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PARLIAMENT
THE SENATE
TWELFTH PARLIAMENT

FOURTH SESSION

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE PETITION BY RESIDENTS OF GILGIL TOWNSHIP CONCERNING ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHA, GILGIL TOWNSHIP, NAKURU COUNTY

PAPERS LAID	
DATE	Dec 1 2020
TABLED BY	Sen. Khairi
COMMITTEE	Lands
CLERK AT THE TABLE	M. Adhokola

Clerk's Chambers,
Parliament Buildings,
P. O. Box 41842-00100,
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NOVEMBER, 2020

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LIST OF ABBREVIATIONS/ SYNONYMS

1. ASTU - Anti-Stock Theft Unit
2. CS - Cabinet Secretary
3. CSR - Community Social Responsibility
4. ESIA - Environmental Social Impact Assessment
5. MOLPP - Ministry of Land & Physical Planning
6. NLC - National Land Commission

PREFACE

Mr. Speaker Sir,

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second 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

1. Sen. Paul Mwangi Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

Chairperson

Vice-Chairperson

The Petition by residents of Gilgil Township concerns the alleged grabbing of public utility and private land at Leleshwa, Gilgil Township, Nakuru County. The petitioners were one hundred and fifty (150) residents of Leleshwa, Gilgil Township, in Nakuru County. This report contains the determined prayers of the petitioners and the recommendations.

The petitioners submitted their prayers in line with Articles 37 and 119 of the Constitution and guided by the provisions of the *Petition to Parliament (Procedure) Act* and the *Senate Standing Orders*.

The Petitioners prayed that the Senate urgently investigates the matter and recommends appropriate actions thereon.

The Petition

Pursuant to the standing orders 230 (2) (b) of the Standing Orders of the Senate, the Speaker of the Senate reported to the House a Petition submitted through the Clerk of Senate by one hundred and fifty (150) residents of Leleshwa, Gilgil Township, in Nakuru County. The Petition relates to the alleged grabbing of public utility and private land. Pursuant to standing order 232(1) of the Standing Orders of the Senate,

the petition stood committed to the Land, Environment and Natural Resources Committee.

The Committee undertook to investigate and determine the prayer of the petitioners pursuant to standing order 232(2) of the Standing Orders of the Senate. It also received submissions from the Petitioners and various key stakeholders including the Ministry of Lands and Physical Planning, County Government of Nakuru, Kenya Police and the National Land Commission (NLC).

ACKNOWLEDGEMENT

The Committee acknowledges the time and considerable effort made by all parties who volunteered information before it. I also express my gratitude to my colleagues for their thoughtful and considerate contributions to the matter. Further the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating the work of the Committee in undertaking its constitutional mandate. We recognize the commitment and dedication of the Committee secretariat that made the work of the Committee and the production of this report possible.

Mr. Speaker Sir,

It is now my pleasant duty to table the report of the Senate Standing Committee on Land, Environment and Natural resources in relation to the Petition by the residents of Gilgil Township concerning alleged grabbing of public utility and private land at Leleshwa, Gilgil Township, in Nakuru County.

Signed:  Date: 13/11/2020

SEN. PHILIP MPAAYEI, M.P.
VICE CHAIRPERSON
SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND
NATURAL RESOURCES

CHAPTER 1

INTRODUCTION

1.0 The Right to Petition

The right of Kenyan citizens to petition public authorities and Parliament is a right conferred by the Constitution under Articles 37 and Article 119 of the Constitution and by the *petition to Parliament (Procedure) Act* as well as the *Standing Orders* of the Senate. The right to petition is an essential citizen participatory tool, as it provides an avenue for the Members of Parliament and citizens to interact with the issues that concern citizens, and also demonstrates that Parliament is prepared to directly intervene on the issues of concern in order to promote and protect the rights of the citizens.

1.1. Background to the Petition

Pursuant to Senate standing order 226 (1), the petition was submitted, through the Clerk, by 150 residents of Leleshwa, Gilgil Township, in Nakuru County. The petition relates to the alleged grabbing of public utility and private land. It was then committed to the Standing Committee on Land, Environment and Natural resources for consideration and determination.

The petitioners raised the following salient issues in their Petition:

1. That, in the year 2000, the then Nakuru County Council carried out the survey and demarcation of approximately 200 plots at Leleshwa in Gilgil township, pursuant to provisions of the Physical Planning Act of 1996 which was then in force;
2. That, as required under the said law, the subdivision was certified by the then Director of Physical Planning and approved by the then Minister for Lands, as Approved Development Plan No. 91;
3. That, the plan comprised 90 residential plots of varying measurements, as well as 3 parcels of land which were reserved for public utilities, namely a proposed primary school, a proposed secondary school, and a proposed nursing home;
4. That, following the subdivision and approval of the Development Plan, the residential plots were advertised for allocation, and the allocations done in the years 2004 and 2005. Notably, it was resolved that the parcel of land reserved for a proposed secondary school, measuring 4.472 hectares (11.05 acres), be allocated to the Kenya Police (Anti Stock Theft Unit) for establishment of Utumishi Girls Secondary School.

5. That, subsequently, the ASTU officers invaded and occupied approximately 40 acres of the original parcel of land, including residential plots which had already been allocated to other owners;
6. That, various efforts were undertaken to resolve the stand-off, until February 2017 when a stakeholders meeting was convened and a committee elected to try and resolve the matter;
7. That, as a result of political interference from political leaders and officials from the National Land Commission who had an interest in the land, the Committee was frustrated from freely executing its mandate;
8. That, subsequently, a resolution has been forced through the Committee for subdivision of the public utility plots into residential plots, and for further subdivision of the initially allocated plots into even smaller plots;
9. That, efforts by the original allottees to have this grabbing of public utility plots and private land stopped have not yielded any positive outcome as, according to the Petitioners, majority of the new allottees of the land are officers serving in the Nakuru County Government as well as from the National Land Commission.

The Petitioner's prayers to the Senate were –

- (a) That the Senate gives them a hearing where they can present all relevant documents relating to the petition.
- (b) That the Senate upholds the Physical Planning Act 1996, by recognizing plan approved on 6th August 2008, by Minister of Lands and gazette thereafter as the valid document, having not been repealed.
- (c) That the Senate upholds citizen's rights to own property of any description in any part of Kenya (Article 40), as a fundamental right that cannot arbitrarily be taken away without due process which have not been the case herein.
- (d) That the Senate upholds and protects the public utilities, being the two schools, No. 216 and 215 and the Nursing Home No. 424 as they would be of great service to the residents and communities therein and a source of employment to our youth.
- (e) That the Senate ensures that the genuine allottees do enjoy their allocations and are free to develop their properties in line with Agenda 4 of our President by encouraging and facilitating their investment take-up as local investors.

- (f) That the Senate takes appropriate action(s) on any person(s) found to have acted in violation of the constitution, to benefit oneself which amounts to fanning corruption.

Pursuant to standing order 232(1) of the Standing Orders of the Senate, the Petition was committed to the Land, Environment and Natural Resources Committee.

CHAPTER 2

CONSIDERATION OF THE PETITION

2.0 Approach taken by the Committee

The Committee examined and analyzed the issues raised by the Petitioners and the prayers to be determined. The Committee also identified the necessary action to take in response to the prayer submitted by the petitioners. The Committee invited Ministry of Lands and Physical Planning and thereafter during the site visit invited the Local Administration, Kenya Police, National Land Commission (NLC) and the County Government of Nakuru.

The Committee also invited the petitioners and gave opportunity to any other resident from Gilgil Township during the site visit who was interested in providing further information to help determine the prayers in the petition. The site visit was conducted on 27th April, 2019.

The sole objective of the Committee was to obtain as much as possible information and facts on the subject matter so as to respond to the prayer of the petitioners conclusively and make recommendations on all issues pertaining to the petition.

2.1. Committee Proceedings

(i) Deliberative sessions

In the exercise of its mandate the Committee held deliberative sessions with the following:

- (a) The Petitioners;
- (b) Ministry of Lands and Physical Planning;
- (c) Kenya Police;
- (d) County Government of Nakuru;
- (e) Local Administration

(ii) Documents review

The Committee reviewed documents presented to it by the petitioners and they are annexed in this report (Annex II). Among the annexes presented were;

- (a) Petitioner's presentation
- (b) Maps presented by the Petitioners
- (c) Documentation in support of the Petition

(iii) Site Visit to Gilgil Township, Leleshwa

The Committee conducted the site visit on 27th April, 2019. The Committee met the Sub-County Commissioner at his office where the Committee held a meeting with

members of the Public and County leaders led by the MCA Ms. Jane Ngugi and the Chief Officer. Lands, Housing and Physical Planning, Nakuru County Ms. Judy Leah Gathoni Waihenya among other officers.



