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KENYA NATIONAL ASSEMBLY
TENTH PARLIAMENT – FOURTH SESSION

REPORT
OF THE
JOINT COMMITTEE ON ADMINISTRATION & NATIONAL
SECURITY, LANDS & NATURAL RESOURCES, LOCAL
AUTHORITIES, AND; TRANSPORT, PUBLIC WORKS & HOUSING
ON THE
DEMOLITIONS AND EVICTIONS IN SYOKIMAU, KYANGOMBE,
KPA, MAASAI & MITUMBA VILLAGES AND EASTLEIGH.

Clerks Chambers
National Assembly
Nairobi

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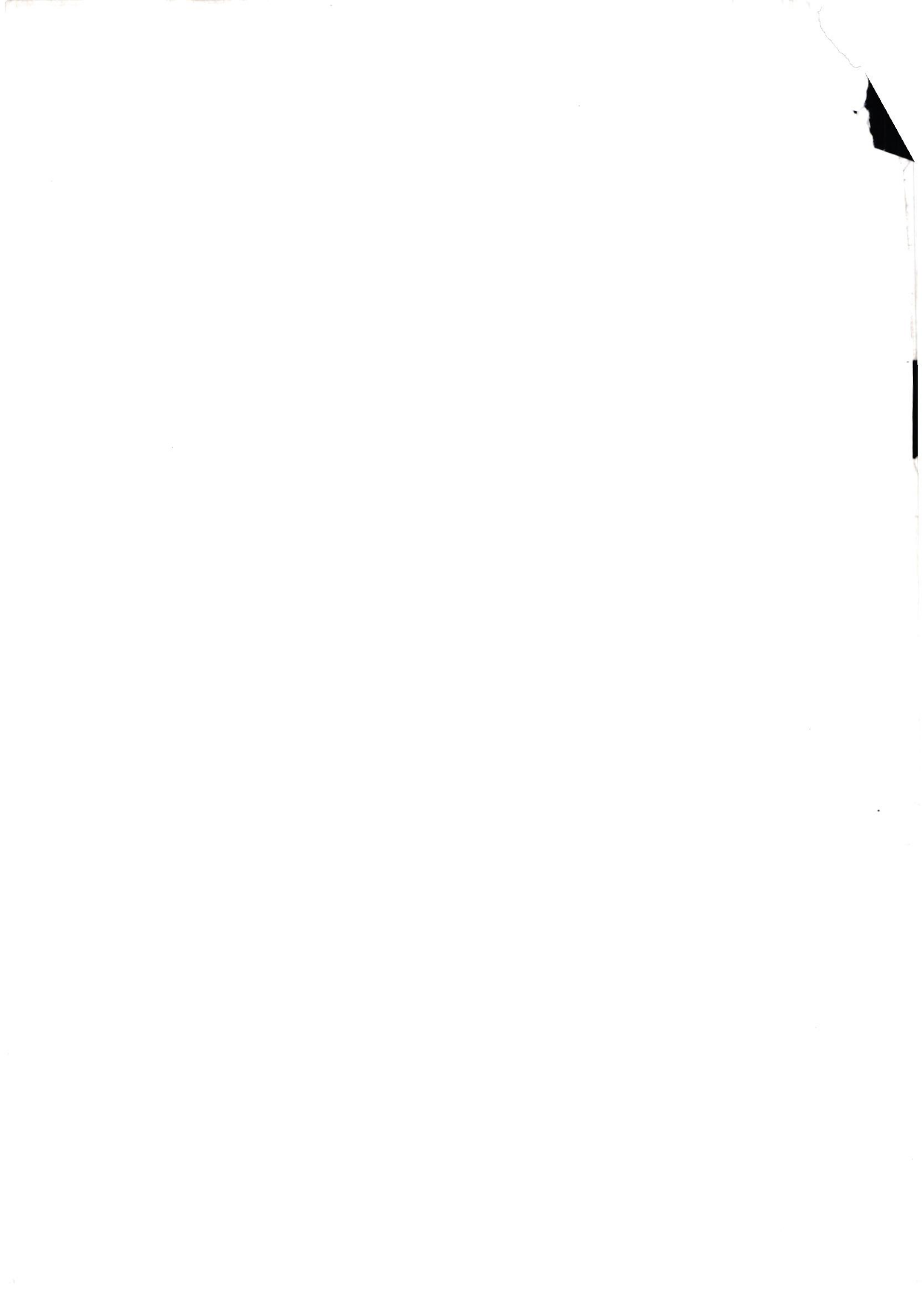


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1.0 PREFACE

Mr. Speaker Sir,

- 1.1 On Tuesday, November 15, 2011 and Wednesday, November 16, 2011 following a Question by Private Notice and a Motion by the Hon. Martha Karua, MP and Hon. John Mbadi, MP respectively, on the demolitions of houses and subsequent evictions of the residents of Kyangombe, KPA and Maasai Village, Mitumba and Syokimau on the outskirts of Nairobi City on Saturday, November 12, 2011 and thereafter was debated.
- 1.2 On Tuesday, November 15, 2011, the Hon. Martha Karua, MP sought, through a Question by Private Notice from the government:-
 - i) why the residents of kyangombe, KPA & Maasai village were evicted without notice;
 - ii) why has the government not provided alternative settlement to the residents
 - iii) the measures the government has taken or offered to assist the residents.
- 1.3 Due to the unsatisfactory answers from the Deputy Prime Minister and Minister for Local Government and the executive arm of Government in general, The House through various supplementary Questions, Point of Orders and Informations deferred the Question to Wednesday, November 16, 2011, to be answered by the Minister for Transport.

Further, on Tuesday, November 15, 2011, the Hon. J. Mbadi, MP moved a Motion of adjournment pursuant to Standing Order No. 23 from the House to discuss the matter of demolition of houses and subsequent eviction of the residents of Kyangombe, KPA and Maasai Village, Mitumba and Syokimau on the outskirts of Nairobi City on Saturday, November 12, 2011 and thereafter.

1.4 The Hon. John Mbadi, MP informed the House that:-

- On Saturday, November 12, 2011, Kenyans were treated to horror through the demolition of several buildings belonging to Kenyans who have spent many years working hard develop the houses and or the investments;
- The demolitions were conducted by the Government of Kenya, which is to protect the same people and property they were demolishing.

- The government acted in a barbaric and insensitive manner and left many of its citizens or tax payers homeless;
- Kenya Airport Authority has no legal rights to order or ask for the demolitions, though it is assumed the land belongs to them and Kenya Airport Authority has never secured their land before through fencing of the boundaries;
- Whether Kenya Airport Authority was aware that there were Kenyans building and putting up expensive homes on their land;
- The net effect of the demolitions is that families have been left homeless and noting that some of them have taken bank loans to undertake such investments;
- If the government is aware of the houses being put up in Syokimau;
- Many Kenyans bought land from three groups – Uungani Settlement Scheme Self Help Group which was allocated land in 1996, Mlolongo Brothers and Jumbo Settlement Scheme;
- The Uungani Settlement Scheme paid the necessary fees to the Government;
- KAA filed a case in 2004, after eight years from 1996, taking Uungani Settlement Scheme to court claiming that the land belonged to Kenya Airport Authority;
- The case has always been adjourned, with Kenya Airport Authority claiming that the legal team was not prepared to prosecute the case;
- The Case (489/2004) came up for mention on October 17, 2011 and Kenya Airport Authority legal team sought an adjournment on the grounds that they were not ready and wanted to file a list of witnesses;
- The case was then adjournment to Tuesday, November 15, 2011. However, on Saturday, November 12, 2011 Kenya Airport Authority with the support from the Ministry of State for Provincial Administration and Internal Security and the Nairobi City Council moved in bulldozers to demolish houses belonging to poor Kenyans;
- There are documents to show that the people have a claim on the land. These are survey and plans which were approved by the Commissioner of Lands and the Survey Department.

1.5 In support of the Motion, the Members stated the following:-

- The government violated the Constitution by undertaking the demolitions and overlooked the principle of social justice;
- The Kenyans who erected houses in Syokimau have title deeds to the land;
- There may be double allocations of titles deeds issued by the government;

- Under Article 40 of the Constitution, owners of the demolished houses deserve compensation from the government;
- The residents required adequate notice;
- The action of the government was selective as it appears only Kenyans were affected. Multinationals were not though there are indications that they had structures and or houses in the areas affected by the demolitions;
- The resident need to go to court to seek the government to compensate;
- The Government has violated the rights of the people by creating destitute out of hard working Kenyans;
- The Government should develop a policy on eviction and demolitions;
- The action by the government was callous, inhuman and irresponsible;
- The scheme in question is the Uungani Settlement scheme, Mlolongo Brothers and Jumbo Settlement.
- Uungani Settlement Scheme is currently in court over the same issues of ownership of land as illustrated by court orders;
- Residents were served with a notice by Kenya Airport Authority dated September 15, 2011. The notice is general in nature and relates to Syokimau as a whole and not Uungani Settlement Scheme or Mlolongo Brothers land;
- Uungani Settlement Scheme Self Help Group was registered under the Ministry of Gender, Sports, Culture and Social Services on April 30, 2008;
- Uungani Settlement Scheme was issued an allotment letter by the Commissioner of Lands dated September 20, 1996 and further certified by the Registrar of Lands on February 19, 2009;
- Following the filing of case no. 489/2004, the High Court ordered the Government Surveyor, Ministry of Lands to submit a report to the court to determine ownership of the land claimed by Uungani.
- The report indicated that the deed plan approved by the Director of Survey in March 2008, the portion of land belonging to Uungani scheme is L.R. No 14231/1 while that of Kenya Airport Authority is L. R. No. 9042/56. The acreage of Uungani property including Mlolongo Brothers 449 hectares;
- A legal notice No. 151 dated August 26, 2010 by the Hon. James Orengo, Minister for Lands, gazetted the property known as L. R. No. 13512 which is part of Uungani Scheme property;
- Title deeds under the Registration of Titles Act, I.R. No. 58266 in the names of the Mlolongo Brothers was subsequently issued.
- Uungani Settlement Scheme was issued a clearance certificate on December 31, 2003 upon making payments in the Ministry of Lands. the same payments have continued to be made to the Ministry of lands;

- Topographical map reveals the boundaries as published by the Survey of Kenya and shows the boundaries between Mavoko and Nairobi;
- The maps show that the property in question is in Mavoko and clearly demarcates the Kenya Airport Authority land which does not include the property in question;
- The alleged cabinet decision to Ministries or its agencies to undertake demolitions violates article 153 of the constitution ;
- The developments were undertaken after following the right procedures and obtaining approvals from the relevant government agencies, i.e. the Mavoko Municipal Council and Nairobi City Council;
- The Ministry of Lands should be responsible for the mess as they issued titles deeds, double allocations of land, approved plans and then approved the demolitions.
- The culprits in the whole saga are the Mlolongo Brothers Association, Mavoko Municipal council and Ministry of Lands officials;
- Kenya Airport Authority should negotiate through the victims lawyers and pay for whatever has been destroyed;
- Kenya Airport Authority should have waited for the hearing and determination of the pending court cases before demolishing and evicting people;
- Kenya Airport Authority should have been granted a chance for the victim to salvage the little they could;
- The flight path for JKIA has been interfered with and the same goes for Wilson Airport as there are houses around the airport than in Syokimau;
- The general development and land use plan for JKIA published in 1995 indicates that where the scheme lies is far from their boundary.
- Kenya Airport Authority and the cabinet have no legal rights to demolish houses despite being directed and approved or sanctioned by the latter;
- Demolitions in Kya'ngombe were undertaken without a notices despite the matter being in court;
- The government should have provided alternative land or place of settlement to the affected families or by law should have known where they were going following demolition of their houses;
- Eviction guidelines should have been developed and followed though provided for in the Constitution under article 40 and 43;
- Even if the cabinet approved and directed for the demolitions to be undertaken, the law must be followed.
- The land claimed by Uungani and Mlolongo Brothers belongs to Kenya Airport Authority and the land has not been excised.

- The land that is allegedly owned by Mlolongo Brothers Association has an L.R. No. which corresponds to an industrial plot near Kenchic Factory.
- 1.6 In response to the Hon. Members, the Minister for Transport stated that:-
- 1.6.1 The residents were evicted since they had settled on land L.R. No. 21919 belonging to Kenya Airport Authority, which land had been set aside for aviation purposes.
- 1.6.2 Various notices were issued by Kenya Airport Authority and City Council of Nairobi as follows-
- Notices published in the local newspapers – October 7, 2008, September 25, 2010 and September 15, 2011 by Kenya Airport Authority;
 - City council issued notices on July 12, 2005, August 28, 2009 and January 8, 2010;
- 1.6.3 The residents had not claimed the land as they knew they were settled on KAA land.
- 1.6.4 The Government has no plans to assist or offer alternative sites for resettlement because they were illegal occupiers of Kenya Airport Authority land.
- 1.7 Despite the answer by the Minister for Transport, the Hon. Martha Karua and the House in general, raised the following issues:-
- 1.7.1 The residents were paying rates to city council of Nairobi therefore they were settled by the authority;
- 1.7.2 Only 10% of Kya'ngombe is claimed by Kenya Airport Authority however, the demolitions took place in the whole village;
- 1.7.3 There were no eviction orders or court orders served to the residents;
- 1.7.4 There were cases in the court awaiting hearing and determinations;
- 1.7.5 Notices issued were general and only addressed to resident of Kya'ngombe village omitting Maasai village, while other notices were addressed to individuals;
- 1.8 Due to the unsatisfactory answers and the sensitivity of the matter, the House referred the issue to the Joint Departmental Committees on Administration & National Security, Lands and Natural Resources, Local Authorities; and Transport, Public Works and Housing; and report to the House in two weeks - from Wednesday, November 16, 2011.

- 1.9 Following further demolitions in Eastleigh Estate and Mitumba, near Wilson Airport by the government agencies, During its sitting on Wednesday, November 24, 2011 resolved also to undertake investigation on the demolitions in Eastleigh and Mitumba and therefore the need for more time to undertake the investigation alongside the those of Syokimau and Kyangombe.
- 2.0 On Wednesday, November 24, 20, the Committee sought the House approval on the expanded mandate and more time. The request was approved by the House and therefore the Committee report back on Wednesday, December 6, 2011.

2.1 Mandate of the Committee

2.1 The Joint Committee, subsequent to its formation adopted the following terms of reference:

- 2.1.1 Inquire into the circumstances surrounding the demolitions and forced eviction of people from Syokimau, KPA, Kyangombe and Maasai villages;
- 2.1.2 Consider the possibility of compensation of the owners/former occupants of the demolished premises;
- 2.1.3 Investigate whether the evictees had legal rights to the land and premises in question;
- 2.1.4 Investigate whether or not the government acted within the law when they conducted and or supervised the evictions and demolitions;
- 2.1.5 Investigate and confirm the rightful owner of the land/premises in question, and;
- 2.1.6 Make a report to Parliament within two weeks from the date the matter was referred to the Committees.

Mr. Speaker Sir,

2.2 Committee composition - The following are the Members of the Committee:-

- 1. The Hon. Mutava Musyimi, MP- Chairperson;
- 2. The Hon. Fred Kapondi, MP – Assisting chairperson
- 3. The Hon. David Were, M.P. – Assisting Chairperson
- 4. The Hon. David Ngugi, MP – Assisting Chairperson

5. The Hon. Isaac Muoki, M.P.
6. The Hon. Peris Chepchumba Simam, MP
7. The Hon. Mohamed Sirat, MP
8. The Hon. Peter Kiilu, MP
9. The Hon. Shakeel Shabbir, MP
10. The Hon. Gideon Mungaro, MP
11. The Hon. Gideon Konchellah, MP
12. The Hon. Fahim Twaha, MP
13. The Hon. Mwalimu Mwahima, MP
14. The Hon. Joshua Kutuny, MP
15. The Hon. Oyugi Magwanga, MP
16. The Hon. Ali Hassan Joho, MP
17. The Hon. Zakayo Cheruiyot, MP
18. The Hon. Mohamed Hussein Ali, MP
19. The Hon. Danson Mungatana, MP
20. The Hon. Maison Leshoomo, MP
21. The Hon. Cyprian Omollo, MP
22. The Hon. Raphael Letimalo, MP
23. The Hon. Pollyins Ochieng', MP
24. The Hon. Nkoidila Ole Lankas, MP
25. The Hon. Yusuf K. Chanzu, M.P.
26. The Hon. Clement Wambugu, M.P.
27. The Hon. Benjamin Langat, M.P.
28. The Hon. Edwin O. Yinda, M.P.
29. The Hon. (Dr.) Wilbur Ottichilo, M.P.
30. The Hon. Boaz Kaino, M.P.
31. The Hon. Joseph Kiuna, M.P.
32. The Hon. Benedict Fondo Gunda, MP
33. The Hon. Kizito M. Justus, MP
34. The Hon. Benjamin Jomo Washiali, MP
35. The Hon. Peter Njuguna Gitau, MP
36. The Hon. Silas Muriuki Ruteere, MP
37. The Hon. Omar Mbwana Zonga, MP
38. The Hon. Mohammed Abdi Affey, MP
39. The Hon. Dr. Erastus Kihara Mureithi, MBS, HSC, MP

2.3 JOINT COMMITTEE RESOLUTION - The Joint Committee during its sitting on Thursday, November 17, 2011, agreed that:-

- i) The Joint Committee to undertake visits of the affected areas;

- ii) Meet the victims and or evictees and or their legal representatives;
- iii) Meet the Minister for Transport, Lands, Provincial Administration Nairobi Metropolitan Development, Local Government, Housing and Defence;
- iv) Meet with the Permanent Secretaries in charge of the Ministries of Transport, Local Government, Lands, and; Provincial Administration & Internal Security;
- v) The Commissioner of Lands, Director of Survey, Director of Physical Planning and Registrar of Lands
- vi) The management of Kenya Airport Authority;
- vii) Legal land experts;
- viii) Members of Parliament from the affected areas;
- ix) The Judiciary;
- x) Issue a press statement;
- xi) Report back to the house on Wednesday, November 30, 2011;
- xii) Seek an extension from the House so as to cover Mitumba and Eastleigh evictions
- xiii) Seek forensic expert on the document being presented;

2.4 Meetings

2.4.1 The Joint Committee held a total of thirty (30) Sittings with officers of the relevant Government Ministries and departments, experts and other persons who made oral and written submissions on the demolitions of houses and subsequent evictions of the residents of Kyangombe, KPA and Maasai Village, Mitumba, Syokimau and Eastleigh on the outskirts of Nairobi city on Saturday, November 12, 2011 and thereafter.

2.4.2 The Joint Committee received both oral and written submissions/evidence from the following:-

1. Site visit to Kyangombe/Maasai Village, Syokimau, Mitumba and Eastleigh
2. Evictees/victims, landlords and Land owners;
3. The Managing Director, Kenya Airports Authority
4. The Clerk and Mayor, Mavoko Municipal Council
5. The Town Clerk, City Council of Nairobi
6. The Attorney General
7. The Commissioner for Lands

8. The Provincial Commissioner – Nairobi,
9. The Provincial Police Officer – Nairobi,
10. Members of Parliament – Kathiani, Embakasi and Kamukunji;
11. Permanent Secretaries for – Defence, Lands, Transport, Local Government and Provincial Administrations
12. Registrar of the High Court/Secretary to the Judicial Service Commission
13. Land Sector Non State Actors
14. The Council Members, The Law society of Kenya and International Commission of Jurist – Kenya
15. Ministers for – Defence, Lands, Transport, Local Government and Provincial Administrations & Internal Security.

2.5 Visits and tours:

2.5.1 The Joint Committee undertook site visits to Kyangombe/Maasai Village and Syokimau on Monday, November 21, 2011 at 11.00 a.m. and 5.00 p.m.;

2.5.2 Objectives of the visit

- a) Meet the victims at the site of the demolitions.
- b) Determine the extent of the demolitions.
- c) Observe the magnitude of the loss of property and lives following the demolitions.
- d) Determine the definite areas where the demolitions took place.
- e) Appraise the current state of the affected families/households.
- f) Find out the government assistance offered to the victims following the demolitions and subsequent eviction; and
- g) Report on the progress of demolitions and evictions to the House.

3 SUMMARY OF FINDINGS – the Committee found out that; -

3.1.1 The documentation provided concerning Syokimau, KPA, Kyangombe Maasai and Mitumba need to be verified further to authenticate their validity. The Committee could not establish the genuine or not genuine

and specifically those from the Uungani, Mlolongo and Surveys department of the Ministry of Lands;

3.1.2 Kenya Airports Authority is the owner of the Land L.R. 21919(I.R. No. 70118/1).

3.1.3 The disputed land in Syokimau was acquired compulsory by the Government of Kenya in 1971 for the development of the Nairobi Airport, currently known as JKIA. With several other parcels of land, L.R No. 3864 measuring 2484 acres (1005.27 hectares) vide legal notice No. 1105/1106 dated 26th April, 1971 by the Commissioner of Land;

3.1.4 Vide legal gazette notices Nos. 439 and 440 of February 25, 1982, the government acquired L.R. No. 7149/11/R then known as Syokimau Farm Limited.

3.1.5 Land acquired i.e. L.R. Nos. 3864 and 7149 were in the Syokimau area.

3.1.6 In 1996, a survey was carried out indicated that L. R. No. 3864, 14231, 14231/1 are part of L.R. No. 21919.

3.1.7 In 2003, Mlolongo Brothers Association with title No. L.R. 85126 for L.R No. 13512 measuring 100 hectares (being part of L.R No. 3864) claimed interest on the land. The Association went further to convert their allegedly acquired title IR. 85126 from Registration of Titles Act to Registered Land Act through J.R Aganyo & Associates surveyors based on legal gazette notice No.157/2010 which is alleged to have been forged. The said notice was published on 26th August, 2010.

3.1.8 From the evidence given by the Director of Surveys, the survey plan FR 472/72 for L.R No. 14231/1, 14231/2 of area 449.9 ha and 200 ha respectively were authenticated in 31st January, 2008. Deed plan No. 285225 for L.R No. 14231/1 and 297909 for L.R No. 14231/2 were issued on 25th March, 2008 and 5th June, 2009 respectively. The survey was supported by a letter of allotment from Commissioner of Lands to

Uungani Settlement Scheme dated 5th January, 1998 and Part Development Plan No. MKS/8/97/6.

- 3.1.9 Historically and from the maps provided, the disputed land has been assumed by the Ministry of Local Government, Mavoko Municipal Council and City Council of Nairobi to be in Machakos County.
- 3.1.10 KAA has been in court since 2004, with two cases i.e. HCCC No. 489/2004 and 206/2004 pitting Kenya Airport Authority against Uungani Settlement Scheme and Mlolongo Brothers Association respectively. The cases have been pending before court. Evidence adduced, indicates that Kenya Airport Authority has not been ready to prosecute the case having been seeking adjournment citing lack of preparation, drawn a list of witnesses among other issues;
- 3.1.11 Resident of Mitumba were settled on a 10 acre piece of land by the Office of the President through the then Provincial Commissioner the late Fred Waiganjo in 2002.
- 3.1.12 Mitumba is alleged to be located on L.R No. 209/13080. The land L.R No. 209/13080 (IR. 70522) is also known as Wilson Airport and measures 163.67 Ha. The land L.R No. 209/13080 belongs to Kenya Airport Authority.
- 3.1.13 In 1996 and 1999, L.R. No. 209/12921 and 209/12908 was excised respectively and titles issued from L.R. No. 209/13080.
- 3.1.14 However, the title for L.R No. 209/12908 was revoked and surrendered on January 27, 2004 and for L.R. No. 209/12921 whose title is I.R. No. 76144 was issued on March 16, 1998 to Joshua Kipchumba Chepkwony and James Nganga.
- 3.1.15 At the time of writing this report, from the above, the title for L.R. No. 209/12921 has not been revoked. Thus part of Mitumba Village, (L.R No. 209/12921) belongs to an individual and therefore private property. The land L.R. No. 209/12921 does not belong to Kenya Airport Authority.

3.1.16 Evictions in Mitumba was carried out with the instructions of Kenya Airport Authority after issuing notices, claiming it was on their land and on the flight path;

3.1.17 The residents of Mitumba sought court injunctions on September 21, 2011 which were extended twice to 23rd November, 2011. The said court orders were served to the Provincial Commissioner, District Commissioner, District Officer, Town Clerk, Officer Commanding Police Division - Langata & Officer Commanding police Station (OCS) Langata.

3.1.18 Demolitions were undertaken in the various areas arising from government decision to get rid of all illegal occupiers/settlers on both public and private land/property. The illegal occupiers/settlers on either government and private agencies, were either:-

- on Kenya Airport Authority land posing as a security threat;
- on flight path;
- Illegal occupiers on military land;
- Illegal occupiers on military flight path;
- Violated the building code, rules and regulations close to strategic installations; and
- Settlers on private property;

4 RECOMMENDATIONS

4.1 During the Joint Committee sittings and visits held to discuss the demolitions of houses and subsequent evictions of the residents of Kyangombe, KPA and Maasai Village, Mitumba and Syokimau in the outskirts of Nairobi city the Committee on a broad perspective recommends that:-

GENERAL RECOMMENDATIONS

4.1.1 Enact laws to effect Chapter 5 of the Constitution of Kenya, 2010

The Committee is of the strong view that establishment of the National Land Commission as envisaged in the Constitution of Kenya, 2010 would provide solution to most of the problems facing the land sector in Kenya.

The Committee established that the Constitution of Kenya, 2010 had already diagnosed the problems affecting the land sector and offered remedies which include a raft of statutes as contained in Chapter 5 of the Constitution which if had been enacted, would have solved a number of issues raised as a result of these demolitions. These statutes include:

- National Land Commission;
- Laws on Land use classification;
- Laws to consolidate existing land Laws;
- Laws to regulate land holding by non citizens;
- Laws prescribing the minimum and maximum acreage of land that can be held as private land; and
- Laws providing for protection and access to public land.

The Committee recommends that the land related laws as proposed in the constitution of Kenya 2010, without compromising the timelines as set out in the Constitution, be fast - tracked and within 90 days from the date of adoption of the report by Parliament.

The Committee further recommends that the National Land Commission should be operationalized by March 30, 2012.

4.1.2 Enact law on Evictions and Resettlement

The Committee established that the Draft Evictions and Resettlement Bill currently in the Ministry of Lands, proposes to guide the process of evictions of people and the circumstances under which this can be taken together with the resettlement process. This law is a panacea to a number of challenges faced by the evictees who have been affected by the demolitions and evictions undertaken by the Government.

The Committee therefore recommends that the Ministry of Lands moves with speed to process this Bill to ensure that it is enacted within 90 days from the date of adoption of the report by Parliament.

4.1.3 Enact law to protect strategic and security installations

The Committee having toured the affected areas and particularly the areas adjacent to the Moi Airbase in Eastleigh, and being convinced that the security of the installation had been highly compromised and recommends that, In consultations with the relevant Parliamentary Departmental Committees the Government should as a matter of urgency, enact a law to protect all strategic and security installations, audit all strategic and security installations which should not be limited to airports and military installations but also extend to way leaves and key infrastructure such as the pipeline within 90 days from the date of adoption of the report by Parliament

4.1.4 Review of the Contempt of Court Act

The Committee established that court orders existed over some parcels of land that were demolished and the government agencies that took part in the demolitions ignored or rubbished the court orders and some private citizens in the area proceeded with development even while aware that injunctions requiring status quo to be maintained were in existence.

The Committee recommends that the Attorney General in consultation with the Chief Registrar of the Judiciary undertake a review of the law governing contempt of court with a view to filling the gaps that have led to frequent disobedience of court orders, including proposing Stiffer penalties to act as a deterrent within 90 days from the date of adoption of the report by Parliament.

4.1.5 Enact the Court Bailiffs Act to enforce decisions of the Court

The Committee having established that enforcement of Court decisions has been wanting especially with regard to decisions reached in favour of poor citizens, the Committee recommends that the Court Bailiffs Act be enacted to establish a Court Bailiff's office which will be charged with the responsibility of ensuring enforcement of court decisions within 90 days from the date of adoption of the report by Parliament.

4.1.6 Establish the National Land Information Management System

To eliminate the frequent problem of loss of files at the Ministry of Lands and the allocation of more than one title for the same parcel of land, the Committee recommends that the Ministry of Lands completes the process

of computerizing all land records in the country and to establish the National Land Information Management System as provided in Sessional Paper No. 3 of 2009 on the National Land Policy.

This Committee recommends that the Ministry of Lands and other Government agencies dealing in land should embrace GIS technology for all parcels of land in the country, within a period of twenty four (24) months and that the Treasury allocates sufficient funds to undertake this exercise and process from the date of adoption of this report.

4.1.7 Undertake Reforms in the Ministry of Lands

The Committee established that the fraudulent dealings in the demolished properties in Syokimau may have been as a result of fraudulent dealings or corruption by officials of the Ministry of Lands.

The Committee therefore recommends that in order to restore the confidence of Kenyans in the sanctity of land titles and records, the Government should vet all officers in the Ministry of Lands to weed out corrupt officers and to dismantle the cartel that has been fleecing money from members of the public.

4.1.8 Conduct any future demolitions in accordance with the law

The guiding principle in undertaking demolitions should be to minimize damage to property of the occupants.

The Committee recommends that any future demolitions be conducted within the law and there should be coordination between the government agencies involved.

The Committee further recommends that demolitions be undertaken only in exceptional circumstances and after consultation with the people to be affected; and even in these cases, follow up should be undertaken to ensure the evictees are provided with security and humanitarian aid.

4.1.9 Undertake an audit of all buildings within Nairobi and all urban centers

To prevent future *ad hoc* demolitions, the Committee recommends that the City Council of Nairobi do undertake an audit of all buildings developed within its jurisdiction to establish those developed without approval plans and those which may have been developed to exceed the approved plans and to ensure the law is enforced.

4.1.10 Implement the 2004 Report of the Commission of Inquiry into Illegal/Irregular Allocation of Public Land (Ndung'u Land Report)

The Committee having established that there has been irregular and corrupt dealings over the years at the Ministry of Lands, resulting in excision of and allocation of public land to private individuals.

The Committee recommends that the Government implements the 2004 Report of the Commission of Inquiry into Illegal/Irregular Allocation of Public Land (Ndung'u Land Report) and report to Parliament within 90 days.

The Committee further recommends that all Government agencies undertake an audit of their land and follow due process in reclaiming any public land in the hands of individuals report to Parliament within 90 days.

4.1.11 The Government of Kenya and all citizens should respect Court decisions

The Committee established that some parties claiming rights to the demolished parcels of land had filed cases in court and injunctions issued but both parties did not respect the court decisions as further developments continued after the injunctions and the demolitions were conducted despite the court orders.

The Committee recommends that government agencies and the general citizenship respect the Constitution at all times and any decisions of the courts whether or not they agree with them in order to restore confidence in the judicial system.

4.1.12 Restitution

The Committee established that most of the evictees were third parties who acquired the properties in question believing the titles to be genuine and undertaken due diligence. Considering that the government allowed the some of the people to settle on land that was not theirs such as Kyang'ombe, Mitumba and Maasai villages. And further that the demolitions destroyed were undertaken without prior notice, making it impossible for the victim to salvage personal belongings.

The Committee therefore, recommends that the Government makes restitution, *ex gratia* payments or other humanitarian assistance to persons who acquired these properties in good faith, for value and without notice that the title was not genuine.

4.1.13 Protection of witnesses

The Committee established from reliable information that some potential witnesses in the Syokimau properties faced various threats and intimidation and therefore recommends that the Attorney General should step in to protect these witnesses by invoking the Witness Protection Act.

4.1.14 Government should conduct any future evictions humanely and with regard to due process

The Committee established that only a small percentage of the properties demolished in Kyang'ombe were along the flight path while a large majority was outside the flight path. The Committee is however of the view that the Government used excessive force in undertaking the demolitions.

The Committee recommends that the Government conducts future demolitions humanely and after giving the settlers ample notice. The would-be evictees should be given the alternative of moving themselves or demolishing their own structures before the government can conduct such demolitions and that any such demolitions in future demolitions only be undertaken as a matter of last resort.

4.1.15 Enhanced coordination of government departments and agencies

To prevent situations arising where some departments of Government like the City Council of Nairobi approve development plans without concurrence from other departments responsible for certain strategic installations thus resulting in these departments undertaking demolitions later on, this Committee recommends that all Government departments work together and consult before approving any development plans.

In this regard, the Committee recommends that any form of transfer, charge or mortgage and other forms of proprietary transactions on land proximate to strategic installations be accompanied with a clearance certificate from the respective Government departments before the transaction can be completed.

4.1.17 Appointment of Independent Forensic Auditors

In view of the large volume of documents regarding land ownership that the Committee received from various witnesses and the nature of the land transactions involved, the Committee recommends that an independent forensic auditor be appointed to undertake forensic audit along the Terms of Reference here below:

- (i) To undertake a thorough forensic audit on the land records, titles, Maps, Deed plans, allotment letters, legal notices, development approvals and others documents obtained by the Joint Committee during its investigation on the demolitions and evictions in Syokimau, Kyangombe, KPA, Maasai and Mitumba Villages and Eastleigh and other documents that are or may be made available to establish their authenticity.
- (ii) To establish the history of the documents referred to in (i) in order to establish their source initiators, issuers and validity.
- (iii) To investigate the circumstances surrounding the loss of certain documents of the description set out in (i) and other similar or other relevant documents specifically in the Ministries of Lands and Local Government, Judiciary and the State Law Office(Company Registry), the persons responsible for such loss and the effect of such loss on land matters in Kenya;

- (iv) To determine the extent, if any, of the involvement of the Ministries of Lands, local Government and other government agencies or individuals in those Ministries and agencies in relation to malpractices in land transactions culminating in the demolitions and evictions in Syokimau, Kyangombe, KPA, Maasai and Mitumba Villages and Eastleigh;
- (v) To investigate, determine and advise on any other matter related to, relevant, consequential or incidental to the foregoing; and
- (vi) To submit a Report to the Joint Committee comprising the forensic auditor's findings, observations and recommendations within Sixty (60) of the execution of the contract.

The forensic auditor shall undertake the assignment in liaison and with the facilitation of the Auditor General.

The life of the Joint Committee will be deemed to expire upon receipt and tabling of the forensic report.

SPECIFIC RECOMMENDATIONS

The Committee makes the following recommendations which are specific and unique to the particular area that was affected by the demolitions and evictions:

SYOKIMAU

4.1.18 Finalization of the pending Court Case over ownership

The Committee concerned that the legal dispute regarding ownership of the Syokimau land has been in court since 2004 and therefore has taken too long to be concluded, hereby recommends that the Chief Justice takes urgent action to ensure expeditious conclusion of these matters and any other disputes over land in the country.

BIAFRA AND SECTION 3 IN EASTLEIGH

4.1.19 Strict enforcement of approval plan

The Committee established that buildings in Biafra and Eastleigh Section 3 are near the airbase, posed as a security threat and therefore required approval of the Department of Defence.

The Government may choose to demolish all properties developed without council approvals on which have exceeded the approved plans or indeed allow regularization by the developers or compulsorily acquired, but having due regard to the requirements of the Kenya Civil Aviation Authority on such development.

The Committee recommends that such evictions if undertaken must be done in accordance with Article 35 of the Constitution which guarantees all citizens the right to information; establish a clear criterion for what design and height of buildings are acceptable near vital installations. This will curb the arbitrariness exhibited in the demolitions undertaken in Eastleigh.

Further, the Committee recommends that the government considers the possibility of relocating the Airbase.

EASTLEIGH – KIAMBIU AND KITUI VILLAGES

4.1.20 Resettle the occupants of Kiambiu and Kitui villages

The Committee concedes that the Moi airbase is a vital security installation and notes with regret that the security of the airbase has highly been compromised. Encroachment on the airbase land was done with full knowledge and approval of Government. The Committee acknowledges the fact that a recommendation was made by a Government Joint Security Committee on 14th March, 2000 but was never effected resulting in the current difficulties.

Further, the Committee established that by the early 1980's, the land adjacent to the Moi airbase in Kiambiu and Kitui villages was unoccupied and used as a military reserve and that settlements began there in late 1980's with knowledge and or approval of Government.

The Committee recommends that the government should urgently identify alternative land to resettle the occupants of Kiambiu and Kitui villages as they are a security hazard. In doing this, should endeavor to provide basic amenities to these people in the areas identified for resettlement. It is only then that the Government should proceed and demolish the two estates so as to establish a military reserve in these areas.

And further, recommends that investigations be undertaken to establish the persons who authorized allocation of these parcels of land and further establish who the landlords of these two villages are.

Amenities to these people in the areas identified for resettlement. It is only then that the Government should proceed and demolish the two estates so as to establish a military reserve in these areas.

And further, recommends that investigations be undertaken to establish the persons who authorized allocation of these parcels of land and further establish who the landlords of these two villages are.

5.0 ACKNOWLEDGMENT

Mr. Speaker Sir,

- 5.1 The Joint Committee takes the earliest opportunity to thank all Kenyans, , individuals, institutions and international organizations who volunteered information either orally or by writing, that their contributions towards assisting the Committee has not been in vain;
- 5.2 I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks.
- 5.3 The Committee further commends Government Ministers, Permanent Secretaries and other Government Departments for the cooperation extended to the Joint Committee while conducting the inquiry.
- 5.4 Further, the Joint Committee wishes to appreciate the support given by your office and the Office of the Clerk for facilitating its work and

providing Human Resource as well as the Parliamentary Service Commission for the provision of funds for this noble work in the interest of the people of Kenya.

