

REPUBLIC OF KENYA



THE SENATE
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TWELFTH PARLIAMENT

SIXTH SESSION

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TABLED BY

Senate
Regional leader

COMMITTEE

Land, Environment &
Heritage Resources

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

PETITION BY KIRIMUN RESIDENTS REGARDING HISTORICAL LAND
INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING IN
KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY

Rt. Hon. Speaker
You may approve for
tabling.

09/06/22

Approved

9/06/2022

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

JUNE, 2022

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LIST OF ABBREVIATIONS/ ACRONYMS

ALMO	- African Livestock Marketing Organization
CS	- Cabinet Secretary
HLI	- Historical Land Injustices
KWS	- Kenya Wildlife Service
LMD	- Livestock Marketing Division
MOLPP	- Ministry of Lands & Physical Planning
NLC	- National Land Commission
NYS	- National Youth Service

PREFACE

Mr. Speaker sir,

The Standing Committee on Land, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

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

Chairperson

Vice-Chairperson

At the sitting of the Senate held on 14th October, 2021, Sen. (Dr.) Lelegwe Ltumbesi, MP, reported to the Senate that a Petition has been submitted through the Clerk, concerning Historical Land Injustices against Samburu Community living in Kirimun, Laikipia North, Laikipia County.

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

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) the Petition to Parliament (Procedure) Act and standing order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioners within

the prescribed period.

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

The Committee proceeded to invite the Cabinet Secretary, Ministry of Lands and Physical Planning and the Chairperson, National Land Commission, to address the issues raised on the Petition.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, Mr. Gershom Otachi, Chairperson, National Land Commission and the Ministry of Lands and Physical Planning for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition concerning Historical Injustices against the Samburu Community living in Kirimun, Laikipia North, Laikipia County.

Signed: _____

Date: _____

19/05/2022

SEN. MWANGI PAUL GITHIOMI, M.P.

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

CHAPTER 1

INTRODUCTION

1.0 Background

1. At the sitting of the Senate held on 14th October, 2021, Sen. (Dr.) Lelegwe Ltumbesi, MP, reported to the Senate that a Petition has been submitted through the Clerk, concerning Historical Land Injustices against the Samburu Community living in Kirimun, Laikipia North, Laikipia County. Pursuant to standing order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

1.1. Underlying Constitutional and Statutory Provisions

2. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.
3. **Article 1(1) and (2)** of the constitution of Kenya, reposes all sovereign Power in the People of Kenya, exercised solely in accordance with the Constitution
4. **Article 1(3) (a) and 1(4)** of the Constitution of Kenya delegates sovereign power of the constitution to, *inter alia*, parliament and the legislative assemblies of the county governments and that the sovereign power of the people is exercised at the national and county level.
5. **Article 37** of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while **Article 119(1)** of the Constitution provides that *"every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation."*

6. **Article 40 (3)(b)(i)** of the Constitution provides that the state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation- is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that requires prompt payment in full, of just compensation to the person.
7. **Article 60(1)(b)** of the provides that land in Kenya shall be held, used and managed in a manner that is unequitable, efficient, productive and sustainable and according to the principle of security of land rights.
8. Under **Article 62(2)** of the Constitution, public land shall vest and be held by the county government in trust for the people resident in the county and shall be administered by the National Land Commission. Further, under **Article 67(2)** of the Constitution, the National Land Commission is mandated to manage public land on behalf of the national and county governments.
9. **Article 119** of the constitution provides that any person has a right to petition Parliament to consider any matter within its authority.
10. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that *"every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation."*
11. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, standing order 232 of the Senate Standing Orders provides as follows-

232. Committal of Petitions

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

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

12. Standing order 233 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

13. Section 12 of the Land Act, 2012 provides for the procedure for allocation of Public Land.

1.2. The Complaint

14. This complaint before the Senate concerns the alleged historical land injustices against the Samburu Community living in Kirimun, Laikipia North, Laikipia County, where it is alleged that land belonging to the community was alienated by the colonial government for the establishment of the African Livestock Marketing Organization (ALMO) which later transformed into Livestock Marketing Division (LMD) for livestock development and marketing.