Picture 1: Committee members, Petitioners and local leaders together with other stakeholders from various government agencies and the public at the Sub-County Commissioners office on 27.4.2019. (Gilgil, Nakuru County)

The Committee also visited the contested parcel of land and received various views from the public regarding the said parcel of land.



Picture 2: Petitioner demonstrating to the Committee giving reference to the map of the land in question on 27.4.2019. (Gilgil, Nakuru County)

The Committee thereafter held a meeting with Utumishi School management and deliberated on the plans they had going forward. They informed the Committee that they had requested County Government of Nakuru for consideration towards allocation of more land so as to fit all the schools activities.

CHAPTER 3

SUBMISSIONS TO THE COMMITTEE

This section contains the summaries of the submissions made to the Committee during the sessions and other documents submitted.

3.0 Submissions by the Petitioners

The petitioner submitted as follows-

1. THAT, the former Local Authority of Nakuru County Council, had a mandate to do local planning in accordance with the Physical Planning Act 1996. The Local Authority undertook the planning of Leleshwa land in Gilgil Town, Gilgil Division, Nakuru District now Gilgil Ward of Gilgil Sub County of Nakuru County.
2. THAT, a surveyor was appointed on 11th October 2000 by Clerk Nakuru County Council and authorized to survey Leleshwa Plots - Gilgil Township of approximately 200 plots as per Physical Planners Map through a letter of ref. NCC/SURVEY/VOL. 11 M.4/6.
3. THAT the surveyor submitted his work on completion of his work on 21st March, 2002 through letter of Ref FLS/NCC. Further, that in his submission he did not attach a survey map indicative of boundary measurements, and numbering of every plot.
4. THAT amongst the surveyed area, were two institutional land parcels marked for-
 - (a) proposed secondary school with an acreage of 4.472Ha marked No. 216;
 - (b) proposed primary school 1.9186Ha marked 215; and
 - (c) proposed public utility plot for Nursing Home of 0.686Ha marked 424.
5. THAT all the other residential plots of sizes quarter acre numbering 67 plots, 1 Acre plots numbering six and one-eighth of an acre plot numbering 17 parcels, were given serialized numbers.
6. Concerning the approval of area development plan as surveyed by the relevant authorities the petitioners informed that-
 - (a) THAT the Minister of Lands approved the plan on 6th August 2008 as Approved Development Plan No. 91.

- (b) THAT Department Reference of Plan was given as No. R35/2007/04 and certified by director of Physical Planning, Nairobi, on 3rd June 2008
 - (c) THAT the plan was prepared and published in accordance with the requirement of part IV of Physical Planning Act 1996, by Physical Planner Mr. C.O Konyango on 20th June, 2008.
 - (d) THAT there is no other approved plan other than plan No. 91 above which has not been repealed.
7. Regarding plots allocation at Leleshwa the Committee was informed as follows-
- (a) THAT plots at Leleshwa, Gilgil were advertised for allocation, people applied and allocation was done in 2004/2005.
 - (b) THAT Gilgil Community Development Committee at a meeting held at both locational and divisional level in the late 1990 had recommended for a start of a girls only secondary school under Kenya Police (Anti Stock Theft Unit) after the success of Utumishi Secondary School built by police officers.
 - (c) THAT the Nakuru District Development approved Gilgil Division Development Committee recommendations for a girls only secondary school and hence the setting aside of the proposed secondary school land of 4.481 Ha (11.07 acres) marked as No. 216.
 - (d) THAT a primary school for girls was also recommended and a developer did apply, was allocated and did undertake development in 2007.
 - (e) THAT other individuals did undertake to develop their allocations after paying the requisite fees and rates to the local authority.
8. Concerning the forced eviction by Anti Stock Theft Unit (ASTU) officers through political machinations the Committee was informed-
- (a) THAT in 2007, just before the elections, Anti Stock Theft Unit officers invaded the Leleshwa site, of about 40 Acres, demolished developments by Kenya citizens claiming (without proof) that all the 40acres belonged to the proposed Utumishi Girls Secondary School.
 - (b) THAT the Anti Stock Theft Unit officers opened a camp at the contentious land and locked up anyone laying claim to his/her land, documents notwithstanding.
 - (c) THAT despite several delegates to the Clerk, Nakuru County Council over the years, no solution was forthcoming as they (Local Authority) kept on saying that they were in talks with Anti Stock Theft Unit to have them move to their designated plot No. 216.
 - (d) THAT the Anti Stock Theft Unit as an institution of government had no legal backing as they had no court order, nor did they have Letter of

Allotment to show that they had been allocated the land they were claiming and evicting legally allocated owners.

- (e) THAT it was very evident that there was no political goodwill on the part of Nakuru County Council, as words started doing round that there were plans to further subdivide the Leleshwa plots to lesser sizes, to benefit the political supports and for prospective purposes as shall be shown hereunder.
9. Regarding the attempt to have the issue resolved by the county government, the committee was informed-
- (a) THAT two meetings were called at Gilgil through the local administration on 19th June 2013 (by the Chief) and on 7th August 2013 (by the Deputy Commissioner, Gilgil Sub County)
 - (b) THAT nothing positive came out of this meeting as it lacked community goodwill when participants realized that the MP and MCA were pushing for their political supporters to head the taskforce to address the myriads of double allocations and Anti Stock Theft Unit intrusion.
 - (c) THAT Gilgil Chief, Mr. Gabriel Kamau, supported by MCA Hon. Jane Ngugi and Gilgil MP, Hon. Samuel Mathenge with the full protection of the police went and demolished peoples fences on 13th May, 2013 that had not been affected by Anti Stock Theft Unit demolition of 2007.
 - (d) THAT the political takeover of our parcels of land was only stopped when a notice of intent to sue was sent on 14th August, 2013 to Nakuru County Government.
 - (e) THAT on 2nd February 2017, a delegation led by MCA Gilgil Ward, Hon. Jane Ngugi met the Nakuru Governor, then Hon. Kinuthia Mbugua in his Boardroom at 8.00am.
 - (f) THAT it is important to point out that the delegation was a political one, made of supports of the MCA and MP to convince the Governor to assent to the subdivision of the Leleshwa plots to lesser sizes and to have Anti Stock Theft Unit officers move to their plot No. 216.
 - (g) THAT the Governor was categorical that you cannot take up private land leave alone subdividing without consent of the owners. Further, the Governor directed that a meeting of all stakeholders be called on 9th February 2017 to chart the way forward.
10. THAT a stakeholders meeting was called on 9th February 2017, chaired by the Director of Physical Planning, Nakuru County and attended by Regional Representative of National Lands Commission, ASTU Deputy Commandant and 64 stakeholders resolved that:-

- (a) THAT plan No. 91. approved by the Minister of Lands is the reference map.
 - (b) THAT ASTU camp be moved to the Utumishi Girls Secondary School designated land, plot No. 216, once they are shown their boundaries.
 - (c) THAT Leleshwa issue was not on boundaries but on ownership, hence a committee be elected to look into any plot(s) in dispute on double allocations and committee to report back to the stakeholders.
 - (d) THAT a committee of eleven was elected and the 1st petitioner hereunder elected Secretary and the 2nd petitioner elected Treasurer.
 - (e) THAT it was quite evident on the onset that the government delegation from Nakuru County Government and the Hon MCA Jane Ngugi who was present were not pleased with the outcome of the public participation in proposing for a committee to look into the issue and did plan to frustrate the committee as shall be shown hereunder.
11. THAT the committee held their 1st meeting on 14th February 2017 where they agreed that -
- (i) a government officer shall be present in all Task Force Committee meetings to guide it on technical issues.
 - (ii) all minutes shall be distributed to the offices of (a) Governor (b) Director of Physical Planning (c) C.E.C Lands (d) Regional Coordinator, National Lands Commission (d) map to be used shall be plan No. 91.
 - (iii) the surveyor who surveyed the land be invited through, Director of Planning Office to come and meet the Taskforce to explain how he did survey subject land.
- (f) THAT a letter was sent to Director of Planning on 22nd February 2017 requesting him to ensure that surveyor Kamau met the Taskforce on a date convenient to him within the week. This was never to be.
 - (g) Attempt by the county government (land department) to frustrate the publicly elected Taskforce Committee on Leleshwa Land with a view to subdividing the plots to lesser sizes as had always been the wish of the politician supported by some county government officers.
12. THAT on realizing that the Taskforce was being procedurally driven under the stewardship of the Secretary, the County Government Officers under the directive of the Hon. MCA Jane Ngugi applied the divide and rule strategy to exclude the

Secretary (Petitioner 1) and Treasurer (Petitioner 2) and chose to work with the Chairman, who is a known campaign manager of Hon. MCA.