5.5 Finally, it is now my pleasant duty, on behalf of the Joint Committee on Administration & National Security, Lands & Natural Resources, Local Authorities and Transport, Public Works & Housing, to present and commend this report to the Honourable House pursuant to the provisions of Standing Order No. 181. On behalf of the Joint Committee; I request the house to adopt the report.

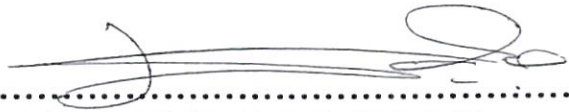
SIGNED:



HON. MUTAVA MUSYIMI, MP
JOINT CHAIRPERSON,

JOINT COMMITTEE – ON - ADMINISTRATION & NATIONAL SECURITY, LANDS
& NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC
WORKS & HOUSING

SIGNED:



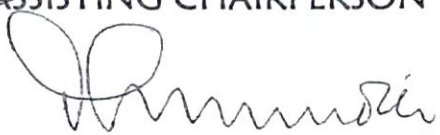
HON. FRED KAPONDI, MP
ASSISTING CHAIRPERSON

SIGNED:



HON. DAVID NGUGI, MP
ASSISTING CHAIRPERSON

SIGNED:



HON. ISAAC MUOKI, MP
AG. ASSISTING CHAIRPERSON

DATE:

December 7, 2011

CHAPTER ONE – EVIDENCE ADDUCED

SITE VISITS – KYANGOMBE, KPA, MAASAI VILLAGE AND SYOKIMAU IN NAIROBI ON MONDAY, NOVEMBER 21, 2011

During the visit the Committee learnt and observed the following:-

- The demolitions took place in KPA, Maasai, Kyangombe villages.
- the villages were on the flight path and within Kenya Airport Authority land
- they were considered a security threat;
- three deaths including that of an infant occurred in the cause of the demolitions
- Though the whole of KPA, Kyangombe and Maasai Villages were demolished, it is only a small fraction of Kyangombe which is in KAA land and on the flight path.
- KPA village was neither on the flight path nor on KAA land;
- Kenya Airports Authorities only ordered for demolition and evictions of those residing within their land and those whose structures, Houses were within flight path. However, it was established that some buildings within KAA Land and on the flight path were not demolished.
- There were 4 primary schools - Blue-sky, Maasai, Anointed and New hope and 2 secondary schools – Neema and St. Teresa, which were also demolished.
- Although Maasai Village was outside KAA land and not on the flight path, it was also demolished. Nonetheless KAA has attempted to evict people living within their land hence a Court case pending in court since 2004;
- The affected families were never notified of the intended eviction and demolition of their houses, structures (schools, hospitals).
- The families and victims through their lawyers did serve KAA, Kenya Police represented by the Provincial Police Officer, Officer Commanding Police Division (OCPD), Embakasi, with court orders stopping the demolitions and evictions;
- Residents of KPA have been living on pieces of land and were in the process of acquiring them from Central Bank of Kenya through Deposit Protection Fund.
- Residents of Dupoto Maasai Village settled there in 1981 and were in the process of being allocated plots by the City Council of Nairobi;

- Residents of Syokimau acquired land and started building in the year 2005; having undertaken proper searches or due diligence of the land.
- Houses demolished in all the areas run into millions of shillings including cost of loss of personal belongings;
- The demolitions were supervised by the Provincial Police Officer, Provincial Commissioner Nairobi, Officer Commanding Police Division – Embakasi and the District Commissioner Embakasi District assisted by over 200 Police Officers from both Regular and Administration Police.
- Most of the victims in all the affected areas were still trying to salvage their property, be it building materials, personal belongings/effects or anything they could claim as theirs.
- During the visits by the Committee, the relevant Government department/agencies though invited were not on the ground on that particular day, except for the Kenya Airports Authority led by the Managing Director accompanied by the institution surveyor.

SITE VISIT – MITUMBA VILLAGE, BIAFRA, EASTLEIGH SECTION 3 AND
KITUI VILLAGE IN NAIROBI ON MONDAY NOVEMBER 28,
2011

During the visit the Committee learnt and observed the following:-

- demolitions took place in Biafra, Eastleigh Section Three, Kitui village and buffer zone of Moi Airbase;
- In Mitumba village, the demolitions were undertaken by the Provincial Administration based on the concerns of KAA that the village was on the flight path and also posed a security threat and could be used as a hiding place by terrorists;
- There were notices allegedly issued to the residents despite having court injunctions stopping the demolitions;
- There was no humanitarian assistance or alternative land for relocations, to the affected families;
- There is a possibility of an outbreak of water borne disease and airborne disease in the demolished village as the families are still within the piece of land;
- There were primary and secondary schools within the village;
- The residents were settled there by the government after they were relocated from Belle Vue/KPA land.

In Eastleigh, the houses which were demolished were

- Those that were more than two levels;
- Those that were within the buffer zone;
- Those that were on the flight path;
- Those that are within the military or Moi Airbase land – this concerns Kiambiu slums;

EVIDENCE BY EVICTEES

SYOKIMAU

1. MLOLONGO BROTHERS ASSOCIATION

- They hold title L.R.No.13512-Grant Number 58266 measuring 100 acres in Syokimau, certified as late as January, 2011.
- The Association has 1,600 members and is adjacent to Ungani property
- The Association applied for conversion of records of title from the Registration of Titles Act (Cap 281) to the Registered Land Act (Cap 300)-L.R.NO.13512 Nairobi.
- A legal Notice NO.157 dated 26th August, 2010 authorized conversion of the title from R.T.A to R.L.A
- On 26th September 2008, the Association paid to the Commissioner for Lands Kshs.4,770 as fee to grant authority to Mlolongo Brothers to carry-out sub-divisions. However none of its members had received a title.

Robert Asewe, the advocate representing about 160 victims of the Syokimau demolitions stated as follows:

- The transactions were approved by all relevant Government departments while the buildings were approved by Mavoko Municipal Council.
- From purchase to approval of buildings, the transactions were approved by competent authorities
- Due diligence on ownership was done.
- His Clients were not given notice
- His Clients were not allowed to remove personal items

2. UUNGANI SETTLEMENT SCHEME SELF HELP GROUP

- The self-help group is registered under Certificate No.18195 dated 10 April, 2008 from the Ministry of Gender ,Sports, Culture and Social Services.
- It has 1,800 members and a leadership consisting of a Chairman, Secretary and Treasurer.
- In 1996,the group applied to the Commissioner of Lands to settle its members
- On 20th September 1996, the Commissioner of Lands allocated L.R.No.14321, an Agricultural land in Athi River.
- The Group paid statutory fee to the Commissioner of Lands
- In 2004,the Kenya Airports Authority filed Civil Suit No.489 of 2004 against Uungani Self Help Group claiming L.R 14321 and demanded that the members of the Self Help Group be evicted.
- The High Court has on two occasions ordered that KAA L.R.No.21919 and L.R.No.14321 be surveyed by the Director of Surveys in the presence of all parties to determine existence and locations.
- The case has dragged in Court with the latest hearing being on 17th October,2011.
- The demolitions were done on 12th November, 2011.
- There was no notice to members of the self-help group prior to the demolitions save for the notice dated 15th September in the print media.

KYANGOMBE VILLAGE

Representatives of the village informed the Committee that:

- The history of Kyangombe dates back to the 1930s
- The area belonged to three British brothers namely: Douglas, Brown and William.
- After independence the three brothers left the country and bequeathed the land to their servants
- By then the land was under Mavoko-Machakos County Council.
- In the 1990s, fraudsters started grabbing the land and obtained forged titles from the Ministry of Lands e.g. Title Nobler 7075/3 and 7149/9.

Councillor Ken Ngondi of Mukuru Kwa Njenga informed the Committee that:-

- Residents of Kyangombe went to Court to ascertain ownership of land.
- On obtaining a Court order, he went to the PPO, Nairobi area accompanied by about seven (7) people and they were told to leave the order on his table.
- They went to the PCS office, the P.C informed them that he was on his way-out but delegated the duty to the Regional Commissioner.
- Investigate the conduct and interest of P.C, Deputy P.C and Tom Odongo because he had been assured that areas marked were safe
- Director, City Planning said it was a Cabinet/Government decision
- He talked to Philip Kisia who was in Geneva but he did not get any assistance
- OCPD Embakasi supervised demarcations of the disputed land

Bernard Bosire-Chairman Kyangombe

- Born in Kyangombe in 1978.
- Parents worked for three brothers who were sisal farmers
- Peaceful co-existence all the time
- Have a title left by parents
- Grandmother went to complain about interference of the mother title
- Saw Deputy PPO and was informed that they were only securing flight paths
- At 5p.m, P.C, PPO in the company of an Indian called Ishmael came to the site, exchanged envelopes and demolitions continued to areas hitherto not earmarked for demolitions.
- Foreigners have demarcated Kyangombe land as the residents were still occupying the land.
- Ishmael – He claims that he has two and half acres of Land in Kyangombe. The area Councillor was offered 2.5million to convince people to move out.
- Other persons who claim land include a Mr. Abdullahi (7 1/2acres) and an Mr.Geffrey Gachagwa.

Mr.S.K.Gichigi of Kamunye Gichigi & Co. Advocates acting on behalf of Kyang'ombe residents informed the Joint Committee that:-

- The residents settled in the land way back in 1992 and some had acquired titles to their portions of land while others were in the process of purchasing the land from the registered proprietors.
- Information from clients that only a small portion of the village was claimed by the Kenya Airports Authority.
- Further information states that some people who have acquired titles where the village stood colluded with Kenya Airports Authority (KAA) and police officers to demolish the entire village so that they could take possession of the land that does not belong to KAA.
- On 10th October, 2011, a constitutional petition was filed in the High Court and on 11th October, a conservatory order was issued which stated:-

“Pending further orders of the Court an order is hereby issued restraining the 2nd Defendant by itself, agents or through any state organ or agency from evicting, demolishing any buildings or in any way interfering with the livelihood of the Residents of Kyangombe Village situated near Jomo Kenyatta Airport and more particularly described in the notice by the 2nd Respondent on 15th September, 2011.”

- The petition was served on the Kenya Airports Authority, the 2nd Respondent, the Attorney General who was the 1st Respondent and the Commissioner of Lands who was the 3rd Respondent on 14th and 17th October, 2011 respectively.
- After service of the petition and order, all the respondents appointed advocates to represent them in court and on 19th October 2011, the advocates appeared before the Judge. In the presence of advocates of all the parties, the Judge extended conservatory order to 16th October, 2011.
- Two days after the orders were reiterated in the presence of advocates for all parties, KAA'S representatives accompanied by police officers descended on the village in the middle of the night and embarked on the demolition exercise.
- After several days of the demolition, the entire village was flattened and over fifty thousand (50,000) people were left homeless.

MASAI VILLAGE

Mr. .N Osero of Osero & Co. Advocates acting for Masai Village Landlords informed the Committee that:-

- The Land was sold to the Masai Village landlords by Dupoto Jua Kali Self-Help Group, a self –help group registered under the Ministry of Gender, Sports, Culture and Social Services, Certificate No.14136 in 2001.
- The plot was then vacant and was bought by landlords at intervals and at different purchase prices.
- The Landlords commenced construction of houses and other buildings.
- 60% of the buildings were permanent while 40% were temporary.
- Later on, the landlords were provided with amenities including: water, power, schools, churches, private clinics, police station, polling station and an assistant chief.
- The landlords have occupied the property for a number of years and nobody has ever complained. Some of the landlords had stayed for as long as ten (10)years.
- The place had no criminal activity
- The people staying here were poor and were only able to pay Kshs.1.500 per month.
- The population was about forty thousand (40,000)people excluding school going children.
- Some of the schools located here include Zigma Junior Academy. The School had nine(9) candidates sitting the K.C.P.E Examinations in 2011.
- Another School, Neema Children Center had seven (7) students doing K.C.S.E. and one(1) student sitting the K.C.P.E.
- The inhabitants were not served with any notice prior to the demolitions.
- Demolitions took place on 29th October,2011.

Mr.JeremiahTiwa-Secretary-Masai Village stated;-

- The group settled on the land in 1981 and have had no problems at all
- They had started schools and churches which were destroyed.
- There was no notice prior to the demolitions.
- They had not grabbed any land.
- They have no alternative land to go to.

K.P.A-MASAI VILLAGE

Mr. Khaminwa acting for members of the K.P.A –Masai Village informed the Committee that:

- The parcels of Land relating to his clients were L.R.209/11125,209/11410,209/11249,209/11309,209/11311,209/11312,209/12110,209/11310,209/11126,209/11250,209/11254,209/11255 and 209/11256.
- The parcels of land are adjacent to the Kenya Airports Authority land.
- The demolitions were undertaken irrespective of a Court Order issued on 7th March, 2011 restraining the Commissioner of Lands and the Attorney General from any transactions, encroachment, and entering, constructing and demolishing structures on the land.
- He stated that he had petitioned the Court through proceedings filed on 2nd August, 2011 and had gotten orders of status quo.
- He went to the site when the demolitions were taking place but he had no means of helping his clients.
- His clients were entitled to a notice and protection of the law.
- His clients were entitled to damages and compensation for the loss incurred.

JUNE SEVENTEEN ENTERPRISES LIMITED

- Mr. Lawrence K.Mutungu-Chairman, June Seventeen Enterprises informed the Committee that:
- They bought plots from a group calling itself Langata Juakali Self Help Group.
- They later discovered that the Land did not belong to the group but was a plot charged to the Trust Bank and titles were being held by the Deposit Protection Fund under the Central Bank of Kenya.
- They negotiated with the Deposit Protection Fund ,formed a company by the name June Seventeen Enterprises Limited and commenced negotiations with the Depository Fund.
- In the meantime, the Central Bank advertised the property for sale. The Central Bank advised them to pay the Auctioneers before they could continue negotiations with them. They paid Baseline Auctioneers a total of Kshs.950,000.
- After negotiations, the Depository Fund agreed to sell the land at a price of Kshs.64million.A sale agreement was signed stipulating the terms of the Sale.
- Members of the Company started paying to the Depository Fund, it is while the process was on going that the Langata Jua Kali Self-Help

Group went to court to claim the land. June Seventeen Enterprises Ltd was enjoined in the Suit. The matter is still pending in court.

- In a bid to get out of the court case, the Central Bank has frustrated the sale agreement and has continued to frustrate efforts to clear the balance in full in spite of the fact that the sale agreement provided for a period of 120 days to clear the balance.
- There was no notice prior to the demolitions

K.P.A-Langata Jua kali Muungano

Bernard Opiyo the Chairman of the group informed the Committee that:

- Langata Jua Kali Muungano was a registered group and the group was given the land by the Government in 1992.
- Elders led by the late Ouma Mzee Odera requested President Moi for a place to live.
- The Elders were given land near Wilson Airport but this was found not to be suitable and the Provincial Commissioner, Mr.Waiganjo offered them alternative land at KPA.
- The land was given to Kanu stalwarts
- He has lived there since childhood.
- No notice given prior to the demolitions.
- Big shots have grabbed the land and they have stationed police 24hrs
- Request that status quo be maintained as per Court Order till the case is determined.
- The evicted families are suffering under the unfavourable weather conditions and require immediate humanitarian attention.

OTHER VICTIMS:

Victor Ochieng Ongweno stated that:

- He went to Masai Village (Darfur) in 1982 and his mum died there in 1992.
- He was a herdsman and a small scale farmer
- Issues of ownership came up in 2004.
- He went to the D.O Kibera Division who visited the settlement scheme and started pursuing ownership of the scheme.

- In 2009, the Nairobi City Council gave them a copy of letter of allotment.
- He has been there ever since and under Nairobi City Council.
- Demolitions were undertaken on 22nd October, 2011.

Hon. Kalembe Ndile stated that:

- He appeared before the Committee as a neighbor of Syokimau
- It was regrettable that the Government can go to such extent and evict its citizens without due regard to the law and emphasized that the victims should be taken care of by the government.

Marietta Nzioka stated that:

- She was born in Kyangombe and her father worked for the three original owners.
- In 2008, KAA informed them that they were on their corridor.
- They went to Court with KAA and the Court asked them to have the boundaries marked.
- She continued to narrate the experiences the evictees have gone through since the demolitions took place and the humiliation they underwent when they tried to serve a court order on the P.P.O, Nairobi including receiving insults from the P.P.O.

Penina Nyambega requested that the evictees be allowed to construct temporary structures since they had nowhere else to go to.

Rosemary Moraa narrated her experiences and the efforts she had made in trying to secure land for her family where she had paid kshs.250,00 to Central Bank and she risked losing that money.

EASTLEIGH BUSINESS DISTRICT ASSOCIATION

The Eastleigh Community of all Political persuasion and ethnic background are abhorred by the Government decision to demolish residential and commercial properties in Eastleigh. The government has to address itself to the following facts.

- All the properties earmarked for demolition have title deeds. The allocation of some of the plots preceded the creation of the air force. The terms of some of these title deeds had expired and were renewed several times since they were first registered in colonial times.
- The ownership of the properties earmarked for demolition has never been in dispute. The authenticities of the deeds are not in question.
- Most of the buildings were constructed more than 15 years ago and some as way back as 1923. For example a building that was constructed in 1972 and which housed a clinic that provided much needed services to the local population was demolished.
- The owners of the building has obtained and met the town planning requirements such as building plan approvals, consent, permits and have been paying statutory taxes and levies.
- The Air force has encroached and has expanded its land by taking forcefully land belonging to private developers, and Ministries of works and water respectively. Before 2009, the land belonging to the two Ministries formed a buffer zone between the Airbase and the civilian section nearest to the base. As a matter of fact, the distance between the Airport fence and the nearest building used to be 800 metres. Despite the expansionist tendencies of the of the air force, the government has now marked major commercial and residential complexes that are 1000 metres from the Airport fence for demolition.
- Major part of the working population in Nairobi live in Eastleigh and the demolition will substantially affect them. The displacement of the working population, the man and woman who pay taxes and turn the wheel of our economy is irresponsible callous and reckless. The demolition of commercial and residential properties will have irreparable effects as hundreds of persons would lose their shelter, properties and source of employment in contravention of the constitution.
- Eastleigh Business Community remits Billions of shillings every month to the Government in taxes. Some of the Business complexes that generate

revenue for the Government are what is now marked for demolition. Really disturbed by the timing of the Government action when the country is at war for the first time in its history. Its operation against terrorist is commendable and makes us proud of our men and women in uniform.

- We note with sadness the irony that one arm of the Government oversees the sale and transfer of properties, another arm licenses and approves the citizens to develop their land, another arm collects huge revenues from the said sale and construction of properties licensed by it, while yet another arm of the same Government would demolish the very developments. The uncertainty and fear the Government is subjecting to the economic sector is unacceptable, irresponsible, and unjustified.
- Our Constitution is unambiguous on the right to own property. It is every Kenyan fundamental right that they should not be deprived of their property by state organ without a meaningful compensation. Is it the Government's new found policy, we ask, which policy must be anathema to the Constitution, the rule of law, and due process that bulldozers would plow the neighborhoods with policemen in tow to bring down private properties without notice and compensation to the properties owners?
- Eastleigh suburb has been there since 1921 while Royal Air Force came to site in 1962, Kenya Air Force which was formed on 1st January 1964, began its operation as from then.

KITUI VILLAGE COMMITTEE

Brief History

Kitui Village is a small formal settlement in Kamukunji Constituency, Pumwani Division. It has a population of approximately 60,000 people.

Establishment

- The village was established before independence in 1952, which was commonly known as "Katungulu village" where some of the Mau freedom fighters lived, now the emergency landing of the Airbase.

- The village were shifted to the present Kitui the City Council of Nairobi led by the then Mayor Margaret Kenyatta came and demolished evicting people from the present Kitui.
- Lucky enough the then president ordered that the demolition should stop since our grandparents used to sing for the president from this time the villager lived in peace till when the village was burnt in to ashes.
- From this era then Member of Parliament Maina Wangingi and the Nairobi Mayor Nathan Kahara came to an agreement with the then Airbase Commandant that the people be settled here and declared Kitui a permanent settlement and the airbase demarcated their land with their beacons that exist to date.
- Later in 1988, the airbase commandant gave a seven day notice through Chief Okeko at the end of the notice date the bulldozers came at night and demolished one side of the village and shifted their beacons and left the people to the path they are settled to date.

LANDLORDS-BIAFRA

The Committee was informed that;

- They have valid plot ownership documents from the Commissioner of lands since early nineties and land rates due to commissioner of lands and city council are all duly paid to date.
- All the demolished properties were in full occupation capacity during the time of demolition.
- No notice of intended demolition was given either verbally or in writing and the demolitions were done in a military precision manner of surprise attack only equal to that of the battle of pearl harbor depriving as the opportunity to seek legal redress and that was their idea to disregard due to the legal process enshrined in any democratic principle of a civilized society.
- They only got calls from caretakers that early morning of Tuesday 22nd November 2011 to the effect that heavy security detail was at the sites giving orders to tenants to evacuate immediately and bulldozers were already starting demolitions without regard to the consequences.

- They were subjected to such a trauma that many are still in shock and haunted and it will take a long time as a result of what they underwent.
- Though the police had provided enough personal security to contain a riot, it seemed as if they were abetting thugs to strip houses clean of all furniture's doors windows, sinks, toilets, electrical and all fixtures & fittings. Looting of tenants properties were also rampant.
- A lot of fear and anxiety reigns upon all those whose houses were not brought down but are near the airbase their houses have been evacuated and vandalized.
- The Air Force has well demarcated boundaries and has co-existed with its neighbours since the seventies and beyond. Private land owners and others like the government bodies included like Majengo High-rise which is a four story apartments estates and California estate immediately next to the Air force fence which is three story apartments housing units on the left side approach to the runway and Biafra which is a city council estate on the right.

KENYA AIRPORTS AUTHORITY

The Managing Director briefed Members on the role of the Kenya Airports Authority. He stated among that:

- The capacity that JKIA intended to cover has increased three times.
- Competition with other airlines in the region is intense.
- Needs more facilities to maintain its leading role.
- JKIA has one runaway and needs a second one hence the need for expansion of the airport.
- Expansion includes facilities such as shops, hangars, backing bay etc.
- Acquired title for disputed land in 1996.
- The KAA title incorporates all land occupied by the airport.

- The public was warned through notice of 14/11/2003 not to purchase the disputed land.
- They discovered in 2004 that some people tried to sell the land
- KAA moved to court to stop sale or advertisement of the disputed land.
- KAA could not fence the disputed land because some people had settled there and thus resisted KAA's intention to fence.
- All structures in the disputed land were illegal because there was no approval from KAA as stipulated by the enabling Act.
- Developers needed approval from KAA and KCAA and in this case, none of the illegal occupants of the disputed land ever sought such approval for development
- The personal assistant to the Minister for transport communicated to him instructions to demolish structures on the disputed land. The PA was said to be Mr. John Muya.
- He was informed by the said PA that it was a Cabinet decision to demolish houses and evict illegal occupants of the disputed land.
- The committee noted that the MD had the machinery to seek clarification and further inquiry from the Minister.
- Notices were published in local dailies requesting persons who had settled on KAA land to vacate for various reasons. Notices were issued in 2008 to 2011. It was further noted that notices were posted in affected areas.
- The said notices had a sketch plan annexed thereto.
- The sketch plan was not distributed on the ground as there were no people then.
- The demolition exercise was co-ordinated by the Provincial Administration.
- The committee observed that the KAA acted outside the judicial process since there was no court order to demolish the structures.

- KAA was also acting on the findings of a public committee of Government requiring people to be moved out of public land.
- Uungani group occupies L.R No.14231/1
- Mlolongo brothers occupies L.R no.13512

Court cases

- The MD informed the committee that in the year 2002, they discovered that there were groups of people purporting to have obtained Title documents to the parcels of land located within KAA's L.R No.21919.
- KAA moved to the High court and instituted two cases i.e. HCCC No.489 of 2004, Kenya Airports authority Vs Uungani self Help group and HCCC No.206 of 2004, Kenya airports Authority vs. Mlolongo brothers & others.
- In March 2004 temporary orders were issued restraining the defendant from dealing in the said piece of land.
- The committee was informed that the High court ordered on 23/11/2004 that a status quo be maintained pending any further orders in respect to the disputed properties. At that time there were no developments on the disputed land.
- Status-quo meant that KAA was the rightful owner and was expected to continue exercising its proprietary rights to the exclusion of other interested parties namely Mlolongo brothers and Uungani self group.
- Despite the interim orders to maintain status quo, the defendants continued to sell, subdivide and develop the land falling under the contentious area.
- The failure by the defendants to obey the order prompted KAA to write to the Commissioner of Lands in 2005 seeking clarification on the authenticity of the documents held by the defendants.
- The Commissioner of Lands responded by a letter dated 30/12/2005 stating that all purported allocations as depicted on letters of allotment to Uungani settlement self-Help group and Mlolongo brothers Association were not genuine.

- The Director of survey was ordered by the court to carry out an extensive survey to determine whether the disputed land fell under KAA title. The survey exercise took four years and a report was filed in court on 4/11/2009.
- The survey report confirmed that the parcels fell within L.R No.21919- which is Kenya Airports Authority land.
- The MD informed members of the committee that the parliamentary Public Investments Committee (PIC) had also dealt with the subject matter and found out that the allocations made to private developers were illegal.
- The Committee was informed that KAA is in possession of the parent title which encompasses the disputed portions and that the survey was carried out as per the letter of allotment.
- The Committee was concerned about the status of the land in dispute as at the date of allotment-whether it was private or government land and whether there were any settlements thereto.
- That L.R No.24937 appeared in the advertisement of 14/11/03 but not used up to now. The committee informed the MD to provide further information on the status of this title.
- The committee was informed that KAA was formed in 1993 to replace the Aerodrome department within the ministry of transport which was then the owner of airports in the country. The MD promised to provide vesting orders.
- The MD stated that KAA has been under pressure from the Parliamentary Committee on Transport, Public Works and Housing to move with speed and have all public land under its jurisdiction repossessed and utilized for intended purposes.
- The MD clarified that the land in dispute is situated in Nairobi.
- On inquiry by the committee as to whether KAA was served with any court order in relation to the demolished settlements, the MD stated that KAA was served on Thursday after the demolition exercise.

Kenya Air Operators Association

The CEO of Air operators Association Mr. Waithaka submitted that there is an urgent need to remove all forms of settlements near all airports in the country. He referred to past accidents that occurred in the 1970's.

- He presented a standard sketch plan showing the international plan of a standard airport in accordance with international civil aviation standards.
- The Kenya air operators promised to table security documents to locate all the villages demolished.

At a subsequent appearance, Counsel for KAA produced documents to support their claim as follows:-

Annexure 1

The Aerodromes (Control of Obstructions Act), cap 396.

- The Act defines a declared area under section 2.
- The act lists declared areas including area of Syokimau and Wilson airport among others across the country.

Annexure 2

Compulsory acquisition of the declared areas vide Gazette Notices Numbers 1105, 1106 of 26/4/1971

- All these parcels of land are in Syokimau area.
- The parcels of land are part of declared areas as per the Gazette Notice of 1150 of 1953 and subsequently in 1971

Annexure 3

Gazette notices No.439 and 440 of 25/2/1982

- The Government acquired all that parcel of land known as L.R No.7149/11/R from Syokimau farm Limited-close to 10,000 acres.

Annexure 4

Vesting Order Vide Legal notice No.201 of 1994.

- All Government property previously held under the defunct Department of Aerodromes, office of the president was transferred to KAA.

Annexure 5

Deed Plan of KAA L.R No.21919

- Grant was issued by commissioner of lands to KAA.
- All land claimed by Mlolongo brothers and Uungani group is part of the land compulsorily acquired for KAA.
- There are two cases pending in the High court between KAA and Mlolongo Brothers on one hand and Uungani self help group on the other hand.
- The cases are HCCC No.489 of 2004 and HCCC No.206 of 2004.

Annexure 8

This is a bundle of documents showing that occupants of Mitumba Village acknowledged that the land belongs to KAA.

Annexure 9

Extracts of KAA growth statistics showing JKIA as the regional hub in aviation industry contributing 10 percent of the GDP.

Annexure 10

Extracts of statistics from the Air Crashes Record office.

Annexure 11

Examples of Crashes occurring during approach, landing or take off.

Annexure 12

Response by provincial administration on removal of illegal structures.

- The removal exercise was undertaken by the KAA as co-ordination by the PC;s office Nairobi.

Annexure 13

Order restraining defendants from interfering with the suit land.

Annexure 14

Letter from Commissioner of lands confirming that land belongs to KAA and anything else is fake.

Annexure 15

The Survey Report that was subsequently filed in court confirming that the land fell within LR No.21919.

Annexure 16

This refers to a letter written to the Permanent secretary, Ministry of Lands seeking the revocation of illegal Titles in reference to the contentious areas occupied by private developers.

- In conclusion the committee was informed that demolition was extended beyond the flight path because KAA wanted to recover its land and also for safety and security purposes.

MAVOKO MUNICIPAL COUNCIL

The Mayor informed the Committee that:

- The boundary of Mavoko Municipality and Machakos County at large has been altered without any communication, consultation, involvement or public participation.
- Section 5 of the Local Government Authority Act (Cap 265) says that a local authority shall not extend outside a single Province. Nairobi Province has encroached on Eastern Province.
- Kenya Airports Authority did not provide any information on the intended evictions.

TOWN CLERK

The Town Clerk informed the Committee that:

- The demolition of houses in Syokimau and Jumbo areas came to the attention of the Council through the Media and acknowledged by the Council on 14/11/2011 at a Council meeting.
- Mlolongo Brothers Association presented their title documents on 25/4/2006

- The title deed was issued by the Commissioner of Lands to Mlolongo Brothers Association in 1995, after which the association applied for sub-division of land on 9/3/2006
- On 2/7/2009, the regularization of the earlier sub-division was done as recommended for approval by the District Land Officer and the District Physical Planner.
- The Council has maintained its original boundaries since section 5 of the Local Govt, Act(Cap 265) has not been repealed.
- The Council was not involved in the Court case involving Mlolongo Brothers.
- When a client presents a request for approval, the application is taken to the District Land Officer and the District Planner for verification. Once approval has been given by the aforementioned, the Municipal Council proceeds to ask for approval fees and corresponding rates.
- The Municipal Council has never received Rates from KAA.
- The Council has not gone to Court over the demolitions.
- The Council has informed the Deputy Prime-Minister and Minister for Local Government about the change of boundaries

NAIROBI CITY COUNCIL

The Acting Town Clerk informed the Committee that:-

- He received the letter inviting him for the meeting on November 23, 2011.
- Prior to the demolition almost a year ago, the City Council & KAA, had been in collaboration on the issues over the areas that touch on the KAA land.
- Illegal Proprietries and the owners were identified in 2005 and issued with notice.
- In 2009/10, unapproved development exceeded normal development.
- Under section 30 of the Physical Planning Act, notices were issued in Kyangombe dated August 28, 2009, stating that they were not permitted to undertake any development.
- In Maasai Village, notices were issued to the residents on January 8, 2010.
- The notice was never sent to specific individuals but generally occupiers. The mode of notification included serving through chiefs, assistant chiefs and hand delivery. Each household was issued with notice.

- On 7th October, 2007, there were notices issued vide the daily newspaper.
- For KPA Village, the notices were issued on 8th November, 2011, and were normal enforcement notices. Such notices gave the residents certain options including challenging the notices through a court of law, avenues of appeals and to carry out self evictions.
- If not challenged, the Council would enforce the notices pursuant to Section 39 (ii) and 46 of the Physical planning Act which allows for the implementation of the enforcement notices.
- Involvement of City Council in the demolition was as a result of a decision and directive of the Provincial Security Intelligence Committee over concerns raised by the KAA on the unauthorized occupation and development on their land.
- For safety purposes, the zoning of Kyangombe & KPA did not allow residential purposes as it was meant for industrial purposes.
- Operation to demolish was carried out based on notices issued by the City Council of Nairobi & KAA.
- Syokimau is outside the jurisdiction of the City Council of Nairobi and the Council was not familiar with Uungani Settlement Scheme.
- Identification of unauthorized settlements was undertaken by the Provincial Security Intelligence Committee, the City Council and KAA in the last two years. The Provincial Security Intelligence Committee directed the CCN to issue notices to the affected areas. Council officials visited areas in Mitumba, Kyangombe to verbally inform them that they are on the flight path and were occupying KAA land illegally.
- Enforcement under the Physical Planning Act has become difficult due to security reasons and lack of funds for hiring of equipment.
- The City Council of Nairobi has also used the Courts to prosecute unauthorized settlers.
- Approved developments were not demolished.
- The City was not served with any court orders to stop any demolition.
- Payment of land rates is a statutory requirement and not approval for development of structures. It is not clear who are the rate payers to City Council of Nairobi, whether they are land lords or structure owners.
- Prior to 1999, the law required the Council to collect any fees for a permit since every item in a given situation related to land is charged differently. The Rating Act regulates payment of rates.

- The City Council of Nairobi is not disputing ownership of land but was against structures (illegal structures) in the Kyangombe, Maasai and KPA villages.
- Access to development rights, one has to have a registered interest on a parcel of land with instrument of ownership.
- Time given to those served with notices before demolition is not provided for in the Act, since CCN is dealing with human beings and depending on the magnitude of the development a period of between 7 - 30 days should be given.
- There is no evidence of the occupiers having appealed on any council notice.

At a subsequent appearance, the Town Clerk, Mr. Philip Kisia informed the Committee as follows:

- All government departments work in synergy and therefore there is coordination between these departments in approval of plans and demolition of any premises where necessary.
- In the past 21/2 years the CCN has reformed its Physical Planning Department and they now do things in a proper and transparent manner including streamlining approvals of building plans which now take a maximum of thirty days.
- The Director of Physical Planning further explained the process followed before approval of building plans stating that the application for approval is done in a prescribed form by a registered architect and the drawings of the buildings are attached to the form and depending on the plan or area, the city council can then determine whether approval of any other body e.g. Kenya Railways or Kenya Airports Authority is required.
- Before approval is given, the architect submits documents confirming ownership of a given property but since the Council cannot always verify each particular ownership, it is always a condition of any development approval that if the land in question turns out to be a public utility land, then the approval given will be null and void.

- The City Council of Nairobi was only aware of two industrial buildings in Kyangombe which the Kenya Airports Authority had given consent to develop.
- In cases where development is undertaken without approval from the City Council of Nairobi, the Council would issue an enforcement notice and allow the owner to either regularize the development or demolish the unapproved portion.
- The City Council of Nairobi was not involved in the demolitions undertaken in Mitumba village but that they were aware the notices were issued by the Kenya Airports Authority (KAA).
- The City Council of Nairobi (CCN) is not always notified of all intended demolitions as the Kenya Civil Aviation Authority (KCAA) has its own rules concerning developments near airports which it enforces in some cases without consulting the CCN.
- There exists a zoning policy which requires that buildings in Eastleigh which are around the airbase (a distance of 50 meters from the airbase) should not exceed two levels (floors) while those in the Eastleigh Commercial district centre have a limit of six levels.
- The CCN sometimes faces a challenge in enforcement of the bylaws relating to development due to a number of reasons key among them shortage of manpower. For example, in the early 80's, the CCN had 60 planners while today with the high population in Nairobi, the CCN only has 12 planners.
- The reasons behind marking for demolition some buildings in Eastleigh which were within 50 metres from the airbase and others which were outside this radius was because some of these buildings had approvals from the CCN while others were built without any approvals and even those that obtained approvals, went ahead and violated the approved plans.
- The Council after realizing that many properties in Eastleigh had been developed without approval plans, had issued enforcement notices to the concerned people but the community appealed and a taskforce was formed by the Prime Minister to look into the matter.

- The Eastleigh Business Community had appealed against some of the notices given and requested for more time to rectify the situation but in most cases they did not take corrective action.
- Another key challenge faced by the CCN in enforcing the laws relating to development is the penalty of Kshs. 100,000 provided in the law for violation of provisions of the Physical Planning Act (Cap 286) which is very lenient and therefore not a sufficient deterrent.
- The City Council was aware of some court injunctions and has never violated them but that there was a challenge in enforcing the court orders due to lack of manpower.
- Another challenge to enforcement of laws and bylaws was posed by a new phenomenon in urban development called the 'Miradi schemes' which was basically a fraud on locals because land under these schemes is occupied first before development and the development of the property is very rapid thus the resources needed to enforce orders are enormous.
- He did not have details of the buildings in Eastleigh marked for demolition that were developed without approvals.
- Regarding the quantity of NCC land that was in wrong hands and the procedure used to recover it if any, the Town Clerk explained that the NCC follows due process in recovering any of its properties and that they issue notices to occupiers before they can take drastic action like demolition which is always a last resort.
- On who owns the parcels of land in Mitumba, Kyang'ombe and KPA villages, the Town Clerk explained that the information which they kept regarding ownership was only for purposes of charging rates and not for proof of legitimacy/authenticity of the title and that he would avail to the Committee details of people from whom the CCN had been collecting rates.
- That the CCN was not collecting land rates from the Syokimau parcels of land as it had all along known that the land is in Mavoko municipality which was the council administering the land and would only begin collecting rates thereat if Syokimau is declared to be in Nairobi for rates purposes as required by the Valuation for Rating Act.
- The CCN had not been collecting any rates from the occupants of the Maasai village, as the village was built on a flight path on KAA land.
- The CCN had contracted consultants to review the Zoning policy.