15. The subsequent existence and expansion of the Livestock Marketing Division led to the displacement of the Samburu Community from their traditional land without fair compensation. Despite numerous efforts to resolve the matter, it remains unresolved to date.

1.2.1. Background Facts of the Complaint

16. The National Land Commission Act, 2012 was enacted to provide for the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the National Land Policy. The enunciated principles included the principle of equitable access to land, the security of land rights and as well the settlement of community land disputes using local initiatives.
17. The Samburu community have often been depicted in postcards, coffee table books, and popular media as generously adorned girls or as glamorous bachelor warriors roaming the countryside engaging in livestock theft against their neighbors, and illegal herders.
18. The British colonial government founded the African Livestock Marketing Organization (ALMO), later transformed into the Livestock Marketing Division to spearhead livestock development and marketing. This policy development became a nightmare for the Samburu community. To date, the Livestock Marketing Division was seen as the curse to Samburu Community land rights;
19. The establishment of the Isiolo Holding Group in 1952 by the colonial government as a quarantine and disease screening area for pastoralists' cattle prior to their travelling further south for sale, was originally only 16,000 hectares but over time expanded to an area of approximately 124,000 hectares. This expansion extended to southern Livestock Marketing Division territory to the current Laikipia County further displacing the Samburu from their traditional lands.
20. The changes in land tenure introduced by the colonial government and later, the independent government affected the Samburu Community negatively. The nomadic pastoralist Samburu remain largely landless.

21. In Kiriimun, there were harrowing testimonies of harassment, torture and even death of nomadic herders and even women and children found in the Livestock Marketing Division controlled areas, all in the hands of their personnel,;
22. The Samburu Community has been depicted as illegal herders and troublemakers in the vast ranches of Laikipia County. The herders, as they were referred to, were seen as a source of insecurity for the private ranchers. On the basis of this depiction, the serious problem of unfair land alienation of traditional Samburu lands has been perpetrated.
23. The local community members had in the past engaged with the relevant authorities to lay down formal claims to the Samburu traditional land in Laikipia North Sub County, and particularly Kiriimun sub-location. As early as the 1900s, local delegations met with several national leaders to resolve the matter (2003-2007). The same issue had been raised with Laikipia County Council for a long time. In particular, in 1996, this was petitioned to the County Council during the leadership of Mr. John Lokopien, with no success. Local leaders were part of the delegation of Maa speakers to former Vice President Moody Awori in 2003 on the Laikipia landlessness of Samburu people but once again, no action was taken;
24. In 2004, following the expiry of the 100 years' land lease of 1 million hectares of land in the hands of British settlers in the country, the Samburu community under the aegis of Maasai Civil Society Group presented a petition to the government on the return of traditional Maa speaking land alienated by the colonial government. This was before the promulgation of the Kenya Constitution 2010, which now recognizes discussions on historical land injustices in the country. Unfortunately, the government rubbished the community demands.
25. The petitioners have made the best effort to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

The Petitioners prayed to the Senate that:

- (a) The rights and interests of the Samburu community be protected by the National Land Commission through conferment of title of all land in Kirimun sub-location to the designated Samburu community residents under the Community Land Act, 2016.
- (b) The Samburu People living in Kirimun, Laikipia North Sub County be compensated commensurate with the value of any land taken from them.
- (c) The Samburu community be compensated for historical wrongs of torture, humiliation and suffering perpetrated by the successive governments and its agents such as the Livestock Marketing Division, National Youth Service, Kenya Wildlife Service, game wardens and the police on the members of the Samburu community.
- (d) There is establishment of schools, health facilities and other public service institutions for the benefit of the Samburu community.
- (e) The rights of the Samburu community to use their traditional land, natural resources and water points for grazing and maintenance of their traditional way of life is upheld.
- (f) The planned establishment of Kirimun Game reserve is degazetted and subsequent allocation of the land to community residents.