13. THAT the Ag. Director of Survey of land in the County a Mr. James Kariuki took the lead in subdividing plots assisted by M.C.A's team lead by Designate chair of the Taskforce a Mr. James Kariuki (Baba Joel) to do the beaconing inside the already surveyed/allocated parcels of land in the Approved Development Plan No. 91.
14. THAT a spatial survey plan was used to sub divide the Leleshwa land where the plot 216 for Utumishi Girls was subdivided into 158 parcels of sizes measuring 40ft by 50ft, a slum in the making.
15. THAT to conceal their thirst to grab primary school land No. 215 of 1.98Ha, they purported to have moved Utumishi Secondary School land on top of Primary School (Plot 215) that no longer exists in their unapproved map/plan in question.
16. THAT 34 plots of half-acre size have now been created and are allegedly allocated to National Lands Commission Officers as was disclosed by Chief Officer, Madam, J. C. Waihenya in the Lands Department/Taskforce Committee meeting on 17th May, 2018.
17. THAT a meeting was called at Director of Physical Planner's Boardroom Nakuru, on 4th June 2018 to approve the "new" plan subdividing the Leleshwa plots.
18. THAT in attendance was the Chief Officer, Director of Physical Planning and Ag. Director of Survey James Kariuki who was explaining and justifying through PowerPoint reasons for subdivision.
19. THAT petitioner (1) did raise objection stating that the taskforce committee elected on 9/2/2017 was the one to oversee issues of double allocation(s) in the said area, and that at no time was subdivision or relocation of parcels of land (plots) discussed hence map under deliberation was null and void.
20. THAT the Chief Officer Mr. J. G Waihenya and Hon. Jane Ngugi MCA called to vote those for the subdivision, which was accented to by all those present except Petitioner 1 and 2 on the following grounds-
 - (a) That Plan No. 91 accented to by the Minister of Lands in accordance with the Physical Planner Act 1996 was still valid.
 - (b) That the Taskforce had not submitted its report to the appointing authority who were the stakeholders as by law required.

- (c) That the Professional member organizations e.g. Teacher Educators, churches, medical, institution of government were never called to give their input before this "subdivision"
 - (d) That there was no complaint from key owners of said plots calling for replanning or subdivision of their plots for whatever reason e.g. no roads, drainage etc.
 - (e) That the said two lists meant to benefit officers of the National Land Commission and the County Government should be made public.
 - (f) Lists were not vetted and are suspect.
 - (g) Acts by the officers and the "partisan" committee was illegal and unconstitutional.
 - (h) Respective institutional land should be maintained to be used for intended purposes.
 - (i) The rightful owners on the allocated plot should be left to enjoy their-rightful allocation(s).
21. Regarding the stoppage of the illegal activity by Nakuru Lands Department officers supported by Hon. M.C.A, Gilgil Ward the Committee heard that-
- (a) THAT the plot owners were never informed on action of subdivision of the plots contrary to Article 47 of Constitution of Kenya on Fair Administration.
 - (b) THAT the petitioner sought redress in relevant offices and wrote a petition dated 4/06/2018 jointly with Taskforce Secretary Mr. George Ouma, amongst others and served the same on-
 - (i) Governor Nakuru County
 - (ii) C.E.C Lands, Housing and Physical Planning Nakuru County
 - (iii) Regional Coordinator - National Lands Commission - Nakuru County
 - (iv) Director Physical Planning - Nakuru County
 - (v) Legal Department - Nakuru County
22. THAT it's only the Regional Coordinator National Lands Commission, Mr. Ole Kibelekenya who responded and requested for more information on the petition a few hours after receiving the petition on 4th June 2018.
23. THAT Mr. Ole Kibelekenya requested for complaint letter so that he can take action, the same was supplied on 7th June 2018.

24. THAT on 18^m June 2018, the petitioner sought and got an appointment with C.E.C Lands where he laid the facts as herein above. The C.E.C promised to take action within a week.
25. THAT on 19th June 2018 the Petitioner wrote a letter to the governor Hon. Lee Kinyanjui seeking for a meeting in view of subject issue.
26. THAT on 19th June 2018, he wrote a letter under Article 35 of the Access to Information Act seeking information on
- (i) All correspondences
 - (ii) Minutes of meeting touching on subject issue since 9th February 2017 to date
 - (iii) Copy of the map/plan of new subdivision
 - (iv) Copy of the two lists of beneficiaries, namely National Lands Commission and County Government.
27. THAT as outlined above the Petitioners had made all efforts to have issues resolved amicably by various government officers. However, there seemed to be a clear conflict of interest by the said officer(s) in conjunction with our representatives.

3.1. Submissions by Ministry of Lands and Physical Planning

The Committee was informed that-

1. The claim by the Petitioners that the Anti-Stock Theft Unit (ASTU) officers invaded and occupied approximately 40 acres of land, part of which included residential plots that had already been allocated to individuals is not true and that 118 acres were zoned off for the ASTU from the land set aside for public purpose. It is therefore proper for the ASTU to occupy the land.
2. The Petitioners in their Petition want the original Approved Development Plan to be upheld, including safeguarding of the public utility land as well as the allotted residential plots. The Ministry responded by informing the Committee that Gilgil Development Plan No. 91 (the Plan) zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4

Recreational	28.6
Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

3. The 118 acres were zoned off for the ASTU from the land set aside for public purpose and therefore it was proper for the ASTU to occupy the land.

3.2 Submissions by National Land Commission

The National Land Commission responded to the concerns as raised below;

1. With regard to the claim that in the year 2000 the defunct Nakuru County Council surveyed and demarcated approximately 200 plots at Leleshwa area of Gilgil Township pursuant to the Physical Planning Act of 1996.

The Commission was not aware that such an exercise took place. However, as at the year 2000, the Development Plan for Gilgil DP No R35/2007/04 (Approved Plan No. 91) had not been prepared. It is therefore not clear on which plan the alleged survey and demarcation of 200 plots was based.

2. On the submission that as required under the said law, the sub-division was certified by the Director of Physical Planning and was subsequently approved by the Minister for Lands and Physical Planning as Approved DP No.91.

The Commission submitted that a Physical Development Plan for the entire Gilgil Township was prepared by the Provincial Physical Planning Officer, Nakuru in 2007 and was approved by the Minister for Lands on 6th August 2008 as Approved Development Plan No. 91. The Leleshwa area falls within this approved plan.

3. On the claim that the Approved Development Plan No. 91 comprised 90 residential plots of varying measurements as well as three public utility plots which were reserved for proposed Primary school, proposed Secondary school and proposed Nursing Home.

The Commission submitted that the contentious area, which is part of the larger Leleshwa, has several user zones. They include residential plots (approximately 80) and public utilities (3) as per Approved Development Plan No. 91.

4. That following the sub-division and approval of the Development Plan, the residential plots were advertised for allocation and were allocated in the years 2004 and 2005.

The Commission submitted that there was no evidence was available to support the claim. It is to be noted that Approved Development Plan No. 91 was prepared in 2007 and approved in 2008. However, according to the Petitioner, the County Council of Nakuru had advertised the plots locally in their offices in Gilgil sometime between 2000 and 2004. Whichever plan they may have used could not be Plan No. 91.

5. On the claim that in the said meeting it was resolved that the parcel of land reserved for the proposed Secondary school measuring 4.427 ha be allocated to the Kenya Police Service (Anti-Stock Theft Unit) for establishment of Utumishi Girls Secondary School.

The Commission submitted that there are no minutes of a Plot Allocation Committee having been convened to allocate the plots in question.

6. On the claim that the ASTU officers invaded approximately 40 acres of the contested Leleshwa area land including the allocated residential plots.

The Commission submitted that there is no evidence of such invasion by ASTU Officers as at present. However, according to the area MCA and the Committee members, officers of the ASTU moved into the contested land and established a camp (made up of uni-huts) in the period immediately after the PEV of 2007-2008. They are alleged to have chased away the original allottees and safeguarded the land from invasion by any individuals. However, as at this date, there is no camp on the ground.

7. On the claim that the Committee was frustrated from freely executing its mandate by political leaders and officials from the NLC who had interest in the land.

The Commission submitted that according to the current officials of the committee, they have been working harmoniously with the area MCA, area MP and officials of the county government and National Land Commission

8. On the claim that a resolution was forced through the committee for sub-division of public utility plots into residential plots for further sub-division of the initially allocated plots into even smaller plots.

The Commission submitted that the PDP for the contentious area was prepared by the Director of Physical Planning at the County Government (Departmental Reference No. R35/2018/01. It relocated Utumishi Girls Sec. School from its

previous location in Approved DP No. 91 to a new location. It also created additional public utilities namely a Polytechnic, a BCD centre, a market, a Health Centre, Recreational areas and reserved land for six churches. The sizes of some of the residential plots reduced from 50 by 100 to 40 by 80, thereby increasing the number from the alleged 90 in the Approved Plan to 205 in the proposed plan. The Proposed Plan has been subjected to Stakeholder Participation, Public Notices in the local dailies, and Publication in the Kenya Gazette in accordance with the Physical Planning Act of 1996 (now repealed). The Plan has been circulated for comments from relevant Government offices before it can be finalized. The plan is awaiting approval by the County Government in accordance with the Physical Planning and Land Use Act 2019.