- On whether the CCN had began identifying buildings developed without approval plans, the Town Clerk explained that the CCN had began auditing the buildings in Nairobi and it would demolish those that did not meet the requirements and allow other developers to regularize their developments depending on the nature of the building.
- On whether the CCN obtained consent from KAA before approving the tall buildings next to Wilson airport, the Town Clerk explained that he was not aware of which buildings the Committee was interested in and could do so if specific details were availed.

THE ATTORNEY GENERAL

The Attorney General informed the committee that:

- i. The AG has never been involved in giving advice or any relationship with the tussle that led to the demolition of houses at Syokimau, Kyang'ombe or Maasai Village. The Kenya Airports Authority is an independent body with its own legal advisers. In fact, the suit that was served on the AG on 17/10/11 was the commencement of the AG's relationship to this matter. This case raises substantial questions as to the legality of the titles and occupation of the land. The Ministry of Lands contests the validity of the underlying titles.
- ii. The duty of compliance of the Order given by the Court lay with Kenya Airports Authority. Failure to comply with the Orders, the Authority risks compensating the petitioners to the status quo before the act of demolition.
- iii. It is the Government position that anything done by it, must be done in accordance with the law and the AG has not been informed or is not aware of the Government acting contrary to this. It is the duty of the Government to obey Court Orders.
- iv. There was a cabinet decision based on security reasons, that certain habitations that stood in security areas should be demolished, in compliance with the law. Cabinet is confronted with Policy choices but the regularity of this, is within individual ministries.
- v. The Attorney General concedes that there is a systemic failure in the

legal machinery that has been going of for awhile. The malfunction of the system has not been addressed at the root and it is a wake up call for all citizens to live under the rule of law. The systematic failure of land law, is an end product of corruption. From his side, the AG is working on means and ways of addressing this failure. The Judicial Authority must also be given a chance to resolve the issue.

- vi. The National Land Commission Bill is a priority Bill that must be passed by March 2012.
- vii. Currently, Kenya does not have a Law on squatters and as such they are treated as trespassers. It is the exception not the rule, to evict anyone without due process. It is important to note that Title is not the piece of paper but the details contained at the Registry, at the Lands office.
- viii. The Attorney General is working on a new Contempt of Court Bill, to address the lacuna that exists currently. In other jurisdictions, the enforcement of Court Orders is done by Court Bailiffs. Enforcement of these orders must be taken away from the police and this will be addressed in the upcoming legislation.
- ix. Compulsory Acquisition is invoked if land is required for a public purpose. However, no land may be compulsorily acquired unless there's just and fair compensation.
- x. If there was no compliance with the law in the demolitions, it is the obligation of Government to compensate the people. The Attorney General has neither been consulted nor approached on any of the ongoing demolitions. Unless the Ministries draw the AG'S attention to various issues, given the number of existing Ministries and Government departments, it is impossible for the AG to act as an ombudsman.

AREA MEMBERS OF PARLIAMENT

HON. WAVINYA NDETI, MP

The Hon. Wavinya Ndeti, Member of Parliament for Kathiani informed the meeting that:

- i. The demolitions done in Syokimau on 12th November 2011 were unfair. The evictees were intimidated by the way the evictions were carried out. There was a pending case in Court, due for ruling on 15th November 2011.
- ii. The borders for Kathiani Constituency have been changed, with Nairobi County encroaching on Machakos County.
- iii. The Government has not taken any measure to help the evicted people. It was however her plea that the People of Syokimau be compensated and the boundaries of Kathiani Constituency be made clear.

The Honourable Member tabled the following documents before the Committee:

- Eviction notice by Kenya Airports Authority, to Syokimau residents, that does not specify the exact area that evictions would be undertaken.
- Certificate of registration of Uungani Self Help Group dated 10th April 2008.
- Allotment letter dated 20th September 1996, of which Kshs. 2,992,670 was paid to the Lands office.
- Surveyor's report that indicates approval of deed plan
- Deed plan 12669
- Legal Notice No. 157 of 26th August 2007, on gazettelement of part of the subject property
- Title deed for land reference I.R 58226
- Map of the Municipality of Mavoko
- A map of the old boundaries of Nairobi and its environs as they were in 1978.

HON. FERDINAND WAITITU, MP

The Hon. Ferdinand Waititu, Member of Parliament for Embakasi informed the meeting that:

- i. Only 10% of the demolitions in Maasai and Kyang'ombe villages were along the flight path, the rest of the demolitions were not close to the demolitions. There was no dispute on some of the plots and in fact some residents had already paid a cumulative sum of 42Million to Central Bank of Kenya. About ten parcels of the land had been negotiated through the Central Bank, with residents depositing substantial sums of money with the Deposit Protection Fund.

- ii. The Prime Minister's family and Hon. Cyrus Jirongo are some of the renown politicians that own parcels of land in Masai/Kyang'ombe villages.
- iii. The Member alleged that the demolitions were done after instigations by some politicians. He tabled the following documents in support of his allegations:
 - a. Land Rent Invoice Number 00000001/1997008049/20101230/121118 dated December 30, 2010, indicating that Lawi Kiplagat was the proprietor of LR No. 209/11250
 - b. Land Rent Invoice Number 00000001/1997008049/20101230/12707 dated December 30, 2010, indicating that Newspoint Limited was then the proprietor of LR No. 209/11310
 - c. List of Directors of Newspoint Limited, from the Department of Registrar General, dated 23rd November 2011

The Member's plea to the Government would be to let the affected people stay at their current location until an alternative solution is found as to where they can be resettled.

HON. YUSUF HASSAN, MP

The Hon. Yusuf Hassan, Member of Parliament for Kamukunji informed the meeting that:

- i. Kamukunji is a densely populated area. Most high rise buildings near the Eastleigh Air Base have been demolished. Demolitions are set to continue with major hotels, schools, hospitals and households more than a kilometer from the Air Base, marked for demolition.
- ii. The evictions were done without Notice and during a period of harsh weather conditions. This has caused psychological crisis and unnecessary panic to the residents.
- iii. The role of the Physical planning department of the Nairobi City Council needs to be relooked, as it is shocking that many of the condemned

buildings have been up for the past twenty years.

THE COMMISSIONER OF LANDS

The Commissioner stated that:-

- Following the demolitions carried out by Government agencies including Kenya Airport Authority (KAA) on 11th and 12th November, 2011, he commenced investigations to establish the status of the disputed land.
- Got in touch with KAA to establish whether the land in which the demolitions happen is within KAA land L.R. No. 21919 (IR No. 70118/1) which measure 4, 654 hectares. The title held by KAA was issued on July 26, 1996, is therefore the demolition was within KAA land.
- The piece of land is purportedly claimed by Mlolongo Brothers Association who has a fake title registered as IR No. 58266/1 which relates to L.R No. 13512 measuring 100 hectares.
- He interrogated the title with Mlolongo Brothers Association and using deed files, the title no. IR 58266/1 relates to L.R. No. 17330 which measures 5.42 hectares and which is a plot situated along Mombasa Road next to Ken chic factory.
- Further, discovered that the title with Mlolongo Brothers Association purports to claim land without marching records in the Ministry.
- In case of disputes, involving a title or land record, one has to get confirmation from the central registry of the Ministry. The central registry embodies all land records under 3 (three) requisition regimes – Registration of Titles, Government Land Act and Registration of Document Act and is only found in Nairobi for all upcountry records. The other central registry is in Mombasa for all Coastal records.
- Documents requested under Registered Land Act are kept in the district registry which currently number 44. Therefore the title of KAA is registered under Registration of Titles Act hence in Nairobi Central Registry.
- Mlolongo allegedly acquired land measuring 100 hectares but with fake title as the genuine one for IR. 58266/1 is 5.42 hectares. The title for KAA IR no. 70118 is for 99 years and annual rent is peppercorn as its public facility.
- The deed plans shows the actual boundary of the land however following the 1971 compulsory acquisition of L.R 3864 vide legal notice 1105/1106 of April 30, 1971, provincial boundaries may have been shifted.

- The stamp on the Mlolongo Brothers title is fake.
- Mlolongo Brothers submitted a letter applying for the conversion of title No. 13512 from Registered Titles Act to Registered Land Act, thereby moving the records from central registry to district registry.
- On July 22, 2009, noted the suspicious title and wrote to Mlolongo Brothers to submit a certified copy of the title however there was no reply and that it was not registered.
- Mlolongo Brothers forged the signature of an officer and Minister i.e. Ester Gichira and Hon. Orengo, respectively to purport that a gazette notice was issued.
- Mlolongo Brothers wrote to the Commissioner of Lands through their lawyer i.e. J.R. Angano & Associates on February 24, 2009.
- Following the forgery of the signature of the officer & Minister, the Commissioner of Land launched investigations with relevant Government agencies. The documents supporting the purported gazette notice were made available by the Machakos land registry after the launch of investigation.
- There was a time when the officer in the Ministry were not receiving gazette notices due to financial constrains in the Ministry.
- Notified KAA of an attempt to gazette a conversion of their title and claim on their land by Mlolongo Brothers Association. The documents from Mlolongo came to the knowledge of the Commissioner of lands on November 18, 2011.
- Lands conversion section under the chief Land Registrar noticed attempts to register a conversion of a title that did not exist.
- Legal notice No. 157/2011 dated August 26, 2011 allegedly signed by the Minister for Lands and forwarded to the AG who then sends it to Government Printer for publication was not genuine. For a notice to be published in the Kenya Gazette, it must be signed by the Minister for Lands and therefore the chief registrar effect a conversion if any.
- Ungani Settlement has a forged letter of allotment claiming to own an unsurveyed agricultural land measuring 449 hectares for a period of 99 years from September 1, 1996.
- He did interrogate the letter of allotment and discover some anomalies.
 - a) Stamp premium of Kshs. 2.97 million and annual rent of Kshs. 74,000.

The above two items have a relation, i.e. Annual Rent must be 20% of stamp premium and such a case there is a defect.

- b) Stamp duty indicated is Kshs. 170,000.
However in such a case, the amount must be not more than Kshs. 120,000.
- c) Letter of allotment is passed on PDP No. MKS/8/96/6. The plan is currently unapproved for two plots for industrial purpose in Athi River. Therefore the letter is not genuine.
- The Commissioner of Land was not aware that there developments going on the piece of land because unless the approvals for development by local authorities are made available to the Commission of Lands, he is not aware.
 - Leased public lands where developments have been approved are handled by the Commissioner of Lands. Such developments of leased public land have conditions to be adhered to before approvals.
 - The plans were certified by Machakos land registry but were based on forged documents. The officer has not undertaken due diligence and should be held responsible.
 - KAA was approached after people occupied their land. This is through a letter dated December 10, 2005 circulated by Ungani Settlement Scheme and Mlolongo Brothers Association. The KAA was alerted and was to take action as the owner of the land.
 - Commissioner of Lands was duty bound to inform the public on the circulation of forged documents. Due to manpower challenges he may not know what is going on in all public land.

Director of surveys, informed the Committee that:-

- ✓ Survey plan FR. 265/27 for L.R No. 21919 of acreage 4654.2 Ha for JKIA and authenticated 21st May, 1996.
- ✓ Survey plan FR. 35/108 for L.R No. 3864 of acreage 2484 acres was undertaken on 7th March 1931. L.R No. 3864 was acquired compulsory for Nairobi Airport thus gazette notice 1065 of 30th April, 1971.
- ✓ Survey plan FR 185/26 for L.R No. 13512 measuring 100 ha undertaken on 18th November, 1985 and deed plan No. 126696 prepared.
- ✓ Survey plan FR 195/15 for L.R No. 14231 measuring 649.9 ha were undertaken on 31st August, 1987 for purpose of harmonization of co-ordinate system.

- ✓ Survey plan FR 472/72 for L.R No. 14231/1, 14231/2 of area 449.9 ha and 200 ha were authenticated in 31st January, 2008. Deed plan No. 285225 for L.R No. 14231/1 and 297909 for L.R No. 14231/2 were issued on 25th March, 2008 and 5th June, 2009 respectively.
 - ✓ The survey was supported by a letter of allotment to Uungani settlement Scheme dated 5th January, 1998 and PDP No. MKS/8/97/6.
 - ✓ Survey plan 359/33, 359/34, 359/35 sub dividing L.R No. 14231/2 into L.R No. 14231/3 – 63 was authenticated on 4th December, 2009. The survey was supported by Commissioner of Lands approved upon approval reference no. 223430 and Scheme plan.
 - ✓ JKIA land was surveyed and approved on 21st May, 1996 and include L.R No. 3864. L.R. No. 13512 and 14231 were part of L.R No. 3864.
 - ✓ L.R No. 14231/1 and 14231/2 was allocated on 5th January, 1998 after the survey of JKIA land in 1996. Within JKIA land there are other existing surveyed plots with different survey plans & L.R. No.
 - ✓ Provincial Surveyor – Nairobi submitted a surveyor's report to the High Court Nairobi to point out beacons for KAA land as plaintiff and Uungani Settlement as defendants in case No. 489/2004. The report indicated that parcel L.R No. 3864, 14231, 14231/1 was part of L.R 21919 surveyed in 1996 and that the surveys of L.R No. 3864, 14231 and 14231/1 were undertaken earlier.
 - ✓ L.R. No. 3864 and L.R No. 14231 were surveyed earlier than L.R 21919 (1996) but L.R No. 14231/1 and 14231/2 were surveyed 12 years later.
- A survey must be based on an approval and letter of allotment from Commissioner of lands. There is also need for the Kenya National Spatial Data Infrastructure to support information sharing between survey and Commissioner of Lands.
 - The L.R No. 21919 for JKIA has four more portions and other scattered pieces within the same plan.
 - There exist duplication and overlap. Most of the documents and maps need to be authenticated by the director of surveys.

At a subsequent appearance, the Commissioner of Lands stated that:

- That there is no title for L.R. No. 13512.
- That the substantive land title for KAA was for L.R. 21919.

- That the Uungani Settlement Scheme made payments to the Ministry amounting to Kshs. 2,965,200. This payment was to perpetrate a fraud. Someone at the Ministry fiddled with the cash and opened a file for this transaction. This file can no longer be traced. Investigations have been launched to unearth those behind the fraud.
- That in the period between 1998 to 2000, some files are alleged to have disappeared from the then Permanent Secretary's office.
- That neither the allotment letter nor the deed plan for the purported title was crafted professionally.
- That indeed there was high level conspiracy in the Ministry of Lands that required thorough investigation.
- On whether there were any follow ups by the Ministry to ensure all published gazette notices on land issues were from the Ministry, the Commissioner stated that there was no mechanism to verify whether the source of a gazette notice was from the Ministry since all the notices bore the required features and purported to have emanated from the Minister.
- On whether all information on land matters is verified to confirm its origin and authenticity, the Commissioner stated that all documents are verified to ascertain their source and authenticity. Documents that cannot be verified were expunged from the Ministry's records.
- The Ministry had sought the assistance of anti-graft agents in an attempt to weed out corrupt personnel at the Ministry and also to unearth the existing fraud deals at the Ministry.
- The Ministry depends on external assistance in the computerization programme because Treasury had not provided adequate funds to finance the process.

The Chief Lands Registrar informed the Committee as follows;

- i) That there are several processes involved in converting a title.
- ii) That the land proprietor requests for a title conversion, through an application.
- iii) That the application must be accompanied by a copy of the title to be transferred.

- iv) That the Registrar writes to the Director of Lands Survey to confirm whether a L.R. can be prepared.
- v) That the Registrar generates legal notices for the A.G. to approve.
- vi) That the Minister of Lands signs the notice.
- vii) That the signed noticed is again forwarded to the A.G. for verification and final publication in the Kenya Gazette.
- i) That in this particular case, someone noticed at stage no. four the Ungani group copy of title was not duly signed.
- ii) That a legal notice was eventually published despite the process having been stopped at stage four.

The Director of Physical Planning informed the Committee;

- i) That on 31st March 1996, a physical development plan (PDP) number MKS/8/96/06 which was drawn in Machakos purporting to be for the disputed Syokimau land belonged to two industrial plots measuring 0.6 and 0.3 hectares and located about 20 kilometres from the subject land.
- ii) That the said PDP was not authentic and could not be used to lay claim on the disputed piece of land in Syokimau.

THE NAIROBI PROVINCIAL COMMISSIONER

The Provincial Commissioner informed the meeting that:

- The matter of demolition was deliberated upon by the Provincial Security Intelligence Committee and a decision was made to demolish the structures for Security of the Aviation industry. The demolitions were a well considered decision. The Security threat was determined by mapping of areas.
- The Provincial Commissioner is the Chair of the Provincial Security Intelligence Committee, whose role is to support the Ministries and Departments enforce decisions of the Committee.
- After demolitions, several visits have been made by officials to the site and reports compiled on the same. Before the demolitions began, the Provincial Director of Education was instructed to identify and organize to resettle the pupils.

- Since the demolitions, the Provincial Commissioner has not been to the site but he would visit the sites soon. He is however not aware of any deaths that occurred during the demolitions.
- The Provincial Commissioner has not been made part of any existing/ ongoing court process.
- The markings made in Eastleigh were done by the Kenya Airports Authority and the City Council of Nairobi.

PERMANENT SECRETARIES

MR.FRANCIS KIMEMIA, CBS – MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION & INTERNAL SECRETARY

He stated as follows:-

- Demolitions took place pursuant to a directive dated 14th April,2010 and this concerned issues of squatters and illegal constructions adjacent to the Airports and other strategic installations in this country .The letter directed to declare the land occupied by Mitumba Slums, Kyangombe village , Masai Village, Iambi plots adjacent to the west and south of Moi Airbase, parts of Kibera and Mauro adjoining the railway line and part of Uhuru Gardens as declared area as provided for by sec 9 (2) of Civil Aviation Act ,Cap 394 devoid of human settlement in the interest of aviation security.
- Also directed by Govt that the CCN and other local authorities be provided with all necessary capacity promptly to enable immediate enforcement of all notices under Sec 38 of the Physical Planning Act in the declared area to demolish illegal structures and restore the land to the rightful title holders/users.
- Direct the Deputy Prime Minister & Minister for Local Government, Minister for Lands, Minister for State for Defence to provide the necessary support to the Minister for Transport to implement this decision following which the PSICs were asked to free any such land throughout the country.
- The PSICs' were requested to work closely with all govt departments and ensure that any installations that are threatened in whichever manner are freed from such threats.

- His role was to listen to stakeholders whether in govt or otherwise and to provide security
- The PSIC must have ensured that notices are given. Notices are issued by owners of the land.
- Land owners initiate the processes; the Provincial Administration has no locus standi to order demolitions.
- In providing security, the Commissioner of Police will insist on a notice to the occupants or a valid Court Order.
- He was not aware of any preferential treatment in the demolitions.
- There must be a Court Order after which the PSICs enforce such orders.
- Before providing security there must be sufficient notice and a valid court order and you must also consider consequential issues.

Ms. DOROTHY ANGOTE-MUYA, CBS – MINSITRY OF LANDS

She stated as follows:-

- She oversees all issues relating to land in all departments i.e.Lands, Land Adjudication and Settlement Department of Physical Planning and the Department of Survey
- On Land allocation, the Commissioner of Lands who issues allotment letters under the various regimes that operate in this country i.e.R.T.A or the R.L.A.The R.T.A on which demolitions on Syokimau Land is under R.T.A

L.R.No.21919-KENYA AIRPORTS AUTHORITY

- There is only one title to the Syokimau
- In 1971, the government compulsorily acquired land and paid off using tax-payers money to anyone who had a legitimate claim on the land.
- Subsequently the acquired land was given to KAA and a title was issued on 26 July, 1996.
- The Land was surveyed and authenticated on 21st May, 1996 as evidenced by a copy of survey plan giving F.R.265/27 for L.R.No.21919.
- Therefore this land has never been available for re-allocation to any body
- The Minister for Lands, the Permanent Secretary or the Commissioner for Lands cannot re-allocate the Land, therefore if anyone attempted to

re-allocate, the Government would be playing games by compulsorily acquiring and paying off the land.

- If the Govt acquires land and feels that they do not require the land, they give 1st preference to the original owners.
- The Title to the Land has never been excised; it's whole according to the records in the Ministry.
- Furthermore if anyone was to conduct a search on the land, the file has always been available, it has never gone missing since 1996.
- She has never been given information that a search could not be conducted on this file.
- The Commissioner of Land gives searches and if anyone was interested in doing a search they would have managed gone the file.
- The Land is incapable to being alienated.
- Asked what action the Ministry took on realizing that there was a forgery, the P.S stated that the said documents were under investigations.
- She was not aware of the demolitions and the Ministry did not order the demolitions.
- The ministry was not aware of the land dispute until after the demolitions.
- She was not aware that there was a forged legal notice as alleged by the Commissioner for Lands, however in the recent past there was a Legal Notice circulating purporting to have converted the KAA Land from R.T.A to R.L.A regime and a legal notice purported to have been signed by the Minister.

WHERE DOES THE LAND LIE?

- According to the original plan drawn and authenticated in 1996 accompanied the title.
- Confirms that there is usually only one proper title.
- Nairobi Parliamentary Constituencies Map which shows where the land lies, Map sheet 184/4 at a scale of 50,000 showing the boundary between Nairobi and Eastern Province, part covering JKIA and the NRB Parliamentary issued in 1996 when the Constituency boundary maps was revised shows that it is situated in Nairobi
- The Land belongs to KAA as per the title and this has not changed and no one can give it away.

PROCEDURE FOR ISSUING LEGAL NOTICES

- The Department generating a Legal Notice writes to the P.S stating that they need a Legal Notice and then it is forwarded to the Minister for Signature. With it is a draft letter to the A.G coz the Ministry cannot transact directly with the Government.
- The draft notice is accompanied by a letter to the Attorney General who in turn forwards the Notice to the Government Printer for gazetting.
- Under the R.T.A regime, one must come to the Commissioner of Lands to do a search while under the R.L.A regime a search can be conducted at the District Land Office.

PROF.KAREGA MUTAHI, CBS - OFFICE OF THE DEPUTY PRIME MINISTER AND MINISTRY OF LOCAL GOVERNMENT

He stated that:-

- Mavoko Municipal Council was not under the jurisdiction of the local Government Act-Cap 265.
- The J.K.I.A was a public entity and its land was not under Local Authority.
- Mlolongo brother's development plans were approved by the Local Authority upon confirmation of ownership of the land.
- Some of the land had no approved plans.
- All approvals are made in good faith.

DR.CYRUS NJIRU, CBS – MINISTRY OF TRANSPORT

He stated that:-

- KAA manages Aerodromes which falls under the Ministry of Transport.
- The Land under discussion was KAA land
- The Kenya Civil Aviation Authority regulates the Aviation Industry.
- The Law requires that public interest be protected on issues of security and safety.
- The Ministry discovered issues of safety and security and had to take action.

- Action was taken at the earliest opportunity and the affected persons given notice appropriately.

AMB.NANCY KIRUI - MINISTRY OF STATE FOR DEFENCE

- The demolitions were done due to safety and security.
- Moi Air base was annexed in 1937, delineated in 1944 and gazetted in 1961.
- Defence has a problem in evicting occupants living in the Kiambiu slums.
- There are restrictions on the height of the building near the protected area.
- Demolitions were carried out by the Nairobi City Council.

CHIEF REGISTRAR OF THE JUDICIARY - MS. GLADYS BOSS SHOLLEI

She stated as follows:-

- She was aware of the court disputes in Mlolongo, Maasai village and Eastleigh and that the disputes are both in print and electronic media.
- That KAA petition on case number 263 of 2011 LR No 89497 situated in Mombasa road a temporary court injunction granted and further order on 7/12/2011 when the appeal comes for hearing interprets given.
- There were interim orders against KAA
- Kyangombe residents association case number 188/2011 interim order Of injunction issued and ordered to.
- Syokimau/Uungani settlement scheme case number HCCC 489/2004 temporary injunction issued interparte hearings on 30th November 2011.
- There is no appeal and orders are temporary orders.
- The role of registrar is Administrating and accounting officer of the Judiciary and the role of extracting orders is delegated to the Deputy Registrar of the court.
- Many discussions are going on to make the judges in charge of the cases which formally were not and introduction of case tracking system that will notify and easy.
- At times the judiciary is accused of being too rigid in listing for hearing matters brought under certificate of urgency
- Under certificate of urgency a case that was filed in the morning can be heard in the evening.

- The Chief justice indicated that there was a worrying trend on court orders and that the Judiciary should always cooperate with the other arms of government like the Executive and Parliament.

LAND SECTOR NON STATE ACTORS

The Coordinator explained that the LSNSA is a body consisting of a number of organizations with interest in land matters and governance. He informed the Committee that:

- The recent demolitions in Syokimau, Mitumba and Maasai settlements are a demonstration of a complete failure of the system of land administration in the whole country.
- That the evictions in the areas named above were done without regard to the judicial system and in disregard of the eviction procedures and the Constitution of Kenya.
- That in order to avoid a repeat of the same in future and to find a long lasting solution to the land tenure/property rights crisis, there is need to ensure that the Constitutional and policy framework addressing land as spelt out in the Constitution of Kenya, 2010 and in the Sessional Paper No.3 of 2009 on the National Land Policy are implemented wholesomely.
- That the demolitions and evictions had violated a number of constitutional rights of the citizens among them the right either individually or in association with others to acquire and own property in any part of Kenya, the right to housing and reasonable standards of sanitation and the right not to be deprived of any property without due regard to the law.
- The demolitions and evictions undertaken by the government were done in violation of the law and human rights of the individuals as exemplified by a High Court decision in Embu in Constitutional Petition No. 2 of 2011 regarding eviction of settlers from Garissa in which the government was ordered to compensate the evictees as it had violated their constitutional rights.
- That the issue of squatters and informal settlements in this country is not novel and stakeholders have tried to address it through various mechanisms among them the Sessional Paper No. 3 of 2009 on the

National Land Policy which provides in detail (article 211) how the problem of squatters can be addressed.

- To address the squatters problem, stakeholders had also participated in preparation of the Draft Eviction and Resettlement Bill which was pending before the Ministry of Lands and that there was need to fast track enactment of this legislation. Kenya is also a party to a number of international human rights conventions with relevance to evictions like the International Covenant on Civil and Political Rights (ICCPR) which has guidelines on the issue.
- That the Ministry of Lands is the ministry responsible for implementation of chapter 5 of the Constitution of Kenya, 2010 on Land and yet they are the parties responsible for the omissions and commissions that have led to the mess in the land sector thus very little chance of land reforms in Kenya.
- There is urgent need for operationalisation of the National Land Commission as it is the proper body charged with administration of land by the Constitution as its absence has continued to facilitate unethical deals by the ministry. That if the National Land Commission which is the manager of public land were in place, the situation of Syokimau would not have arisen as it also administers KAA land.
- That there is a very uncoordinated approach to dealing with land reforms by the government with different ministries preparing legislations with implication on land without reference to the line Ministry (the Ministry of Lands).
- That the 2004 Report of the Commission of Inquiry into illegal/irregular allocation of public land (the Ndung'u Report) had documented that KAA had lost some of its land and recommended investigations and recovery of airport land.
- That there is need to get from the relevant government departments (Ministry of Lands, Nairobi City Council and Mavoko Municipal Council) the original survey and boundary plans that can guide the determination of the original boundaries of the disputed land and the civic jurisdiction in which it falls.
- That all the victims from the demolished settlements and those claiming rights of ownership or occupation should provide any available documentary evidence of their claims.

- The Mavoko Municipal Council should provide documentation to clarify how and when they began to administer portions of land over which KAA stakes legitimate claims of ownership.
- That the financial institutions that availed credit based on the related ownership of the pieces of land in the said areas should be compelled to avail such ownership documents.
- That investigations should be undertaken to establish the officials from the Ministry of Lands and the professionals (lawyers or surveyors) who facilitated the above transactions and those found responsible should be brought to book.
- That to reinstate confidence of Kenyans and investors in the sanctity of land titles, there is need to overhaul and restructure the Ministry of Lands

THE LAW SOCIETY OF KENYA & INTERNATIONAL COMMISSION OF JURISTS

The delegation, led by Ms. Florence Kajuju(Vice-Chairperson) articulated the position of the Law Society as follows:-

“The legality of the demolitions and evictions of people in Kyangombe informal settlement, Maasai village and Syokimau”.

Constitution of Kenya

- The constitution of Kenya entrenches social, economic and political rights and makes all of them justifiable.
- **Article 19(2)**-Guarantee of rights and freedoms is meant to preserve the dignity of individuals and communities.
- **Article 20**-Provides that the Bill of Rights applies to all and binds all state organs and persons.
- **Article 43**-Economic and social rights of citizens such as adequate housing, reasonable standards of sanitation, clean water and education among others are fundamental rights that all citizens are entitled to.

- The constitution does not define the term “*adequate housing*”
- The office of the UN Commissioner for human Rights on the right to adequate housing and forced evictions observed that” *Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which touches on a large number of rights recognized both in the international covenant on human rights and international covenant on Economic, social and cultural Rights.*”
- Article 47(2)-where rights of a person are likely to be adversely affected by administrative action, the person has a right to be given written reasons for the action.

International Conventions

- Article 2(5) and (6) of the constitution provides that general rules of international law shall form part of the law of Kenya.
- The section also stipulates that any treaty or convention ratified by Kenya shall form part of the law of Kenya.

International Convention on Economic, Social and Cultural Rights

- Kenya ratified the covenant on 31/1/1976 and thus became bound by it.
- Kenya became bound to respect, protect and enforce the rights therein. Such rights include the right to adequate housing and related prohibition of forced evictions –article 11 of the covenant.
- The UN Committee on Economic Social and cultural Rights defines forced evictions as:

“The permanent or temporary eviction against the will of the individuals, families and/or communities from home and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

- The covenant observes that states should take action to enforce the rights to confer legal security of tenure in consultation with affected persons and groups.
- The committee was further informed that evictions can only be justified if carried out in exceptional circumstances in consultation with the affected community.
- That eviction should only be resorted to after all feasible alternatives have been explored.
- That before eviction is carried out; persons affected should be accorded due protection.
- That the process of eviction should not render the individuals vulnerable to the violation of other rights.
- Where those affected are unable to provide for themselves, the state has an obligation to take all reasonable measures to the maximum of its available resources to ensure that adequate alternative housing, resettlement or access to productive land as the case may be is provided.

International Covenant on Civil and Political Rights (ICCPR)

- Kenya ratified the ICCPR on 23/3/1976.
- Article 7 of the Convention prohibits forced evictions.
- In 2005 the UN Human Rights committee considered the issue of forced evictions in Kenya and held that they arbitrarily interfere with the rights of the victims and that the Government should develop transparent policies and procedures of dealing with evictions.
- The UN Rights committee was categorical that the Government should consult the affected individuals and make appropriate evictions before eviction is carried out.
- Victims of violations are entitled to restitution. This is justified by article 8 of the Universal Declaration of Human Rights (UNHCR), Basic

principles and guidelines on the right to a Remedy and reparation for victims of Gross violations of international humanitarian law as adopted by the UN General Assembly by resolution No.60/147 of 21/3/2005.

- The aforementioned resolution implies that the victims should be restored to the original situation possible before the gross violations of their rights.
- The committee was also informed that the LSK in conjunction with the Ministry of lands is undertaking audit of business process in four land registries of Nairobi, Mombasa, Nakuru and Thika.
- It was further noted that there is need to harmonize land administration in Kenya to minimize manipulation of land administration processes.

The LSK concluded as follows:

- The evictees are entitled to adequate information on the reasons for proposed evictions.
- The alternative purpose of the subject land was to be used has to be indicated.
- Demolitions must respect human dignity, right to life and security to life and the security of the affected.
- That to extent that the law was not followed and any court order disobeyed, the evictions/demolitions was unjust, illegal and

Observation by Mr. Paul Ndungu

Mr. Paul Ndungu, an Advocate of the High Court of Kenya, informed the Committee that:

- He served in both the Njonjo Land commission and the Ndungu commission on land.

- The Ministry of Lands has failed to administer land and that the Ministry has on numerous occasions admitted that corruption is rampant in Ardhi house.
- The new Constitution establishes the National Land Policy to address issues of land.
- The Ndungu Commission recommended that KAA should repossess the land held by Mlolongo brothers.
- *The land reserved for public use is not available for allocation even by the President.*
- The Ndungu report established that there are about 400,000 illegal titles as a result of alienation of public land without following stringent procedures as obtained in law.
- Compensation to the victims of Syokimau will not be out of order because KAA was aware trespassers were on its land and yet took too long to have them evicted.

The committee sought to know measures undertaken by LSK in relation to Lawyers involved in questionable land transactions.

- The committee was informed that LSK has its own disciplinary mechanisms to deal with Advocates who breach the rules of professional practice.
- The Committee was informed that the LSK was drafting a National Land Commission Bill and hope to engage the Departmental committee on Land at the appropriate time.

PRESENTATION BY THE MOI AIRBASE COMMANDANT

The Airbase Commandant presented google maps on the layout of the airbase and its surroundings, and informed the Committee that:

- Air force land had been encroached by private developers.
- Most of the buildings posed a security threat to the base.
- Many buildings had exceeded the one level building rule
- Others had flat roofs which could be used to launch attacks.
- Some buildings were directly in front of the runway.
- Other buildings had used the Airbase wall as part of their buildings.
- Garbage disposed over the fence from Eastleigh residents was also a security risk as scavenging birds could interfere with flights.
- lambi slum posed a serious threat in case there was an accident.
- There were several attempts to evict illegal occupants of airbase land.
- One such decision was made on 14/3/2000 in the Commissioner of Lands Boardroom where it was resolved that lambi slum dwellers should be moved.
- The decision was never effected due to unavailability of funds.
- Kambiu was Air force land.

CONTRIBUTIONS BY THE MINISTERS

The Ministers informed the Committee Members that:

- The Ministry of Lands had held numerous meetings with the Ministry of State for Defence in an attempt to resolve land issues around military installations.
- The Ministry of Lands had also revoked many individual titles held, for public land.
- There is need for a modern land information system/land registry to improve service delivery and also weed out corruption at the Ministry of Lands.
- The courts had made it difficult for the Government to execute its mandate and enforce laws.

- The state should establish laws that would enable it to enforce certain decisions without the courts being left to issue unnecessary injunctions on land cases.
- The matter of compensation was complicated as the law only recognizes compensating individuals who acquired land legally.
- The Committee should request for ex-gratia payment for evictees who had legal documents for their properties.
- There ought to be a clear National Land Policy that would resolve some of the pertinent issues involving land in Kenya.
- Impunity has permeated the whole society in the country.
- The demolitions arose from a Government decision to rid the country of possible security threats on strategic Government installations.
- The demolitions were not selective and were carried out in the best interests of all Kenyans.
- The Government lacks adequate capacity to enforce its own decisions and laws.
- In addition to the Physical Planning Act, Parliament ought to give powers to Ministers in accordance with Cap 394 and 396 to enable them regulate land matters effectively.
- The penalties are not punitive enough to deter would be land fraudsters.
- The Ministers fully supports the Committee in its quest to find solutions to the emerging land issues.
- Specific guidelines should be outlined during evictions so that the exercise is carried out humanely.
- The Ndung'u report ought to be implemented with a view to resolving inherent land problems facing the country.
- Kiambiu slums ought to have been removed but lack of funds has curtailed this decision.
- It was a collective cabinet decision to carry out demolitions in all the areas whose structures were a threat to national security.
- The Government had issued numerous notices and caveat emptors warning the affected people of impending demolitions.
- Military land continued to be invaded despite existing national policy regarding military land administration.
- Impunity was inherent in the society and people continued to construct houses despite notices discouraging such developments.

- There were no plans to compensate recent land evictees.
- Lack of adequate funding by the Government had slowed down the modernization process of the information system within the Ministry of Lands.
- Demolitions were not done selectively and every effort had been made to evict all illegal occupations.
- Some of the buildings in Eastleigh had Nairobi City Council approvals. The approvals may have been acquired illegally.
- It was important to come up with a draft legislation to deal with the issues raised in the Ndung'u report.

CHAPTER TWO: OBSERVATIONS, COMMENTS AND FINDINGS

SYOKIMAU/UUNGANI/KAA

From the evidence adduced the Committee notes:-

- 12.1 The Committee on the onset notes the documentation availed to it by various witnesses including copies of titles, allotment letters deed plans, PDPS, survey and Google maps. The documents require professional verification to establish their authenticity and validity.
- 12.2 It is evident that the land being claimed by Mlolongo Brothers Association and Uungani Settlement Scheme Self Help Group was compulsory acquired by the Government of Kenya in 1971 for the development of the Nairobi Airport, currently known as JKIA. With several other parcels of land, L.R No. 3864 measuring 2484 acres (1005.27 hectares) was acquired compulsory vide legal notice No. 1105/1106 dated 26th April, 1971 by the Commissioner of Lands.
- 12.3 Further, vide gazette notices Nos. 439 and 440 of February 25, 1982, the government acquired L.R. No. 7149/11/R then known as Syokimau Farm Limited. All the above land acquired i.e. L.R. Nos 3864 and 7149 were in the Syokimau area. Therefore not available for allocation.
- 12.4 KAA in its evidence before the Committee stated that L.R. No. 21919 (IR 70118/1) measure 4,654.2 hectares and whose title was issued in 26th July 1996 belong to them. However it should be noted that in 1996, a survey was carried out indicated that L. R. No. 3864, 14231, 14231/1 are part of L.R. No. 21919.
- 12.5 The Director of Surveys indicated that within JKIA land there are other existing surveyed plots with different survey plans & L.R. numbers.
- 12.6 KAA having been granted title for L.R No. 21919, in May 1996, failed to secure it land by establishing the exact boundaries and fencing it off. This led would fraudsters to take advantage of the situation and sought documentation of the land.

