of L.R. No. 2467/1 to the Kenya Forest Service and it was transferred to the Government and gazetted as forest land. The parcel of land identified at Rumuruti Forest was also excised and a Grant thereon issued by the Commissioner of Lands in favour of Mr. Mwendia, on 16<sup>th</sup> September, 1980. The parcel was allocated Land Reference No. 12493.
  6. Notably, the said Grant was issued on **Freehold** basis and has no Special Conditions enumerated thereon. Additionally, it does not make any reference to the said land comprising forest land.
  7. Contrary to the agreement that formed the basis for the exchange of the two parcels of land, the Kenya Forest Service failed to formally degazette parcel of land L.R. No. 12493 and has failed to do so to date, despite the efforts of Mr. Mwendia and his successors in title from 1980 to date. On the other hand, the Kenya Forest Service took possession of and fenced off the said L.R. No. 2467/1 which became part of Lariak Forest.
  8. Land Reference No. 12493, measuring approximately 370 acres, has since been subdivided into many smaller parcels of land and transferred multiple times over the past 43 years. Upon subdivision, the parcel of land was issued Registration Section **Salama/Salama Block II**. The Ministry of Lands has always processed the transfers and issued Title Deeds thereon, on **freehold** basis, to the transferees.
  9. The agricultural activities taking place thereon have been the economic life stay of the area, and the County Government of Laikipia generates substantial revenue from cess collected on farm produce being delivered to markets.
  10. However, since the Kenya Forest Service has failed to formally degazette the land as forest land, the national and county governments have failed to undertake any development activities thereon. As examples –
    - a) the roads cutting across the 370-acre farm have never been graded or maintained, despite being clearly demarcated on the survey plans for the land;
    - b) the roads and bridges that would connect the land to adjacent parcels and to key public roads have not been built;
    - c) the land is yet to be connected to electricity or piped water;

Petition to the Senate Concerning Degazettment of Land Reference No. 12493, Situated West of Rumuruti Township in Laikipia County

- d) no schools, dispensaries or other public amenities have been constructed, despite provision for these amenities having been made during subdivision of the land;
  - e) no government administrative or security offices have been constructed or officers deployed in the area, thus exposing the farmers and residents to lawlessness as evidenced by the numerous security incidents reported; and
  - f) the farm/ area is never considered whenever national and county development plans are being prepared and budgets thereon allocated.
11. We have made the best efforts to have these matters addressed by the relevant authorities, at both the national and county levels, all of which have failed to give a satisfactory response.
  12. None of the issues raised in this Petition is pending in any court of law, constitutional or any other legal body.

**WHEREFORE**, your humble petitioners pray that the Senate urgently investigates this matter and –

- 1) directs the Chief Conservator of Forests to degazette parcel of land L.R. No. 12493, situated West of Rumuruti Township in Laikipia County;
- 2) recommends that the relevant agencies of the national and county governments urgently move to put in place the infrastructure, roads, bridges, drainage works, electricity, water, schools, dispensaries, administrative office, police post and other amenities in the area; and
- 3) recommends that the County Government of Laikipia includes the farm in preparation of the county integrated and annual development plans and in allocating budgets for construction, grading and maintenance of infrastructure projects and other amenities thereon.

Dated this 13<sup>th</sup> day of February, 2023.

No.	Name	ID/PP No.	Phone No.	Signature
1.	CHARLES W. WAIKWA	0351029	0722 373479	<i>[Signature]</i>
2.	PETER W. MUNGA	0796184	0722771031	<i>[Signature]</i>
3.	CHRISTOPHER M. MUNGA	5175892	0703429101	<i>[Signature]</i>
4.	LILIAN W. WAIKWA	0351031	0720262537	<i>[Signature]</i>
5.	PATRICK KISA KINYANJUI	13535783	0706242352	<i>[Signature]</i>
6.	MIRIAM MUKAMI MWANGI	24853864	0721216280	<i>[Signature]</i>

*Colin*

**PETITION TO THE SENATE BY MR. CHARLES W. WAIKWA  
CONCERNING DEGAZETTMENT OF LAND REFERENCE NO. 12493,  
SITUATED WEST OF RUMURUTI TOWNSHIP IN LAIKIPIA COUNTY**