9. The claim that efforts by the original allottees to have this grabbing of public utility plots and private land stopped have not yielded any positive outcome as according to the petitioner's majority of the new allottees of the land are officers serving in the Nakuru County Government as well as the National Land Commission.

The National Land Commission submitted that according to the County Government, a list of proposed beneficiaries has been forwarded to them by the Committee. The list contains 264 names of proposed beneficiaries. However, the County Government has not embarked on vetting of the proposed beneficiaries because the PDP has not been approved. It is noted that the list provided by the petitioner, which contains 100 names, is different from that provided by the committee.

10. The stakeholders resolved to relocate the site for a secondary school from its original area which was found to be rocky and therefore unsuitable for development of a school to a site that was originally planned for residential purposes. The school is currently under construction on the newly planned site as Utumishi Girls Secondary School which is a public school. All the other plots in the contentious Leleshwa area are not developed, from residential to commercial to churches.
11. The County Government should ensure that the proposed PDP is approved after adequate public participation by all stakeholders to pave the way for its implementation. The lists of beneficiaries from previous and current allocations should be vetted and harmonized to ensure transparency and accountability in the process.

The NLC provided documentation as follows at Annex III as follows-

- (i) Approved Development Plan of No. 91 of 2008 (Annex 1)
- (ii) Copy of Public Notice dated 26th January, 2017 (Annex 2)

- (iii) Departmental Reference No. R35/2018/01) (Annex 4)
- (iv) Public notice for stakeholder meeting on 22nd February, 2019(Annex3)
- (v) Newspaper advert for POP No. R3 5/2018/01(Annex 5)
- (vi) Gazette notice No. 4980: completion of POP No. R35/2018/01 - proposed formalization of Leleshwa PDF(Annex 6)
- (vii) Minutes of the Leleshwa Land Taskforce Committee held on 9th February 2017 (Annex 7)
- (viii) Minutes of the stakeholder meeting held on 22nd February 2019 on regularization of PDP No. R3 5/2018/01 (Annex 8)
- (ix) List of beneficiaries from the County Government (Annex 9)
- (x) List of beneficiaries from the Petitioner (Annex 10)

CHAPTER 4

COMMITTEE FINDINGS

The Committee considered all matters that have been raised by the Petitioners and found that-

1. **The claim on the eviction by Anti-Stock Theft Unit of residents of Leleshwa was disputed-** The Petitioners submitted that in 2007, just before the elections, Anti Stock Theft Unit officers invaded the Leleshwa site, of about 40 Acres, demolished developments by Kenya citizens claiming (without proof) that all the 40acres belonged to the proposed Utumishi Girls Secondary School.

However, the Ministry disputed this claim and informed the Committee that 118 acres were zoned off for the ASTU from the land set aside for public purpose. It is therefore proper for the ASTU to occupy the land.

The National Land Commission supported this position and stated that that there is no evidence of such invasion by ASTU Officers as at present. However, according to the area MCA and the Committee members, officers of the ASTU moved into the contested land and established a camp (made up of uni-huts) in the period immediately after the PEV of 2007-2008. They are alleged to have chased away the original allottees and safeguarded the land from invasion by any individuals. However, as at this date, there is no camp on the ground.

This was confirmed by the Committee during the site visit to the site.

2. **391,250.1 acres of land has been approved as part of the Gilgil Development Plan No. 91 (the Plan) zoned the into 8 broad approved development uses-** The Petitioners in their Petition want the original Approved Development Plan to be upheld, including safeguarding of the public utility land as well as the allotted residential plots.

The Ministry responded by informing the Committee that Gilgil Development Plan No. 91 (the Plan) prepared in 2007 and approved by the Ministry of Lands on 6th August, 2008 zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4
Recreational	28.6

Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

3. **The claim that the Nakuru County Council demarcated 200 plots at Leleshwa area in the year 2000 was disputed by the National Land Commission-** The claim by the Petitioner what the Nakuru County Council demarcated 200 plots at Leleshwa area in the year 2000 was disputed. The National Land Commission submitted to the Committee that they were not aware of the demarcation exercise took place. However, as at the year 2000, the Development Plan for Gilgil DP No R35/2007/04 (Approved Plan No. 91) had not been prepared.

A Physical Development Plan for the entire Gilgil Township was prepared by the Provincial Physical Planning Officer, Nakuru in 2007 and was approved by the Minister for Lands on 6th August 2008 as Approved Development Plan No. 91. The Leleshwa area falls within this approved plan.

4. **The claim by the Petitioner on the land use of the Approved Development Plan No. 91 was contrary to the information provided by the National Land Commission-** The Petitioner claimed that the Approved Development Plan No. 91 comprised 90 residential plots of varying measurements as well as three public utility plots which were reserved for proposed Primary school, proposed Secondary school and proposed Nursing Home.

On the contrary, the National Land Commission submitted that the contentious area, which is part of the larger Leleshwa, has several user zones. They include residential plots (approximately 80) and public utilities (3) as per Approved Development Plan No. 91.

5. **The claim by the Petitioner that the residential plots in the Leleshwa site under Approved Development Plan No. 91 were advertised for allocation and were allocated in the years 2004 and 2005 was dismissed by the National Land Commission-** The Petitioner claimed that the sub-division and approval of the Approved Development Plan No. 91, the residential plots were advertised for allocation and were allocated in the years 2004 and 2005.

The dismissed this claimed and stated that there was no evidence was available to support the claim. They submitted that the Approved Development Plan No. 91 was prepared in 2007 and approved in 2008. It would therefore not have been possible to advertise the plots under Plan No. 91 between 2000 and 2004.

6. **The claim by the Petitioner that parcel of land reserved for the proposed Secondary school measuring 4.427 ha be allocated to the Kenya Police Service (Anti-Stock Theft Unit) for establishment of Utumishi Girls Secondary School was disputed by the National Land Commission since it was relocated under in Approved DP No. 91-** The Petitioner claimed that in the said meeting it was resolved that the parcel of land reserved for the proposed Secondary school measuring 4.427 ha be allocated to the Kenya Police Service (Anti-Stock Theft Unit) for establishment of Utumishi Girls Secondary School.

However, the National Land Commission submitted that there are no minutes of a Plot Allocation Committee having been convened to allocate the plots in question. The Part Development (PDP) for the contentious area was prepared by the Director of Physical Planning at the County Government (Departmental Reference No. R35/2018/01. It relocated Utumishi Girls Sec. School from its previous location in Approved DP No. 91 to a new location. It also created additional public utilities namely a Polytechnic, a BCD centre, a market, a Health Centre, Recreational areas and reserved land for six churches.

7. **The claim by the Petitioner that the Plot Allocation Committee was frustrated by political leaders and officials from the National Land Commission who had interest in the land was disputed by the National Land Commission-** The National Land Commission disagreed with the Petitioner and informed the Committee that according to the current officials of the committee, they have been working harmoniously with the area MCA, area MP and officials of the county government and National Land Commission.
8. **The claim by the Petitioner that sub-division of public utility plots was disputed by the National Land Commission-** The Petitioner claimed that a resolution was forced through the committee for sub-division of public utility plots into residential plots for further sub-division of the initially allocated plots into even smaller plots.

However, the Commission disputed his claim and submitted to the Committee that the PDP for the contentious area was prepared by the Director of Physical Planning at the County Government (Departmental Reference No. R35/2018/01 as follows-

- (i) It relocated Utumishi Girls Sec. School from its previous location in Approved DP No. 91 to a new location.
- (ii) It created additional public utilities namely a Polytechnic
- (iii) Early Childhood Development Centre (ECD) a market;
- (iv) Health Centre, Recreational areas and reserved land for six churches.
- (v) The sizes of some of the residential plots reduced from 50 by 100 to 40 by 80, thereby increasing the number from the alleged 90 in the Approved Plan to 205 in the proposed plan.
- (vi) The Proposed Plan has been subjected to Stakeholder Participation, Public Notices in the local dailies, and Publication in the Kenya Gazette in accordance with the Physical Planning Act of 1996 (now repealed). The Plan has been circulated for comments from relevant Government offices before it can be finalized. The plan is awaiting approval by the County Government in accordance with the Physical Planning and Land Use Act 2019.

9. **Conflicting information was provided on the beneficiaries of the disputed land-** The Committee found that according to the Petitioner, public utility land and private land was grabbed from original allottees in the Leleshwa area and allocated officers serving in the Nakuru County Government as well as the National Land Commission.

The National Land Commission submitted to the Committee that according to the County Government, a list of proposed beneficiaries has been forwarded to them by the Committee. The list contains 264 names of proposed beneficiaries. However, the County Government has not embarked on vetting of the proposed beneficiaries because the PDP has not been approved. It was noted that the list provided by the petitioner, which contains 100 names, is different from that provided by the committee.