- 12.7 Historically and from the maps provided, the disputed land has been assumed by the Local Government, Mavoko Municipal council and City Council of Nairobi to be in Machakos County. This is shown by the approval of plans, payment of rates and administrative management has been done by and from Mavoko Municipal Council. The City council of Nairobi noted that land is outside their Jurisdictions.
- 12.8 It should be noted further that Parliamentary Committees including the Public Investment and the Departmental Committee on Transport have in the past urged the management of KAA to undertake audit of their land, procedurally evict any settlers and secure the land properly to weed off fraudster, occupiers and grabbers;
- 12.9 The Commissioner of Lands was duty bound to inform the public that the land is public property vested in the KAA. The Commissioner did inform the KAA that the land is part of their compulsorily acquired land and therefore were to take action.
- 12.10 KAA has been in court since 2004, with two cases i.e. HCCC No. 489/2004 and 206/2004 pitting KAA against Uungani Settlement scheme and Mlolongo Brothers Association respectively. The cases have been pending before court. Evidence adduced, indicates that KAA has not been ready to prosecute the case having been seeking adjournment citing lack of preparation, witnesses among other issues.
- 12.11 The KAA went ahead to undertake eviction and demolition while there are two cases pending before court and the eviction took place three days before the date of the next hearing. Further they undertook the eviction based on previous eviction notices issued in September 15, 2011, in which there were court orders stopping the enforcement of the said notices.
- 12.12 It should be noted that the authority has consistently issued notices to the public and occupiers of the land in Syokimau, not to purchase and to request them to vacate based on stated reasons.

- 12.13 The authority was duty bound to inform the public sufficiently of their intended demolitions.
- 12.14 The government should consider the innocent buyers and investors who invested a lot in Syokimau with a view of compensation/even ex-gratia.
- 12.15 KAA failed to notice and take action on the developments on the land L.R. No. 3864.
- 12.16 Mavoko Municipal Council knew the land in Syokimau belonged to them when it was transacting in it and City Council of Nairobi knew the land was in Mavoko.
- 12.17 There is inactivity on part of the government as it has not notified the public about the fraudulent titles in Syokimau and not taking any investigations into the fraud to establish the culprits.
- 12.18 From the ongoing and dealings in Syokimau, the government through the Ministry of lands has caused all the controversies surrounding land ownership in Syokimau and Uungani. And they should be held responsible.
- 12.19 There is loss of files at the Ministry of Lands whenever there is a controversial issue surrounding land and an investigation is ordered to that effect.
- 12.20 It was noted that a file showing payments made to the Ministry of Lands by Uungani Settlement Scheme and Mlolongo Brothers Association could not be provided to the Committee.
- 12.21 There is loss of files at the registrar of companies whenever there is a controversial issue affecting a given company and an investigation is ordered to that effect.
- 12.22 Payments were made to the Ministry of Lands by Uungani and Mlolongo based on documents obtained from the Ministry.

- 12.23 From the evidence, it appears that the due process was not followed in the eviction of resident in Syokimau. The necessary law should have been invoked on how to deal with persons who trespasses on land.
- 12.24 The Committee noted that there is deliberate confusion set up by the Kenya Airport Authority, City Council of Nairobi, and Mavoko Municipal Council.
- 12.25 In 2003, Mlolongo Brothers Association with title No. L.R. 85126 for L.R No. 13512 measuring 100 hectares (being part of L.R No. 3864) claimed interest on the land. The Association went further to convert their allegedly acquired title IR. 85126 from RTA to RLA through J.R Aganyo & Associates surveyors based on legal gazette notice No.157/2010 which is alleged to have been forged. The said notice was published on 26th August, 2010.
- 12.26 This allowed them to undertake sub division of the land into smaller units. In addition, the Association proceeded to subdivide the part of the land, L.R No. 3864 into plots and sold to unsuspecting Kenyans.
- 12.27 The Association has been in court with KAA both claiming the land since 2004.
- 12.28 There are reports that the leadership of the Mlolongo Brothers Association and Ungani Settlement Scheme are being sought and threatened by government agencies until they have sought the Court protection.
- 12.29 The Committee noted that maps provided dating back to 1981 shows that Syokimau is in Machakos despite the fact that it was excised in 1971.
- 12.30 From the evidence given by the Director of Surveys, the survey plan FR 472/72 for L.R No. 14231/1, 14231/2 of area 449.9 ha and 200 ha respectively were authenticated in 31st January, 2008. Deed plan No. 285225 for L.R No. 14231/1 and 297909 for L.R No. 14231/2 were issued on 25th March, 2008 and 5th June, 2009 respectively. The survey was supported by a letter of allotment from Commissioner of Lands to Ungani settlement Scheme dated 5th January, 1998 and PDP No. MKS/8/97/6.
- 12.31 Ungani Settlement Scheme Self Help Group with an allotment dated 20th September, 1996 claimed a piece of land measuring 449.9 hectares

in Athi River. The letter of allotment was based on Part Development Plan MKS/8/97/6. However, the approved PDP no. 144 of October 8, 1997, prepared by the Director of Physical Planning, is for alternative plots meant for industrial purposes located in Mavoko Town.

- 12.32 The settlement scheme claimed land L.R No. 13512. The Self Help Group has been in court with KAA since 2004.
- 12.33 Uungani Settlement Scheme may have been in collusion with Ministry of lands officials to prepared, authenticate and grab public land. Documents presented by Mlolongo Brothers Association and Uungani Settlement Scheme have been discovered or declared not genuine as per the Ministry of Lands.
- 12.34 The disputed land in which the demolition were carried out by various Government agencies which included KAA, Provincial Commissioner Nairobi, Provincial Police Officer Nairobi, Deputy Provincial Police Officer and the officer commanding Police Division (Embakasi) is L.R No. 3864.
- 12.35 From the evidence adduced, the resident of Syokimau bought the land from Mlolongo Brothers and Uungani Settlement Scheme. They claimed to have carried out searches on the land to authenticate the ownership of the land and the relevant documentations. The searches were conducted individually and through law firms.
- 12.36 The Lands Registry, Ministry of Lands, Machakos did provide certified copies of land documents and in collaboration with the Mavoko Municipal council did approve land allocation and development plans respectively.
- 12.37 There is an urgent need to undertake vetting and audit of the Ministry of Lands officials to weed the corrupt elements.
- 12.38 There is lack of deed plans of the properties in Syokimau from the Ministry of Lands through the Director of Surveys in order to establish who undertook the surveys on whose instructions may hinder establishment of the ownership the disputed land.
- 12.39 None of the resident has been given a title though the Association and scheme claimed to have a title for the two pieces of land they claim to have an interest. Most of the residents went ahead and undertook the

building of houses and development of other investment running to Millions of shillings having taken bank loans, retirement benefits and other monies to finance.

- 12.40 The demolitions carried out on Saturday, November 12, 2011 reduced their lifelong investment leaving them without shelter and no place to call home.
- 12.41 The Committee noted that the government should have given them time to salvage the little they could and relocate to other suitable settlement.
- 12.42 The Committee noted that the Provincial Security Committee Chaired by the Provincial Commissioner was duty bound to inform the resident of Syokimau of their intended demolition and that they were on KAA land either, through public meetings, existing government machinery including Provincial Administration and local leadership.
- 12.43 Ungani Settlement Scheme was registered on April 30, 2008 by the Ministry of Gender, Culture and Social Services but they received the allocation letter from the Commissioner of Lands on September 15, 1996, the latter was certified by the Registrar of Lands.
- 12.44 It was noted that all the controversies happening in Syokimau involved the conclusion with members of professional bodies.
- 12.45 From the evidence, the Ministry of Land never took any measures to correct the legal notice no. 157/2010 which is alleged to have been forged and published on 26 August 2010.

MITUMBA

- 12.46 Resident of Mitumba were settled on a 10 acre piece of land by the Office of the President through the then Provincial Commissioner the late Fred Waiganjo in 2002. On settlement, they have been provided with area Chief, allowed to establish Schools such as Mitumba Community Primary School and security committee.
- 12.47 As the process of settling in Mitumba, the residence established permanent & semi-permanent structures which made them pay rent and rates to the City Council of Nairobi.

- 12.48 Mitumba is alleged to be located on L.R No. 209/13080. The land L.R No. 209/13080 (IR. 70522) is known as Wilson Airport and measures 163.67 Ha. The land L.R No. 209/13080 belongs to KAA. However it should be noted that L.R No. 209/12921 and 209/12908 were excised in 1996 and 1999 respectively and titles issued.
- 12.49 In addition, the title for L.R No. 209/12908 was revoked and surrendered on January 27, 2004 and for L.R. No. 209/12921 whose title is I.R. No. 76144 was issued on March 16, 1998 to Joshua Kipchumba Chepkwony and James Nganga.
- 12.50 From the above, as at the time of writing this report, the title for L.R. No. 209/12921 has not been revoked. Thus part of Mitumba Village, (L.R No. 209/12921) belongs to an individual and therefore private property. The land L.R. No. 209/12921, does not belong to KAA;
- 12.51 From the evidence adduced by the residents, they claimed that Mitumba Village is located on 209/12921 and L.R No. 209/12908. The residents have not formally claimed the land but are seeking alternative settlement through the City Council of Nairobi and the Provincial Administration.
- 12.52 The demolitions carried out by the City Council of Nairobi in conjunction with the Provincial Administration were never notified to the residents either through the press or normal enforcement notices.
- 12.53 They sought court injunctions on September 21, 2011 which were extended twice to 23rd November, 2011. The said court orders were served to the PC, DC, DO, Town Clerk, OCPD Langata & OCS Langata.
- 12.54 From the site visit by the Committee, Mitumba village is not on a flight path as alleged by KAA. And if so, there more permanent high rise buildings which are more to the flight path than Mitumba village.

12.55 The resident have previously received eviction notice from Roseville Trust Limited.

KYANGOMBE, MAASAI AND KPA VILLAGES

12.56 Demolitions were carried on Saturday, November 13, 2011 without the knowledge of the residents. The demolitions were carried out based on the concerns raised by KAA that its land – L.R. No. 21919 and flight path was occupied.

12.57 From the evidence of the Permanent Secretary, Provincial Administration, the evictions were not only done based on security concerns but also to remove illegal settlers on private land.

12.58 The KAA raised the concerns in the Provincial Security Committee Chair by the Provincial Commissioner Nairobi that such structures were interfering with the flight path and a threat to the security of the Airport users.

12.59 The land covered by KPA, Kyangombe and Maasai village is allegedly owned by a number of private companies and there has been dispute between the residents and the alleged owners. These formed the bases for the various court cases.

12.60 The alleged Owners of land on which Kyangombe, KPA and Maasai village occupied may have instigated the demolition. The owners of land may have used the opportunity to evict people who had refused to move.

12.61 The Committee notes that the owners of these demolished properties may or may be the real owners of the land or have an interest on the land.

12.62 During the site visit, the Committee discovered that it's only a small part of Kyangombe village was on the flight path however demolitions were ordered for the whole village. The demolitions went beyond boundary of KAA land and the flight path.

- 12.63 After the demolitions, it was noted that government did not provide security to the evictees and even establish their plan of movement of plan and any assistance they may require. The Government should have provided humanitarian assistance to the evictees.
- 12.64 The committee noted that the process of eviction in Maasai village was irregular because the use of bulldozers to bring down Manyattas was a misuse of resources. Alternative methods could have been used to request them to move.
- 12.65 The motive of the demolitions appears not clear as some go-downs and buildings near flight path/boundary of flight path were left intact while those almost 200 metres from flight path were demolished. Most of these properties outside the flight path had court cases.
- 12.66 A go-down along the flight path was left on premise that it did not have title yet the demolition squad circumvented to other areas outside the flight path

EASTLEIGH – KITUI, BIAFRA, KIAMBIU AND SECTION 3

- 12.67 The demolitions were carried out based on security concerns raised by the Ministry of State for Defence on behalf of the Department of Defence. The Ministry of State for Defence was specifically concerned with the current security threat from Al-shabaab and the mushrooming of high rise building on the flight path and mushrooming of informal settlement close to the Airbase and within the Buffer zone between the Eastleigh estate and the Moi Airbase.
- 12.68 The demolitions were undertaken by the City Council of Nairobi in conjunction with the Ministry of State for Defence.
- 12.69 Development plans in Eastleigh estate around the Moi Airbase are controlled. The City Council of Nairobi works in conjunction with the Ministry of State for Defence in approvals of such developments.
- 12.70 However, it has been adduced before the Committee that in some instances approvals are done against the agreed levels without

consultation the Ministry of State for Defence. According to Ministry of State for Defence, they only approves plans when they are sent through by the City Council and only those of upto two levels

12.71 The demolitions were undertaken in: -

- a.) Kitui village which was on flight path and within the buffer zone.
- b.) Biafra which was on the Buffer zone and had buildings with more than two levels;

12.72 In Eastleigh section three which had unapproved buildings with more than two levels and was within the buffer zone (ten metres from the Airbase fence), there were no demolitions.

12.73 There are many developments that are approved by local authorities without consultation with the Ministry of State for Defence and that are within the buffer zone of Military or strategic Installations.

12.74 It was noted that the government has not undertaken an audit of such developments and establish whether it can be acquired compulsory and compensate the owners.

12.75 Kiambiu occupies land that was set aside for the Ministry of State for Defence, specifically Moi Airbase.

12.76 Based on information availed to the Committee, they had taken a position and decided on March 14, 2000 to resettle people of Kiambiu. The Joint Committee is of the opinion that the action must now be effected as a matter of urgency.

CHAPTER THREE - RECOMMENDATIONS

During the Joint Committee sittings and visits held to discuss the demolitions of houses and subsequent evictions of the residents of Kyangombe, KPA and Maasai Village, Mitumba, Syokimau and Eastleigh in the outskirts of Nairobi City, the Committee recommends that:-

GENERAL RECOMMENDATIONS

13.1 Enact laws to effect Chapter 5 of the Constitution of Kenya, 2010

The Committee is of the strong view that establishment of the National Land Commission as envisaged in the Constitution of Kenya, 2010 would provide solution to most of the problems facing the land sector in Kenya.

The Committee established that the Constitution of Kenya, 2010 had already diagnosed the problems affecting the land sector and offered remedies which include a raft of statutes as contained in Chapter 5 of the Constitution which if had been enacted, would have solved a number of issues raised as a result of these demolitions. These statutes include:

- National Land Commission;
- Laws on Land use classification;
- Laws to consolidate existing land Laws;
- Laws to regulate land holding by non citizens;
- Laws prescribing the minimum and maximum acreage of land that can be held as private land; and
- Laws providing for protection and access to public land.

The Committee recommends that the land related laws as proposed in the constitution of Kenya 2010, without compromising the timelines as set out in the Constitution, be fast - tracked and within 90 days from the date of adoption of the report by Parliament.

The Committee further recommends that the National Land Commission should be operationalized by March 30, 2012.

13.2 Enact law on Evictions and Resettlement

The Committee established that the Draft Evictions and Resettlement Bill currently in the Ministry of Lands, proposes to guide the process of evictions of people and the circumstances under which this can be taken together with the resettlement process. This law is a panacea to a number of challenges faced by the evictees who have been affected by the demolitions and evictions undertaken by the Government.

The Committee therefore recommends that the Ministry of Lands moves with speed to process this Bill to ensure that it is enacted within 90 days from the date of adoption of the report by Parliament.

13.3 Enact law to protect strategic and security installations

The Committee having toured the affected areas and particularly the areas adjacent to the Moi Airbase in Eastleigh, and being convinced that the security of the installation had been highly compromised.

The Committee recommends that, In consultations with the relevant Parliamentary Departmental Committees the Government should as a matter of urgency, enact a law to protect all strategic and security installations, audit all strategic and security installations which should not be limited to airports and military installations but also extend to way leaves and key infrastructure such as the pipeline within 90 days from the date of adoption of the report by Parliament

13.4 Review of the Contempt of Court Act

The Committee established that court orders existed over some parcels of land that were demolished and the government agencies that took part in the demolitions ignored or rubbished the court orders and some private citizens in the area proceeded with development even while aware that injunctions requiring status quo to be maintained were in existence.

The Committee recommends that the Attorney General in consultation with the Chief Registrar of the Judiciary undertake a review of the law governing contempt of court with a view to filling the gaps that have

led to frequent disobedience of court orders, including proposing Stiffer penalties to act as a deterrent within 90 days from the date of adoption of the report by Parliament.

13.5 Enact the Court Bailiffs Act to enforce decisions of the Court

The Committee noted that enforcement of Court decisions has been wanting especially with regard to decisions reached in favour of poor citizens.

The Committee recommends that the Court Bailiffs Act be enacted to establish a Court Bailiff's office which will be charged with the responsibility of ensuring enforcement of court decisions within 90 days from the date of adoption of the report by Parliament.

13.6 Establish the National Land Information Management System

To eliminate the frequent problem of loss of files at the Ministry of Lands and the allocation of more than one title for the same parcel of land, the Committee recommends that the Ministry of Lands completes the process of computerizing all land records in the country and to establish the National Land Information Management System as provided in Sessional Paper No. 3 of 2009 on the National Land Policy.

This Committee recommends that the Ministry of Lands and other Government agencies dealing in land should embrace GIS technology for all parcels of land in the country, within a period of twenty four (24) months and that the Treasury allocates sufficient funds to undertake this exercise and process from the date of adoption of this report.

13.7 Undertake Reforms in the Ministry of Lands

The Committee established that the fraudulent dealings in the demolished properties in Syokimau were as a result of corruption by officials of the Ministry of Lands.

The Committee recommends that in order to restore the confidence of Kenyans in the sanctity of land titles, the Government should vet all officers in the Ministry of Lands to weed out corrupt officers and to dismantle the cartel that has been defrauding members of the public.

13.8 Conduct any future demolitions in accordance with the law

The guiding principle in undertaking demolitions should be to minimize damage to property of the occupants.

The Committee recommends that any future demolitions be conducted within the law and there should be coordination between the government agencies involved.

The Committee further recommends that demolitions be undertaken only in exceptional circumstances and after consultation with the people to be affected; and even in these cases, follow up should be undertaken to ensure the evictees are provided with security and humanitarian aid.

13.9 Undertake an audit of all buildings within Nairobi and all urban centers

To prevent future *ad hoc* demolitions, the Committee recommends that the City Council of Nairobi do undertake an audit of all buildings developed within its jurisdiction to establish those developed without approval plans and those which may have been developed to exceed the approved plans and to ensure the law is enforced.

13.10 Implement the 2004 Report of the Commission of Inquiry into Illegal/Irregular Allocation of Public Land (Ndung'u Land Report)

The Committee having established that there has been irregular and corrupt dealings over the years at the Ministry of Lands, resulting in excision of and allocation of public land to private individuals.

The Committee recommends that the Government implements the 2004 Report of the Commission of Inquiry into Illegal/Irregular Allocation of Public Land (Ndung'u Land Report) and report to Parliament within 90 days.

The Committee further recommends that all Government agencies undertake an audit of their land and follow due process in reclaiming any public land in the hands of individuals report to Parliament within 90 days.

13.11 The Government of Kenya and all citizens should respect Court decisions

The Committee established that some parties claiming rights to the demolished parcels of land had filed cases in court and injunctions issued but both parties did not respect the court decisions as further developments continued after the injunctions and the demolitions were conducted despite the court orders.

The Committee recommends that government agencies and the general citizenship respect the Constitution at all times and any decisions of the courts whether or not they agree with them in order to restore confidence in the judicial system.

13.12 Restitution

The Committee established that most of the evictees were third parties who acquired the properties in question believing the titles to be genuine and undertaken due diligence. Considering that the government allowed the some of the people to settle on land that was not theirs such as Kyang'ombe, Mitumba and Maasai villages. And further that the demolitions destroyed were undertaken without prior notice, making it impossible for the victim to salvage personal belongings.

The Committee therefore, recommends that the Government makes restitution, *ex gratia* payments or other humanitarian assistance to persons who acquired these properties in good faith, for value and without notice that the title was not genuine.

13.13 Protection of witnesses

The Committee established from reliable information that some potential witnesses in the Syokimau properties faced various threats and intimidation and therefore recommends that the Attorney General should step in to protect these witnesses by invoking the Witness Protection Act.

13.14 Government should conduct any future evictions humanely and with regard to due process

The Committee established that only a small percentage of the properties demolished in Kyang'ombe were along the flight path while a large majority was outside the flight path. The Committee is however of the view that the Government used excessive force in undertaking the demolitions.

The Committee recommends that the Government conducts future demolitions humanely and after giving the settlers ample notice. The would-be evictees should be given the alternative of moving themselves or demolishing their own structures before the government can conduct such demolitions and that any such demolitions in future demolitions only be undertaken as a matter of last resort.

13.15 Enhanced coordination of government departments and agencies

To prevent situations arising where some departments of Government like the City Council of Nairobi approve development plans without concurrence from other departments responsible for certain strategic installations thus resulting in these departments undertaking demolitions later on, this Committee recommends that all Government departments work together and consult before approving any development plans.

The Committee recommends that any form of transfer, charge or mortgage and other forms of proprietary transactions on land proximate to strategic installations be accompanied with a clearance certificate from the respective Government departments before the transaction can be completed.

13.17 Appointment of Independent Forensic Auditors

In view of the large volume of documents regarding land ownership that the Committee received from various witnesses and the nature of the land transactions involved, the Committee recommends that independent forensic auditor undertake a forensic audit along the Terms of Reference here below:

- (i) To undertake a thorough forensic audit on the land records, titles, Maps, Deed plans, allotment letters, legal notices, development

approvals and others documents obtained by the Joint Committee during its investigation on the demolitions and evictions in Syokimau, Kyangombe, KPA, Maasai and Mitumba Villages and Eastleigh and other documents that are or may be made available to establish their authenticity.

- (ii) To establish the history of the documents referred to in (i) in order to establish their source initiators, issuers and validity.
- (iii) To investigate the circumstances surrounding the loss of certain documents of the description set out in (i) and other similar or other relevant documents specifically in the Ministries of Lands and Local Government, Judiciary and the State Law office(Company Registry), the persons responsible for such loss and the effect of such loss on land matters in Kenya;
- (iv) To determine the extent, if any, of the involvement of the Ministries of Lands, local Government and other government agencies or individuals in those Ministries and agencies in relation to malpractices in land transactions culminating in the demolitions and evictions in Syokimau, Kyangombe, KPA, Maasai and Mitumba Villages and Eastleigh;
- (v) To investigate, determine and advise on any other matter related to, relevant, consequential or incidental to the foregoing; and.
- (vi) To submit a Report to the Joint Committee comprising the forensic auditor's findings, observations and recommendations within Sixty (60) of the execution of the contract.

The forensic auditor shall undertake the assignment in liaison and with the facilitation of the Auditor General.

The life of the Joint Committee will be deemed to expire upon receipt and tabling of the forensic report.

SPECIFIC RECOMMENDATIONS

The Committee makes the following recommendations which are specific and unique to the particular area that was affected by the demolitions and evictions:

SYOKIMAU

13.18 Finalization of the pending Court Case over ownership

The Committee concerned that the legal dispute regarding ownership of the Syokimau land has been in court since 2004 and therefore has taken too long to be concluded, hereby recommends that the Chief Justice takes urgent action to ensure expeditious conclusion of these matters and any other disputes over land in the country.

BIAFRA AND SECTION 3 IN EASTLEIGH

13.19 Strict enforcement of approval plan

The Committee established that buildings in Biafra and Eastleigh Section 3 are near the airbase, posed as a security threat and therefore required approval of the Department of Defence.

The Government may choose to demolish all properties developed without council approvals or which have exceeded the approved plans or indeed allow regularization by the developers or compulsorily acquired, but having due regard to the requirements of the Kenya Civil Aviation Authority on such development.

The Committee recommends that such evictions if undertaken must be done in accordance with Article 35 of the Constitution which guarantees all citizens the right to information; establish a clear criterion for what design and height of buildings are acceptable near vital installations. This will curb the arbitrariness exhibited in the demolitions undertaken in Eastleigh.

Further, the Committee recommends that the government considers the possibility of relocating the Airbase.

EASTLEIGH – KIAMBIU AND KITUI VILLAGES

13.20 Resettle the occupants of Kiambiu and Kitui villages

The Committee concedes that the Moi airbase is a vital security installation and notes with regret that the security of the airbase has highly been compromised. Encroachment on the airbase land was done with full knowledge and approval of Government. The Committee acknowledges the fact that a recommendation was made by a Government Joint Security Committee on 14th March, 2000 but was never effected resulting in the current difficulties.

Further, the Committee established that by the early 1980's, the land adjacent to the Moi airbase in Kiambiu and Kitui villages was unoccupied and used as a military reserve and that settlements began there in late 1980's with knowledge and or approval of Government.

The Committee recommends that the government should urgently identify alternative land to resettle the occupants of Kiambiu and Kitui villages as they are a security hazard. In doing this, should endeavor to provide basic amenities to these people in the areas identified for resettlement. It is only then that the Government should proceed and demolish the two estates so as to establish a military reserve in these areas.

And further, recommends that investigations be undertaken to establish the persons who authorized allocation of these parcels of land and further establish who the landlords of these two villages are.

KENYA NATIONAL ASSEMBLY

JOINT SITTING OF THE DC- ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING

PROGRAMME OF BUSINESS

MONDAY, 28th NOVEMBER, 2011

Morning sitting (10.00 A.M.)

Site Visit to Mitumba and Eastleigh

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Provincial Commissioner – Nairobi, Provincial Police Officer – Nairobi,
Deputy Provincial Police Officer – Nairobi, Officer Commanding Police Division –
Embakasi

TUESDAY, 29th NOVEMBER , 2011

Morning sitting (10.00 A.M. – 12 noon)

Meeting with the Permanent Secretaries for – DEFENCE, LANDS, TRANSPORT, LOCAL
GOVERNMENT AND PROVINCIAL ADMINISTRATIONS

Afternoon Sitting 2.30 P.M. – 5.30 P.M.

Meeting with the Minister for – DEFENCE, LANDS, TRANSPORT, LOCAL
GOVERNMENT AND PROVINCIAL ADMINISTRATIONS

WEDNESDAY, 30th NOVEMBER, 2011

Morning sitting (10.00 A.M. – 11.30 A.M.)

Meeting with Registrar of High Court/Secretary to the Judicial Service Commission

(12 Noon – 1.30 P.M.)

Meeting with Commissioner of Lands

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Land Sector Non State Actors

THURSDAY, DECEMBER 1, 2011

Morning sitting (10.00 A.M. – 12 Noon)

Meeting with Evictees and Land owners

Afternoon Sitting 2.30 P.M. – 5.30 P.M.

Meeting with the Law society of Kenya and International Commission of Jurist – Kenya

Note: Venue for the Meetings will be the Main Conference Room, 1st Floor,
County Hall, Parliament Buildings.

**JOINT COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY,
LANDS & NATURAL RESOURCES, LOCAL AUHORITIES AND
TRANSPORT, PUBLIC WORKS & HOUSING**

**REPORT WRITING RETREAT
DECEMBER 2ND TO 5TH, 2011
LAKE NAIVASHA SIMBA LODGE**

PROGRAMME OF BUSINESS

**Clerk's Chambers
National Assembly
Parliament Buildings**

DECEMBER 2011

PROGRAMME OF BUSINESS

Friday, December 2, 2011	
Participants depart from Nairobi and check in at the Hotel, Naivasha	
DAY I: SATURDAY, DECEMBER 3, 2011	
8.30 a.m	Registration of Participants <ul style="list-style-type: none"> • Secretariat
Official Opening	
9.00 – 9.30 a.m.	Convener: Hon. Mutava Musyimi, M.P. – DC – Lands <ul style="list-style-type: none"> ➤ Welcome and Opening remarks by Joint Chairperson
9.30 – 10.30 a.m.	SESSION I: : Chair, Hon. Mutava Musyimi, M.P. <ul style="list-style-type: none"> ✓ Deliberation on the Programme and Ventilations by Members
Tea Break	
11.00 – 1.00 p.m.	SESSION II: Chair: Hon. Mutava Musyimi, M.P. <ul style="list-style-type: none"> ✓ Consideration on draft report – format
1.00 – 2.00 p.m.	Lunch Break
2.00 - 4.00 p.m.	SESSION III: Chair: Hon. Fred Kapondi, MP <ul style="list-style-type: none"> ✓ Confirmation of Minutes; ✓ Deliberation on preface, observations and General Recommendations of the draft report
4.00 p.m. – 4.30 p.m.	Plenary
End of Day 1	
DAY II: SUNDAY, DECEMBER 4, 2011	
9.00 – 11.00 a.m.	SESSION IV: Chair: Hon. David Ngugi, MP <ul style="list-style-type: none"> ✓ Deliberation on chapter One and Two of the draft report – evidence adduced and Evidence analysis respectively ✓ observations and Recommendations
11.00 – 11.15 a.m.	BREAK
11.15 – 1.00 p.m.	SESSION V: Chair: Hon. Peter Kiilu, MP <ul style="list-style-type: none"> ✓ Deliberation on chapter three – recommendations- of the draft report

	✓ observations and Recommendations
1.00 – 2.00 p.m.	LUNCH BREAK
2.00 - 4.00 p.m.	SESSION VI: Chair, Hon. Peris Simam, M.P. ✓ Observations and Recommendations
	<i>End of Day 2</i>

DAY III: MONDAY, DECEMBER 5, 2011	
9.30 – 10.30 a.m.	SESSION VII: Chair, Hon. David Were, M.P. ✓ Deliberation on the draft report ✓ Plenary and Committee's Recommendations on the Draft Report
10.30 a.m. – 11.00 a.m.	Closing Session and end of Programme
	<i>End of Day 3</i>
11.00 a.m. – 12.00a.m	DEPARTURE

10. The grantee shall not subdivide, transfer, charge, sublet or otherwise part with the possession of the land or any part thereof without the prior written consent of the Commissioner of Lands.

11. The grantee shall not erect any permanent buildings on the land or make external alterations to such permanent buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the local authority.

12. The President or such authority or person as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains, service pipes and drains, telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the grantee shall not erect any building in such a way as to cover or interfere with any existing alignments or main or service pipes or telephone or telegraph wires and electric mains.

13. The grantee shall not kill or trap any wild animals on the land other than in accordance with the provisions of the Wild Animals Protection Act (Cap. 376).

14. The grantee shall at any time permit the President or such authority or person as may be appointed for the purpose to enter upon the land to carry out wildlife and range research projects.

15. The grantee shall in collaboration with the Game Department do all possible to prevent game poaching in the area of the scheme and three employees of the company shall be appointed as honorary Game Wardens if the Game Department so decides.

16. Notwithstanding anything contained herein or in the said Government Lands Act, the grantee shall, on receipt of six months' notice in writing in that behalf surrender all or part of the land which shall be required for construction of roads, railways, Government installations, schools, hospitals, dispensaries, military installations, landing grounds, or such like purpose as may, at any time, be specified by the Government. In the event of any such surrender being required as aforesaid, the company shall be paid fair and reasonable compensation for any permanent improvements effected on the land, such compensation to be assessed by the Commissioner of Lands, but no compensation shall be payable in respect of severance of part of the land by reason of such surrender.

17. The grantee shall so conduct operations in the area of the scheme as to facilitate ranching development and agricultural pursuits in Lamu District as a whole and will be required to support and be a member of any body established by the Government or the local authority for the promotion of agricultural and ranching development in Lamu District.

GAZETTE NOTICE No. 963

THE GOVERNMENT LANDS ACT

(Cap. 280)

DETERMINATION OF TEMPORARY OCCUPATION LICENCE

Unsurveyed Plot No. 15, Mariakani (Licensee Allibhai Ramjee)

To: *Allibhai Ramjee of P.O. Mariakani*

TAKE NOTICE that the Temporary Occupation Licence held by you in respect of the Plot No. 15—Mariakani Trading Centre, will determine on 1st July, 1971, i.e. three calendar months from the date of this notice in accordance with section 40 (2) of the Government Lands Act. The land will revert to the Government of the Republic of Kenya on 1st July, 1971, when you will be expected to give vacant possession of the land having removed all the constructions and leaving the land in a clean and tidy condition.

Also take notice that the determination of the licence does not release you from paying the outstanding land rent inclusive of penalty amounting to Sh. 1,368.

Dated at Nairobi this 1st day of April, 1971.

J. A. O'LOUGHLIN,
Commissioner of Lands

GAZETTE NOTICE No. 1105

THE LAND ACQUISITION ACT, 1968

(No. 47 of 1968)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 6 (2) of the Land Acquisition Act, 1968, I hereby give notice that the Government intends to acquire the following land for the Nairobi Airport development:—

L.R. No.	Area Approximately		Situation
7135/6	20.24 Hectares or	50 Acres	Embakasi
7135/28	20.15 " "	49.8 " "	"
7135/29	9.60 " "	23.72 " "	"
7135/8	9.75 " "	24.1 " "	"
7137/27	7.11 " "	17.58 " "	"
7839	9.79 " "	24.2 " "	"
7135/20	61.72 " "	152.5 " "	"
7075/21	46.78 " "	115.6 " "	"
7075/3	20.11 " "	49.7 " "	"
7075/20	13.88 " "	34.3 " "	"
7075/7	20.24 " "	50 " "	"
7075/8	17.81 " "	44 " "	"
7075/17	40.47 " "	100 " "	"
7075/13	13.07 " "	32.3 " "	"
7075/10	42.70 " "	105.5 " "	"
7075/18	44.52 " "	110 " "	"
7075/11	40.47 " "	100 " "	"
7135/14	37.23 " "	92 " "	"
7135/25	32.17 " "	79.5 " "	"
7135/30	30.35 " "	75 " "	"
7149/3	8.09 " "	20 " "	"
12017	15.27 " "	37.74 " "	"
9041	558.48 " "	1380 " "	"
3955/2	379.20 " "	937 " "	"
3864	1005.27 " "	2484 " "	"
7149/11	182.12 " "	450 " "	"
7149/1	8.09 " "	20 " "	"

A plan of the land affected may be inspected during office hours at the office of the Commissioner of Lands, Nairobi.

Dated this 26th day of April, 1971.

J. A. O'LOUGHLIN,
Commissioner of Lands

GAZETTE NOTICE No. 1106

THE LAND ACQUISITION ACT, 1968

(No. 47 of 1968)

NOTICE OF INQUIRY

IN PURSUANCE of section 9 (1) (a) of the Land Acquisition Act, 1968, I hereby give notice that an inquiry will be held on 7th June, 1971, in the Board Room at the Lands Office, Harambee Avenue, Nairobi, during the hours of 10.00 a.m. to 12.30 p.m. for the hearing of claims to compensation by persons interested in the following land:—

L.R. No.	Area Approximately		Situation
7135/6	20.24 Hectares or	50 Acres	Embakasi
7135/28	20.15 " "	49.8 " "	"
7135/29	9.60 " "	23.72 " "	"
7135/8	9.75 " "	24.1 " "	"
7137/27	7.11 " "	17.58 " "	"
7839	9.79 " "	24.2 " "	"
7135/20	61.72 " "	152.5 " "	"
7075/21	46.78 " "	115.6 " "	"
7075/3	20.11 " "	49.7 " "	"
7075/20	13.88 " "	34.3 " "	"
7075/7	20.24 " "	50 " "	"
7075/8	17.81 " "	44 " "	"
7075/17	40.47 " "	100 " "	"
7075/13	13.07 " "	32.3 " "	"
7075/10	42.70 " "	105.5 " "	"
7075/18	44.52 " "	110 " "	"
7075/11	40.47 " "	100 " "	"
7135/14	37.23 " "	92 " "	"
7135/25	32.17 " "	79.5 " "	"
7135/30	30.35 " "	75 " "	"
7149/3	8.09 " "	20 " "	"
12017	15.27 " "	37.74 " "	"
9041	558.48 " "	1380 " "	"
3955/2	379.20 " "	937 " "	"
3864	1005.27 " "	2484 " "	"
7149/11	182.12 " "	450 " "	"
7149/1	8.09 " "	20 " "	"

Every person who is interested in the land is required to deliver to me, not later than the day of the inquiry, a written claim to compensation.

Dated this 26th day of April, 1971.

J. A. O'LOUGHLIN,

REPORT TO THE PARLIAMENTARY COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING, ON THE DEMOLITIONS IN SYOKIMAU

- 1.0 Following the demolitions shown on the electronic and print media on 11th and 12th of November, 2011, the Ministry of Lands initiated investigations on the matter to confirm the status of the land.
- 2.0 Consequently, the Ministry of Lands confirmed from Kenya Airports Authority (KAA) that the demolitions were done on their land, registered as title No. IR 70118/1 (marked MOL 1) being Land Reference No. 21919 and contained within survey plan F/R 265/27 (marked MOL 2). The land measures 4654.20 Hectares.