CHAPTER 2

CONSIDERATION OF THE PETITION

2.0 Approach taken by the Committee

26. In considering the Petition, the Committee observed that it would be important to verify the facts alleged by the Petition. The Committee therefore resolved to conduct an inquiry on the issues raised in the Petition.
27. In this regard the Committee received the Petition from the Petitioner through the House and further met with the Petitioners on several occasions as it met with stakeholders.
28. Thereafter the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning and the Chairperson National Land Commission, who virtually appeared before the Committee.

2.1. Petitioners Submissions

29. Vide a letter REF: SEN/DCS/LENR/2/2021/(66) dated 21st October, 2021, the Committee invited the Petitioners to virtually appear before the Committee on Wednesday, 17th October, 2021. The Petitioners appeared before the Committee as invited and defended their Petition.

2.2. Responses by the Cabinet Secretary, Ministry of Lands and Physical Planning

30. Vide a letter REF: SEN/DCS/LENR/2/2022/(5A) dated 26th January 2022, the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning to virtually appear before the Committee on Thursday, 17th February, 2022. The Principal Secretary, Ministry of Lands and Physical Planning appeared before the Committee on 17th February, 2022 and made the following submissions:-

31. The Ministry informed the Committee that the land subject of the petition was Kirimun Ranch located on L.R No. 8036 and measures 16,655 Hectares (41,276 Acres). *Annexure 1* of the Ministry's Submissions is a copy of Deed Plan No. 325695.
32. According to the records with the Ministry, vide a letter Ref. 36661/59 dated December 22, 1954 (*Annexure 2 of the Ministry's Submissions*), the ranch was reserved for the Veterinary Department as a Livestock Holding ground for a term of 5 years with effect from January 1, 1956.
33. In 1958, the Ministry of Agriculture and Livestock Development applied to the Commissioner of Lands for a permanent reservation of the Holding Ground. This request was considered and approved by the Land Board at its meeting on February 25, 1959. A copy of the consent is marked annexure 3.
34. By a letter Ref. OP/CA.1/34A dated April 23, 1982 (annexure 4), the then Minister for Regional Development, Science and Technology wrote to the Minister for Lands and settlement where he confirmed that the National Youth Service was taking over the farm.
35. While the National Youth Service was taking over and settling on the farm, a delegation of leaders from Laikipia District also visited the then President of the Republic of Kenya (H. E. Daniel Arap Moi) on July 16, 1984 where they petitioned the President to consider establishing a Game Reserve at Kirimun Holding Ground, a request which was assented to by the President. Annexure 5 is a copy of a letter from the then Laikipia County Council Ref. LCC/ADM/36/46 dated May 8, 1990 communicating the President's approval.
36. In 1991, the Laikipia National Reserve was established vide Legal Notice No. 526 of October 16, 1991 (annexure 6) to cover the area previously known as Kirimun Holding Ground. In 1999, the same land (L.R No. 8036) was formally allocated to

the National Youth Service despite the fact that it had, in 1991 been gazetted as a National Reserve. A copy of the Letter of Allotment Ref. 215338/8 dated July 9, 1999 is marked annexure 7.

37. Upon receipt of the Letter of Allotment, the NYS duly accepted the offer and made the requisite payments and an official receipt No. E.522453 dated March 15, 2000 was issued by the Commissioner of Lands (annexures 8a and 8b).
38. The decision to allocate the land to the NYS did not go down well with both the County Council of Laikipia and the Kenya Wildlife Service who protested against the allocation stating that land was not available for alienation owing to the fact that it had earlier in 1991 been gazetted as a conservation area. Annexures 9a and 9b are copies of the protest letters.
39. In an effort to resolve the issue of ownership of the land, the Ministry mediated several meetings between the parties (County Council of Laikipia, Kenya Wildlife Service and the NYS) without any success. On April 14, 2004, the Permanent Secretary, Secretary to the Cabinet and Head of Public Service held a meeting in his office, Harambee House, where all the parties to the dispute were invited/present. Present in the meeting were:

Amb. Francis K. Muthaura	Permanent Secretary, Secretary to the Cabinet and Head of the Public Service
Mr. Kiriinya Mukiira	Permanent Secretary, Ministry of Lands
Mr. Zachary O. Ogongo	Permanent Secretary, Ministry of Local Government
Mr. Sylvester M. Mwaliko	Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs
Mr. Daniel M. Mule	Permanent Secretary, Ministry of Livestock and Fisheries Development

Mrs. Judith Okungu	Commissioner of Lands
Mr. Japheth Mwanja	Director, National Youth Service
Mr. H. K. Gitu	Clerk, Laikipia County Council
Mr. Daniel Omwemba	For Director, Kenya Wildlife Service
Mrs. Rosemarie Kigame	Cabinet Office
Mr. Stephen K. Kirogo	Recording

40. From the above meeting, it was resolved that:

- (a) Laikipia County Council retains Kirimun ranch for the establishment of a Game Reserve.
- (b) National Youth Service retains the remainder of Marmar Ranch L.R No. 8052 (Now surveyed as L.R 25089) measuring 18,030.65 Hectares.
- (c) Cadastral Survey for both ranches be carried out immediately to facilitate the preparation and issuance of Title Deeds. *Annexure 10 is a copy of minutes of the meeting.*

40. On the basis of the above resolutions, a Letter of Allotment was formally issued to the County Council of Laikipia Ref. 36661/143 dated May 24, 2004 for L.R 8036 measuring 16,738 hectares (41,360 Acres). The letter superseded the Letter of Allotment Ref. 215338/8 dated July 9, 1999, which allocated the land to the NYS. The Letter of Allotment indicates that the land was allocated for Kirimun Game Reserve.

41. Upon receipt of the Letter of Allotment (annexure 11), Laikipia County Council accepted the offer and made the necessary payments and an official receipt No. F. 827364 dated June 25, 2004 was issued by the Commissioner of Lands. Annexures 12a and 12b are copies of the acceptance letter and payment receipt respectively.

42. The interest of the NYS on the land was extinguished by the issuance of a letter of allotment to the Laikipia County Council.
43. The Ministry stated that the issues raised in the petition were of the nature of historical land injustice as defined under Section 15 (2) of the National Land Commission Act, 2012. The National Land Commission was seized of the matter registered as Claim No. NLC/HLI/1641/2021. The prayers sought by the petitioners would be addressed by the outcome

2.3. Responses by the National Land Commission

44. Vide a letter REF: SEN/DCS/LENR/2/2021/(80) dated 1st December, 2021; the Committee invited the Chairperson National Land Commission to virtually appear before the Committee on Wednesday, 7th December, 2021 who thereafter appeared and made the following submission;
45. The Chairperson informed the Committee that attention had been brought to the Commission in late August 2021 of a Petition and Complaints of a similar nature on the subject land by members of the Samburu community. The Commission, on its own motion, considered the issues to be candidate for historical land injustice and, under its mandate as spelt out in Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act, 2012 which mandates the Commission "to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress", took cognizance of the matter and took it up.
46. It was noted that the Commission proceeded to formally receive the petition as a historical land injustice claim on its own initiative and entered it into the register of claims as Claim Number NLC/HLI/1641/2021 and will proceed to consider its admissibility, carry out investigations and make appropriate recommendations.

47. The Committee was informed that adjudication of and conferment of title to community land was governed by the Community Land Act (sections 8 to 14) and the mandate thereunder was primarily that of the Cabinet Secretary Lands and Physical Planning and the respective County Government.
48. However, upon hearing the Historical Land Injustice (HLI) claim, the Chairperson stated that the Commission may recommend appropriate remedies, possibly including those set out in the prayers.