10. **Committee fact-finding visit to the land in question in Leleshwa-** The Committee conducted the site visit on 27th April, 2019. The Committee held a meeting with members of the Public and County leaders led by the MCA Ms. Jane Ngugi and the Chief Officer. Lands, Housing and Physical Planning, Nakuru County Ms. Judy Leah Gathoni Waihenya among other officers. The Committee also visited the contested parcel of land and received various views from the public

regarding the said parcel of land. The Committee thereafter held a meeting with Utumishi School management and deliberated on the plans they had going forward.

The Committee found that the information provided by the Petitioners was controverted by the community in the area and various stakeholders. His claims were further disputed by the Ministry of Lands and the National Land Commission.

CHAPTER 5

COMMITTEE OBSERVATIONS

From the evidence adduced and the findings of the Committee, the makes the following observations in line with the prayers of the Petitioner as follows-

- 1. That the Senate Land's Committee, do give us a hearing where we can present all documents mentioned herein above, to justify this petition.**

The Committee invited the Petitioners to make submissions to the Committee at its meeting held on 16th October, 2018 and further held several meetings with both petitioners and various stakeholders in Gilgil.

The Committee observed that this prayer by the Petitioner was adequately addressed following an invitation for the petitioners to give their presentation and further held several meetings with both petitioners and various stakeholders in Gilgil.

- 2. That we do urge the Senate to uphold Physical Planning Act, 1996, by recognizing plan approved on 6th August, 2008 by Minister of Lands and gazette thereafter as the valid document, having not been repealed.**

The Committee held a meeting with the Ministry of Lands and Physical Planning and the Committee. The Committee observed that the Gilgil Development Plan No. 91 (the Plan) prepared in 2007 and approved by the Ministry of Lands on 6th August, 2008. The implementation of the Gilgil Development Plan No. 91 is therefore in line with the prayers of the Petitioner.

- 3. To uphold citizen's rights to own property of any description in any part of Kenya (Article 40), as a fundamental right that cannot arbitrarily be taken away without due process which have not been the case herein.**

The Committee notes that the aim of every citizen is to always defend and uphold the Constitution of Kenya. However, the Committee observed that the information provided by the Petitioner with regard to his rights to the land in question conflicted with the Committees findings while visiting the parcel of land.

- 4. To uphold and protect the public utilities, being the two schools, No. 216 and 215 and the Nursing Home No. 424 as they would be of great service to the residents and communities therein and a source of employment to our youth.**

The Committee during its visit to the aforementioned parcel of land in Gilgil was able to ascertain in the presence of the Chief Finance Officer, Lands in Nakuru County Government and with officers from the National Land Commission that

indeed plans were underway to ensure all these amenities will be catered for. The Committee was informed by the Ministry of Lands and Physical Planning, that all the amenities mentioned by the petitioner were indeed factored in the initial government plans. Under the Gilgil Development Plan No. 91 of 2008 zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4
Recreational	28.6
Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

In this regard, the implementation is therefore in line with the prayers of the Petitioner.

- 5. To ensure that the genuine allottees do enjoy their allocations and are free to develop their properties in line with Agenda 4 of our President by encouraging and facilitating their investment take-up as local investors.**

The Committee recognizes that this is the mandate of the County Government of Nakuru to ensure that administration of land is done fairly and urges the County Government spearhead the allocation of the said parcels of land. However, the Committee observed that there is conflict in the list of beneficiaries provided to the County Government of Nakuru. The list of 264 names of proposed beneficiaries differed from the list provided by the petitioner, which contains 100 names which is different from that provided by the Plot Allocation Committee.

The Committee observed that there is need for the County Government to conduct vetting of the proposed beneficiaries because the Part Development Plan had not been approved.

- 6. To take appropriate action(s) on any person(s) found to have acted in violation of the constitution, to benefit oneself which amounts to fanning corruption which the senate has declared war on.**

Relevant agencies mandated to deal with corruption are expected to deal on such matters. The Committee notes that in the event anyone is found to be corrupt, relevant agencies mandated to deal with corruption will be expected to deal on such matters.

The Committee observed that there is need for further investigation with regard to the conflicting list of beneficiaries submitted to the Nakuru County Government and the authenticity of the maps and other conflicting documentation submitted to the Committee by the Petitioner.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

From the foregoing, the Committee now makes the following recommendations-

1. That the Ministry of Lands and Physical Planning, in consultation with the County Government of Nakuru conducts an investigation into the conflicting lists of beneficiaries of the land in Leleshwa area submitted to the County Government of Nakuru.
2. That the lists of beneficiaries from previous and current allocations should be vetted and harmonized to ensure transparency and accountability in the process. The Ministry of Lands and Physical Planning is directed to report back to the Committee in three (3) months following the tabling of this report in the Senate.
3. That the County Government of Nakuru expedites the implementation of the Gilgil Development Plan No. 91 of 2008.
4. The County Government of Nakuru ensures that the proposed Part Development Plan is approved after adequate public participation by all stakeholders to pave the way for its implementation.

APPENDICES

A. ANNEX I: MINUTES OF THE MEETINGS

MINUTES OF THE 44TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 16TH OCTOBER, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Godana Hargura, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Ndwiga Peter Njeru, EGH. M.P.
5. Sen. Boy Issa Juma, M.P.

PRESENT

- **Chairperson**
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Prengei Victor, M.P. - **Vice Chairperson**
2. Sen. George Khaniri, MGH, M.P. - Member
3. Sen. Mwaruma Johnes, M.P. - Member
4. Sen. Sylvia Kasanga, M.P. - Member

IN ATTENDANCE

PETITIONERS FROM GILGIL

1. Moses Gitonga-Community Leader
2. Milka Wangare Kamau-resident
3. David Ndungu Kumuga-resident
4. Rosemary Nyambura-resident
5. Miriam Njoki Mwangi-resident
6. Hanna Muthoni Mwololo-resident
7. Grace Nyambura Chege-resident
8. Zacharia Kabengo Gitau-resident

PETITIONER FROM KAJIADO COUNTY

1. Eng. David Muigai Nganga

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Mr. Wilson Bosumet - Principal Seargent at arms
4. Ms. Hawa Abdi - Seargent at arms
5. Ms. Joyce Chelang'at - Audio Recording

MINUTE SEN/SCLN/253/2018: PRELIMINARIES

The meeting was called to order at 9.30am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNR/254/2018: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Boy Issa Juma, M.P. and seconded by Sen. Godana Hargura, M.P with amendments as follows.

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda
3. Confirmation of Minutes
4. Matters Arising
5. **Hearings from Petitioners in Support of their Petition.**
 - **Petition on alleged grabbing of public utility and private land at Leleshwa Gilgil Township, (9.00am)**
 - *Petitioners Submissions – Mr. Moses Gitonga*
 - **Petition on alleged unlawful deprivation of a parcel of land situated in Kaputiei North, Kajiado County (10.00am)**
 - *Petitioners Submissions – Mr. David Muigai*
6. Any other Business;
7. Date of the next meeting;
8. Adjournment.

MINUTE SEN/SCLNR/255/2018: CONFIRMATION OF MINUTES

The confirmation of previous minutes were deferred to such a time when the Committee will be able to handle housekeeping matters

MINUTE SEN/SCLNR/256/2018: MATTERS ARISING

Matters arising would be discussed during confirmation of minutes at housekeeping.

MINUTE SEN/SCLNR/257/2018:

HEARING FROM PETITIONER'S IN SUPPORT OF THEIR PETITION.

- **Petition on alleged grabbing of public utility and private land at Leleshwa Gilgil Township, (9.00am)**

Petitioners Submissions – Mr. Moses Gitonga

The Petitioner presented his Petition before the Committee together with the respective relevant evidences (*Copies available*) and informed the Committee that a lot is happening on the ground in regards to the parcel of land apart from the prayers they have indicated in their petition to the Senate. They requested that the Committee visits the area and ensures titles are not given out until their concerns are addressed.

The Committee resolved that;

- Take up the matter with Ministry of Lands and Physical Planning and the National Land Commission, and

- Ensure titles will not be given out until the matter is adequately addressed.

• **Petition on alleged unlawful deprivation of a parcel of land situated in Kaputiei North, Kajiado County (10.00am)**

Petitioners Submissions – Mr. David Muigai

The Petitioner tabled his evidence & petition before the Committee and he informed the Committee that his fear is losing his parcel of Land (Plot No. KJD/KAJIADO/KAPUTEI NORTH/28126) that he had purchased in 2011 at a price of Kshs. 1,750,000 from Ms. Mary Wambui Kipanyan.

The Petitioner then informed the Committee that 7 years later (Early this year) the boundaries had been removed and he couldn't trace his parcel of land. He informed the Committee that efforts to try and get the Police and land registrar to offer assistance were not successful.