The Title held by Kenya Airports Authority was issued on 26th July, 1996 and was registered on 18th August, 1996, and the user stipulated in the Title is offices, airport facilities and ancillary services. The Kenya Airport Authority title is still intact and has not been excised or interfered with in anyway.

3.0 ILLEGAL ATTEMPTS TO GRAB KENYA AIRPORTS AUTHORITY LAND.

In the course of investigations, the Ministry came up with the following findings:-

a) FAKE TITLE

In an attempt to grab public land, a group known as Mlolongo Brothers Association prepared a fake title purportedly registered as IR No. 58266/1 relating to Land Reference number 13512 measuring 100 hectares. (Attached is a copy of the fake title marked "MOL 3").

Upon scrutiny, the Ministry realized that the title was a forgery on the following basis:

- (i) THAT Title IR No. 58266 relates to land reference number 17330 whose survey plan number is 166834 with an area of 5.420 Hectares.
- (ii) The plot L.R. No. 17330 situated in the Northwest of Mavoko Township in Machakos District and registered in the name of ALCON HOLDINGS LIMITED. (A copy of the title is hereby attached and marked as "MOL 4").

5.0. FORGED CONVERSION DOCUMENTS

The (i.e Mlolongo Brothers Association) attempted to convert the fake Title for L.R. No. 13512 from the provisions of the Registration of Titles Act (Cap. 281) to the Registered Land Act (Cap 300) through the firm of J.R.R. Aganyo & Associates surveyors vide a letter dated 24th February 2009, reference number ARA/23/IX/58. However, the process was stopped when it was realized that the title presented was not registered. The Chief Land Registrar's memo (marked MOL 5) outlining the steps of converting a title from one Registration Regime to Registered Land Act Cap. 300 is instructive.

c) FAKE LETTER OF ALLOTMENT

Another group known as Ungani Settlement Scheme Self Help Group had forged a letter of allotment Ref: No. 37711/XXIV dated 20th September 1996 which purportedly allocated 449.9 Ha. of unsurveyed agricultural land in Athi River (A copy of the alleged letter of allotment is attached (marked MOL 6).

- I. The Stand Premium is quoted as amounting to Kshs. 2,965,200/= while the annual rent is Kshs. 74,130/= . Annual Rent is normally assessed at 20% of the Stand Premium, and in this case the variance is obvious.

II. The letter of allotment indicates that the allocation was based on a Part Development Plan reference MKS/8/96/6. Investigations reveal that the quoted Part Development Plan was prepared by the Director of Physical Planning for purposes of alienating two industrial plots measuring 0.6 Ha. and 1.03 Ha. located within Mavoko Town which is (approximately 20km from the subject land). Besides the Part Development Plan is not approved and would not have been used for alienating the land.

The Uungani Settlement Scheme Self Help Group working in cahoots with staff within the Ministry fiddled with records and opened a file No. 242206 for the fake letter of allotment. See card copy of card serial No. 108107 (marked MOL 7) Subsequently payments amounting to over 3.1 Million were made in four installments on 22/11/2002, 22/11/2002, 2/12/2002 and 4/12/2002. (Bundle of the receipts marked MOL 8 attached).

The land purportedly claimed by Uungani Settlement Self Help Group, L.R No. 14231 together with L.R. No. 13512 were acquired as L.R. No. 3864 vide Gazette Notice No. 1105 and 1106 of 30th April, 1971 together with others for the expansion of Nairobi Airport (copy of Kenya Gazette Notice (marked MOL 9 is attached).

The Ministry wishes to report that it had alerted Kenya Airports Authority vide letter Ref. No. 182879/65 dated 10th December, 2005 that some groups were purporting to have been allocated part of their land but the letters of allotment they were holding were fake. The groups in question were M/s Uungani Settlement Self Help Group and Mlolongo Brothers Association. (A copy of the letter is attached and marked "MOL 10"). This letter was also copied to Nyiha, Mukoma & Company Advocates of Post Office Box Number 28491 – 00200, NAIROBI.

The Ministry further wishes to clarify that none of the documents purported to confer ownership of the land to Uungani Settlement Self Help Group and Mlolongo Brothers Association were processed and or issued by the Department of Lands.

It is therefore apparent that all the dealings involving the land and the developments were a scheme by fraudsters out to con members of the public.


The Ministry has launched thorough investigations to unearth the faces behind this criminal activity.

4.0 LAND REFORMS

These fraudulent land dealings and activities may be partially attributed to manual land information system which is not only inefficient but also prone to manipulation.

In order to address the land administration challenges and streamline operations in the land sector, it is extremely important to establish an efficient land information system as recommended in paragraph **3.5.6** of the **Sessional Paper No. 3 of 2009 on National Land Policy**.

Establishment of a computer based Land Information System in the Ministry has been hampered and greatly frustrated by inadequate and inconsistent funding. Currently the ministry collects an average of Ksh. 40 Million per day, and if a fraction of this money is retained, it could greatly facilitate computerization programme.


Z.A. MABEA, MBS
COMMISSIONER OF LANDS

**RE: SURVEY REPORT ON JOMO KENYATTA
INTERNATIONAL AIRPORT LAND/SYOKIMAU**

1. Survey Plan FR 265/27, LR No. 21919, acreage 4654.2 Ha was surveyed for Jomo Kenya International Airport by G. O. Wayumba, Licensed Surveyor and authenticated by Director of Surveys on 21st May 1996.
 2. Survey Plan FR 35/108 for LR No.3864 acreage 2484 Acs (1005.27 Ha) was compiled and authenticated by Director of Surveys on 7th March 1931. On 30th April, 1971, LR 3864 was acquired for Nairobi Airport Development through gazette notice No. 1065 of 30th April, 1971.
 3. Survey Plan FR 185/26, LR No. 13512, acreage 100 Ha (247.1 Acs) was surveyed by A. K. Njuki, a Government Surveyor, and authenticated on 18th November, 1985 and Deed Plan No. 126696 prepared and released to the Commissioner of Lands on 11th November, 1986 through letter CR/34/1896.
 4. Survey Plan FR 195/15, LR No. 14231 acreage 649.9 Ha (1605.9 Acs) was surveyed by L. M. Kivuti surveyor and authenticated on 31st August 1987 for the purpose of harmonization of co-ordinate system within the area but not for allocation.
 - ⊕ 5. Survey Plan FR 472/72, LR No. 14231/1, 14231/2 area 449.90Ha (1109.2 Acs) and 200.00Ha (494.2 Acs) respectively was surveyed by J. D. Obel and authenticated by Director of Surveys on 31st January, 2008 and Deed Plan No. 285225 for LR. No. 14231/1 and 297909 for LR No.14231/2 issued on 25th March, 2008 and 5th June 2009 respectively.
- ⊕ The survey was supported by letters of allotment to Uungani Settlement Scheme Self-Help Group, P.O. 51370, Nairobi reference 39771/XXVI of 5th January 1998 Part Development Plan No. MKS/8/97/6 and Foster Trading Company Ltd, P.O. Box 1207, Thika reference 39711/XXVI of 5th January, 1998.

Survey Plan 359/33, 359/34, 359/35 sub dividing LR No. 14231/2 into LR No. 14231/3- 63 (61 plots) was done by L. K. Gitau Licensed Surveyor and authenticated on 4th December 2009.

The survey was supported by Commissioner of Lands approval reference 223430 of 18th September, 2009 and approved sub division scheme plan.

OBSERVATIONS

1. The Jomo Kenyatta International Airport land was surveyed and approved on 21st May 1996 and included LR No. 3864.
2. LR No. 13512 and 14231 was part of LR No. 3864.
3. LR No. 14231/1 and 14231/2 was part of LR No. 14231.
4. LR No. 14231/1 and 14231/2 was allocated on 5th January 1998 more than 1½ years after survey of Jomo Kenyatta International Airport land.
5. Within Jomo Kenyatta International Airport land there are other existing surveyed plots with different Survey Plans (FR) and LR Numbers.
6. On 3rd November 2009 the Provincial Surveyor–Nairobi submitted a surveyor's report to the Deputy Registrar, High Court of Kenya, Nairobi for the purpose of pointing out the beacons for Kenya Airport Authority (KAA) as plaintiff and members of Uungani Settlement Scheme Self Help group (Defendants) in the Civil Case No. 489 of 2004 and indicated that parcel 3864, 14231, 14231/1 was part of LR No. 21919 surveyed in 1996, and that survey of LR 3864, 142331 and 14231/1 was surveyed earlier.

The correct position is that LR No. 3864 and LR No. 14231 was surveyed earlier than plot 21919 (1996) but LR No. 14231/1 and 14231/2 were surveyed 12 years after the survey of Jomo Kenyatta International Airport land.

In conclusion, to avoid duplication and overlap in future there is need to fast track completion of Kenya National Spatial Data Infrastructure which will facilitate sharing of data within different Government institutions and other data users.

cf. 182879



(T/



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

EXEMPT
P

12.8.96.

GRANT: NUMBER LR. 70118.

ANNUAL RENT: Peppercorn ~~xxREVISABLExx~~ (if demanded)

TERM: 99 years ^{ref} 1.8.1996

KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto KENYA AIRPORTS AUTHORITY a body corporate of NAIROBI (Post Office Box Number 19001)

(hereinafter called "the Grantee") All that piece of land situate in the City of Nairobi in the Nairobi area District containing by measurement four thousand six hundred seventy four decimal six nought (4674.60)

hectares/aces or thereabouts that is to say L.R. No. 21919

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 205580 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the

first day of August

One thousand nine hundred and

ninety six SUBJECT to (a) the payment in advance on the first day of January in

each year of the annual rent of peppercorn (if demanded)

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):—

[P.T.O.]

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of the buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that it is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein.
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - (ii) At any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for Offices Airport facilities and ancillary services.
- ~~6. The buildings shall not cover a greater area of the land than that prescribed by the Local Authority in its by-laws.~~
- ~~7. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.~~
- ~~8. The Grantee shall not subdivide the land, without the prior written consent of the Commissioner of Lands.~~
9. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.
10. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
11. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
13. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
- ~~15. The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty third and sixty sixth year of the term hereby granted. Such rental will be at the rate of per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.~~
15. The Grantee shall construct at his own expense all internal infrastructure to the standard approved by the Local Authority and the Commissioner of Lands.

Lease to Maya Duty Free Limited. All those premises on the ground floor as described in the schedule hereto. Term 10 yrs from 1-7-1997. Annual Rent US\$ 38,545 (Rev) Bule

Presentation No. 445 Date of Registration 10-7-97

1440-2
9/97

Surrender of lease of no. 2 above.

Registration No. 1490 Date of Registration 25-9-97

Lease to African Cargo Handling Limited. All those premises on the sketch plan Reg'd is vol: DI Folio 706/6680. File DXXVI and Mercan Shaded. Term 45 yrs from 1-10-97. Area 6 acres. Annual Rent US\$ 74552 (Rev) Bule

Lease to Kenya Airways. All that area of floor space comprising 21547.84 sq ft as shown on plan kept in vol DI Folio 706/6680 File DXXVI. Term 5 years 6 months from 1-1-1997. Annual Rent KShs 17,229,126.55 (Rev) Bule

600
2/988

Lease to Kenya Airfreight Handling Limited. All that area of floor space comprising 9623.82 sq ft. Term 5 years 6 months from 1-1-1997. Annual Rent KShs 24,446,907 (Rev) Bule

Lease to Nas Airport Services Limited. All those premises described in the schedule hereto and as shown on the plan reg'd in DI folio 706/6680. Term 5 years and 6 months from 1-2-1998. Annual Rent KShs 9,946,226.6 (Rev) Bule

10

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE... Surrender of lease No. 4 above. CANCELLED

11

Registration No. 245 Date of Registration 7-11-2002 Surrender of lease No. 6 above. CANCELLED

12

Registration No. 246 Date of Registration 7-11-2002 Surrender of lease No. 9 above. CANCELLED


Registration No. 247 Date of Registration 7-11-2002 Surrender of lease No. 10 above. CANCELLED

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE... Surrender of lease No. 12 above. CANCELLED

16. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder on 31st December, 1998 and thereafter at the expiration of every ten years of the term.

IN WITNESS WHEREOF I, WILSON GACANJA)
)
 the Commissioner of Lands have by)
 order of the President hereunto set)
 my hand this Twelfth SIXTH)
 day of July)
 one thousand nine hundred and ninety)
 six in the presence of:)




 REGISTRAR OF TITLES

REGISTRATION NO. 1R. 7018/1
 DATE OF REGISTRATION 13th August 1996
 TIME 10:40 Hrs.
 OFFICE Harare
 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
 ② Lease to African Cargo Services Limited
Term 5 1/2 years from 1-7-96
Monthly Tenancy Rent Shs 4,573,810/2 (Rev.)

Registration No. 729 Date of Registration 13-3-1997
 THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE:
 ③ Lease to British Airways Plc. All that floor space,
comprising 2567 sq ft and marked "Transit Rest"
as shown on the Drawings Annexed hereto. Term 5 years 6 months
from 1-6-1997. Annual Rent Kshs 1,668,550/- (Rev.)
 Registration No. 967 Date of Registration 23-6-97

39
 3/97

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Advantage Tours & Systems limited All that
office floor measuring 152 sqft as shown on the plan repl - vol Di folo
165/1251 File Dxxx1 Term 5 yrs 6 months to 1-12-2003
A/Rent US\$ 244,800 Rev
Registration No. 2702 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Transglobal Cargo Centre limited
All that office floor measuring 182,986 sqft as shown on the plan repl.
vol Di folo 165/1251 File Dxxx1 Term 20 yrs to 1-12-2008
A/Rent US\$ 3,174,790 Rev
Registration No. 2703 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208 See entry 26

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Cargo Service Center East Africa B.V T/A Swissport
Cargo Services - Kenya All that office floor measuring 1,98 m² as
shown on the plan repl - vol Di folo 254/2409 File mm VIII
Term 20 years to 1-5-2007 A/Rent US\$ 3,156,875 Rev
Registration No. 2704 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to The Kenya Civil Aviation Authority All those areas
of office space measuring 17,520.41 sqft as shown on the plan
repl - vol Di folo 165/1251 File Dxxx1 Term 5 years to
1-7-2005 A/Rent US\$ 5,256,123 Rev
Registration No. 2705 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Tetlink Holding limited All that portion comprising
107,400 sqft as shown on the plan repl - vol Di folo 165/1251
File Dxxx1 Term 20 years to 1-10-2007 A/Rent US\$
1,614,600 Rev
Registration No. 2706 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Safari Duty Free limited All that office space
measuring 137.5 sqft as shown on the plan repl - vol
Di folo 165/1251 File Dxxx1 Term 5 years to
1-7-2002 A/Rent US\$ 2,560 Rev
Registration No. 2707 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Mays Duty Free limited All that area of 9.4 ber.
measuring 391.43 sqft as shown on the plan repl - vol Di folo
165/1251 File Dxxx1 Term 11 years 9 months to 1-7-2007
A/Rent US\$ 69,624.38 Rev
Registration No. 2708 Date of Registration 28-7-2003 Registrar of Titles
B. F. ATIENO 208

448 FOLLOWING INSTRUMENT REGISTERED AGAINST THE TITLE
lease to Bakri International Kenya limited All that portion
measuring 31,000 sqft as shown on the plan repl - vol Di folo
165/1251 File Dxxx1 Term 15 years to 1-9-2004 A/Rent
US\$ 418,500 Rev
Registration No. 2709 Date of Reg. 28-7-2003 Registrar of Titles
B. F. ATIENO 208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Astral Aviation Limited All that
at floor measuring 174 sqft as shown on the plan
regd. in Vol. Di Folio 165/1251 File DxxxI Term 5 years
from 15-9-2003 At Rent Kshs. 81,780/- (Rev)
Presentation No. 2710 Date of Registration 28-7-2009 Registrar of Titles
B. F. ATIENO 208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Giant Forex Bureau De Change Limited All that
Area floor measuring 194.25 sqft as shown on the plan regd
in Vol. Di Folio 165/1251 File DxxxI Term 5 years
from 17-2-2007 At Rent Kshs. 455,103/- (Rev)
Presentation No. 2711 Date of Registration 28-7-2009 Registrar of Titles
B. F. ATIENO 208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Diplomatic Duty Free Limited All that Area floor
Space measuring 987.66 sqft as shown on the plan regd in Vol. Di Folio
168/1261 File DxxxI Term 6 years from 1-8-2007
At Rent US\$ 344,192.7/- (Rev)
Presentation No. 2712 Date of Registration 28-7-2009 Registrar of Titles
B. F. ATIENO 208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to East African Courier Limited (Felix) All that
Area floor Space measuring 406.25 sqft as shown on the
plan regd in Vol. Di Folio 165/1251 File DxxxI Term 5 years
from 15-9-2003 At Rent Kshs. 162,500/- (Rev)
Presentation No. 2713 Date of Registration 28-7-2009 Registrar of Titles
B. F. ATIENO 208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Ganshyambhai Desaiabhai Patel and Sarabhai
Ganshyambhai Patel. Fe All that portion measuring
409.2859 ft. as shown regd. on the plan in Vol. Di Folio 165/1251
File DxxxI. Term 89 years from 1-6-2007.
Yearly Rent Kshs. 1,024,000/- Rev.
VIDE R. 1204/57
Presentation No. 1070 Date of Registration: 10-10-2009 Registrar
G. G. Gathii O/B

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Ganshyam Desaiabhai Patel. All that Parcel
measuring 32,292 sqft. Marked G.D.P. by the plan regd.
regd. in Vol. Di Folio 254/2109 File DxxxI Term 30 years from
20-11-2002 Yearly Rent Kshs. 435,942/- (Rev)
Presentation No. 825 Date of Registration: 10-6-2010 Registrar
B. F. ATIENO *208

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Kenya Airfreight Handling Limited All that portion
measuring 2,000 sqft as shown on the plan regd in Vol. Di Folio
254/2109 File DxxxI Term 7 years from 01.04.2008 Yearly Rent
Kshs. 23,085,000/-
Presentation No. 2378 Date of Registration: 23-07-2010 Registrar
G. M. Mwangi *211

ALL FOLLOWING INSTRUMENTS REGISTERED AGAINST THE TITLE
Lease to Diplomatic Duty Free Limited All that floor space
measuring approx. 988.38 sqm as shown on the plan regd in Vol.
Di Folio 165/1251 File DxxxI Term 6 years from 01.03.2007
Yearly Rent Kshs. US\$ 340,863.5/-
Presentation No. 2447 Date of Registration: 26-07-2010 Registrar
G. M. Mwangi *211

22

21

20

19

178
06/10 RL

24

25

PRESENTATION NO. 1611
 DATE OF REGISTRATION: 17-06-2011
 FOR THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST
 THE FOLLOWING AREA OF FIBER SPACE
 ALL THAT AREA OF FIBER SPACE
 MEASURING APPROXIMATELY 4.8000 sq. ft. AS SHOWN ON THE
 PLAN KEPT IN VOL. DI FILED 25/12/08. APPROX. 150,000/-
 FROM 15 years from 01-01-2008. APPROX. 150,000/-
 PRESENTATION NO. 1611

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST
 THE FOLLOWING AREA OF FIBER SPACE
 ALL THAT AREA OF FIBER SPACE
 MEASURING APPROXIMATELY 4.8000 sq. ft. AS SHOWN ON THE
 PLAN KEPT IN VOL. DI FILED 25/12/08. APPROX. 150,000/-
 FROM 15 years from 01-01-2008. APPROX. 150,000/-
 PRESENTATION NO. 1611

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST
 THE FOLLOWING AREA OF FIBER SPACE
 ALL THAT AREA OF FIBER SPACE
 MEASURING APPROXIMATELY 4.8000 sq. ft. AS SHOWN ON THE
 PLAN KEPT IN VOL. DI FILED 25/12/08. APPROX. 150,000/-
 FROM 15 years from 01-01-2008. APPROX. 150,000/-
 PRESENTATION NO. 1611



2

MINISTRY OF LANDS

All correspondence
Should be addressed to:-
Provincial Surveyor
Nairobi Area
P.O. Box 6426, Nairobi
Telegrams: "PROVISURVEYS, Nairobi"
Telephone: 802242
When replying please quote

PROVINCIAL SURVEY OFFICE
P.O. BOX 6426
00300-RONALD NGALA
NAIROBI

Date: 3rd November 2009

Ref. No: AS/22/C/NP/1/98

The Deputy Registrar,
High Court of Kenya,
P. O. Box 30041,
NAIROBI.

HIGH COURT OF KENYA
CENTRAL REGISTRY
04 NOV 2009
CIVIL SIDE
NAIROBI

SURVEYORS REPORT
CIVIL CASE NO. 489 OF 2004

This survey report has been occasioned by the above named civil case.

The matter in contention has been brought up by Kenya Airports Authority (KAA) as plaintiff an proprietor of L.R No. 21919 against the officials and members of Uungani Settlement Scheme self help group (defendants) whose Land Parcel is L.R. 14231/1.

The site was visited on diverse dates starting with the reconnaissance survey to establish the already existing beacons for the parcels involved in the suit.

The reference data included:-

FR No.	35/108-	LR/No. 3864.	
FR No	195/15	LR/No 14231	
FR No.	265/25	LR/No. 21919	- (Plaintiff).
FR/No.	472/72	LR/No. 14231/1	- (Respondents).

METHOD USED:

The GPS was used to place two traverse points close to the boundary beacons for all parcels. The two points were later used to place the beacons and also for checking. Using the data mentioned above the following beacons were found in their stable condition.

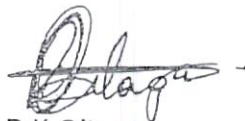
F5-1PC, F4-1PC, F3-1PC, F2-1PC, F1-1PC, EAS-AIC, B3-AIC, Y-A&C1, K4-1PC, identifier marks were used to replace the missing beacons.

FINDINGS

1. L.R. No. 3864 which is defined by beacons A13, A12, B, B3, A15, A14, was surveyed in 1931 (FR NO. 35/108).
2. L.R. No. 14231 created from L.R. No. 3864 and defined by beacons TM3, TM4, WL B3, Y, X was surveyed in 1987 (FR No. 195/15).
3. LR No. 14231/1 created as a new grant from L.R. No. 14231 and defined by beacons TM3, TM4, WL, B3, YX, and XX was surveyed in 2006 (F No. 472/72). Deed plan No. 285225 was issued on 25/03/08.
4. L.R. No. 21919 was surveyed in 1996 (FR No. 265/27). This survey enclosed all the other above named surveys which were done earlier.

In conclusion and in view of the above, it is significant to note that the Commissioner of Lands gave a letter of allotment and a new grant survey was performed that caused new parcel to be born i.e. L.R. NO. 14231/1.

Attached find the sketch showing the parcels and the relevant copies of plans.



B.K. Gitonga
FOR: PROVINCIAL SURVEYOR
NAIROBI.

CC. » KENYA AIRPORTS AUTHORITY .

Thro' NYIHA MUKOMA COMPANY ADVOCATES

» WAMBUA MILA & OTHERS

Thro' MESHACK OKOTH OBURA & COMPANY ADVOCATES

2

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050-9
When replying please quote



DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

182879/65

30th December 2005

Ref. No.
and date

MINISTRY OF LANDS AND HOUSING

John Tito
Corporation Secretary/Chief Legal Officer
Kenya Airports Authority
P.O. Box 19001
EMBAKASI
NAIROBI

L.R. NO. 21919 – KENYA AIRPORTS AUTHORITY

I refer to your letter of Ref. KAA/11/05/530 dated 8th November 2005.

Please note that all those purported allocations as depicted on Letters of Allotment to M/S Ungani Settlement Self Help group and Mlolongo Brothers Association (L.R. Nos. 14231 & 13512) are not genuine.

I will address you further in the matter with more details later on after my investigations.

G.L. MUKOFU
For: COMMISSIONER OF LANDS

c.c. ✓ Nyiha, Mukoma Company Advocates
P.O. Box 28491-00200
NAIROBI

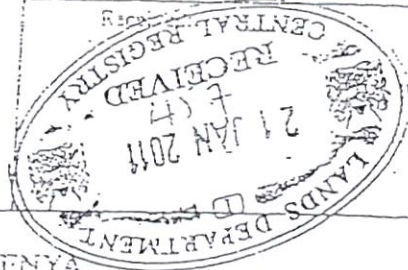
NYIHA, MUKOMA & CO. ADVOCATES
P. O. BOX 28491, NAIROBI
RECEIVED
Date 6/12/05 Time 12:20
Signature [Handwritten]



Apply adhesive revenue stamps in payment of the fees here.

For Official Use Only

- Form Y - Registration of Titles Act (Chapter 281), rule 3
- Form Z - Government Lands Act (Chapter 280), rule 2
- Form J - Land Titles act (Chapter 282), rule 3
- Form C - Registration of Documents Act (Chapter 285), rule 2
- Form C - Land (Perpetual Succession) Act (Chapter 286), rule 4



REPUBLIC OF KENYA

APPLICATION FOR COPY

TO: THE REGISTRAR,

Our Reference:

LAND REGISTRY, NAIROBI/MOMBASA

I/WE request you to supply Certified/Uncertified copy/copies of the following:-

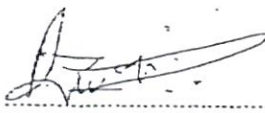
LR - 13512

LR 58266

* Adhesive revenue stamps at the rate of Sh. 2 per certified copy are *pinvied* to this application to meet the stamp duty payable thereon.

* Adhesive revenue stamps to the value of Sh. in payments of fees are affixed hereto.

Date 21/1/11, 20..11.....

(Signature) 

Insert below in BLOCK CAPITALS the name and address in Kenya to which the copy/copies is/are to be sent:-

Name RUNDI KARIUKI ADV.

Postal address 323151 NAIROBI

* Delete if not applicable.

(For completion in the Registry)

The above-mentioned copy/copies is/are forwarded herewith.

For Official Use Only

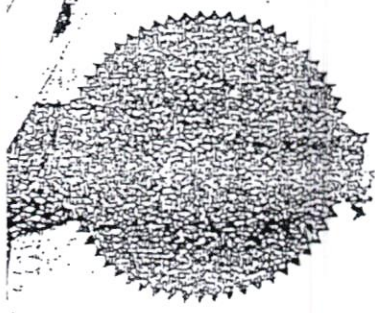
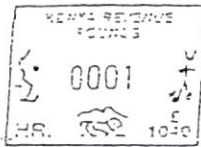
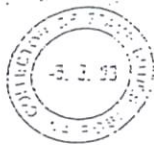
Despatched:

Date

20.....

Registrar

TO BE SUBMITTED IN DUPLICATE



semi-residential)



REPUBLIC OF KENYA

SDE1
5/3
Q

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT NUMBER: LR 58266
ANNUAL RENT: Peppercorn (if demanded) (REVISABLE)
TERM: 99 Years from 1/5/1986



KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants unto MLOLDNGO BROTHERS ASSOCIATION OF ATHI RIVER (Post Office Box Number 441)

(hereinafter called "the Grantee") ALL that piece of land situate in the City of Nairobi in the Nairobi Area

containing by measurement one hundred decimal nought (100.0) hectares/xxxx or thereabouts that is to say LR No. 13532

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 175696 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the

First day of May One thousand nine hundred and

Eighty Six SUBJECT to (a) the payment in advance on the first day of January

in each year of the annual rent of Peppercorn (if demanded)

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.



3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.

4. Should the Grantee give notice in writing to the Commissioner of Lands that unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:

(i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or

(ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and the buildings shall only be used for shops offices and/or flats (excluding the sale of petrol or motor oils).

6. The buildings shall not cover more than 75 per centum of the area of land if used for shops and/or office purposes or such lesser area as may be laid down by the Local Authority in its by-laws and not more than 50 per centum of the area of the land if used for the combined purposes of shops offices and flats or such lesser area as may be laid down by the Local Authority in its by-laws.

7. The land shall not be used for any purposes which the Commissioner of Lands considers to be dangerous or offensive.

8. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.

9. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed PROVIDED that such consent shall not be required for the letting of individual shops offices or flats.

10. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

11. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.

12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

13. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.

14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.

15. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, WILSON GACANIA the
Commissioner of Lands have by order of the
President hereto set my hand this 5TH
day of MARCH
one thousand nine hundred and ninety three
in the presence of: _____

[Handwritten Signature]

[Handwritten Signature]
REGISTRAR OF TITLES

LAND TITLES REGISTRY - NAIROBI, KENYA
REGISTRATION OF TITLES ACT
REGISTERED AS No. LR. 58266/1
Presented 5TH March 1993
Time 14:30 Hrs *[Handwritten Signature]*
Registrar of Titles

I hereby certify that this is a true copy
of the Original
① Stamp fee Ksh. 500/-
Copying fee Ksh. 20/-
Date 21ST January 2011

REGISTRAR OF TITLES

[Handwritten Signature]

C.S. [Handwritten Signature]
REGISTRAR OF TITLES

REPUBLIC OF KENYA

DISTRICT OF NAIROBI AREA

Locality City of Nairobi

Reference Map South A. 37
9.11.46

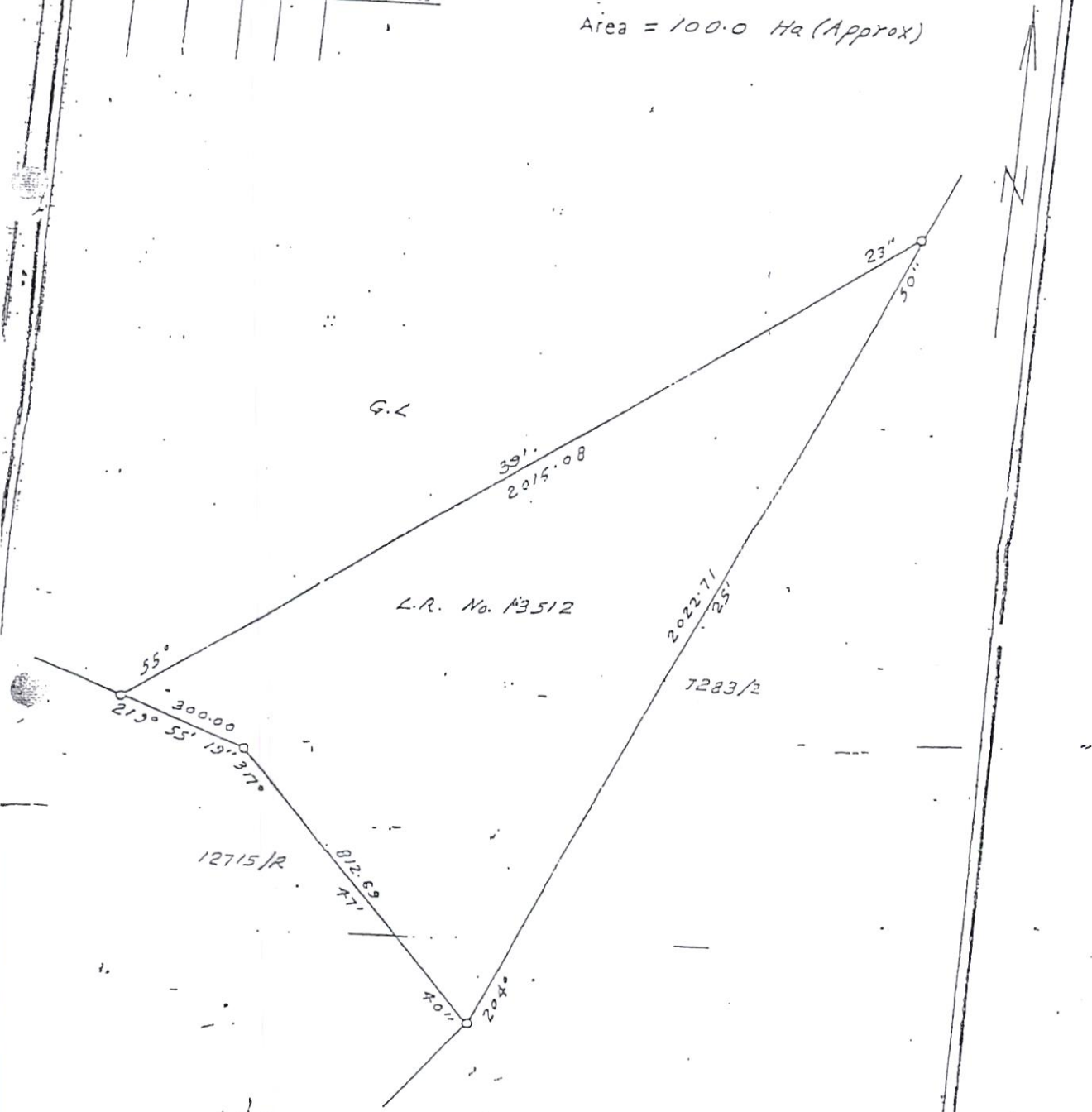
Land Reference No 13512
(Orig No)

Sub division No (Orig No.)

of Section No.

Area = 100.0 Ha (Approx)

Bearings	Distance Metres



[Signature]

for District Commissioner

Nairobi 11th November 1986

DL PLAN NO. 126696

Drawn by Ndungu
Checked by

Scale 1 in 10,000





REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT NUMBER L.R. 58266.
ANNUAL RENT SHS. 144,400/-
TERM: 99 YEARS FROM 1.4.1992.

(REVISABLE)

SD/L 1589
5/3/93

DEPARTMENT OF LANDS
RECEIVED
SBI
- 9 MAR 1993
14.30 HRS

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Shillings seven hundred and twenty two thousand (Shs. 722,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto ALCON HOLDINGS LIMITED a limited liability company having its registered office at NAIROBI (Post Office Box Number 47160)

(hereinafter called "the Grantee") ALL that piece of land situate in North West of Mavoko Township District containing by measurement five decimal four two nought (5.420)

hectares/ acres or thereabouts that is to say L.R. No. 17220

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 166834 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of Ninety nine (99) years from the
First day of April One thousand nine hundred and
Ninety two

SUBJECT to (a) the payment in advance on the first day of January in each year of annual rent of Shillings one hundred and forty four thousand four hundred (144,400) (Revisable);
(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.

15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

16. The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.

17. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, WILSON SACANJA the

Commissioner of Lands have by order of the

President hereunto set my hand this 5TH MARCH day of one thousand nine hundred and ninety three

in the presence of:

REGISTRAR OF TITLES

REGISTRY OF TITLES - NAIROBI KENYA
REGISTRATION NO. 58266/1
9th March 1993
14:30hrs.
Registrar of Titles

936
8/95
2

FOLLOWING INSTRUMENT HAS BEEN REGISTERED AND ADDED TO THE TITLE
Caveat by Registrar of Titles claiming
interest under section 65(1) of
of R.T.A Cap 281

Registration No. 936 Date of Registration 17-8-95

Registrar

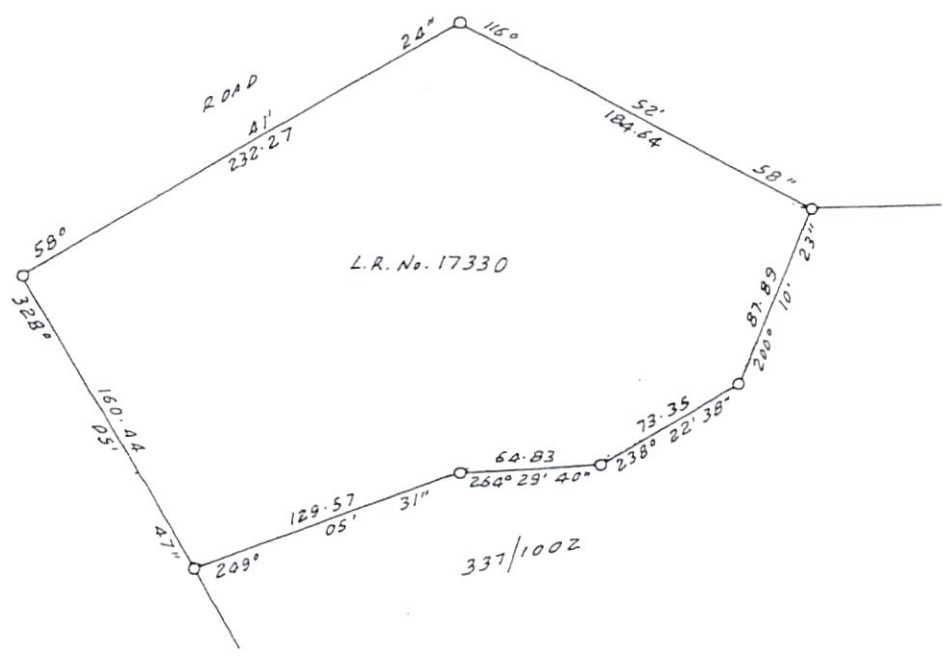
REPUBLIC OF KENYA

DISTRICT OF MACHAKOS
 Locality *N.W. of Mavoko Township*
 Reference Map $\frac{\text{South - A. 37}}{\text{G. H. d 6}}$

Land Reference No. 17330
 (Orig No. _____)
 Sub division No. _____ (Orig No. _____)
 of Section No. _____

Bearings	Distances Metres

Area = 5.420 Ha. (Approx.)