---

Honourable Senators,

- and others*
1. I hereby report that a Petition has been submitted to the Senate by Mr. Charles W. Waikwa, concerning de-gazettement of Land Reference No. 12493, situated West of Rumuruti Township in Laikipia County.
  2. As you are aware, under Article 119 (1) of the Constitution, and I quote: - "*Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.*"
  3. **Honourable Senators**, the salient issues raised in the said Petition are:-
    - i. That, the Petitioners are residents of Laikipia West Constituency and owners of Land Reference No. 12493, measuring approximately 370 acres situated West of Rumuruti Township in Laikipia West Constituency, Laikipia County;
    - ii. That, the Kenya Forest Service approached Mr. Kinga wa Mwendia, the owner of parcel of land L.R. No. 2467/1, with a view to acquire land for expansion of Lariak forest and offered to compensate him with an alternative parcel of land from Rumuruti forest, Laikipia County;
    - iii. That, in the year 1980, Mr. Mwendia surrendered the original title documents in respect of land L.R No. 2467/1 to the Kenya Forest Service which was transferred to the Government and gazetted as forest land;
    - iv. That, a Grant was thereon issued on Freehold basis by the Commissioner of Lands to Mr. Mwendia for parcel of land L.R No. 12493, which was to be de-gazetted as forest land;
    - v. That, Land Reference No. 12493 has since been subdivided into many smaller parcels of land and transferred multiple times over the past 43 years and that the Ministry of Lands has always processed the transfers and issued title deeds thereon on freehold basis, to the transferees;
    - vi. That, the agricultural activities taking place on parcel of land L.R No. 12493 have been the economic life stay of the area, and the County Government of Laikipia generates substantial revenue from taxes collected on farm produce being delivered to markets from the area;
    - vii. That, the Kenya Forest Service has failed to formally de-gazette parcel of land L.R No. 12493 contrary to the agreement with Mr. Mwendia and that this failure has the resultant effect of the area being underdeveloped by the county government in terms of infrastructure and social amenities; and that the County Government has never considered this area whenever National and County development plans are being prepared and budgets thereon allocated.

- viii. That, the Petitioners have made efforts to address the matter by the relevant authorities including ~~the Commissioner of Lands, the county government, the area Member of County Assembly, the area Member of National Assembly, the area Senator and the Chief Conservator of Forests~~ all of which have failed to yield the desired outcome;
4. The Petitioners therefore pray that the Senate through the relevant committee;
- i. Investigates the matter with a view to fast-track the de-gazettement of parcel of land L.R No. 12493 situated West of Rumuruti Township in Laikipia County.
  - ii. Intervenes in the matter to ensure that the County government of Laikipia includes this area in its annual development plans and allocate budgets for establishment of social amenities, construction, grading and maintenance of infrastructure projects for equality and inclusivity;
5. **Honourable Senators**, pursuant to Standing Order 237, I shall now allow comments, observations or clarifications in relation to the Petition for not more than **thirty** minutes.

*[After comments by Senators]*

6. **Honourable Senators**, pursuant to Standing Order 238(1), the Petition is hereby committed to the Standing Committee on Land, Environment and Natural Resources for its consideration.
7. In terms of Standing Order 238(2), the Committee is required, in not more than sixty calendar days from the time of reading the Prayer, to respond to the Petitioners by way of a Report addressed to the Petitioner, and laid on the Table of the Senate.
8. I thank you.

ANNEX

III (B)

August 31, 2015

THE DIRECTOR  
KENYA FOREST SERVICE  
KARURA FOREST  
NAIROBI



**LAND REFERENCE 12493, WEST OF RUMURUTI TOWNSHIP**

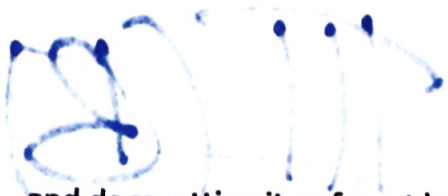
We refer to our letter of July 20<sup>th</sup>, 2015 regarding the ownership of above-referenced parcel of land.

We have now obtained copies of correspondence dating back to 1976, which we believe must or ought to be in your possession, between Kinga wa Mwendia, the then Conservatoire of Forests and the Commissioner of Lands. From the exchanges between the three parties it is quite evident that the Grant by the President of LR 12493 to Kinga wa Mwendia was pursuant to exchange already agreed upon whereby Kinga wa Mwendia was to surrender to the Government LR 2467/1 next to Lariiek forest. The surrender was done and exchange formalized.

The correspondence further reveals that both the Conservatoire of Forests and the Commissioner of Lands were supposed to process the gazettelement of LR 2467/1 as forest land concomitantly with the excision, degazettelement and issuance of Grant to Kinga wa Mwendia in respect of LR 12493.

That the Forestry department proceeded to take possession of LR 2467/1 and that Kenya Forest Service continues to occupy the said piece of land is not in doubt. We have not been approached by the Kenya Forest Service with regard to their vacating LR 2467/1 so that they can take back LR 12493. Nor are we aware that they have approached any surviving offspring of the late Kinga wa Mwendia with a view to reversing the exchange of these parcels of lands.