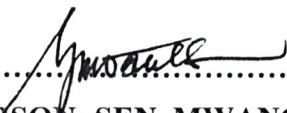
The Committee resolved to take up the matter with the Ministry of Lands with the aim of getting a solution to the matter and also assist other Kenyans with the same concern.

MINUTE SEN/SCLNDR/258/2018: ANY OTHER BUSINESS;

There were no other matters discussed during the meeting.

MINUTE SEN/SCLNDR/259/2018: DATE OF NEXT MEETING;

The meeting was adjourned at 11.03am and the date of the next meeting was to follow thereafter.

SIGNATURE.......... DATE.....

(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, MP.)

MINUTES OF THE 3RD MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 13TH FEBRUARY, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Mwaruma Johnes, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Godana Hargura, M.P.

PRESENT

- **Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Prengei Victor, M.P.
2. Sen. George Khaniri, MGH, M.P.
3. Sen. Ndwiga Peter Njeru, EGH. M.P.
4. Sen. Slyvia Kasanga, M.P.
5. Sen. Boy Issa Juma, M.P.

- **Vice Chairperson**
- Member
- Member
- Member
- Member

IN ATTENDANCE

SENATOR

1. Sen. Charles Kibiru - Senator, Kirinyaga County

NATIONAL ASSEMBLY MEMBERS

1. Hon. Kabinga Wachira - MP (Mwea Constituency)

MINISTRY OF LANDS

1. Hon. Gideon M. Mungaro - CAS
2. Mr. Michael Nyamai - Snr. Ass. Dir. Land Adj.
3. Mr. Peter K. Waithaka - Ag. Dep. Adj
4. Mr. Charles Muemi - D/Director Valuation
5. Mr. Edward Kosgei - Dir. Land Admin.
6. Mr. Charles Githenya - D/Director Land Administration
7. Mr. Owino Jacob Cattwright - SLRO
8. Mr. Paul Ndung'u - Ag. Ass. Director
9. Mr. Kamau J.H.M - CLAO
10. Mr. A. A. Ombima - Liaison Officer
11. Ms. Juliana Mutua - D/Director Physical Planning

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Ahmed Odhowa - Principal Researcher
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Hawa Abdi - Sergeant at Arms
5. Mr. Nimrod Ochieng' - Audio Recording
6. Ms. Sharon Eleman - Intern

MINUTE SEN/SCLNDR/012/2019: PRELIMINARIES

The meeting was called to order at 9.30am by the Chairperson followed by a word of prayer. Thereafter introductions followed.

MINUTE SEN/SCLNDR/013/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Godana Hargura, M.P. and seconded by Sen. Mwaruma Johnes, M.P as follows.

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Meeting with the CS Lands & Physical Planning and the NLC on Statements and Petitions before the Committee;**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNDR/014/2019:

MEETING WITH THE CS LANDS & PHYSICAL PLANNING AND THE NLC ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE

Ministry of Lands and Physical Planning

The Chief Administrative Secretary made his presentation as follows:

- A. Response to Statement as requested in the Senate by Sen. Kibiru Charles, MP

STATUS OF ISSUANCE OF TITLE DEEDS FOR MWEA RICE FARMERS IN KIRINYAGA COUNTY

- **The actual acreage of Mwea Irrigation Scheme land in Kirinyaga County.**

The Committee was informed that Mwea Irrigation Scheme was set apart vide *Gazette* Notice Nos 3097 and 3099 dated 5th July 1960. The *Gazette* Notice No. 3097 set apart acreage of 8,480 acres while the *Gazette* Notice No. 3099 set apart 7,120 acres for irrigation scheme.

Other *Gazette* Notices relating to the Irrigation Scheme are as tabulated below:

Gazette Notice	Date	Size (Acres approx.)	Purpose
3098	05.07.1960	22	Mwea/Tebera Scheme Canal

3100	05.07.1960	27	Draining of Nguka swamp
3102	05.07.1960	9.6	Dam to protect Nguka Irrigation Beds
3101	05.07.1960	25	Kiruara Drainage way
3103	05.07.1960	0.8	Drainage furrows protecting Nguka Dam
3090	26.07.1960	60	Main Thiba Water Canal Serving Mwea/Tebere Scheme
3096	26.07.1960	125	Mwea Tebere Scheme Village and Agricultural officer's house and staff lines
3093	26.07.1960	10	Protection of Head works
3095	26.07.1960	54	Mwea/Tebere scheme village and tree plantation

The total area of Mwea Irrigation scheme is therefore **15,933 Acres** approximately.

- **Status of surveying, beaconing and mapping of the Mwea Irrigation Scheme.**

The Committee was informed that the area in question is covered by Topographical Map Sheet SK 135/2-Embu (see Annex 2). Besides this, the Ministry has no records to indicate that the land has ever been surveyed.

- **Status of preparation of title deeds for the parcels of land owned by Mwea rice farmers.**

The Committee was informed that by virtue of Gazette Notices Nos. 3090, 3093, 3095, 3096, 3097, 3098, 3100, 3101, 3102, 3103 of 1960; the area known as Mwea/Tebere Irrigation Area in the Kirinyanga District of the Central Province was designated as a national irrigation scheme. Pursuant to Section 14 (2) of the Irrigation Act, Cap 347, the title or interest in such land is vested in the National Irrigation Board.

The Committee is not in agreement with most of the issues as presented by the Ministry, terming them as inaccurate and that a visit to the ground would possibly shed more light. A view that was also shared by the Senator, Kirinyaga County and the MP Mwea whose constituency Mwea Irrigation Scheme is in.

The Committee therefore made the following resolutions:

- i.) **Invite the Ministry of Agriculture, National Irrigation Board and Ministry of Lands and Planning.**
- ii.) **Visit the Mwea Irrigation Scheme**

B. Response to Petitions

1. PETITION BY THE RESIDENTS OF GILGIL TOWNSHIP CONCERNING ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHWA, GILGIL TOWNSHIP, IN NAKURU COUNTY.

The Committee was informed that the claim by the petitioners that the Anti-Stock Theft Unit (ASTU) officers invaded and occupied approximately 40 acres of land, part of which included residential plots that had already been allocated to individuals is not true and that 118 acres were zoned off for the ASTU from the land set aside for public purpose. It is therefore proper for the ASTU to occupy the land.

Further the CAS informed the Committee that the Petitioners in their Petition want the original Approved Development Plan to be upheld, including safeguarding of the public utility land as well as the allotted residential plots in which the CAS responded by informing the Committee that Gilgil Development Plan No. 91 (the Plan) zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4
Recreational	28.6
Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

The Committee therefore made the following resolutions:

- i.) To conduct a site visit with the Ministry of Lands and Planning and the County Government of Nakuru to the meeting at a date to be communicated.**

2. PETITION ON THE RESETTLEMENT OF THE MINORITY NGEREK COMMUNITY FOLLOWING THEIR PROPOSED EVICTION FROM SOUTH NANDI FOREST, IN NANDI COUNTY.

The Committee was informed by the CAS that the resettlement exercise was undertaken by the Office of the President and involved Ngerek and Koiben communities who settled in Ngerek and Koiben villages in South Nandi.

Since the settled area was rocky, hilly and served as a water catchment, the Government decided to resettle the two communities in Kapkangani and New Koiben areas, respectively. The Koiben community would be resettled on 266.8 Ha and the Ngerek Community on 455.4 Ha. This was in exchange of land previously held by the two communities in South Nandi Forest.

The resettlement programme was to be carried out in two phases:

- a.) Phase one involved resettlement of the Koiben Community at New Koiben/Chepkuma area and this was successfully completed.
- b.) Phase two would involve resettlement of the Ngerek Community but was accompanied by the following challenges:
 - i). political interference;
 - ii). some original allottees sold their plots;
 - iii). The Ngerek community attempted to forcefully occupy the parcels allocated to them but this led to clashes in 2002;
 - iv). The Ngerek are still occupying their original land (Ngerek Hill) as they did not surrender their title deeds to the Kenya Forest Services as earlier agreed.

The Ministry therefore informed the Committee that; in these circumstances, there is need for engagement between the local leadership and relevant government agencies to resolve the issue.

The Committee therefore made the following resolutions:

The Ministry of Lands and Physical Planning should organise a team, visit the area and spearhead the engagement between the Local Leadership and the relevant Government agencies and report back to the Committee within 3 months.

3. PETITION BY RESIDENTS OF KIANG'OMBE SQUATTERS SETTLEMENT SCHEME IN THIKA SUB-LOCATION, KIAMBU COUNTY, CONCERNING ALLEGED GRABBING OF LAND ALLOCATED FOR THEIR SETTLEMENT.

The Committee was informed that the Ministry has a part development plan (PDP) for Kiang'ombe village departmental reference No.TKA/4/03/2A prepared on 30/10/2009, certified by the Director of Physical Planning on 4/12/2013 and approved on 4/12/2013 as approved Development Plan No. 365.