G.O. Wayumba
 Licensed Surveyor

D. R. Gitau
 for Director of Surveys
 Nairobi 15th September 1992

Scale 1 in 2500

DEED PLAN No. 166834

Traced by
 Compared by

FORM 4 (Inoffensive Industry)

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and surface water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that it is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for in offensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

May 5

THE PROCESS OF CONVERSION OF TITLES FROM THE PROVISIONS OF THE REGISTRATION OF TITLES ACT (CAP 281) TO THE PROVISIONS OF THE REGISTERED LAND ACT (CAP 300)

- STEP 1: An application is made by the registered owner or agent to the Chief Land Registrar for the conversion. The application is accompanied by a certified copy of the title.
- STEP 2: The Chief Land Registrar then writes to the Director of Survey to confirm whether the conversion is viable in terms of any existing Cap 300 registration blocks.
- STEP 3: The Director of Survey confirms to the Chief Land Registrar whether it is possible to convert the records or not,
- STEP 4: The Chief Land Registrar then prepares draft Legal Notices which are forwarded to the Attorney General for approval in cases where the response by the Director of Survey is in the affirmative.
- STEP 5: After receipt of the approved draft Legal Notices from the Attorney General by the Chief Land Registrar's office, ownership is confirmed before draft Legal notices are forwarded to the Minister for execution through the Commissioner of Lands and Permanent Secretary.
- STEP 6: After execution of the Legal Notice by the Minister, the Chief Land Registrar forwards them to the Attorney General for publication by the Government Printer.
- STEP 7: The registered proprietor then surrenders the original title to the Chief Land Registrar which is converted and forwarded to the relevant District Land Registrar for issuance of title (s) under the provisions of Cap 300.
- STEP 8: Issuance of new Title under the Registered Land Act by the relevant District Land Registrar.

In this current issue of LR No. 13512 the process of conversion stopped at Step 4 when the alleged owners failed to provide a certified copy of the title after it was noticed that the copy of the title given under Step 1 was unsigned.

The Legal Notice published by the Government Printer in respect of LR No. 13512 therefore did not originate from this office and there is no record of such a notice in the Hon. Ministers office.

Note that the conversion process is not a transfer or change of ownership. It only facilitates the change of land titling from one legal regime to another. The basic aim is to get land registration services closer to the people by transferring the records to the relevant District Land Registry.

C. W. NGATIA
CHIEF LAND REGISTRAR

Former
DDOS

J.R.R. AGANYO & ASSOCIATES

Consulting & Professional Services in Land Surveying • Mapping • Engineering
Surveying and Land information

mas

LICENSED LAND SURVEYORS

THE OLD MUTUAL BUILDING
4TH FLOOR, KIMATHI STREET

P.O. BOX 11738-00400
NAIROBI, KENYA
TEL: 316498
Email: jaganyo43@yahoo.com

Our Ref.....



Date.....

Date: 24/02/2009

Ref No. ARA/23/IX/58

The Chief Land Registrar
Ministry of Lands & Settlement
P.O Box 30089
Nairobi.

ACL
D
6/5/09

Dear Sir,

RE: APPLICATION FOR CONVERSION OF REGISTRATION FROM RTA
CAP 281 TO RLA CAP 300

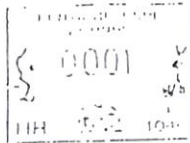
I wish to apply on behalf of Mlolongo Brothers' Association of Athi River (Post Office Box Number 441 Athi River), for conversion of registration from RTA CAP 281 to RLA CAP 300 for LR. No. 13512 for sub-division purposes; copy of the Title Deed is herewith enclosed.

Yours faithfully.

J.R.R. AGANYO
LICENSED SURVEYOR

Encls

Cc. The Chairman
Mlolongo Brothers' Association of Athi River
Athi River



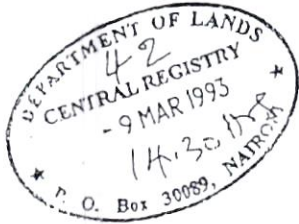
REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: Number I.R. 58266

ANNUAL RENT: Peppercorn (If demanded) ~~(Residue)~~

TERM: 99 years from 1/12/1986



KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants unto MLOLONGO BROTHERS' ASSOCIATION of ATHI RIVER (Post Office Box Number 441)

(hereinafter called "The Grantee") ALL that piece of land situate in the City of Nairobi in the NAIROBI AREA ~~District~~ containing by measurement one hundred decimal nought (100.0) hectares/~~area~~ or thereabouts that is to say L.R. No. 13512

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 126696 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the First Day of December One thousand nine hundred and Eighty six SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of Peppercorn (If demanded)

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

NEW GRANT

REPUBLIC OF KENYA

DISTRICT OF NAIROBI AREA

Locality City of Nairobi

REPUBLICAN MAP South A. 37

Land Reference No 13512

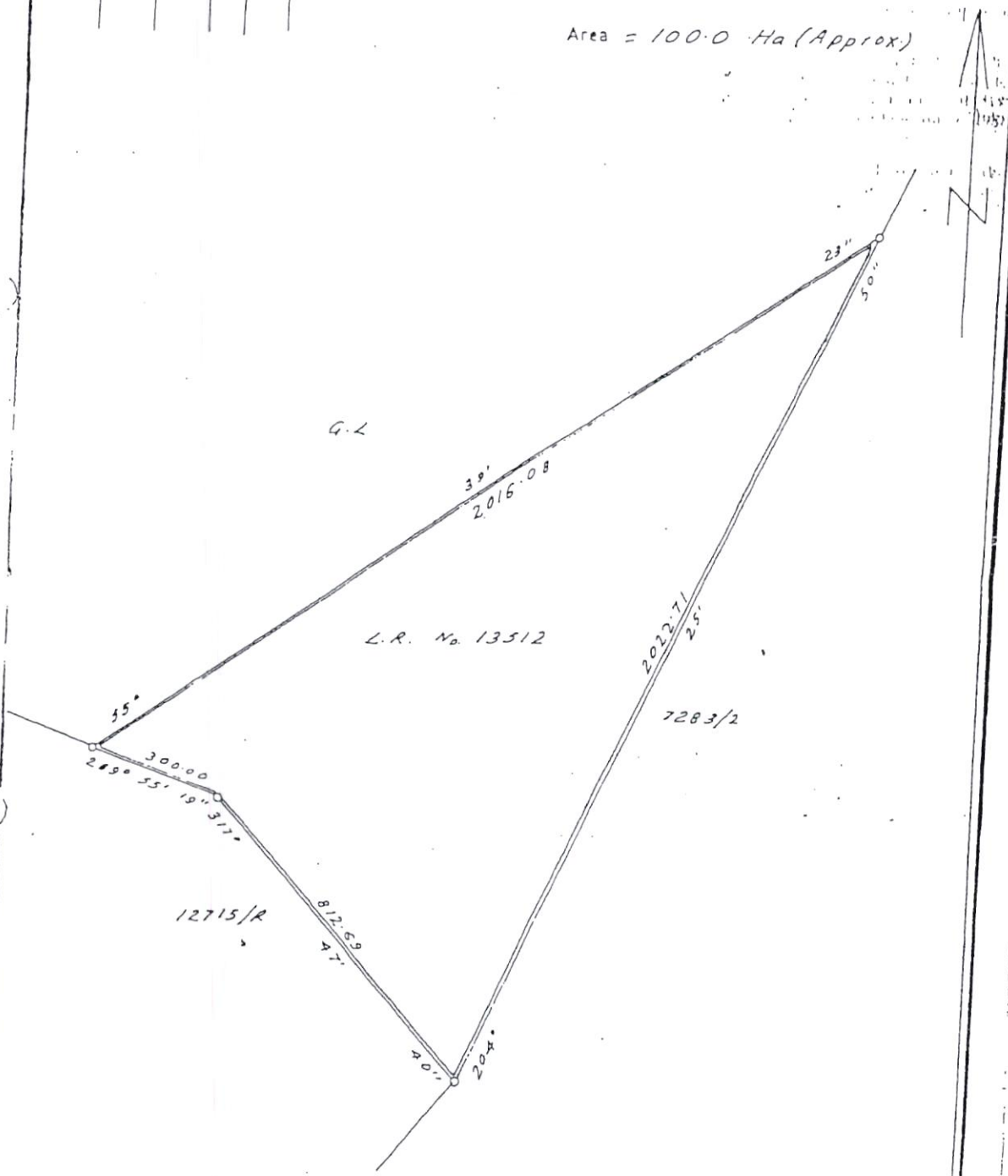
(Orig No _____)

Sub division No _____ (Orig No _____)

of Section No. _____

Area = 100.0 Ha (Approx)

Bearing	Distance Metres



M. K. Mutau
 for Director of Surveys

Scale 1 in 10,000

Nairobi 11th November 1986

DEED PLAN No. 126696

aced by *Ndunge*
mpared by

14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands, of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.

15. 16. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN WITNESS WHEREOF I WILSON GACANJA
the Commissioner of Lands have by order of
the President hereunto set my hand this
5th day of March
One thousand nine hundred and ninety three
in the presence of:

Wilson Gacanja

R. K. R. K.
REGISTRAR OF TITLES

LAND TITLES REGISTRY - NAIROBI, KENYA,
REGISTRATION OF TITLES ACT

REGISTERED AS No. I.P. 58266/1

dated 5th March 1993
Time 14.30 Hrs

Registrar of Titles



REPUBLIC OF KENYA

MINISTRY OF LANDS

Telegrams "Lands", Nairobi
Telephone: Nairobi 02718050
When replying please quote

DEPARTMENT OF LANDS
1st NGONG AVENUE
OFF NGONG ROAD
P.O. Box 30089
NAIROBI

Ref. No. CLR/R/47/A/VOL. XIV/50

Date. 11 May 2009

The Director of Surveys
P.O. BOX 30046
NAIROBI

**RE: APPLICATION FOR CONVERSION FROM REGISTRATION OF
TITLES ACT CAP. 281 TO THE REGISTERED LAND ACT (CAP. 300)
L.R. NO. 13512 - NAIROBI**

I have received an application for conversion of the above from the Registration of Titles Act to the Registered Land Act.

Please confirm if you can produce a Registry Index Map (RIM) for the same.

A.W. KURIA
FOR: CHIEF LAND REGISTRAR

c.c. J.R.R. Aganyo & Associates
P.O. BOX 11738-00400
NAIROBI



REPUBLIC OF KENYA

**MINISTRY OF LANDS
SURVEY OF KENYA**

ACL
Q 19/6/09
342
C-2/2/47/A
58

All correspondence
Should be addressed to:-
Director of Surveys

Telegrams: "Surveys"
Head Office: Ardhi House
Telephone: 2718050
Fax: 2717353
E-mail sok@gt.co.ke

Field Headquarters, Ruaraka
Telephone: 8562902/8562968

Survey of Kenya,
P.O. Box 30046,
00100 - NAIROBI.

Date: 16th June, 2009

Our Ref: CR 34/VOL.55/60

The Chief Land Registrar,
P.O. Box 30089,
NAIROBI.

RE: APPLICATION FOR CONVERSION FROM REGISTRATION OF TITLES
ACT CAP 281 TO REGISTERED LAND ACT (CAP 300) L.R. NO. 13512 -
NAIROBI

Reference is made to your letter Ref. No. CLR/R/47/A/VOL.XIV/50 dated 11th May 2009 on the above subject matter.

This is to confirm that it will be possible to produce a Registry Index Map (R.I.M.) for the above Scheme upon your conversion of the same..

H. F. Jumba
FOR: DIRECTOR OF SURVEYS

C.C. - J.R.R. Aganyo & Associates,
P. O. Box 11738-00400,
NAIROBI.



REPUBLIC OF KENYA

MINISTRY OF LANDS

Telegrams: "LANDS", Nairobi
Telephone Nairobi 718050-9
When replying please quote

DEPARTMENT OF LANDS
P.O. BOX 30089
NAIROBI

Ref: CLR/R/47/A/VOL. XIV/61

2nd July 2009

The Attorney General
State Law Office
P.O. Box 40112
NAIROBI

**RE: CONVERSION OF THE RECORDS OF TITLE FROM REGISTRATION OF
TITLE ACT (CAP. 281) TO THE REGISTERED LAND ACT (CAP. 300) – L.R.
NO. 13512- NAIROBI**

I forward herewith for your approval Legal Notice for conversion of the above title registered under the Registration of Titles Act (Cap. 281) to the Registered Land Act (Cap. 300).

The conversion is meant to facilitate the issuance of title to it under the Registered Land Act.

Please approve and return for signature by Minister before publication in Kenya Gazette.


A. W. KURIA
FOR: CHIEF LAND REGISTRAR

A certified copy
of the title to
be produced before
further action
@
22/7



REPUBLIC OF KENYA

MINISTRY OF LANDS

Telegrams: "LANDS", Nairobi
Telephone Nairobi 718050-9
When replying please quote

DEPARTMENT OF LANDS
P.O. BOX 30089
NAIROBI

Ref: CLR/R/47/A/VOL. XIV

22nd July 2009

J.R.R. Aganyo & Associates
P.O. BOX 11738-00400
NAIROBI

(Attention: J.R.R. Agonyo Surveyor)

Dear Sir,

**RE: APPLICATION FOR CONVERSION L.R. NO. 13512 FROM RTA TO
RLA**

In reference to your application dated 24th February, 2009, I note that the copy of the title you forwarded is not registered and request therefore for a certified copy of the same to enable me proceed.

Yours faithfully,

**E.N. GICHEHA (MRS.)
FOR: CHIEF LAND REGISTRAR**

62

Thirty (30) days have lapsed.

6

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
Telephone: Nairobi 7180509

REGISTERED

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

UUNGANI SETTLEMENT SCHEME SELF-HELP GROUP,
P.O. BOX 51370, NAIROBI
Ref. No. 39771/XXVI.

5TH JANUARY 1998.

SIR(S)/MADAM, RE: UNS. AGRICULTURAL PLOT "B" MAVOKO MUNICIPALITY
LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. MKS/8/97/6 subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 449.9 hectares (approximately).
TERM: 99 years from the 1.1.98
STAND PREMIUM: Sh. 2,965,200
ANNUAL RENT: Sh. 74,130 } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and it will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).
SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	2,965,200
Rent from 5.1.98 to 31.12.98	74,130
Conveyancing Fees	1,250
Registration Fees	250
Rates	-
Stamp Duty	120,090
Survey Fees	2,450
Road and Road Drains	-
Others	2,000
Approval fee	2,000
Planning fee	-
Receipt No. Less Deposit	-
TOTAL	3,167,370

Certified true copy of original

J. D. OBEI
LICENSED SURVEYOR

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Government


F.G. MWANGI
for Commissioner of Lands

Encl.

cc to: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MAVOKO MUNICIPALITY

The Clerk to the Council, County Council of

The District Commissioner. MACHAKOS

The Director of Physical Planning, Nairobi.

District Land Officer. MACHAKOS

O/C Land Rents.

Rates Assistant

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

LAND ACQUISITION FOR NAIROBI AIRPORT DEVELOPMENT, GAZETTE NOTICE NOS. 1105 AND 1106 OF 30TH APRIL 1971.

27 Parcels with a total acreage of 2,695.34 Hectares or 6,658.54 acres were compulsorily acquired for development of the Airport.

The concerned parcels, previous owners and amount of compensation paid respectively are as hereunder indicated.

NO	PLOT NUMBER	AREA IN HECTARES	AREA IN ACRES	PREVIOUS OWNER	AMOUNT OF COMPENSATION IN KSHS.
1.	7135/6	20.24	50	A.N. Mutunga	69,000/=
2.	7135/28	20.15	49.8	Njoroge Kiiru	49,450/=
3.	7135/29	9.60	23.72	G.S. Ahluwalia	115,000/=
4.	7135/8	9.75	24.1	James Gathauri	35,650/=
5.	7135/27	7.77	17.58	Rino Fabri	52,900/=
6.	7839	9.79	24.2	G.H. Ahmed	40,216/=
7.	7135/20	61.72	152.5	W.J. Dawson	52,900/=
8.	7075/21	46.78	115.6	P.S. Ojuang	39,972.80
9.	7075/3	20.11	49.7	N. Damodar	32,200/=
10.	7075/20	13.88	34.3	M/. Mwangi	23,000/=
11.	7075/7	20.24	50	National Spiritual Assembly	43,700/=
12.	7075/8	17.81	44	National Spiritual	

				Assembly	
13.	7075/17	40.47	100	Rose Musembi	35,123/=
14.	7175/13	13.07	32.3	E. Rensberg	18,400/=
15.	7075/10	42.70	105.5	Joseph Musembi	85,172.80
16.	7075/18	44.52	110	Julius Mulandi	139,150/=
17.	7075/11	40.47	100	P. Ndibo	241,500/=
18.	7175/14	37.23	92	Julius Mulandi	128,709/=
19.	7135/25	32.17	79.5	T. Mutua & Others	400,200/=
20.	7135/30	30.35	75	G. & U. Kathilu	97,750/=
21.	7149/3	8.09	20	A. Marie	32,200/=
22.	12017	15.27	37.74	W. Monchery	63,250/=
23.	9041	558.48	1380	I.B. Watson	1,277,090
24.	3955/2	379.20	937	A.A. Watson	
25.	3864	1005.27	2484	A.M. Watson	
26.	7149/11	182.12	450	Syokimau Farm Ltd	77,240/=
27.	7149/1	8.09	20	Malika Munyalo	4,600/=
TOTAL		2,695.34	6,658.54		3,210,723.6

LAND ACQUISITION FOR NAIROBI AIRPORT DEVELOPMENT, GAZETTE NOTICE NOS. 1105 AND 1106 OF 30TH APRIL 1971.

27 Parcels with a total acreage of 2,695.34 Hectares or 6,658.54 acres were compulsorily acquired for development of the Airport.

The concerned parcels, previous owners and amount of compensation paid respectively are as hereunder indicated.

NO	PLOT NUMBER	AREA IN HECTARES	AREA IN ACRES	PREVIOUS OWNER	AMOUNT OF COMPENSATION IN KSHS.
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3.	7135/29	9.60	23.72	G.S. Ahluwalia	115,000/=
4.	7135/8	9.75	24.1	James Gathauri	35,650/=
5.	7135/27	7.77	17.58	Rino Fabri	52,900/=
6.	7839	9.79	24.2	G.H. Ahmed	40,216/=
7.	7135/20	61.72	152.5	W.J. Dawson	52,900/=
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				Assembly	
13.	7075/17	40.47	100	Rose Musembi	35,123/=
14.	7175/13	13.07	32.3	E. Rensberg	18,400/=
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16.	7075/18	44.52	110	Julius Mulandi	139,150/=
17.	7075/11	40.47	100	P. Ndibo	241,500/=
18.	7175/14	37.23	92	Julius Mulandi	128,709/=
19.	7135/25	32.17	79.5	T. Mutua & Others	400,200/=
20.	7135/30	30.35	75	G. & U. Kathilu	97,750/=
21.	7149/3	8.09	20	A. Marie	32,200/=
22.	12017	15.27	37.74	W. Monchery	63,250/=
23.	9041	558.48	1380	I.B. Watson	1,277,090
24.	3955/2	379.20	937	A.A. Watson	
25.	3864	1005.27	2484	A.M. Watson	
26.	7149/11	182.12	450	Syokimau Farm Ltd	77,240/=
27.	7149/1	8.09	20	Malika Munyalo	4,600/=
TOTAL		2,695.34	6,658.54		3,210,723.6

*Mta Commission of Lands
2 number*

Telegram: "LANDS", Nairobi.
Telephone: Nairobi 712050-9
When replying please quote

DEPARTMENT OF LANDS
P.O. Box 30009
NAIROBI

182879/05

30th December 2005

Ref. No.
and date

MINISTRY OF LANDS AND HOUSING

John Tito
Corporation Secretary/Chief Legal Officer
Kenya Airports Authority
P.O. Box 19001
EMBAKASI
NAIROBI

L.R. NO. 21919 - KENYA AIRPORTS AUTHORITY

I refer to your letter of Ref. KAA/11/05/530 dated 8th November 2005.

Please note that all those purported allocations as depicted on Letters of Allotment to M/S Uingani Settlement Self Help group and Mlolongo Brothers Association (L.R. Nos. 14231 & 13512) are not genuine.

I will address you further in the matter with more details later on after my investigations.

G. L. Mukofu

G.L. MUKOFU
For: COMMISSIONER OF LANDS

c.c. Nyiha, Mukoma Company Advocates
P.O. Box 28491-00200
NAIROBI

lum

NYIHA, MUKOMA & CO ADVOCATES
P. O. Box 28491-00200, NAIROBI
RECEIVED
Date 31/12/05 Time 12:30
Signature [Signature]

ADDENDUM

WILSON AIRPORT LAND - L.R. NO. 209/13080

L.r. No. 209/13080 with an area of 163.67 ha is registered in the name of **Kenya Airports Authority** as per title No. I.R. 70522 (Marked WOL 1).

Two parcels of land, L.R. Nos. 209/12921 and 209/12908 were in 1996 and 1999 illegally created within KAA land see portion coloured yellow on attached deed plan 20557 (WOL. 2). However, only L.R. No. 209/12921 was processed and title issued.

Title No. I.R. 76144 in respect of L.R. No. 209/12921 (Marked WOL 3) issued to **Joshua Kipchumba Chepkwony** and **James Ng'ang'a** on 16th March 1998 will be revoked as it is not valid. The allocation in respect of L.R. No. 209/12908 was surrendered on 27th January 2004.


Z.A. MABEA, MBS
COMMISSIONER OF LANDS



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: NUMBER I.R. 70522

ANNUAL RENT: Peppercorn (if demanded)

TERM: 99 years from 1.8.1996

EXEMPT
12.8.96

KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto KENYA AIRPORTS AUTHORITY a body corporate of NAIROBI (Post Office Box Number 19001)

(hereinafter called "the Grantee") All that piece of land situate in the city of Nairobi in Nairobi area District containing by measurement one hundred sixty three decimal six seven (163.67)

hectares or thereabouts that is to say L.R. No. 209/13080 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 205579 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the

first day of August

One thousand nine hundred and

ninety six SUBJECT to (a) the payment in advance on the first day of January in

each year of the annual rent of peppercorn (if demanded)

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):—

[P.T.O.]

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of the buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that it is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein.
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - (ii) At any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for Offices Airport facilities and ancillary services
6. The buildings shall not cover a greater area of the land than that prescribed by the Local Authority in its by-laws.
7. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
8. The Grantee shall not subdivide the land without the prior written consent of the Commissioner of Lands
9. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.
10. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
11. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
13. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
- ~~13~~ The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty third and sixty sixth year of the term hereby granted. Such rental will be at the rate of per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.
15. ~~14~~ The Grantee shall construct at his own expense all internal infrastructure to the standard approved by the Local Authority and the Commissioner of Lands.

16. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder on 31st December, 1998 and thereafter at the expiration of every ten years of the term.

IN WITNESS WHEREOF I, WILSON GACANJA

the Commissioner of Lands have by order of the President hereunto set my hand this 18TH day of SEPTEMBER one thousand nine hundred and ninety six in the presence of:

)
)
) *Wilson Gacanja*
)
)
)

[Signature]
REGISTRAR OF TITLES

70522/11
15th September 96
Time: 14:48 Hrs *[Signature]*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
 Lease to Air Kenya Aviation Limited. All that area of floor space for the store comprising 6780 sqft and situate in building no 29 and marked "STORES" on the plan Regd in Vol. D. Folio 721/692 LXXXVI And All that area 20461 sq ft of the building no 29 marked "HANGAR" Term 5 years 6 months from 1-1-1997

Instrument No. 1010 Date of Registration 21-11-1997


THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
 Lease to Geoffrey Gakuy Muthumbi. All that area of floor space comprising 1,252 sq ft as shown on plan regd. in Vol. D1 folio 721/6721 Term 3 years 6 months from 1-1-1995

Registration No. 1419 Date of Registration 28-7-99

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
 Lease to Deli Goldenwings Restaurant Limited. All that floor space comprising 1252 sqft as shown on plan regd. in Vol. D1 Folio 283/2105-578 LXXXIX in Building no 4. Term 10 years from 1-2-2000

Registration No. 976 Date of Registration 24-7-2001

Lease to Highrise Limited. All that Area or Space comprising 1306 sqft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. marked no 40. Term 5 years 3 months from 1-1-2006

830 9-9-2008  E. KATIENO 208

Lease to David P. Kiengo. All that Space comprising 1922 sqft marked no. 40 on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 12-2006

831 9-9-2008  E. KATIENO 208


Lease to Swift Engineering Company Limited. All that Space comprising 215 sqft marked no 34 as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 1-1-2006

832 9-9-2008  E. KATIENO 208


Lease to Mr. Kenya Express Limited. All that Space comprising 2724 sqft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. marked no 29. Term 5 years 3 months from 1-1-2006

833 9-9-2008  E. KATIENO 208

Lease to Bureau Graphics Limited. All that Space comprising 1227 sqft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. No. 49 Term 5 years 3 months from 1-1-2006

834 9-9-2008  E. KATIENO 208

Lease to Patrick Ngottu Kingon. T/A Wilson Airport Supply Company. All that Space comprising 152 sqft marked 36 as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 1-1-2006

835 9-9-2008  E. KATIENO 208

Lease to Jet Courier Services Limited. All that Space comprising 185.8 sqft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 6 months from 1-10-2005

836 9-9-2008  E. KATIENO 208

Lease to Parapet Limited. T/A Parapet Chang Samso. All that Space comprising 5247 sqft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 1-1-2006

837 9-9-2008  E. KATIENO 208

Lease to Instrumentation Limited. All Heat Space
measuring 2,370 sq ft as shown on plan marked 37 on bldg
read in Vol. D1 Folio 218/339 File DXXII. Term 5 years 3 months
from 1-1-2006

838

9-9-2008

B. P. ATIENO 208

Lease to Bluebird Aviation Limited. All Heat Space
containing 1,756 sq ft as shown on plan read in Vol. D1 Folio 218/339
File DXXII. Term 6 years 11 months from 1-4-2006

839

9-9-2008

B. P. ATIENO 208

Lease to Intensive Care Air Ambulance. All Heat Space containing
1,451 sq ft as shown on plan read in Vol. D1 Folio 218/339
File DXXII. Term 5 years 6 months from 1-1-2006

839

9-9-2008

B. P. ATIENO 208

Lease to CRIC Aviation Limited - All Heat Space containing
29,541 sq ft as shown on plan read in Vol. D1 Folio 218/339 File DXXII.
Term 5 years 3 months from 1-1-2006

840

9-9-2008

B. P. ATIENO 208

Lease to Ninety Nine Flying Club. All Heat Space measuring
1,078 sq ft as shown on plan read in Vol. D1 Folio 218/339
File DXXII. Term 5 years 3 months from 1-1-2006

841

9-9-2008

B. P. ATIENO 208

Lease to Electronics Limited. All Heat Space containing
11,745 sq ft as shown on plan marked 49 read in Vol. D1 Folio 218/339
File DXXII. Term 5 years 3 months from 1-1-2006

842

9-9-2008

B. P. ATIENO 208

Lease to Distributors (77) Limited. All Heat Space containing
4,185.7 sq ft marked 49 as shown on plan read in
Vol. D1 Folio 218/339 File DXXII. Term 5 years 3 months from
1-1-2006

843

9-9-2008

B. P. ATIENO 208

Lease to Dalton Integration Limited. All Heat Space
measuring 2,046 sq ft marked Bldg 61 as shown on plan
read in Vol. D1 Folio 218/339 File DXXII. Term 5 years 6 months
from 1-3-2005

844

9-9-2008

B. P. ATIENO 208

Lease to Precision Aviation Limited. All Heat Space
containing 8,513 sq ft as shown on plan read in
Vol. D1 Folio 218/339 File DXXII. Term 5 years 2 months
from 1-1-2005

845

9-9-2008

Lease to Kero Creation Limited. All that space measuring approx 598 sq. ft marked 36 as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 1-1-2006

844

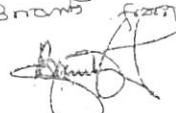
9-9-2008


E. MATHENO 268

Lease to Faida Cargo Services Limited. All that space measuring 450 sq. ft as shown on plan regd in Vol. D1 Folio 218/339 File DXXXII. Term 5 years 3 months from 1-1-2006

847

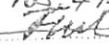
9-9-2008


E. MATHENO 268

Lease to Azicon Kenya Limited. All that Area of floor space containing 651 sq. ft. as shown on the plan regd. in Vol. D1 Folio 218/339 File DXXXII and marked number 36. Term 5 years and 3 months from 1-1-2006. Yearly Rent KShs 105,494.40 Revisable.

1911


24-2-2009


268

Lease to Reminisce Sports Bar Limited. All that Area of floor space containing 5,261 sq. ft. as shown on the plan regd. in Vol. D1 Folio 218/339 File DXXXII. Term 2 years from 1-5-2007. Yearly Rent KShs. 157,830/- Revisable.

1913

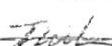
24-2-2009


268

Lease to Reminisce Sports bar Limited. All that Portion containing 29,450 sq. ft. Term 10 years from 1-6-2005. Yearly Rent KSh 1,206,000/-

1912


24-2-2009


268

Lease to Bluebird Aviation Limited. All that portion containing 64,583 square feet. Term 45 years from 1-9-2007.

1179

11-6-2010


C. N. Kinyi 275

Lease to Cleodhurst Limited. All that portion containing 700 square feet at the Hangar Plot No. 12 shown regd. in Vol. D1 Folio 218/339 File: DXXXII. Term: 30 years from 1-1-2004

1146


11-6-2010


C. N. Kinyi 275

Lease to Downtown Cambio Limited. All that floor space measuring 505 sq. ft. as shown regd. in Vol. D1 Folio 218/339 File: DXXXII (Building No. 40) Term: 7 years & 6 months from 1-5-2009

1180

11-6-2010


C. N. Kinyi 275

MINUTES OF THE 28TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEES -
ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL
AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON WEDNESDAY,
DECEMBER 7, 2011 IN THE MAIN CONFERENCE ROOM, COUNTY HALL, AT 09.00 AM.

PRESENT:

The Hon. Mutava Musyimi, MP – Chairperson
The Hon. Fred Kapondi, MP – Assisting Chairperson
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Peter Njuguna Gitau, MP
The Hon. Oyugi Magwanga, MP
The Hon. Benjamin Langat, M.P.
The Hon. Raphael Letimalo, MP
The Hon. Peter Kiilu, MP
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Isaac Muoki, M.P.
The Hon. Pollyins Ochieng', MP
The Hon. Ali Hassan Joho, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Edwin O. Yinda, M.P.
The Hon. Joseph Kiuna, MP
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Benjamin Jomo Washiali, MP
The Hon. Maison Leshoomo, MP
The Hon. Cyprian Omollo, MP
The Hon. Shakeel Shabbir, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Gideon Mungaro, MP
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – Assisting Chairperson
The Hon. Peris C. Simam, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Justus M. Kizito, M. P.
The Hon. Gideon Konchellah, MP
The Hon. Omar Mbwana Zonga, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Mohamed Sirat, MP
The Hon. Fahim Twaha, MP
The Hon. Silas Ruteere Muriuki, M.P.

The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. Boaz Kaino, M.P.

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Rana Tiampati	-	Second Clerk Assistant
Mr. Daniel Mutunga	-	Second Clerk Assistant – taking Minutes
Mr. Edward Libendi	-	Third Clerk Assistant
Mr. Abenayo Makhokha	-	Third Clerk Assistant
Mr. Aden Abdulahi	-	Third Clerk Assistant

MIN. NO. 112/2011: PRELIMINARIES

The Joint Chairperson called the meeting to order at 9.30 a.m. Thereafter, prayers were said. The Chair thanked the Committee Members present for availing themselves for the meeting and informed them the agenda before the Committee was to adopt and table the report in the afternoon.

MIN. NO. 113/2011: CONFIRMATION OF MINUTES

Minutes of the 23rd Sitting of the joint Committee were confirmed as the true proceedings of the day after being proposed by the Hon. Fred Kapondi, MP, and seconded by the Hon. Cyprian Omollo, MP, and thereby signed by the Hon. Mutava Musyimi, the Joint Chair.

Minutes of the 24th Sitting of the joint Committee were confirmed as the true proceedings of the day after being proposed by the Hon. Erastus Mureithi, MP, and seconded by the Hon. Joseph Magwanga, MP, and thereby signed by the Hon. Mutava Musyimi, the Joint Chair.

Minutes of the 25th Sitting of the joint Committee were confirmed as the true proceedings of the day after being proposed by the Hon. Joseph Magwanga, MP, and seconded by the Hon. Cyprian Omollo, MP, and thereby signed by the Hon. Mutava Musyimi, the Joint Chair.

Minutes of the 1st Sitting of the joint Sub-Committee were confirmed as the true proceedings of the meeting after being proposed by the Hon. Fred Kapondi, MP, and seconded by the Hon. Gedion Mung'aro, MP, and thereby signed by the Hon. Mutava Musyimi, the Joint Chair.

MIN. NO. 114/2011: PROPOSED AMENDMENTS

The Committee Members made the following proposals to the draft report:

- i) That certain supportive documents needed to be annexed to the report. However, there was a strong view that some of the documents were still disputed and it would be better if first

they were scrutinized by the forensic audit firm. Once authenticated, these documents would be tabled in the House. The following documents should be annexed to the report;

- Minutes of the Joint Committee
- Legal notices for 1971 and 1982
- Court orders
- The Ministry of Lands report on demolitions
- The Commissioner of Lands report on demolitions
- The surveyor's report on demolitions
- The Kenya Airports Authority demolitions report

ii) Corrigendum:

- Pg. 61 – Bullet 2 should read: Laws on land use classifications.
- Pg. 67 – Should read: The life of the Committee will have been deemed to have expired upon receipt and tabling of the forensic audit report.
- That the Restitution on recommendation 13.12 should be reworded to read as follows:

The Committee therefore recommends that the Government should explore appropriate means of restitution including ex-gratia or other humanitarian assistance to the persons who acquired these properties in good faith for value and without notice that the titles were not genuine.

- iii) The Committee recommended that the Ministry of Lands should operationalize the National Land Commission by 30th March 2012.
- iv) On recommendation 13.6, it should be pointed out that the Ministry of Lands and other Government agencies should embrace the geo-mapping technology using the GI system in all the departments.
- v) On recommendation 13.10, it was the view of the Members that Government agencies taking audit should take 90 days.
- vi) Deletion – Recommendation 13.15 & 13.19.

MIN. NO.115/2011: ADOPTION OF THE DRAFT REPORT

The Committee report was adopted subject to corrections and amendments proposed. The adoption was proposed by the Hon. Fred Kapondi, MP and seconded by the Hon. Erastus Mureithi, MP. The Joint Committee Members agreed that the Joint Chair would table the report and move the notice of motion on the report.

MIN. NO. 116 / 2011: ADJOURNMENT

There being no other business, the Joint Chair adjourned the meeting at forty five minutes after ten o'clock.

SIGN:.....

JOINT CHAIRPERSON

DATE:.....7.12.11.....

MINUTES OF TWENTY FIFTH THE SITTING OF THE JOINT DEPARTMENTAL COMMITTEE- ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON MONDAY, 5TH DECEMBER, 2011, AT THE CONFERENCE ROOM, LAKE NAIVASHA SIMBA LODGE FROM 9:00 AM

PRESENT:

The Hon. Mutava Musyimi, MP – Chairperson
The Hon. Fred Kapondi, MP – **Assisting Chairperson**
The Hon. David Ngugi, MP – **Assisting Chairperson**
The Hon. Oyugi Magwanga, MP
The Hon. Peris C. Simam, M.P.
The Hon. Raphael Letimalo, MP
The Hon. Isaac Muoki, M.P.
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Cyprian Omollo, MP
The Hon. Gideon Konchellah, MP

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – **Assisting Chairperson**
The Hon. Benjamin Jomo Washiali, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Benjamin Langat, M.P
The Hon. Joseph Kiuna, MP
The Hon. Mohammed Affey, M.P.
The Hon. Maison Leshoomo, MP
The Hon. Justus M. Kizito, M. P.
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Peter Njuguna Gitau, MP
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Peter Kiilu, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Mohamed Sirat, MP
The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP

The Hon. Fahim Twaha, MP
The Hon. Silas Ruteere Muriuki, M.P.
The Hon. Edwin O. Yinda, M.P.
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Danson Mungatana, MP
The Hon. Pollyins Ochieng', MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Boaz Kaino, M.P.