CHAPTER 3

COMMITTEE OBSERVATIONS

44. The Committee having considered the submissions of the Petitioners, the Cabinet Secretary, Ministry of Lands and Physical Planning and the National Land Commission made the following observations-

- (1) **Historical Land Injustices-** The Committee observed that the complaints by the Petitioners was protracted in nature and dated back to the injustices by the colonial administration and subsequent inaction and denial of rights to community land by the government. The Committee observed that historical land injustices have been committed against the Samburu Community at large and the community living in Kirimun in particular.
- (2) **Recommendation by the Ministry of Land and Physical Planning-** The Committee notes that the Ministry of Land and Physical Planning admitted that the Petition raised fundamental historical land injustices and stated that the National Land Commission was properly seized of the matter and had the constitutional authority to handle it.
- (3) **Mandate of the National Land Commission-** The Committee observed from the submission by the National Land Commission that the subject matter of the petition had been brought the attention of the Commission in August 2021 in addition to similar complaints by the Samburu Community. The Community observed that that the mandate to investigate and make recommendations on historical land injustices is the mandate of the National Land Commission as enshrined under Article 67(2)(e) of the Constitution. The National Land Commission should therefore undertake an investigation into the issues and make and recommendation on the remedies available to the Petitioners.

(4) Investigation by the National Land Commission- The Committee resonated with the confirmation by the Chairperson of the National Land Commission; Mr. Gershom Otachi in his assertion that that it was properly seized of the historical land injustices issues raised in the Petition and advised that it was in the process of conducting investigations on the same. Mr. Gershom Otachi undertook that the Commission would expedite its investigations and make its recommendations within 3 months of 17th February, 2022.

CHAPTER 4

COMMITTEE RECOMMENDATIONS

45. The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders and recommends that the National Land Commission, which undertook investigation of the historical land injustices raised in the Petition in accordance with its mandate under Article 67(2)(e) of the Constitution, promptly investigates the same and makes its recommendations by 30th June, 2022.

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

**MINUTES OF THE 66TH SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 14TH OCTOBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00
AM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Arch. Sylvia Kasanga, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. Boy Issa Juma, MP

1. Sen. Philip Mpaayei, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Gideon Moi, CBS, MP

PRESENT

- Chairperson
- Member (Ag. Chairperson)
- Member
- Member

ABSENT WITH APOLOGY

- Vice Chairperson
- Member
- Member
- Member
- Member

IN ATTENDANCE

A. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Keriako Tobiko
 2. Mr. Julius Kamau
 3. Mr. Patrick Kariuki
 4. Mr. Rodney Omari
 5. Dr. Benjamin Kinyili
- Cabinet Secretary
 - Chief Conservator of Forests
 - Kenya Forest Service
 - Ministry of Environment HQ
 - Kenya Forest Service

B. COUNTY GOVERNMENT OF NANDI

1. Dr. Philemon Kiptoo Bureti
 2. Mr. Abraham Kogo
- CECM, Lands Nandi County
 - Legal Officer

C. PETITIONERS

1. Mr. Earnest Ambetsa
- Secretary, Petitioners

D. SECRETARIAT

1. Mr. Victor Bett
 2. Ms. Lucianne Limo
 3. Ms. Clare Kidombo
 4. Mr. Mitchell Otoro
 5. Mr. James Kimiti
 6. Mr. Erick Njogu
- Clerk Assistant
 - Media Relations Officer
 - Research Officer
 - Legal Counsel
 - Audio Recording
 - Clerk Assistant

MINUTE SEN/SCLENR/375/2021: PRELIMINARIES

The meeting was called to order at 11.30 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/376/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwangi Paul Githiomi, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
 - *Prayer;*
 - *Introductions*
2. Adoption of the agenda;
3. **Petition on the resettlement status of former Kimondi Forest evictees.**

Submissions from:

- **Cabinet Secretary, Ministry of environment and Forestry**
 - **Cabinet Secretary, Ministry of Lands and Physical Planning**
 - **Chairperson, National Land Commission**
 - **Governor, Nandi County**
4. Any other Business;
 5. Date of the next meeting;
 6. Adjournment.