There are 585 plots allocated in total in the PDP out of which 13 are set aside for public utilities as shown in the table below:-

USE	NO. OF PLOTS	AREA IN HA
Residential and Commercial	574	17.277

Transport	1	6.226
Churches	2	0.189
Conservation area	1	1.775
Garbage collection plant	1	0.028
Dispensary	1	0.179
Nursery schools	3	0.399
Police post	1	0.105
Proposed primary school	1	1.176
	585	27.304

The approved part Development Plan was prepared and published as per the requirements of the Physical Planning Act Cap 286 and superseded PDF NO. KBU/93/22 of 19.10.1993 and TKA/4/03/2 of 21.11.2003.

However the CAS seeked leave for **two weeks** to furnish the committee with a ground report as to who is in occupation of the parcels set aside for public utilities.

The Committee therefore made the following resolutions:

- i.) **To invite the Petitioners**
- ii.) **The Ministry of Lands and Physical Planning to forward the actual map indicating the allocations;**
- iii.) **The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the Parcels of Land.**

4. PETITION FROM EVICTEES OF MARMANET FOREST IN LAIKIPIA COUNTY CONCERNING THEIR COMPENSATION AND RESETTLEMENT.

The Committee was informed that the matter is currently before the National Land Commission for resolution. They committed to follow up with the National Land Commission and were seeking more time to also consult with other relevant government agencies.

The Committee however had the following concerns:

- How comes that the forest has not been degazetted but titles are there?
- Who exactly was allocated the parcels of land?
- What was the basis of issuing out the titles?

The Committee therefore made the following resolutions:

- i.) **To invite the Petitioners**
- ii.) **The Ministry of Lands and Physical Planning to follow up with NLC and report back to the Committee on the Status;**

iii.) **The Committee would also engage the National Land Commission & the Kenya Forest Service.**

iv.) **The Committee to visit the area to ascertain facts in the alleged forest.**

5. PETITION TO THE SENATE CONCERNING UNLAWFUL DEPRIVATION OF A PARCEL OF LAND IN KAPUTEI NORTH KAJIADO (KJD/KAJIADO/KAPUTIEI NORTH/28126).

Mr. DAVID MUNGAI NG'ANG'A, the petitioner claims the parcel belongs to his wife JECINTA NJERI NGANGA, while his neighbor claims to be the owner of the property. The petitioner wants the ownership of the land to be reinstated.

The Committee was informed that according to the records, the above parcel is registered to JECINTA NJERI NGANGA of ID 3243898 and title deed issued. (Annex 1)

There is no ownership dispute as the land in question belongs to JECINTA NJERI NGANGA. It is therefore clear that the petition touches on a boundary dispute. In terms of section 18 (2) of the Land Registration Act, a proprietor of registered land with a boundary dispute is obliged to first seek redress or resolution from the land registrar.

The petitioner should thus lodge a formal boundary dispute at the Kajiado lands office for the same to be resolved.

The Committee therefore made the following resolutions:

In view of the Petition being at the Senate, that Committee directs that the Registrar goes to the site and assist the Petitioner.

6. PETITION TO THE SENATE CONCERNING MGENO RESERVE LAND REGISTRATION NUMBER 3880/3

The Petitioner is a resident of Mwatate Constituency, in Taita Taveta County. The Petitioner's prayers are:

- To have members of Mgeno committee gazetted;
- The Government to survey and register Mgeno community land and issue title deeds and
- Revoke titles illegally issued.

The Committee was informed that all parcels subdivided from LR. No. 3880 including LR. No. 3880/3 was surrendered to the Government for Community Settlement. LR. No. 3880/3 was allocated except some 6000 acres (south of the Railway line). Titles

were issued to the community or beneficiaries under the MODAMBOGHO ADJUDICATION SECTION.

The un-alienated part of LR. No. 3880/3 (approx. 6000 acres), was sparsely inhabited until recently when people started moving in. The National Youth Service (NYS) is currently occupying approximately 300 acres of the un-alienated land. LR. No. 3880/3 borders Community Land measuring approximately 7300 acres-popularly known as "Mgeno Grazers". It also borders Mugeno Ranch LR. No. 12178 measuring 20,920 Ha.

Further, the Committee was informed that the Ministry has embarked on a Rapid Response Initiative (RRI) to ensure titles are issued for the remaining 6000 acres in LR 3880/3. (Attached is a sketch showing the referenced parcels).

The Committee therefore made the following resolutions:

- i.) To invite the Petitioners;**
- ii.) The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the disputed Parcels of Land.**

National Land Commission

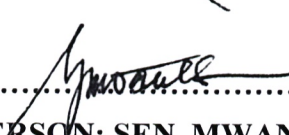
The Committee did not receive any apologies from the NLC and resolved to re-invite them again once new commissioners are sworn to office.

MINUTE SEN/SCLNLR/015/2019: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLNLR/016/2019: DATE OF NEXT MEETING;

The meeting was adjourned at 11.35 am and the next meeting was to be held thereafter.

SIGNATURE.......... DATE.....

(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, MP.)

MINUTES OF THE 24TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 25TH SEPTEMBER, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.30AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. George Khaniri, MGH, M.P.
3. Sen. Ndwiga Peter Njeru, EGH. M.P.
4. Sen. Godana Hargura, M.P.
5. Sen. Mwaruma Johnes, M.P.

PRESENT

- **Chairperson**
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Prengei Victor, M.P.
2. Sen. Halake Abshiro, M.P.
3. Sen. Boy Issa Juma, M.P.
4. Sen. Sylvia Kasanga, M.P.

- **Vice Chairperson**
- Member
- Member
- Member

IN ATTENDANCE

A. SENATORS

1. Sen. Charles Kibiru, MP – Senator, Kirinyaga County

B. MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Ms. Farida Karoney - CS, MOLPP
2. Hon. Gideon M. Mungaro - CAS
3. Mr. Benson Mbiti - MOLPP
4. Mr. Charles Githenya - D/Director Land Administration
5. Ms. Juliana Mutua, PHD - MOLPP
6. Ms. Pauline Pesa - MOLPP

C. NATIONAL LAND COMMISSION

1. Mr. Francis Bor - DCS NLC
2. Mr. Dennis Mutungi - Co-ordinator NLC

D. SENATE SECRETARIAT

6. Mr. Victor Bett - Clerk Assistant
7. Mr. Caroline Cheruiyot - Legal Counsel
8. Mr. Robert Rop - Audio Recording

MINUTE SEN/SCLNENR/135/2019: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson followed by a word of Prayer. The Chairman led the Committee through a round of introductions and thereafter informed the Committee that there is no response from the County Government of Nakuru following an invitation sent to them.

MINUTE SEN/SCLNENR/136/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. George Khaniri, EGH, MP and seconded by Sen. Godana Hargura, MP as follows;

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. **Meeting with the Cabinet Secretary Ministry of Lands and Physical Planning, County Government of Nakuru and the CEO National Land Commission on Statements and Petitions before the Committee;**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNENR/137/2019: CONFIRMATION OF MINUTES

The confirmation of Minutes was deferred to the next housekeeping meeting.

MINUTE SEN/SCLNENR/138/2019:

MEETING WITH THE CABINET SECRETARY MINISTRY OF LANDS AND PHYSICAL PLANNING AND CEO NATIONAL LAND COMMISSION ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE;

The Ministry of Lands and Physical Planning submitted as follows:

A. STATEMENT REQUEST BY SENATOR KIBIRU CHARLES REUBENSON, SENATOR FOR KIRINYAGA

On the matter of Mwea, the CS informed the Committee that they are embarking on giving the residents of Mwea conditional leases within 3 months. A technical team is also being set up to come up with resolutions in 90 days on long term measures to deal with the matter.

B. PETITION BY RESIDENTS OF MWATATE CONSTITUENCY, TAITA TAVETA COUNTY ON THE OWNERSHIP OF MGENO LAND

RESERVE;

The CS informed the Committee that they have embarked on a Rapid Response Initiative (RRI) to ensure titles are issued for the remaining 6000 acres in Land Reference Number 3880/3. They are currently working on 30,100 titles at the moment.

The Committee was informed that part of the land is being set aside for public utilities and a land bank for future use.

The CS assured the Committee that they are following the Community Land Act and that the County Government is holding the land in trust until the Community is registered for them to get a block title.

C. PETITION ON NON-PAYMENT OF COMPENSATION FOR LAND COMPULSORILY ACQUIRED TO CONSTRUCT MWATATE-TAVETA-HOLILI ROAD;

The CS informed the Committee that NLC is fully responsible and that the information they have, is that they have since submitted the list of beneficiaries.

D. STATEMENT REQUESTED BY SEN. JOHNES MWARUMA ON 21ST FEBRUARY, 2019 ON THE STATUS OF VOI SISAL ESTATE;

The Committee was further informed by the Senator, Taita Taveta that the parcel of land in question has remained private through fraudulent means and that the Ministry of Lands and Physical Planning needs to establish and investigate the procedure that was followed in acquiring the parcel of land.