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Rana Tiampati	-	Second Clerk Assistant
Ms. Josephine Kusinyi	-	Third Clerk Assistant
Mr. Edward Libendi	-	Third Clerk Assistant
Mr. Abenayo Makhokha	-	Third Clerk Assistant

MIN. NO.102/2011: INTRODUCTION

The Chairman called the meeting to order at 9.00 am and opened the meeting with a word of prayer. The Chairman then invited the Members to give their input into the draft Committee report. He thanked the Members for the work they had done in reviewing the draft report

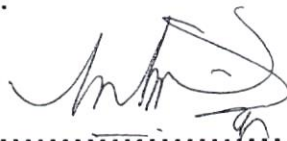
MIN. NO.103/2011: REVIEW OF COMMITTEE REPORT

The Members gave their input in the report proposing several amendments to the Recommendations section. The Members also reviewed the Terms of Reference (ToRs) of the proposed consultant who was to assist the Committee undertake the forensic audit and agreed that the ToRs include the following:

- i) To undertake a thorough forensic audit on the land records-titles, maps, Deed plans, allotment letters, legal notices among others and development approvals obtained by the Joint Committee during its investigation on the demolitions, to establish authenticity
- ii) To establish the history of vital documents and establish their source, issuance and validity
- iii) Establish the loss of documents specifically related to the demolitions in the Ministries of Lands and Local Government, the Judiciary and Company Registry and the effect of this on land matters in Kenya, including who was responsible for the loss.
- iv) To establish the involvement of the Ministry of Lands, the Ministry of Local Government and other Government agencies in relation to transactions and developments in the parcels of land affected by the demolitions.
- v) To prepare and present a report containing its observations, findings and recommendations to the relevant Departmental Committee (s) within 90 days for appropriate action by Parliament

MIN. NO.104/ 2011: ADJOURNMENT

And there being no other business, the meeting was adjourned at Twenty Minutes past Ten O'clock until Two O'clock on the same day at the Main Conference, County Hall.



SIGNATURE.....
(JOINT CHAIRMAN)

DATE 7.12.11

MINUTES OF THE 22ND SITTING OF THE JOINT DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, LANDS AND NATURAL RESOURCES, TRANSPORT, HOUSING & PUBLIC WORKS AND LOCAL AUTHORITIES, HELD ON FRIDAY 2ND DECEMBER, 2011, IN THE CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS, AT 10 AM.

PRESENT

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. Fred Kapondi, MP - Assisting Chairperson
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Peris Simam, MP
The Hon. Gideon Konchella, MP
The Hon. Joseph Magwanga, MP
The Hon. Raphael Letimalo, MP
The Hon. Yusuf Chanzu, MP
The Hon. Erastus Mureithi, MP
The Hon. Mohammed Affey, MP
The Hon. Cyprian Omollo, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Peter Kiilu, MP
The Hon. Isaac Muoki, MP
The Hon. Peter Gitau, MP
The Hon. Wilbur Otitchilo, MP

ABSENT WITH APOLOGY

The Hon. David Were, MP - Assisting Chairperson
The Hon. Silas Ruteere, MP
The Hon. Pollyins Ochieng, MP
The Hon. Danson Mungatana, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Ali Hassan Joho, MP
The Hon. Joseph Kiuna, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Benjamin Washiali, MP
The Hon. Kiema Kilonzo, MP
The Hon. Justus Kizito, MP
The Hon. Omar Mbwana Zonga, MP
The Hon. Clement Wambugu, MP
The Hon. Benjamin Langat, MP
The Hon. Edwin Yinda, MP
The Hon. Boaz Kaino, MP
The Hon. Fahim Twaha, MP
The Hon. Shakeel Shabbir, MP

The Hon. Gideon Konchellah, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Zakayo Cheruiyot, MP

<u>IN ATTENDANCE</u>	-	<u>NATIONAL ASSEMBLY</u>
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Rana Tiampati	-	Second Clerk Assistant
Ms. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Abdullahi Aden	-	Second Clerk Assistant
Mr. Edward Limbedi	-	Third Clerk Assistant
Mr. Abenayo Makhoha	-	Third Clerk Assistant
Ms. Josphine Kusinyi	-	Third Clerk Assistant

IN ATTENDANCE - MINISTERS

The Hon. Musalia Mudavadi, EGH, MP – Deputy Prime Minister & Min. for Local Govt.
The Hon. George Saitoti, EGH, MP – Minister of State for Prov. Admin. & Internal Security
The Hon. James Orengo, EGH, MP – Minister for Lands
The Hon. Amos Kimunya, EGH, MP – Minister for Transport
Ms. Dorothy Angote, CBS – PS, Ministry of Lands
Ms. Nancy Kirui, CBS – PS, Ministry of Defence
Prof. Karega Mutahi – PS, Ministry of Local Government
Col. H. A. Oduor – Moi Airbase Commandant

MIN. NO. 86/2011 PRELIMINARY

The Chairman called the meeting to order after which prayers were said. Brief introductions were done. The Joint Chair welcomed the Ministers and their technical team to the meeting. He reiterated that it was important to get a clear understanding of the facts surrounding the demolitions and evictions going on throughout the country in order to enable the Committee to make a fact based report that would strive to resolve the inherent land issues. He then welcomed the Ministers to make their contributions.

MIN.NO.87/2011 – PRESENTATION BY THE COL.H. A. ODUOR MOI AIRBASE COMMANDER

The Airbase Commandant, informed the Committee as follows:

- i) There was no doubt that the Airforce land had been encroached by private developers.
- ii) Most of the buildings posed a serious threat to the base.

- iii) Many buildings had exceeded the one level requirement; others had flat roofs which could be used to launch attacks while others were directly in front of the runway.
- iv) Some other buildings had their walls enjoined to that of the airbase.
- v) Garbage disposed over the fence from Eastleigh residents was also a security risk as scavenging birds could interfere with scheduled flights.
- vi) Kiambiu slums posed a serious threat in case there was an accident.
- vii) There were several attempts to evict illegal occupants of airbase land.
- viii) One such decision was made on 14/3/2000 in the Commissioner of Lands Boardroom where it was resolved to remove Kiambiu slum dwellers.
- ix) The decision was never effected due to unavailability of funds.
- x) Kiambiu was undisputedly air force land.

MIN. NO. 88/2011 – CONTRIBUTIONS BY THE MINISTERS

The Ministers informed the Committee Members that:

- i) The Ministry of Lands had held numerous meetings with the Ministry of State for Defence in an attempt to resolve land issues around the military installations.
- ii) The Ministry of Lands had also revoked many individual titles held, for public land.
- iii) There is need for a modern land information system/land registry in order to improve service delivery and also weed out corruption at the Ministry of Lands.
- iv) The courts had made it difficult for the Government to execute its mandate and enforce laws.
- v) The state should establish laws that would enable it to enforce certain decisions without the courts being left to issue unnecessary injunctions on land cases.
- vi) The matter of compensation was complicated as the law only recognizes repaying individuals who acquired land legally.
- vii) The Committee could request for ex-gratia payment for evictees who had legal documents for their properties.
- viii) There ought to be a clear national land policy that would resolve some of the pertinent issues involving land in Kenya.
- ix) Impunity has permeated the whole society in the country.
- x) The demolitions arose from a Government decision to rid the country of possible security threats on strategic Government installations.
- xi) The demolitions were not selective and were carried out in the best interest of all Kenyans.
- xii) The Government lacks adequate capacity to enforce its own decisions and laws.
- xiii) In addition to the Physical Planning Act, Parliament ought to give powers to Ministers in accordance with Cap 394 and 396 to enable them to regulate land matters effectively.
- xiv) The penalties are not punitive enough to deter would be land fraudsters.
- xv) The Ministers fully support the Committee in its quest to find solutions to the emerging land issues.
- xvi) Specific guidelines should be clearly outlined during evictions so that the exercise is carried out humanely.


- xvii) The Ndung'u report ought to be implemented with a view to resolving inherent land problems facing the country.

MIN. NO. 89/2011: COMMENTS

- i) Kiambiu slums ought to have been removed but lack of funds has curtailed this decision.
- ii) It was a collective cabinet decision to carry out demolitions in all the areas whose structures were a threat to national security.
- iii) The Government had issued numerous notices and caveat emptor warning the affected people of impending demolitions.
- iv) Military land continued to be invaded despite existing national policy regarding military land administration.
- v) Impunity was inherent in the society and people continued to construct houses despite notices discouraging such developments.
- vi) There were no plans to compensate recent land evictees.
- vii) Lack of adequate funding by the Government had slowed down the modernization process of the information system within the Ministry of Lands.
- viii) Demolitions were not done selectively and every effort had been made to evict all illegal occupations.
- ix) Some of the buildings in Eastleigh had Nairobi City Council approvals. The approvals may have been acquired illegally.
- x) It was important to come up with a draft legislation to deal with the issues raised in the Ndung'u report.

MIN. NO. 90/2011: ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes after one o'clock. The next meeting would be held on 3rd December 2011, at the Simba Lodge in Naivasha.

SIGN.....

(JOINT CHAIRMAN)

Date.....6.12.11

MINUTES OF THE TWENTY FIRST SITTING OF THE JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY , LANDS & NATURAL RESOURCES ,LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS AND HOUSING HELD ON THURSDAY 1ST DECEMBER 2011 IN THE MAIN CONFERENCE ROOM COUNTY HALL ,PARLIAMENT BUILDINGS AT 2.30 P.M

PRESENT

Hon. Mutava Musyimi, MP – Joint Chairperson
Hon. Fred Kapondi, MP – Assisting Chairperson
Hon. David Ngugi, MP – Assisting Chairperson
Hon. Erastus Mureithi, MP
Hon. Shabir Shakeel, MP
Hon. Pollyns Ochieng, MP
Hon. Mohammed Affey, MP
Hon. Mohammed Sirat, MP
Hon. Wilbur Ottichilo, MP
Hon. Peris Simam, MP
Hon. Isaac Muoki, MP
Hon. Benjamin Langat, MP
Hon. Yusuf Chanzu, MP
Hon. Peter Gitau, MP
Hon. Gideon Konchellah, MP
Hon. Oyugi Magwanga, MP
Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGY

The Hon. Gideon Mungaro, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwachima, MP
The Hon. Joshua Kutuny, MP
The Hon. Ali Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Edwin O. Yinda, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Kizito M. Justus, MP
The Hon. Benjamin Jomo Washiali, MP
The Hon. Kiema Kilonzo, MP
The Hon. Omar Mbwana Zonga, MP

The Hon. Mohammed Affey, MP
Hon. Benedict Gunda, MP

THE LAW SOCIETY OF KENYA

Florence Kajuju	Vice-Chairperson
Apollo Mboya	Chief Executive Officer, LSK
Faith Waigwa	Council Member
Alfred Opiyo	Council Member
Maina Mburu	Council Member
Ochich Otieno	Council Member
Paul Ndungu	LSK Member

IN ATTENDANCE - NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Rana Tiampati	-	Second Clerk Assistant
Mr. Edward Limbedi	-	Third Clerk Assistant
Mr. Abenayo Makhoha	-	Third Clerk Assistant

MIN.83/2011: INTRODUCTION

The meeting started with a word of prayer at 2.30pm.

MIN.84/2011 - MEETING WITH THE COUNCIL OF THE LAW SOCIETY OF KENYA

The Chairman briefed the Council of the Law Society of Kenya on the mandate of the Joint Committee and invited the leader of the delegation.

The delegation was led by Florence Kajuju who informed the committee that:-

- The Law Society of Kenya's opinion does not address the issue of who is the legal owner which is the subject of the demolitions and evictions.
 - The Constitution of Kenya, Statutory laws on land and International Conventions.
- The constitution of Kenya entrenches social, economic and political rights and makes all of them justifiable as follows:-

- **Article 19(2)**-Guarantee of rights and freedoms is meant to preserve the dignity of individuals and communities.
- **Article 20**-Provides that the Bill of Rights applies to all and binds all state organs and persons.

- **Article 43**-Economic and social rights of citizens such as adequate housing, reasonable standards of sanitation, clean water and education among others are fundamental rights that all citizens are entitled to.
- **Article 47(2)**-where rights of a person are likely to be adversely affected by administrative action, the person has a right to be given written reasons for the action.
- **Article 2(5) and (6)** of the Constitution provides that general rules of International law shall form part of the law of Kenya.
The section also stipulates that any treaty or convention ratified by Kenya shall form part of the laws of Kenya.

Kenya ratified the International Convention on Economic, Social & Cultural rights on 31/1/1976 and thus became bound to respect, protect and enforce the rights therein. Such rights include the right to adequate housing and related prohibition of forced evictions

- The UN Committee on Economic Social and cultural Rights defines forced evictions and observes that States should take action to enforce the rights to confer legal security of tenure in consultation with affected persons and groups.
- Evictions can only be justified if carried out in exceptional circumstances in consultation with the affected community. They can only be resorted to after all feasible alternatives have been explored. Before eviction is carried out, persons affected should be accorded due protection. The process of eviction should not render the individuals vulnerable to the violation of other rights.
- Where those affected are unable to provide for themselves, the state has an obligation to take all reasonable measures to the maximum of its available resources to ensure that adequate alternative housing, resettlement or access to productive land as the case may be is provided.
- Kenya ratified the ICCPR on 23/3/1976. The Convention prohibits evictions
- In 2005 the UN Human Rights committee considered the issue of forced evictions in Kenya and held that they arbitrarily interfere with the rights of the victims and that the Government should develop transparent policies and procedures of dealing with evictions. The committee was categorical that the Government should consult the affected individuals and make appropriate arrangements before eviction is carried out.
- The committee was also informed that the LSK in conjunction with the Ministry of lands is undertaking audit of business process in four land registries of Nairobi, Mombasa, Nakuru and Thika.
- The evictees are entitled to adequate information on the reasons for proposed evictions.
- The alternative purpose of the subject land to be used has to be indicated.
- Demolitions must respect human dignity, right to life and security.

- To the extent that the law was not followed and Court order disobeyed, the evictions/demolitions were unjust, illegal and unconstitutional.

Observation by Mr. Paul Ndungu.

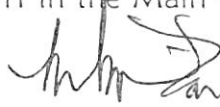
He observed that:

- Ministry of lands has failed to administer land and that the Ministry has on numerous occasions admitted that corruption is rampant at Ardhi house.
- The new constitution establishes the national land policy to address issues of land.
- The Ndungu Commission recommended that KAA should repossess the land held by Mlolongo brothers.
- The Ndungu report found out that there are about 400,000 illegal titles as a result of alienation of public land without following stringent procedures.
- Compensation to the victims of Syokimau will be in order because KAA was aware trespassers were on its land and yet took too long to have them evicted.
- The committee was informed that LSK has its own disciplinary mechanisms to deal with Advocates who breach the rules of professional practise.
- The LSK is drafting a National land Commission Bill and hopes to engage the Departmental committee on lands at some stage in the process.

MIN.85/2011 ADJOURNMENT

There being no other business, the Joint Chairperson adjourned the meeting at 4.15p.m until Friday, 2nd December, 2011 in the Main Conference Room, County Hall at 10.00am

SIGNED



.....
(JOINT CHAIRMAN)

Date

6.12.11

MINUTES OF THE THIRTEENTH SITTING OF THE JOINT DEPARTMENTAL COMMITTEE ON LANDS & NATURAL RESOURCES, TRANSPORT, PUBLIC WORKS & HOUSING, ADMINISTRATION & NATIONAL SECURITY AND LOCAL AUTHORITIES, HELD ON MONDAY 28TH NOVEMBER 2011, AT THE MAIN CONFERENCE ROOM, COUNTY HALL, AT 2:30PM

PRESENT

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. David Ngugi, MP – Assisting Chair
The Hon. Fred Kapondi, MP – Assisting Chair
The Hon. Peter Gitau, MP
The Hon. Silas Muriuki, MP
The Hon. Peter Kiilu, MP
The Hon. Kiema Kilonzo, MP
The Hon. (Dr) Erastus Mureithi, MP
The Hon. Clement Wambugu, M.P.
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Isaac Muoki, M.P.
The Hon. Mohamed Affey, MP
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Ali Hassan Joho, M.P

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – Assisting Chairperson
The Hon. Edwin Yinda, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Joseph Kiuna, M.P.
The Hon. Peris Simam, MP
The Hon. Benjamin Langat, M.P
The Hon. Raphael Letimalo, M.P
The Hon. Mohammed Hussein, M.P.
The Hon. Benjamin Jomo Washiali, MP
The Hon. Maison Leshoomo, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Gideon Mungaro, MP
The Hon. Gideon Konchellah, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng, MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE

Mr. Njoroge Ndiragu – Provincial Commissioner, Nairobi Province

IN ATTENDANCE

Mrs. Lucy Wanjohi
Mr. Rana Tiampati
Mr. Daniel Mutunga
Mr. Abenayo Makokha
Ms. Josephine Kusinyi

KENYA NATIONAL ASSEMBLY

Second Clerk Assistant
Second Clerk Assistant
Second Clerk Assistant
Third Clerk Assistant
Third Clerk Assistant

MIN. NO.45/2011

PRELIMINARY

The Sitting commenced with a word of prayer from the Chair.

MIN. NO. 46/2011: MEETING WITH THE PROVINCIAL COMMISSIONER – NAIROBI

The Provincial Commissioner informed the meeting that:

- i. The matter of demolition was deliberated upon by the Security Committee and a decision made to demolish the structures, for Security of the Aviation industry. The demolitions were a well considered decision. The Security threat was determined by mapping of areas.
- ii. The Provincial Commissioner is the Chair of the Security Committee, whose role is to support the Ministries and Departments enforce their decision and policy regulation.
- iii. After demolitions, several visits have been made by officials to the site and reports compiled on the same. Before the demolitions began, the Provincial Director of Education was instructed to know how to resettle the pupils.
- iv. Since the demolitions, the Provincial Commissioner has not been to the site but he assured the Committee that he would visit the sites the next few days. He is however not aware of any deaths that were caused due to the demolitions.
- v. He has not been made part of any existing or on going court process.

The markings made in Eastleigh were done by the Nairobi City Council.

MIN. NO.47/2011

ANY OTHER BUSINESS

Members resolved to form a technical Committee chaired by Hon. Ngugi, MP to scrutinize documents laid before the Committee. Other Members of the technical committee would include Hon. Konchella MP, Hon. Ottichilo MP, Hon. Gitau MP and Hon. Kiilu MP

MIN. NO. 48/2011

ADJOURNMENT OF THE MEETING

There being no other business for consideration, the Joint Chairperson adjourned the meeting at 5:40pm until Tuesday, 29th November, 2011 in Main the Conference Room, County Hall at 10.00am



SIGN:.....

(JOINT CHAIRMAN)

DATE:.....
6-12-11

MINUTES OF THE NINETEENTH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON WEDNESDAY, 30TH NOVEMBER, 2011, IN THE MAIN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL FROM 2:30 PM

PRESENT

The Hon. Mutava Musyimi, MP - Joint Chairperson
The Hon. Fred Kapondi, MP – Assisting Chairperson
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Silas Ruteere, MP
The Hon. Gideon Konchella, MP
The Hon. Pollyns Ochieng, MP
The Hon. Raphael Letimalo, MP
The Hon. Cyprian Omollo, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Yusuf Chanzu, MP
The Hon. Isaac Muoki, MP
The Hon. Peter Gitau, MP
The Hon. Wilbur Otichilo, MP
The Hon. Erastus Mureithi, MP
The Hon. Oyugi Magwanga, MP

ABSENT WITH APOLOGY

The Hon. David Were, MP – Assisting Chairperson
The Hon. Mohamed Sirat, MP
The Hon. Shakeel Shabbiir, MP
The Hon. Gideon Mungaro, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Ali Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Edwin O. Yinda, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Kizito M. Justus, MP
The Hon. Benjamin Jomo Washiali, MP
The Hon. Peter Njuguna Gitau, MP
The Hon. Kiema Kilonzo, MP

The Hon. Omar Mbwana Zonga, MP
The Hon. Mohammed Affey, MP

IN ATTENDANCE –LAND SECTOR NON STATE ACTORS

Odindo Opiata - LKS
Mbage Ng'ang'a - LSK
Mwenda Makathimo - LNSNS
Ibrahim Mwathane - LNSNS
Mogeni Shiro - FIDA
Jackline Wangari - FIDA
Davinder Lamba - FIRIMBI
Anthony Kamaru Gatitu - FIRIMBI
Hillary Ogima - KLA
Odenda Lumumba – KLA

IN ATTENDANCE

Mrs. Lucy Wanjohi
Mr. Daniel Mutunga
Mr. Rana Tiampati
Mr. Edward Limbedi
Mr. Abenayo Makhoha

NATIONAL ASSEMBLY

Second Clerk Assistant
Second Clerk Assistant
Second Clerk Assistant
Third Clerk Assistant
Third Clerk Assistant

MIN. NO.73/2011: - INTRODUCTION

The Chairman called the meeting to order at 2:45 pm and opened the meeting with a word of prayer, after which he invited Members of the joint Committee present to introduce themselves. He then invited the Coordinator of the Land Sector Non State Actors (LSNSA) to introduce his team. The Chairman briefed the LSNSA members on the terms of reference of the joint committee and thereafter invited the Coordinator of the LSNSA to make his presentation to the Committee.

MIN. NO. 74/2011: -PRESENTATION BY THE LAND SECTOR NON STATE ACTORS

The Coordinator explained that the LSNSA is a body consisting of a number of organizations with interest in land matters and governance. He presented a memorandum to the Committee and informed them that:-

- i) The recent demolitions in Syokimau, Mitumba and Maasai settlements is a demonstration of a complete failure of the system of land administration in the whole country
- ii) The evictions in the areas named above were done without due regard to the judicial system and in disregard of the eviction procedures and the Constitution of Kenya.
- iii) In order to avoid a repeat of the same in future and to find a long lasting solution to the land tenure/property rights crisis, there is need to ensure that

the Constitutional and policy framework addressing land as spelt out in the Constitution of Kenya and in the Sessional Paper No.3 of 2009 on the National Land Policy are implemented wholesomely.

- iv) The demolitions and evictions had violated a number of constitutional rights of the citizens among them the right either individually or in association with others to acquire and own property in any part of Kenya, the right to housing and reasonable standards of sanitation and the right not to be deprived of any property without due regard to the law.
- v) The demolitions and evictions undertaken by the government were done in violation of the law and human rights of the individuals as exemplified by a High Court decision in Embu, in Constitutional Petition No. 2 of 2011 regarding eviction of settlers from Garissa in which the government was ordered to compensate the evictees as it had violated their constitutional rights.
- vi) The issue of squatters and informal settlements in this country is not novel and stakeholders have tried to address it through various mechanisms among them the Sessional Paper No. 3 of 2009 on the National Land Policy which provides in detail how the problem of squatters can be addressed.
- vii) To address the squatters problem, stakeholders had also participated in preparation of the Draft Eviction and Resettlement Bill which was pending before the Ministry of Lands and that there was need to fast track enactment of this legislation. Kenya is also a party to a number of international human rights conventions with relevance to evictions like the International Covenant on Civil and Political Rights (ICCPR) which has guidelines on the issue.
- viii) Ministry of Lands is the ministry responsible for implementation of chapter 5 of the Constitution of Kenya, on Land and yet they are the parties responsible for the omissions and commissions that have led to the mess in the land sector thus very little chance of land reforms in Kenya.
- ix) There is an urgent need for operationalisation of the National Land Commission as it is the proper body charged with administration of land by the Constitution, as its absence has continued to facilitate unethical deals by the ministry. If the National Land Commission which is the manager of public land were in place, the situation at Syokimau would not have arisen as it also administers KAA land.
- x) That there is a very uncoordinated approach to dealing with land reforms by the government with different ministries preparing legislations with implication on land without reference to the line Ministry.
- xi) The 2004 Report of the Commission of Inquiry into illegal/irregular allocation of public land (the Ndung'u Report) had documented that KAA had lost some of its land and recommended investigations and recovery of airport land.

- xii) There is need to get from the relevant government departments (Ministry of Lands, Nairobi City Council and Mavoko Municipal Council) the original survey and boundary plans that can guide the determination of the original boundaries of the disputed land and the civic jurisdiction in which it falls.
- xiii) All the victims from the demolished settlements and those claiming rights of ownership or occupation should provide any available documentary evidence in support of their claims.
- xiv) Mavoko Municipal Council should provide documentation to clarify how and when they began to administer portions of land over which KAA stakes legitimate claims of ownership.
- xv) The financial institutions that availed credit based on the related ownership of the pieces of land in the said areas should be compelled to avail such ownership documents.
- xvi) Investigations should be undertaken to establish the officials from the Ministry of Lands and the professionals (lawyers or surveyors) who facilitated the above transactions and those found responsible should be brought to book.
- xvii) To reinstate confidence of Kenyans and investors in the sanctity of land titles, there is need to overhaul and restructure the Ministry of Lands

MIN. NO.75/ 2011: COMMENTS

- i) The principle under article 40 of the Constitution of Kenya, is protection of property and therefore if any arm of government is found to have violated this constitutional principle, then it should be held accountable and compensate the aggrieved parties.
- ii) There are many Acts of Parliament touching on land thus the confusion in the sector and there is therefore need to consolidate them into one law.
- iii) By investors acting in good faith and obtaining approvals for development and even taking mortgages on the properties, it would take long to restore confidence of Kenyans, investors and financial institutions in land transactions due to the demolitions.
- iv) That the LNSA did not just sit back and wait for things to happen as they have been agitating for land reforms for a long time and will continue to do so.
- v) That the Ndung'u report provides that all professionals that participated in facilitating the transactions in the irregular or illegal allocation of land be identified and punished by their professional bodies
- vi) That there is a lacuna in the law in that once the Government compulsorily acquires land for public purpose and the public purpose ceases to exist, then it is not clear whether the land should revert back to the original owner. There is

therefore need to revise the law to give priority to the previous owner to take ownership of such land.

- vii) That records are not properly maintained at the lands office such that after compulsory acquisition and a gazette notice is issued, many including ministries do not follow up to ensure that titles are reviewed or altered to reflect the new ownership or the old title is returned after subdivision has been done, thus presenting situations where there are two titles for the same parcel of land.
- viii) The problem of poorly maintained records at the Ministry of Lands had been diagnosed in the section on National Land Information Management System of the National Land Policy and if this system could be implemented, then we would have proper records and the problem at land registries countrywide would not be witnessed.

MIN. NO. 76/ 2011: CONCLUSION BY COMMITTEE

- i. The Committee concluded that it was imperative to amend the law on compulsory acquisition, to enact the National Land Commission law and to computerize land records at the Ministry of Lands by operationalizing the National Land Information System.
- ii. The chairman thanked the LNSA for the useful information it had given the Committee and promised to do whatever is within the mandate of the Committee to ensure justice is done.

MIN. NO. 77 /2011: MEETING WITH THE HON. FERDINAND WAITITU, MP

The Committee then held a brief meeting with the Member for Embakasi

- i) The Member of Parliament for Embakasi informed the Meeting that the humanitarian aid that had been promised by the Provincial Commissioner when he appeared before the Committee had not yet been received by the affected people.
- ii) The Member further informed the Committee that his efforts to try and get particulars of the following Companies at the Registrar General's office were futile.
 - Elichin Growers Limited
 - Chomchom Investments Limited
 - Ker and Downey Safaris Limited
 - Kianu Enterprises Limited
 - Tenet Enterprises Limited
 - AINU SHAMSI LIMITED

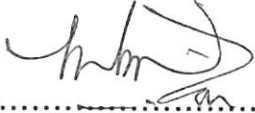
iii) The Member stated that the above Companies owned parcels of land at Kyang'ombe, Kenya Ports Authority and Maasai Villages. He requested that the Committee assist in getting their particulars.

iv) The Member tabled before the Committee:

- Copies of title documents for the above mentioned companies.
- Notification of death, Permit for burial and post mortem form for one George Nyambaso Makori, who allegedly died after being electrocuted during the evictions

MIN. NO. 78/ 2011: ANY OTHER BUSINESS

There being no other business, the joint Chairperson adjourned the meeting at Half past Five O'clock until Thursday, 1st December, 2011 in the Main Conference Room, County Hall at 10.00am.

SIGNATURE.....
(JOINT CHAIRMAN)

DATE 6.12.11

MINUTES OF THE FIFTEENTH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 29TH NOVEMBER, 2011, IN THE MAIN COMMITTEE ON FIRST FLOOR, COUNTY HALL FROM 3:00 PM

PRESENT

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. Fred Kapondi, MP – Assisting Chairperson
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Silas Ruteere, MP
The Hon. Gideon Konchella, MP
The Hon. Pollyns Ochieng, MP
The Hon. Raphael Letimalo, MP
The Hon. Cyprian Omollo, MP
The Hon. Ali Hassan Joho, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Yusuf Chanzu, MP
The Hon. Peter Kiilu, MP
The Hon. Isaac Muoki, MP
The Hon. Peter Gitau, MP
The Hon. Wilbur Otichilo, MP
The Hon. Erastus Mureithi, MP

ABSENT WITH APOLOGY

Hon. David Were, M.P – Assisting Chairman
The Hon. Mohammed Affey, M.P.
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Mohamed Sirat, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Joseph Kiuna, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. Edwin O. Yinda, M.P.
The Hon. Boaz Kaino, M.P.

The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP

IN ATTENDANCE

Philip Kisia	Town Clerk
Patrick Odongo	Assistant Director, City Planning
John Ayiecho	Chief Valuer
Aduma J. Owuor	Director, Legal
Isaac Nyoike	Deputy Chief Valuer
Justus Kathenya	AD/E
Fredrick Ochanda	Senior Inspector, Planning
Joseph Nderitu	Development Control Officer

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Rana Tiampati	Second Clerk Assistant
Mrs. Lucy Wanjohi	Second Clerk Assistant
Mr. Daniel Mutunga	Second Clerk Assistant
Ms. Josephine Kusinyi	Third Clerk Assistant
Mr. Abenayo Makoha	Third Clerk Assistant

MIN. NO.58/2011: INTRODUCTION

The Chairman called the meeting to order at 3:30 pm and opened the meeting with a word of prayer after which he invited Members of the joint Committee present to introduce themselves. He then welcomed the Town Clerk, City Council of Nairobi to introduce his team and to make his presentation to the Committee.

MIN. NO.59/2011: - PRESENTATION BY THE TOWN CLERK, MR. PHILIP KISIA

The Town Clerk stated as follows that:-

- i. All government departments work in synergy and therefore there is coordination between these departments in approval of plans and demolition of any premises where necessary
- ii. The past 21/2 years, the CCN has reformed its physical planning department and it now does things in a proper and transparent manner including streamlining approvals of building plans which now take a maximum of thirty days. The Director of Physical Planning further explained the process followed before approval of building plans stating that the application for approval is done in a prescribed form by a registered architect and the drawings of the buildings are attached to the form. Depending on the plan or area, the city council can then determine whether approval of any other body e.g. Kenya Railways or Kenya Airports Authority is required.
- iii. Before approval is given, the architect submits documents confirming ownership of a given property but since the Council cannot always verify each particular ownership, it is always a condition of any development approval that if the

- land in question turns out to be a public utility land, then the approval given will be null and void.
- iv. The Nairobi City Council was only aware of two industrial buildings in Kyang'ombe which the Kenya Airports Authority had given consent to develop.
 - v. In cases where development is undertaken without approval from the City Council of Nairobi, the Council would issue an enforcement notice and allow the owner to either regularize the development or demolish the unapproved portion.
 - vi. The City Council of Nairobi was not involved in the demolitions undertaken in Mitumba village but they were aware the notices were issued by the Kenya Airports Authority (KAA).
 - vii. The City Council of Nairobi (CCN) is not always notified of all intended demolitions as the Kenya Civil Aviation Authority (KCAA) has its own rules concerning developments near airports which it enforces in some cases without consulting the CCN.
 - viii. There exists a zoning policy which requires that buildings in Eastleigh which are around the airbase, a distance of 50 meters from the airbase, should not exceed two levels (floors) while those in the Eastleigh Commercial district centre have a limit of six levels.
 - ix. The City Council of Nairobi sometimes faces a challenge in enforcement of the bylaws relating to development due to a number of reasons key among them shortage of manpower. For example, in the early 80's, the CCN had 60 planners while today with the high population in Nairobi, the CCN only has 12 planners.
 - x. The reasons behind marking for demolition some buildings in Eastleigh which were within 50 metres from the airbase and others which were outside this radius was because some of these buildings were built without any approvals and even those that obtained approvals, went ahead and violated the approved plans.
 - xi. The Council after realizing that many properties in Eastleigh had been developed without approval plans, had issued enforcement notices to the concerned people but the community appealed and a taskforce was formed by the Prime Minister to look into the matter.
 - xii. The Eastleigh Business Community had appealed against some of the notices given and requested for more time to rectify the situation themselves but in most cases they did not take corrective action.
 - xiii. Another key challenge faced by the CCN in enforcing the laws relating to development is the penalty of Ksh. 100,000 provided in the law for violation of provisions of the Physical Planning Act (Cap 286) which is very little and therefore not a sufficient deterrent.
 - xiv. The City Council was aware of some court injunctions and it never violated them but that there was a challenge in enforcing the court orders awarded and in cases where injunctions had been issued and a status quo required, development continued in disregard of the injunction.

- xv. Another challenge to enforcement of laws and bylaws was posed by a new phenomenon in urban development called the 'Miradi schemes' which was basically a fraud on locals because land under these schemes is occupied first before development and the development of the property is very rapid thus the resources needed to enforce orders are enormous.
- xvi. The Town Clerk explained that he did not have details of the buildings in Eastleigh marked for demolition that were developed without approvals and that he would avail the same by Thursday, 1st December 2011.
- xvii. Regarding the quantity of City Council of Nairobi land that was in wrong hands and the procedure used to recover it if any, the Town Clerk explained that the City Council of Nairobi follows due process in recovering any of its properties and that they issue notices to occupiers before they can take drastic action, like demolition which is always a last resort.
- xviii. On who owns the parcels of land in Mitumba, Kyang'ombe and KPA villages, the Town Clerk explained that the information which they kept, regarding ownership was only for purposes of charging rates and not for proof of legitimacy/authenticity of the title and that he would avail to the Committee details of people from whom the City Council of Nairobi had been collecting rates.
- xix. That the CCN was not collecting land rates from the Syokimau parcels of land as it had all along known that the land is in Mavoko municipality which was the council administering the land and would only begin collecting rates there, if Syokimau is declared to be in Nairobi for rates purposes as required by the Valuation for Rating Act.
- xx. Concerning Maasai village, the City Council of Nairobi had not been collecting any rates from the occupants as the village was built along the flight path on KAA land.
- xxi. The City Council of Nairobi had contracted consultants to review the Zoning policy
- xxii. On whether the City Council of Nairobi had began identifying buildings developed without approval plans, the Town Clerk explained that the City Council of Nairobi had began auditing the buildings in Nairobi and it would demolish those that did not meet the requirements and allow other developers to regularize their developments depending on the nature of the building.
- xxiii. On whether the City Council of Nairobi obtained consent from Kenya Airports Authority before approving the tall buildings next to Wilson airport, the Town Clerk explained that he was not aware of which buildings the Committee was interested in and could do so if specific details were availed.

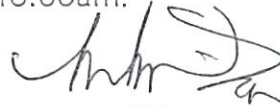
MIN.NO.60/2011 ANY OTHER BUSINESS

- i. The Committee agreed to scrutinize the provisions of the Physical Planning Act with a view of proposing amendments to it so as to enhance the penalty for violation of development plans and deter illegal developments.

- ii. The Committee requested the City Council of Nairobi to plan the city better and conduct its operations within the law and with a human face. The Inspection Unit should be more active so that it can prevent developers from developing properties illegally early and not to wait until someone has finalized his investment before rushing to bring it down.

MIN. NO.61/ 2011: -ADJOURNMENT

And there being no other business, the Joint Chairperson adjourned the meeting at Twenty Five Minutes past Four O'clock until Wednesday, 30th November, 2011 in the Main Conference Room, County Hall at 10.00am.



SIGNATURE.....
(JOINT CHAIRMAN)

6.12.11

DATE

MINUTES OF THE 12TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEES -
ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL
AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON MONDAY,
NOVEMBER 28, 2011 IN MITUMBA AND EASTLEIGH AT 10.00 AM.

PRESENT:

The Hon. Mutava Musyimi, MP – Chairperson;
The Hon. Fred Kapondi, MP – Assisting chairperson;
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Peter Njuguna Gitau, MP
The Hon. Hassan Joho, MP
The Hon. Isaac Muoki, M.P.
The Hon. Raphael Letimalo, MP
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Silas Ruteere Muriuki, M.P.
The Hon. Ferdinand Waititu, MP –Friend of the Committee
The Hon. Yusuf Ahmed, MP –Friend of the Committee

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – Assisting Chairperson
The Hon. Maison Leshoomo, MP
The Hon. Peter Kiilu, MP
The Hon. Benjamin Langat, M.P
The Hon. Benjamin Jomo Washiali, MP
The Hon. Peris C. Simam, M.P.
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohamed Sirat, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Joseph Kiuna, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. Edwin O. Yinda, M.P.
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Boaz Kaino, M.P.

The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP
The Hon. Gideon Konchellah, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Second Clerk Assistant
Mr. Rana Tiampati	Second Clerk Assistant
Mr. Daniel Mutunga	Second Clerk Assistant
Ms. Josephine Kusinyi	Third Clerk Assistant
Mr. Edward Libendi	Third Clerk Assistant
Mr. Abenayo Makhokha	Third Clerk Assistant
Mr. Aden Abdulahi	Third Clerk Assistant

MIN. NO. 41/2011: INTRODUCTION

The Joint Chairperson, called the meeting to order at 11.07a.m after prayers were said. He welcomed and introduced Members present and requested that they undertake site visit on the areas where demolitions and evictions took place in Mitumba and Eastleigh Estate.

MIN. NO. 42/2011: CONFIRMATION OF MINUTES

Confirmations of Minutes of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th Sittings were postponed to a later date.