We hold the view that the old adage, *exchange is no robbery*, still holds true. Should Kenya Forest Service desire to retake possession of LR 12493 then they should first process the reversal of the exchange by first vacating LR 2467/1



and degazetting it as forest land. Until then, we maintain we remain the bona fide owners of LR 12493 and expect that right to be respected and that we shall continue occupation and utilisation of the said LR 12493 without any harassment and molestation.

Signed

CHARLES WAMBUGU WAIKWA (former chairman)

P.O. Box 58826, 00200, Ph 0722373479, Email [nyarotho@gmail.com](mailto:nyarotho@gmail.com)

DR. B. GETHAIGA KIBUKA (former secretary)

P.O. Box 74413, 00100, Ph 0729523219, Email [gkibuka@amercaonline.co](mailto:gkibuka@amercaonline.co)

Cc

Chairman

The National Land Commission

Ardhi House

Nairobi

August 31, 2015

THE DIRECTOR  
KENYA FOREST SERVICE  
KARURA FOREST  
NAIROBI

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Signed

CHARLES WAMBUGU WAIKWA (former chairman)

P.O. Box 58826, 00200, Ph 0722373479, Email [nyaroth@gmail.com](mailto:nyaroth@gmail.com)

DR. B. GETHAIGA KIBUKA (former secretary)

P.O. Box 74413, 00100, Ph 0729523219, Email [gkibuka@amercaonline.co](mailto:gkibuka@amercaonline.co)

Cc

Chairman

The National Land Commission

Ardhi House

Nairobi

August 31, 2015

THE DIRECTOR  
KENYA FOREST SERVICE  
KARURA FOREST  
NAIROBI



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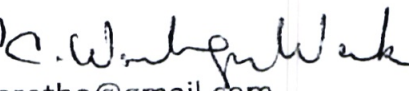
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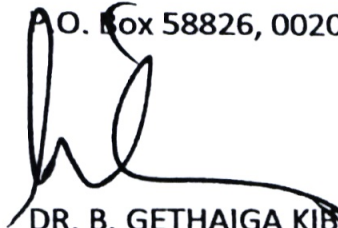
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Cc

✓ Chairman

The National Land Commission

Ardhi House

Nairobi

MINISTRY OF NATURAL RESOURCES



54  
Telegrams: "FORESTRY", Nairobi  
Telephone: Nairobi 22141-2  
When replying please quote  
Ref. No. FOR.68/9/297  
and date

FOREST DEPARTMENT  
P.O. Box 30513  
NAIROBI  
12th March, 1976

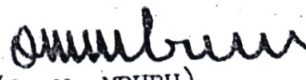
Mr. Kinga Wamwendia,  
P.O. Box 21118,  
NAIROBI.

EXCHANGE OF L.R. NO. 2467/1 - 127.3 HA.  
(APPROXIMATELY)

Please refer to your letter of 30th January, 1976 in which you were applying for an exchange of land involving your L.R. No. 2467/1 and a piece of forest in Rumuruti.

2. I am pleased to inform you that the exchange is approved. I will shortly be requesting the Commissioner of Lands to get in touch with you for the purpose of surrendering title to L.R. No. 2467/1.

3. As for your request at paragraph 6 of your letter our officers in the field are looking into the matter with a view to ascertaining whether there will be need for compensation for the house and water supply. In considering this, account will be taken of the value of the trees that you might gain in Rumuruti Forest. I will shortly be communicating with you regarding our findings.

  
(O. M. MBURU)  
CHIEF CONSERVATOR OF FORESTS

35

Kinga Wamwanda,  
P.O. Box 21118,  
Nairobi.

23rd. April, 1976.

Chief Conservator of Forests,  
Forest Department,  
Ministry of Natural Resources,  
P.O. Box 30513,  
Nairobi.

Dear Sir,

EXCHANGE O. L.R. NO. 2467/1 - 127.3 HA. (APPROX).

I acknowledge with many thanks your letters Ref. Nos. FOR.68/9/297 dated 12th. March, 1976 and FOR.68/9/299 dated 22nd. April, 1976.

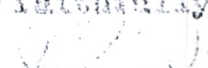
As mentioned in your letter of 12th. March, 1976, I was waiting for your further communication which I have now received.

I am glad to inform you that I am prepared and hereby accept your proposal to recommend that I be given 150 ha. in Mburuti Forest adjacent to my farm L.R.No.11306 and that I am prepared to allow you to utilise L.R. No.2467/1 pending finalisation of the formal procedures.

I take it that I will be free to move out slowly my movable property from L.R. No.2467/1 whilst you are utilising the land.

I am pleased to note that you are prepared to allow me to enter the area that you are going to exchange at Mburuti Forest.

Yours faithfully,

  
Kinga Wamwanda.

Copy to:-

The Divisional Forest Officer,  
Nyahururu.