The CS responded by informing the Committee that the Senator Taita Taveta can seek supplementary questions for answers from the Ministry of Lands and Physical Planning citing clearly the allegations raised.

E. CONCERN OF THE NAYNDARUA VILLAGES

The CS informed the Committee that plans were underway and that the resettlement will be completed by July, 2020 as what was set as the target date to have completed the exercise.

F. STATEMENT REQUESTED BY SEN. ANUAR LOITIPTIP ON 19TH MARCH, 2019 REGARDING THE LAND CRISIS IN LAMU COUNTY;

The Committee was informed that an advisory has been sought from the Attorney General on the matter since they cannot be able to revoke the Title deeds without an opinion for the Attorney General.

The National Land Commission informed the Committee that the section was repealed in 2017 and therefore revocation has now to be done through a court of law and are therefore working with the Attorney General to provide amendments in the law to return these powers back to the Commission.

G. STATEMENT REQUESTED BY SEN. JOHNSON SAKAJA ON 21ST MARCH, 2019 REGARDING THE COMPENSATION OF NAIROBI RESIDENTS IN MIHANG'O WARD, EMBAKASI EAST CONSTITUENCY BY KENYA POWER AND LIGHTING COMPANY FOR THE ILLEGAL DEMOLITION OF THEIR HOUSES;

The CS informed the Committee that this is a matter of Public Land being restored and that the Kenya Power and Lighting Company would be best placed to give a response.

H. PETITION ON THE ALLEGED GRABBING OF THE PART OF THE LAND ALLOCATED FOR SETTLEMENT OF THE PETITIONERS AT KIANG'OMBE SQUATTERS SETTLEMENT SCHEME IN THIKA SUB-COUNTY, KIAMBU COUNTY;

The Committee was informed that the matter has so far been settled and that the remaining part would be for NLC to give a comprehensive response on the matter.

The Committee is therefore waiting for a comprehensive response from the National Land Commission.

I. PETITION BY RESIDENTS OF GILGIL TOWNSHIP CONCERNING THE ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHWA, GILGIL TOWNSHIP, NAKURU COUNTY;

The Committee is waiting for a comprehensive response from the National Land Commission.

J. PETITION ON THE COMPENSATION AND RESETTLEMENT OF EVICTEES FROM MARMANET FOREST IN LAIKIPIA COUNTY;

The Committee was informed that the Ministry is trying to seek alternate land for the people of Marmanet. The Ministry currently does not have the money for that purpose.

The Committee was further informed that the Ministry has embarked on setting up a Committee to resettle the people of Marmanet together with NLC and that hopefully by November, 2019 the Committee will have been in place.

K. PETITION ON IRON ORE MINING IN KISHUSHE AREA OF TAITA TAVETA COUNTY, THAT THEY ALLEGEDLY OBTAINED A TITLE (TITLE DEED NO. CR65748) FRAUDULENTLY THROUGH THE MANAGEMENT OF KISHUSHE COOPERATIVE RANCH

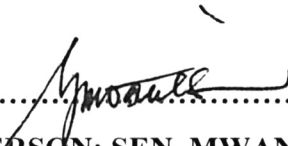
The CS informed the Committee that the matter of the Title deed for this parcel of Land is a matter that is currently active in court and wouldn't want to comment about it.

MINUTE/ SEN/SCLNR/139/2019: ANY OTHER BUSINESS

There was no other business discussed.

MINUTES/SEN/SCLNR/140/2019: ADJOURNMENT

The meeting was adjourned at 12.02 pm. The date of the next meeting was to be called on notice.

SIGNATURE.......... DATE.....
(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, MP.)

MINUTES OF THE 51ST SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 13TH NOVEMBER, 2020 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9.00 AM.

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. Sylvia Kasanga, MP
3. Sen. Gideon Moi, CBS, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- **Vice Chairperson**
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. George Khaniri, MGH, MP - Member
3. Sen. Mwaruma Johnes, MP - Member
4. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member

IN ATTENDANCE

1. Mr. Victor Bett
2. Mr. Crispus Njogu
3. Ms. Clare Kidombo
4. Ms. Mitchell Otoro
5. Mr. Abdalla Mbore
6. Mr. John Nganga
7. Mr. Naftali Ondiba

SECRETARIAT

- Clerk Assistant II
- Clerk Assistant II
- Researcher
- Legal Counsel
- Sergeant-At-Arms
- Audio Recording
- Finance Officer

MINUTE SEN/SCLN/280/2020: PRELIMINARIES

The meeting was called to order at 9.30 am by the Vice Chairperson followed by a word of prayer.

MINUTE SEN/SCLN/281/2020: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows –

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Adoption of the following Petition Reports;**
 1. Report of the Committee on the Petition regarding the Resettlement of East Mau Forest Evictees;

2. Report of the Committee on the Petition regarding forceful eviction from Dundori Forest and compensation of land for the excised area from the forest for resettlement;
3. Report of the Committee on the Petition regarding the alleged grabbing of public utility and private land at Leleshwa, Gilgil Township (Residents of Gilgil Township, Nakuru County)
4. Report of the Committee on the Petition regarding the resettlement of the minority Ngerek Community following their proposed eviction from South Nandi Forest, in Nandi County
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNDR/282/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee deferred the confirmation of Minutes to the next housekeeping meeting.

MINUTE SEN/SCLNDR/283/2020: ADOPTION OF THE FOLLOWING PETITION REPORTS;

(a) Report of the Committee on the Petition regarding the Resettlement of East Mau Forest Evictees;

The Committee adopted its report with the following recommendations;

1. That the matter be referred to National Land Commission to be investigated as a historical land injustice
2. That the Petitioners be resettled by Government. The land the Petitioners are to be resettled should be land arable land to enhance farming.
3. That the Petitioners should be compensated for any property that was lost during the eviction.
4. That the Petitioners should be considered for relief accorded to Internally Displaced persons in Kenya through the Ministry of Devolution and Arid and Semi-Arid Lands special programmes department.
5. That the Ministry of Education should facilitate and consider the issuance of certified duplicated education certificates to the aggrieved residents from East Mau who were affected.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(b) Report of the Committee on the Petition regarding forceful eviction from Dundori Forest and compensation of land for the excised area from the forest for resettlement;

The Committee adopted its report with the following recommendations;

1. That the National Land Commission confirms the true ownership of L.R. No. 19060;
2. That the National Land Commission investigates the case as a historical land injustice matter and provide a report to the Committee and to the Ministry of Lands and Physical Planning within 3 months of tabling this report.
3. That, should their case after investigation by the National Land Commission is found to have been sincere, the Petitioners be resettled by the National Government on Land Similar to what they had before.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(c) Report of the Committee on the Petition regarding the alleged grabbing of public utility and private land at Leleshwa, Gilgil Township (Residents of Gilgil Township, Nakuru County)

The Committee adopted its report with the following recommendations;

1. That the Ministry of Lands and Physical Planning, in consultation with the County Government of Nakuru conducts an investigation into the conflicting lists of beneficiaries of the land in Leleshwa area submitted to the County Government of Nakuru.
2. That the lists of beneficiaries from previous and current allocations should be vetted and harmonized to ensure transparency and accountability in the process. The Ministry of Lands and Physical Planning is directed to report back to the Committee in three (3) months following the tabling of this report in the Senate.
3. That the County Government of Nakuru expedites the implementation of the Gilgil Development Plan No. 91 of 2008.
4. The County Government of Nakuru ensures that the proposed Part Development Plan is approved after adequate public participation by all stakeholders to pave the way for its implementation.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(d) Report of the Committee on the Petition regarding the resettlement of the minority Ngerek Community following their proposed eviction from South Nandi Forest, in Nandi County

The Committee adopted its report with the following recommendations;

1. That, the persons unlawfully occupying the land set aside for resettlement of the minority Ngerek Community are relocated from the said land and that any titles

issued thereon are revoked as they have no legal basis to continue occupying the land;

2. That the Kenya Forest Service in consultation with the County Government of Nandi and the Ministry of Devolution and Semi-Arid Lands Special Programmes Department should resettle the Kaptuiya Community;
3. That the Kenya Forest Service (KFS) expedites the degazettement of excised area from Nandi South Forest to enable issuance of title deeds for the 465.45 hectares allocated for the Ngerek community; and
4. That the Petitioners as well as the Kaptuiya Community once relocated should receive any relief accorded to Internally Displaced Persons in Kenya through the Ministry of Devolution and Semi-Arid Lands Special Programmes Department.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

MINUTE SEN/SCLNDR/284/2020: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLNDR/285/2020: DATE OF NEXT MEETING;

The meeting was adjourned at 1.00 pm and the next meeting was to follow thereafter at 3.00 pm.

Signed:.....

Date:.....19/11/2020.....

SEN. PHILIP MPAAYEI, MP
VICE CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

B. ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)