MIN. NO. 43/2011: SITE VISIT – MITUMBA VILLAGE, BIAFRA, EASTLEIGH SECTION 3 AND KITUI VILLAGE IN NAIROBI

During the visit the Committee learnt and observed the following:-

- i. demolitions took place in Mitumba village, Biafra, Eastleigh section three, Kitui village and buffer zone of Eastleigh estate;
- ii. For Mitumba village, the demolitions were undertaken by the Provincial Administration based on the concerns of Kenya Airports Authority. The village posed a security threat and a potential hiding for terrorists and it is on the flight path;
- iii. There were notices issued to the residents despite having court injunctions stopping the demolitions;
- iv. There was no humanitarian assistance or alternative land for relocations given to the affected families;
- v. There is a possibility of an outbreak of water borne disease and airborne disease in the demolished village as the families are still within the piece of land;
- vi. There were schools, both primary and secondary within the village;
- vii. At Mitumba Village, the residents were settled there by the government after they were relocated from Belle Vue/Kenya Pipeline Authority land.
- viii. In Eastleigh, the houses which were demolished were

- Those that were more than two levels;
- Those that were within the buffer zone;
- Those that were on the flight path;
- Those that are within the military or Moi Airbase land – this concerns Kiambu slums;

MIN. NO. 44/ 2011 – ADJOURNMENT

There being no other business, the Joint Chair adjourned the meeting at forty Minutes past one o'clock until Monday, November 28, 2011 in Main Conference Room, First Floor, County Hall, Parliament Buildings at 2.30 p.m.

SIGN:.....
(JOINT CHAIRMAN)
DATE:.....

MINUTES OF THE ELEVENTH SITTING OF THE JOINT DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING, HELD ON FRIDAY 25TH NOVEMBER 2011, AT THE MAIN CONFERENCE ROOM, COUNTY HALL, AT 10:30AM

PRESENT

Hon. Mutava Musyimi, MP – Joint Chairperson
Hon. David Ngugi, MP – Assisting Chairperson
Hon. Fred Kapondi, MP – Assisting Chairperson
Hon. Peris Simam, MP
Hon. Peter Gitau, MP
Hon. Silas Muriuki, MP
Hon. Peter Kiilu, MP
Hon. Kiema Kilonzo, MP
Hon. (Dr) Erastus Mureithi, MP
Hon. Clement Wambugu, M.P.
Hon. Yusuf K. Chanzu, M.P.
Hon. Benjamin Langat, M.P
Hon. Mohamed Abdi Affey, M.P
Hon. Mohamed Hussein Ali, M.P.
Hon. Danson Mungatana , M.P.

ABSENT WITH APOLOGY

Hon. David Were, M.P. – Assisting Chairperson
Hon. Isaac Muoki, M.P.
Hon. (Dr.) Wilbur Otichilo, M.P.
Hon. Edwin Yinda, M.P.
Hon. Boaz Kaino, M.P.
Hon. Joseph Kiuna, M.P.
Hon. Ali Hassan Joho,MP
Hon. Raphael Letimalo, M.P
Hon. Benjamin Jomo Washiali, MP
Hon. Maison Leshoomo, MP
Hon. Benedict Fondo Gunda, MP
Hon. Justus M. Kizito, M. P.
Hon. Omar Mbwana Zonga, MP
Hon. Gideon Mungaro, MP
Hon. Gideon Konchellah, MP
Hon. Fahim Twaha, MP
Hon. Mwalimu Mwahima, MP
Hon. Joshua Kutuny, MP
Hon. Oyugi Magwanga, MP
Hon. Cyprian Omollo, MP
Hon. Pollyins Ochieng, MP
Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE

Mrs. Lucy Wanjohi
Mr. Rana Tiampati
Mr. Daniel Mutunga
Mr. Abenayo Makokha
Ms. Josephine Kusinyi

NATIONAL ASSEMBLY

Second Clerk Assistant
Second Clerk Assistant
Second Clerk Assistant
Third Clerk Assistant
Third Clerk Assistant

MIN. NO.37/2011

INTRODUCTION

The Sitting commenced with a word of prayer from the Chair.

MIN. NO. 38/2011: MEETING WITH THE PROVINCIAL COMMISSIONER – NAIROBI, PROVINCIAL POLICE OFFICER – NAIROBI, DEPUTY PROVINCIAL POLICE OFFICER – NAIROBI, OFFICER COMMANDING POLICE DIVISION – EMBAKASI

The meeting was postponed to Monday, 28th November, 2011 at 3:00pm.

MIN. NO. 39/2011

ANY OTHER BUSINESS

The Committee agreed on the following Programme for the week commencing 28th November 2011:

MONDAY, 28th NOVEMBER, 2011

Morning sitting (10.00 A.M.)

Site Visit to Mitumba and Eastleigh

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Provincial Commissioner – Nairobi, Provincial Police Officer – Nairobi, Deputy Provincial Police Officer – Nairobi, Officer Commanding Police Division – Embakasi

TUESDAY, 29th NOVEMBER, 2011

Morning sitting (10.00 A.M. – 12 noon)

Meeting with the Permanent Secretaries for – DEFENCE, LANDS, TRANSPORT, LOCAL GOVERNMENT AND PROVINCIAL ADMINISTRATIONS

Afternoon Sitting 2.30 P.M. – 5.30 P.M.

Meeting with the Minister for – DEFENCE, LANDS, TRANSPORT, LOCAL
GOVERNMENT AND PROVINCIAL ADMINISTRATIONS

WEDNESDAY, 30th NOVEMBER, 2011

Morning sitting (10.00 A.M. – 11.30 A.M.)

Meeting with Registrar of High Court/Secretary to the Judicial Service Commission

(12 Noon – 1.30 P.M.)

Meeting with Commissioner of Lands

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Land Sector Non State Actors

THURSDAY, DECEMBER 1, 2011

Morning sitting (10.00 A.M. – 12 Noon)

Meeting with Evictees and Land owners

Afternoon Sitting 2.30 P.M. – 5.30 P.M.

Meeting with the Law society of Kenya and International Commission of Jurist – Kenya

The Committee likewise resolved to hold a Report Writing Retreat in Naivasha from 2nd
– 5th December 2011.

MIN. NO. 40 /2011

ADJOURNMENT OF THE MEETING

There being no other business for consideration, the Joint Chair adjourned the meeting
at 10:55am until Monday, 28 November 28, 2011 at 10.00am.

SIGN:.....

(JOINT CHAIRMAN)

DATE:.....

MINUTES OF THE TENTH SITTING OF THE DEPARTMENTAL COMMITTEES ON
ADMISTRATION AND NATIONAL SECURITY ,LANDS AND NATURAL RESOURCES
,TRANSPORT, PUBLIC WORKS & HOUSING AND LOCAL AUTHORITIES HELD
ON THURSDAY 24TH NOVEMBER 2011 IN CONFERENCE ROOM COUNTY
HALL ,PARLIAMENT BUILDINGS AT 2.30 PM

PRESENT

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. Fred Kapondi , MP – Assisting Chairperson
The Hon. David Ngugi, MP - Assisting Chairperson
The Hon. Hon. Isaac Muoki, MP
The Hon. Kiema Kilonzo,MP
The Hon. Silas Ruteere, MP
The Hon. Mohammed Affey, MP
The Hon. Erastus Mureithi, MP
The Hon. Yusuf Chanzu, MP
The Hon. Njuguna Gitau, MP
The Hon. Clement Wambugu, MP
The Hon. Edwin Yinda, MP
The Hon. Hon. Boaz Kaino, MP
The Hon. Gideon Konchellah, MP
The Hon. Peter Kiilu, MP
The Hon. Mohammed Hussein, MP

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – Assisting Chairperson
The Hon. Benjamin Jomo Washiali, MP
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Benedict Fondo Gunda, MP
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. David Gitari, MP
The Hon. Mohamed Sirat, MP
The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Joseph Kiuna, M.P.

ATTENDANCE KENYA AIRPORTS AUTHORITY

S.M Gichuki	Managing Director
James Nyiha	Lawyer
George K Kamau	Lawyer
Joy Nyaga	Lawyer
Rashid Abdullah	Surveyor
Philemon Chamwada	General Manager

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Second Clerk Assistant
Mr. Rana Tiampati	Second Clerk Assistant
Mr. Daniel Mutunga	Second Clerk Assistant
Mr. Edward Libendi	Third Clerk Assistant
Mr. Abenayo Makhokha	Third Clerk Assistant

MIN.34/2011 INTRODUCTION

The meeting started with a word of prayer.

MIN.35/2011-MEETING WITH THE KENYA AIRPORTS AUTHORITY

The Committee held a follow up meeting with the management of KAA who sought to clarify outstanding issues following the Managing Director's Presentations to the Committee on 22nd November 2011.

The outstanding issues to be clarified were as follows:

- i. Areas where the demolition exercise took place
- ii. Information on other villages other than Mlolongo and Uungani in Syokimau.
- iii. The Kenya Airports Authority Report on the subject matter under probe by the Committee.
- iv. Letter of allotment by the Commissioner of Lands
- v. Information on consolidation of the disputed land in favour of Kenya Airports Authority
- vi. Vesting order
- vii. Declared areas around the airport
- viii. Legal framework through which KAA acquired the land around the airport.
- ix. Court cases

The Managing Director informed the Committee that the company lawyer Mr. James Nyiha was ready to Submit on the above issues.

The lawyer made a presentation and submitted to the committee a report titled '*Report on Removal of Illegal structures in the Vicinity of the JKIA and Wilson Airports*'.

The lawyer gave a brief presentation on the history of Jomo Kenyatta international Airport, KAA and how the Government acquired the land in favour of KAA.

In response to the above issues the following documents were annexed to the said report.

Annexure 1-The Aerodromes (Control of Obstructions Act), cap 396

- The Act defines a declared area under section 2.
- The act lists declared areas including area of Syokimau and Wilson airport among others across the country.

Annexure 2-Compulsory acquisition of the declared areas vide Gazette Notices Numbers 1105 1106 of 26/4/1971

- All these parcels of land are in Syokimau area.
- These parcels of land are part of declared areas as per the Gazette Notice of 1150 of 1953 and subsequently in 1971

Annexure 3-Gazette notices No.439 and 440 of 25/2/1982

- The Government acquired all that parcel of land known as L.R No.7149/11/R from Syokimau farm Limited-close to 10,000 acres.

Annexure 4-Vesting Order Vide Legal notice No.201 of 1994.

- All Government property previously held under the defunct Department of Aerodromes, office of the president was transferred to KAA.

Annexure 5-Deed Plan of KAA L.R No.21919

- Grant was issued by commissioner of lands to KAA.
- All land claimed by Mlolongo brothers and Ungani group is part of the land compulsorily acquired for KAA.
- There are two cases pending in the High court between KAA and Mlolongo Brothers on one hand and Ungani self help group on the other hand.
- The cases are HCCC No.489 of 2004 and HCCC No.206 of 2004.

Annexure 8-This is a bundle of documents showing that occupants of Mitumba Village acknowledged that the land belongs to KAA.

Annexure 9 –Extracts of KAA growth statistics showing JKIA as the regional hub in the aviation industry contributing 10 percent of the GDP.

Annexure 10 -Extracts of statistics from the Air Crashes Record office.

Annexure 11-Examples of Crashes occurring during approach, landing or take off.

Annexure 12 -Response by Provincial Administration on removal of illegal structures.

The removal exercise was undertaken by the KAA as co-ordinated by the PC's office Nairobi.

Annexure 13-Order restraining defendants from interfering with the suit land.

Annexure 14-Letter from Commissioner of lands confirming that land belongs to KAA

Annexure 15-The Survey Report that was subsequently filed in court confirming that the land fell within LR No.21919.

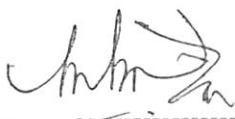
Annexure 16- This refers to a letter written to the Permanent secretary, Ministry of Lands seeking the revocation of illegal Titles in reference to the contentious areas occupied by private developers.

In conclusion, the committee was informed that demolition was extended beyond the flight path because KAA wanted to recover its land and also for safety and security purposes.

The committee asked for audited accounts of KAA for the last five years.

MIN-36/2011 ADJOURNMENT

There being no other business the Joint Chair adjourned the meeting at 5.30pm until Friday, 25th November, 2011 in Main Conference Room on the First Floor, County Hall at 10.00am.

Signed-----

(JOINT CHAIRMAN)

Date-----
6.12.11

MINUTES OF THE EIGHTH JOINT SITTING OF THE DEPARTMENTAL COMMITTEES -
ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL
AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON
WEDNESDAY, NOVEMBER 23, 2011 IN THE MAIN CONFERENCE ROOM, FIRST
FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 4.30 PM.

PRESENT

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Fred Kapondi, MP – Assisting Chairperson
The Hon. Peris Simam, MP
The Hon. Peter Gitau, MP
The Hon. Silas Muriuki, MP
The Hon. Peter Kiilu, MP
The Hon. Kiema Kilonzo, MP
The Hon. (Dr) Erastus Mureithi, MP
The Hon. Clement Wambugu, M.P.
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Benjamin Langat, M.P

ABSENT WITH APOLOGY

The Hon. David Were, M.P.- Assisting Chairperson
The Hon. Isaac Muoki, M.P.
The Hon. (Dr.) Wilbur Otichilo, M.P.
The Hon. Edwin Yinda, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Joseph Kiuna, M.P.
The Hon. Raphael Letimalo, M.P
The Hon. Mohammed Hussein, M.P.
Hon. Benjamin Jomo Washiali, MP
Hon. Maison Leshoomo, MP
Hon. Benedict Fondo Gunda, MP
Hon. Mohammed Affey, M.P.
Hon. Justus M. Kizito, M. P.
Hon. Omar Mbwana Zonga, MP
Hon. Gideon Mungaro, MP
Hon. Gideon Konchellah, MP
Hon. Fahim Twaha, MP
Hon. Mwalimu Mwahima, MP
Hon. Joshua Kutuny, MP
Hon. Oyugi Magwanga, MP
Hon. Danson Mungatana, MP
Hon. Ali Hassan Joho, MP
Hon. Cyprian Omollo, MP
Hon. Pollyins Ochieng, MP
Hon. Nkoidila Ole Lankas, MP

FRIENDS TO THE COMMITTEE

Hon. Wavinya Ndeti, M.P.

Hon. Ferdinand Waititu, M.P.

Hon. Yusuf Hassan, M.P.

IN ATTENDANCE

Lucy Wanjohi

Rana Tiampati

Daniel Mutunga

Abenayo Makokha

Josephine Kusinyi

NATIONAL ASSEMBLY

Second Clerk Assistant

Second Clerk Assistant – Taking Minutes

Second Clerk Assistant

Third Clerk Assistant

Third Clerk Assistant

MIN. NO. 26/2011

INTRODUCTION

The Sitting commenced with a word of prayer from the Chair.

MIN. NO. 27/2011

MEETING WITH THE HON. WAVINYA NDETI, MP

The Hon. Wavinya Ndeti, Member of Parliament for Kathiani informed the meeting that:

- i. The demolitions done in Syokimau on 12th November 2011 were unfair. The evictees were intimidated by the way the evictions were carried out. There was a pending case in Court, due for ruling on 15th November 2011.
- ii. The borders for Kathiani Constituency have been changed, with Nairobi County encroaching on Machakos County.
- iii. The Government has not taken any measure to help the displaced people. It was however her plea that the People of Syokimau be compensated and the boundaries of Kathiani Constituency be made clear.

The Honourable Member tabled the following documents before the Committee:

- Eviction notice by Kenya Airports Authority, to Syokimau residents, that does not specify the exact area that evictions would be undertaken.
- Certificate of registration of Uungani Self Help Group dated 10th April 2008.
- Allotment letter dated 20th September 1996, of which Kshs. 2,992,670 was paid to the Lands office.
- Surveyor's report that indicates approval of deed plan
- Deed plan 12669
- Legal Notice No. 157 of 26th August 2007, on gazettelement of part of the subject property
- Title deed for land reference I.R 58226
- Map of the Municipality of Mavoko

- A map of the old boundaries of Nairobi and its environs as they were in 1978.

MIN. NO. 28/2011: MEETING WITH THE HON. FERDINAND WAITITU, MP

The Hon. Ferdinand Waititu, Member of Parliament for Embakasi informed the meeting that:

- i. Only a small part of the demolitions in Maasai and Kyang'ombe villages were along the flight path, the rest of the demolitions were not close to the flight path. There was no dispute on some of the plots and in fact some residents had already paid a cumulative sum of 42Million to Central Bank of Kenya. About ten parcels of the land had been negotiated through the Central Bank, with residents depositing substantial sums of money with the Deposit Protection Fund.
- ii. The Prime Minister's family and Hon. Cyrus Jirongo are some of the renown politicians that own parcels of land in Masai/Kyang'ombe villages.
- iii. The Member alleged that the demolitions were done after instigations by some politicians. He tabled the following documents in support of his allegations:
 - a. Land Rent Invoice Number 00000001/1997008049/20101230/121118 dated December 30, 2010, indicating that Lawi Kiplagat was then the proprietor of LR No. 209/11250
 - b. Land Rent Invoice Number 00000001/1997008049/20101230/12707 dated December 30, 2010, indicating that News point Limited was then the proprietor of LR No. 209/11310
 - c. List of Directors of News point Limited, from the Department of Registrar General, dated 23rd November 2011

The Member's plea to the Government would be to let the affected people stay at their current location until an alternative solution is found as to where they can be resettled.

MIN. NO. 29/2011: MEETING WITH THE HON. YUSUF HASSAN, MP

The Hon. Yusuf Hassan, Member of Parliament for Kamukunji informed the meeting that:

- i. Kamukunji is a densely populated area. Most high rise buildings near the Eastleigh Air Base have been demolished. Demolitions are set to continue with major hotels, schools, hospitals and households more than a kilometer from the Air Base, marked for demolition.
- ii. The evictions were done without Notice and during a period of harsh weather conditions. This has caused psychological crisis and unnecessary panic to the residents.
- iii. The role of the Physical planning department of the Nairobi City Council needs to

be relooked, as it is shocking that many of the condemned buildings have been up for the past twenty years.

MIN. NO. 30/2011: ADJOURNMENT OF THE MEETING

There being no other business for consideration, the Joint Chairperson adjourned the meeting at 5:40pm until Thursday, 24th November, 2011 in Main Conference Room on the First Floor County Hall at 10.00am.

Signed:


(JOINT CHAIRMAN)

Date:
6.12.11

MINUTES OF THE SECOND JOINT SITTING OF THE DEPARTMENTAL COMMITTEES - ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON MONDAY, NOVEMBER 21, 2011 IN KYANGOMBE, KPA & MAASAI VILLAGE AND SYOKIMAU AT 11.00 AM.

PRESENT:

The Hon. Mutava Musyimi, MP – Joint Chairperson;
The Hon. Fred Kapondi, MP – Assisting Chairperson;
The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Peter Njuguna Gitau, MP
The Hon. Benjamin Jomo Washiali, MP
The Hon. Peris C. Simam, M.P.
The Hon. Isaac Muoki, M.P.
The Hon. Peter Kiilu, MP
The Hon. Maison Leshoomo, MP
The Hon. Raphael Letimalo, MP
The Hon. Benjamin Langat, M.P.
The Hon. Wavinya Ndeti, MP -Friend of the Committee
The Hon. Ferdinand Waititu, MP -Friend of the Committee

ABSENT WITH APOLOGY

The Hon. David Were, M.P. – Assisting Chairperson
The Hon. Silas Ruteere Muriuki, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohamed Sirat, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Joseph Kiuna, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Clement Wambugu, M.P.
The Hon. Edwin O. Yinda, M.P.
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Boaz Kaino, M.P.

The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP
The Hon. Gideon Konchellah, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Second Clerk Assistant
Mr. Rana Tiampati	Second Clerk Assistant – Taking Minutes
Mr. Daniel Mutunga	Second Clerk Assistant
Ms. Josephine Kusinyi	Third Clerk Assistant
Mr. Edward Libendi	Third Clerk Assistant
Mr. Abenayo Makhokha	Third Clerk Assistant

MIN. NO. 5/2011: INTRODUCTION

The Joint Chairperson called the meeting to order at 11.07a.m after prayers were said. He welcomed and introduced Members present and requested that they undertake site visit on the areas where demolitions and evictions took place in Kyangombe, Kenya Ports Authority & Maasai Villages and Syokimau.

MIN. NO. 6/2011: CONFIRMATION OF MINUTES

Confirmation of Minutes of the 1st Sitting were postponed to a later date.

MIN. NO. 7/2011: SITE VISIT – KYANGOMBE, KENYA PORTS AUTHORITY, MAASAI VILLAGE AND SYOKIMAU IN NAIROBI

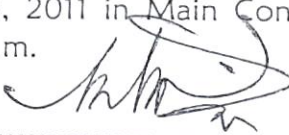
During the visit the Committee received the following information:-

- i. Demolitions took place in Kenya Ports Authority, Maasai, Kyangombe and Mitumba villages where it is believed to be on the flight path, within Kenya Airport Authority land and or posing as a security threat;
- ii. there were three deaths reported caused by the demolitions which included a death of an infant;
- iii. Though the whole of Kenya Ports Authority, Kyangombe and Maasai Villages were demolished, it is only a small fraction of Kyangombe which is in Kenya Airports Authority land and on the flight path. Kenya Ports Authority village was not in either of the two i.e. Kenya Airports Authority land and flight path;
- iv. Kenya Airport Authorities only ordered for demolition and evictions of those residing within their land (Kenya Airports Authority land) and those whose structures, Houses were within flight path. However these were not the case as there were buildings within Kenya Airports Authority Land on the flight path but were not demolished.
- v. There were 4 primary schools - Bluesky, Maasai, Anointed and New hope and 2 secondary schools – Neema and St. Teresa, which were also demolished.

- vi. Maasai Village which were also demolished was outside Kenya Airports Authority land and not on the flight path although Kenya Airports Authority has been in the process of evicting people living within their land, there has been a pending court case since 2004;
- vii. The affected families were never notified of their intended eviction and or demolition of their houses, structures (schools, hospitals).
- viii. The families and victims through their lawyers did serve Kenya Airports Authority, Kenya Police represented by the Provincial Police Officer, Officer Commanding Police Division (OCPD), Embakasi, with court orders stopping the demolitions and or evictions. Further, to await the determination of a court case filed in 2004;
- ix. Residents of kyangombe have been living on pieces of land they have acquired from Central Bank of Kenya through Deposit Protection Fund.
- x. Residents of Dupoto Maasai Village have been settled there since 1981 and were in the process of being allocated plots by the City Council of Nairobi.
- xi. Residents of Syokimau acquired land and started building in the year 2005; having undertaken proper searches or due diligence of the land.
- xii. Houses demolished in all the areas run into millions of shillings including cost of loss of personal belongings;
- xiii. The demolitions were supervised by the Provincial Police Officer, Provincial Commissioner Nairobi, Officer Commanding Police Division – Embakasi and the District Commissioner Embakasi District assisted by over 200 Police Officers from both Regular and Administration Police.
- xiv. Most of the victims in all the affected areas were still trying to salvage their property, be it building materials, personal belongings/effects or anything they can claim as theirs.
- xv. During the visit by the Committee, the relevant Government department/agencies though invited, were not on the ground on that particular day, except for the Kenya Airports Authority led by the Managing Director accompanied by the institution surveyor.

MIN. NO. 8/ 2011 – ADJOURNMENT

There being no other business, the Joint Chair adjourned the meeting at forty Minutes past four o'clock until Tuesday, November 22, 2011 in Main Conference Room, First Floor, County Hall, Parliament Buildings at 11.00 a.m.

SIGN:.....

 (JOINT CHAIRMAN)

DATE:..... 6.12.11

MINUTES OF THE FOURTH JOINT SITTING OF THE DEPARTMENTAL COMMITTEES - ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, NOVEMBER 22ND, 2011 IN CONFERENCE ROOM COUNTY HALL AT 2.30 PM.

PRESENT:

The Hon. Mutava Musyimi, MP – Joint Chairperson
The Hon. Fred Kapondi, MP – Assistant chairperson
The Hon. David Were, M.P. – Assistant chairperson
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Peris C. Simam, M.P.
The Hon. Benjamin Langat, M.P
The Hon. Peter Kiilu, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Shakeel Shabbir, MP
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGY

The Hon. David Ngugi, MP – Assisting Chairperson
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohammed Affey, M.P.
The Hon. Peter Njuguna Gitau, MP
The Hon. Benjamin Jomo Washiali, MP
The Hon. Maison Leshoomo, MP
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Joseph Kiuna, MP
The Hon. Silas Ruteere Muriuki, M.P.
The Hon. Edwin O. Yinda, M.P.
The Hon. Isaac Muoki, M.P.
The Hon. Mohamed Sirat, MP
The Hon. Gideon Mungaro, MP
The Hon. Gideon Konchellah, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP
The Hon. Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. (Dr.) Wilbur Ottichilo, M.P.

The Hon. Boaz Kaino, M.P.

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Second Clerk Assistant
Mr. Rana Tiampati	Second Clerk Assistant
Mr. Daniel Mutunga	Second Clerk Assistant
Ms. Josephine Kusinyi	Third Clerk Assistant
Mr. Abenayo Makhokha	Third Clerk Assistant –Taking Minutes

MIN. 13/2011 - PRELIMINARY

The meeting opened with a word of prayer.

MIN. 14/2011- MEETING WITH THE KENYA AIRPORTS AUTHORITY DIRECTOR

The Managing Director briefed Members on the role of the Kenya Airports Authority. He gave a written memorandum with full details on the history of Kenya Airports Authority and the Jomo Kenyatta International Airport. The Managing Director stated among others that:

- The capacity that Jomo Kenyatta International Airport intended to cover has increased three times
- Competition with other airlines in the region is intense
- Needs more facilities to maintain its leading role
- Jomo Kenyatta International Airport has one runway and needs a second one hence the need for expansion of the airport
- Expansion includes facilities such as shops, hangars, backing bay etc
- Acquired title for disputed land in 1996
- The Kenya Airports Authority title incorporates all land occupied by the airport
- The public was warned by notice Of 14/11/2003 not to purchase the disputed land.
- Discovered in 2004 that some people tried to sell the land
- Kenya Airports Authority moved to court to stop sale or advertisement of the disputed land.
- The Managing Director stated that they could not fence the disputed land because some people had settled there and thus resisted Kenya Airports Authority's intention to fence
- The committee was informed that all structures in the disputed land were illegal because there was no approval from Kenya Airports Authority as stipulated by the enabling Act.
- The Managing Director observed that developers needed approval from Kenya Airports Authority and Kenya CAA and that in this case, none of the illegal occupants of the disputed land ever sought such approval for development
- The Managing Director informed the Committee that the personal assistant to the Minister for transport communicated to him instructions to demolish

structures on the disputed land. The Personal Assistant was said to be Mr. John Muya.

- The Managing Director stated that he was informed by the said Personal Assistant that it was a Cabinet decision to demolish houses and evict illegal occupants of the disputed land.
- The committee was concerned that there was no official communication from the minister and put the Managing Director to task to explain how he could rely on unofficial communication in such a serious matter.
- The committee noted that the Managing Director had the machinery to seek clarification and further inquiry from the Minister.
- Notices were published in local dailies requesting persons who had settled on Kenya Airports Authority land to vacate for various reasons. Notices were issued in 2008 to 2011. It was further noted that notices were posted in affected areas.
- The said notices had a sketch plan annexed thereto.
- The sketch plan was not distributed on the ground as there were no people then.
- The demolition exercise was co-ordinated by the provincial administration as stated by the Managing Director.
- The committee observed that the Kenya Airports Authority acted outside the judicial process since there was no court order to demolish the structures.
- The Managing Director noted that Kenya Airports Authority was also acting on the findings of a public committee of Government requiring people to be moved out of public land.
- Ungani group occupies L.R No.14231/1
- Mlologo brothers occupies L.R no.13512

Court cases

The Managing Director informed the committee that in the year 2002, they discovered that there were groups of people purporting to have obtained Title documents to the parcels of land located within KAA's L.R No.21919.

- Kenya Airports Authority moved to the High court and instituted two cases i.e HCCC No.489 of 2004, Kenya Airports authority Vs Ungani self Help group and HCCC No.206 of 2004, Kenya airports Authority vs Mlologo brothers & others.
- The Managing Director informed members that in March 2004 temporary orders were issued restraining the defendant from dealing in the said piece of land.
- The committee was informed that the High court ordered on 23/11/2004 that a status quo be maintained pending any further orders in respect to the disputed properties. At that time there were no developments on the disputed land.

- Status-quo meant that Kenya Airports Authority was the rightful owner and was expected to continue exercising its proprietary rights to the exclusion of other interested parties namely Mlolongo brothers and Ungani self group.
- Despite the interim orders to maintain status quo, the defendants continued to sell, subdivide and develop the land falling under the contentious area.
- The failure by the defendants to obey the order prompted Kenya Airport Authority to write to the commissioner of lands in 2005 seeking clarification on the authenticity of the documents held by the defendants.
- The commissioner of lands responded by a letter dated 30/12/2005 stating that all purported allocations as depicted on letters of allotment to Ungani settlement self-Help group and Mlolongo brothers Association were not genuine.
- The Director of survey was ordered by the court to carry out an extensive survey to determine whether the disputed land fell under Kenya Airport Authority title. The survey exercise took four years and a report was filed in court on 4/11/2009.
- The survey report confirmed that the parcels fell within L.R No.21919-Which is Kenya Airports Authority land.
- The Managing Director read the survey report to confirm that indeed the disputed land belonged to Kenya Airports Authority.
- The committee sought more information from the Managing Director on the issue of consolidated units.
- The Managing Director informed members of the committee that the parliamentary Public Investments Committee (PIC) had also dealt with the subject matter and found out that the allocations made to private developers were illegal.
- The Committee was informed that Kenya Airports Authority is in possession of the parent title which encompasses the disputed portions and that the survey was carried out as per the letter of allotment.
- The committee asked the Managing Director to provide the allotment letter which he said was issued in 1996.
- The Committee was concerned about the status of the land in dispute as at the date of allotment-whether it was private or government land and whether there were any settlements thereto.
- That L.R No.24937 appeared in the advertisement of 14/11/03 but not used up to now. The committee informed the Managing Director to provide further information on the status of this title.
- The committee was informed that Kenya Airports Authority was formed in 1993 to replace the Aerodrome department within the ministry of transport which was then the owner of airports in the country. The Managing Director promised to provide vesting orders.
- The Managing Director stated that Kenya Airports Authority has been under pressure from the Parliamentary Committee on Transport, Public Works and

Housing to move with speed and have all public land under its jurisdiction repossessed and utilised for intended purposes.

The Managing Director concluded his presentation and undertook to appear before the committee on Friday 25/11/11 to clarify and provide more information on other places such as Mitumba Village and submit a formal report to the committee.

- The Managing Director clarified that the land in dispute is situated in Nairobi.
- On inquiry by the committee as to whether Kenya Airports Authority was served with any court order in relation to the demolished settlements, the Managing Director stated that Kenya Airports Authority was served on Thursday after the demolition exercise.

Kenya Air Operators Association

Mr. Waithaka informed the Committee that there is an urgent need to remove all forms of settlements near all airports in the country. He referred to past accidents that occurred in the 1970's.

He shared with the Committee a standard sketch plan showing the international plan of a standard airport in accordance with international civil aviation standards.

The Kenya air operators promised to table security documents to be locate all the villages demolished

MIN 15/ 2011 ADJOURNMENT

There being no other business the sitting was adjourned at 5.00pm until Wednesday, 23rd November, 2011 in the Main Conference Room, County Hall at 10.00am.

Signed.....

(JOINT CHAIRMAN)

Date.....

MINUTES OF THE FIRST JOINT SITTING OF THE DEPARTMENTAL COMMITTEES - ADMINISTRATION & NATIONAL SECURITY, LANDS & NATURAL RESOURCES, LOCAL AUTHORITIES AND TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, NOVEMBER 17, 2011 IN COMMITTEE ROOM 4, MAIN 4TH FLOOR, And CONTINENTAL HOUSE AT 10.00 AM.

PRESENT:

The Hon. Mutava Musyimi, MP – Chairperson
The Hon. David Were, M.P. – Assistant chairperson
The Hon. Dr. Erastus Mureithi, MBS, HSC, M.P.
The Hon. Peter Njuguna Gitau, MP
The Hon. Benjamin Jomo Washiali, MP
The Hon. Peris C. Simam, M.P.
The Hon. Benjamin Langat, M.P.
The Hon. Raphael Letimalo, MP
The Hon. Maison Leshoomo, MP
The Hon. Peter Kiilu, MP
The Hon. Yusuf K. Chanzu, M.P.
The Hon. Mohamed Hussein Ali, MP
The Hon. Joseph Kiuna, MP
The Hon. Silas Ruteere Muriuki, M.P.
The Hon. Edwin O. Yinda, M.P.

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, MP – Assistant chairperson
The Hon. David Nguni, MP – Assistant chairperson
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohammed Affey, M.P.
The Hon. Justus M. Kizito, M. P.
The Hon. Omar Mbwana Zonga, MP
The Hon. Kiema Kilonzo, M. P.
The Hon. Isaac Muoki, M.P.
The Hon. Mohamed Sirat, MP
The Hon. Shakeel Shabbir, MP
The Hon. Gideon Mungaro, MP
The Hon. Gideon Konchellah, MP
The Hon. Fahim Twaha, MP
The Hon. Mwalimu Mwahima, MP
The Hon. Joshua Kutuny, MP
The Hon. Oyugi Magwanga, MP

The Hon. Hassan Joho, MP
The Hon. Zakayo Cheruiyot, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Clement Wambugu, M.P.
The Hon. (Dr.) Wilbur Ottichilo, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Joseph Kiuna, M.P.

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Rana Tiampati	-	Second Clerk Assistant
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Edward Libendi	-	Third Clerk Assistant
Mr. Abenayo Makhokha	-	Third Clerk Assistant

MIN. NO. 1/2011: INTRODUCTION

The Chairperson, Departmental Committee on Administration and National Security called the meeting to order at 10.07a.m after prayers were said. He welcomes and introduced Members of other Departmental Committees who were enjoined together by the House to undertake investigations on the demolitions and /evictions in Kyangombe, KPA, Maasai village and Syokimau.

He further informed Members present that the agenda for the meeting is to:-

- a) Election of Chairperson(s);
- b) Deliberation on Plan of Action;
- c) Date of the next sitting.

The proposed agenda was adopted by the Members present.

MIN. NO. 2/2011: ELECTION OF JOINT CHAIRPERSON

The Committee deliberated on the matter and the Hon. Mutava Musyimi, MP was proposed for to be the Joint Chair whiles the Hon. Fred Kapondi, Hon. David Were and Hon. David Ngugi, MP be the assisting Chairpersons.

The proposal was adopted unanimously and the Hon. Mutava Musyimi, MP was elected the Joint Chairperson.

The joint chairperson thanked Members present for honoring him by electing as their chairperson.

MIN. NO. 3/2011: DELIBERATION ON THE PLAN OF ACTION

The Committee deliberated on the plan of action and developed a programme of work starting on with a visit to the site of demolitions in Kyangombe, KPA and Maasai villages and Syokimau.

The main objective of the site visit will be; -

- (i) The state of the demolitions.
- (ii) The estimated cost of the demolition and loss of property and loss of property and lives following the demolitions.
- (iii) The actual areas where the demolition took place.
- (iv) The current situation of the affected families/households.
- (v) The government assistance offered to the victims following the demolition and subsequent eviction; and
- (vi) Report to the progress of demolition and evictions.
- (vii) Meet with the victims.

The Committee deliberated on draft programme and approved it but will be subject to change after the visit to the site.

The Committee further agreed to address the media to inform on the plan of action and agenda.

MONDAY, 21 ST NOVEMBER, 2011
(11.00 A.M.) Site Visit to Kyangombe/Maasai Village and Syokimau
TUESDAY, 22 ND NOVEMBER, 2011
<u>Morning sitting (10.00 A.M. – 12 Noon)</u> Meeting with Evictees and Land owners

Afternoon Sitting 2.30 P.M. – 5.30 P.M.

Meeting with the Kenya Airports Authority

WEDNESDAY, 23RD NOVEMBER, 2011

Morning sitting

(10.00 A.M. – 11.30 A.M.)

Meeting with Mavoko Municipal Council

(12 Noon – 1.30 P.M.)

Meeting with Nairobi City Council

Afternoon Sitting

(2.30 P.M. – 5.30 P.M.)

Meeting with the Attorney General

THURSDAY, 24TH NOVEMBER, 2011

Morning sitting

(10.00 A.M. – 11.30 A.M.)

Meeting with the Commissioner for Lands

(12 Noon – 1.30 P.M.)

Meeting with Mavoko Municipal Council

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Kenya Airports Authority

FRIDAY, 25TH NOVEMBER, 2011

Morning sitting

(10.00 A.M. – 12.00 noon.)

Meeting with the Provincial Commissioner – Nairobi, Provincial Police Officer – Nairobi, Deputy Provincial Police Officer – Nairobi, Officer Commanding Police Division - Embakasi

MONDAY, 28TH NOVEMBER, 2011

(10.00 A.M.)

Site Visit to Mitumba and Eastleigh

Afternoon Sitting (2.30 P.M. – 5.30 P.M.)

Meeting with the Provincial Commissioner – Nairobi, Provincial Police Officer – Nairobi, Deputy Provincial Police Officer – Nairobi, Officer Commanding Police Division – Embakasi

TUESDAY, 29TH NOVEMBER, 2011