Thro' Conservator of Forests (N),  
P.O. Box 281,  
Nakuru.

34

MINISTRY OF LANDS AND SETTLEMENT



DEPARTMENT OF LANDS  
P.O. Box 30089, NAIROBI

Telegrams: "LANDS"  
Telephone: 27471-ext. ....  
When replying please quote  
ref. No. 89046/9  
and date

30th June, 1976.

The Conservator of Forests,  
P.O. Box 30513,  
Nairobi.

EXCHANGE OF L.R. No. 2467/1

Your ref. FOR. 68/9/304 of 8th June 1976

The proposed exchange of land has my blessing.  
It will therefore be necessary that the following steps  
are taken to facilitate the exchange:-

Mr. Kinga Wamwendia will have to surrender L.R. 2467/1  
to Government i.e. This Department. Your Ministry will have  
to de-gazette that portion of land that is to be allocated to  
Mr. Kinga Wamwendia. It will be at this stage when I will be  
in a position to allocate that portion of land to Mr. Kinga  
wa Mwendia on terms and conditions similar to those dictating  
his L.R. 2467/1. L.R. 2467/1 will then be gazetted as forest  
reserve by your Ministry.

Could you please advise Mr. Kinga wa Mwendia.

(J.R. Njenga)  
COMMISSIONER OF LANDS.

MINISTRY OF NATURAL RESOURCES



18  
Telegrams: "FORESTRY", Nairobi  
Telephone: Nairobi 22141-2  
When replying please quote  
Ref. No. **FOR.68/9/326**  
and date

FOREST DEPARTMENT  
P.O. Box 30513  
NAIROBI

7th January, 1977.

The Commissioner of Lands  
P.O. Box 30089  
NAIROBI.

EXCHANGE OF L.R. NO. 2467/1

Please refer to your letter Ref. No. 89046/9 of 30th June, 1976 and subsequent correspondence between this Department and Mr. Kinga Wamwendia copied to you. You may have received your copy of his letter of 6th January, 1977 with which he sent to me the following documents:-

- a. Certification of Title No. J.R. 26653
- b. Document of transfer from Settlement Fund Trustees.
- c. Charge to National Bank of Kenya.
- d. Discharge.

2. I am hereby forwarding these documents to you. Could you please register the Discharge and process the surrender and register the land in the name of Government to enable us to gazette it. Meanwhile I am instructing the Divisional Forest Officer by copy of this letter to immediately take physical possession of the land. I am also hereby authorising him to immediately issue a licence to Mr. Kinga Wamwendia to occupy and develop the piece of Romuruti Forest that we are exchanging pending formal excision and then grant by you. We are processing the excision but this will take a little time.

O. M. MBURU

(O. M. MBURU)

CHIEF CONSERVATOR OF FORESTS

Copy to:-

Mr. Kinga Wamwendia  
P.O. Box 21118  
NAIROBI.

→ If you contact the Divisional Forest Officer he will arrange to have you shown the area.

The Divisional Forest Officer  
NYAMURURU.

Thro' The Conservator of Forests (N)  
NAKURU.

The Officer i/c.  
Survey Branch  
KARURA.

- Ref. your FD/SS/104/58 of 21st May, 1976.

Encls.

Ref. 101842



5/2  
Shw  
23/9

REPUBLIC OF KENYA  
THE REGISTRATION OF TITLES ACT  
(CHAPTER 281)  
GRANT : Number I.R. 34964

34 OCT 1989

461  
462

F R E E H O L D

KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA on behalf of the Government of the Republic of Kenya hereby GRANTS Unto KINGA WAMWENDIA of Nairobi (Post Office Box Number 21118) (hereinafter called "the Grantee") ALL THAT piece of land situate in West of Rumuruti Town in the Laikipia District containing by measurement One four nine decimal one (149.1) hectares (less Reparian Reserve area of 3.063 hectares) or thereabouts that is to say Land Reference Number 12493 which said piece of land with dimensions abuttals and boundaries thereof is delineated and edged red on the Plan annexed hereto and more particularly on Land Survey Plan Number 107435 deposited in the Survey Records Office at Nairobi TO HOLD the same in fee simple SUBJECT to (a) The Government Act (Chapter 280) (b) The Following Special Condition:-

Lands

SPECIAL CONDITION

N I J.

IN WITNESS WHEREOF I, JAMES RAYMOND NJENGA the Commissioner of Lands have by Order of the President hereunto set my hand this 16th day of September One thousand nine hundred and eighty in the presence of:-

REGISTRAR OF TITLES

LAND TITLES REGISTRY—NAIROBI, KENYA  
REGISTRATION OF TITLES ACT

REGISTERED AS No. I.R. 34964/1

Processed 14<sup>th</sup> October 1989

This 3:30 pm

Registrar of Titles