MINUTE SEN/SCLENR/377/2021: PETITION ON RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

The meeting noted the absence of the Ministry of Lands and Physical Planning, and the National Land Commission but resolved to proceed with the submissions of the present stakeholders.

Submissions from the Ministry of Environment and Forestry

- Ministry of Environment and Forestry submitted to the Committee that it would have been imperative to have submissions from the Ministry of Land and Physical Planning (MoLPP) as the findings of the Committee on historical land injustices by National Land Commission (NLC), which the petitioners had based their claims on did not apply to Kenya Forest Services (KFS).
- The Ministry observed that the NLC Committee on historical land injustices recommendations placed responsibility of resettling the petitioners on MoLPP and the County government of Nandi.
- They informed the meeting that KFS responsibility was management of forests and played no role on matters resettlement.

Submissions from the County Government of Nandi

- In their submission, the County Government stated that the land meant for resettlement of the evictees was forest land that belonged to the Ministry of Environment and Forestry, and not the county government. They therefore could not do resettlement on it.

Committee Observations and Interventions

- The Committee sought to know from the alternative resettlement plans put in place by the county government and was informed that there existed numerous squatters in Nandi County whose resettlement awaited degazettement of some forest land, a process that was yet to be authorized by KFS
- The Committee observed that Kenya had a small forest cover and that alienating parts of forests land for resettlement would hamper the country's effort to attain a minimum of 10% forest cover.
- The Committee sought to know if there existed plans to degazette forest land for resettlement purposes in Nandi County and was informed by the CS, Ministry of Environment and Forestry that findings by the NLC historical land injustices committee had not given any recommendation requiring resettlement of squatters on forest land.
- The Committee observed the need to conserve forest, noting that NLC findings required the MoLPP and the County Government of Nandi to find a suitable place to resettle the evictees that was not necessarily forest land.
- Consequently, the Committee requested the County Government of Nandi to clarify the plans to resettle the evictees in an alleged forest land and was informed that was known to NLC and was conversed during the NLC Committee on historical land injustices public hearings.

Following a series of deliberations, the Committee resolved to reschedule the meeting to a later date and invite the following stakeholders;

**CS Ministry of Lands and Physical Planning,
CS Ministry of Environment and Forestry,
the Chairperson National Land Commission, and
the County Government of Nandi.**

MINUTE SEN/SCLNR/378/2021: ANY OTHER BUSINESS

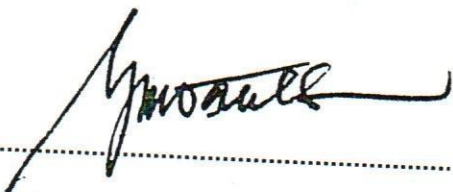
The meeting was informed by the secretariat about a petition regarding historical injustices against Samburu community leaving in Kirimun area of Laikipia North in Laikipia County.

The Committee resolved to invite the petitioners to a meeting of the Committee to appraise members on matters regarding the petition as well as NLC to respond to the issues raised.

MINUTE SEN/SCLNR/379/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:12 pm and the next meeting was to be held on Wednesday 21st October, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

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

MINUTES OF THE 70TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 17TH NOVEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. George Khaniri, MGH, MP
5. Sen. Boy Issa Juma, MP
6. Sen. Arch. Sylvia Kasanga, MP

PRESENT

- Vice Chairperson
- Member
- Member
- Member
- Member
- Member (Ag. Chairperson)

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. Gideon Moi, CBS, MP

- Chairperson
- Member
- Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. John Lekushula

- Representative, Petitioners

B. SECRETARIAT

1. Mr. Victor Bett
2. Mr. Mitchell Otoro
3. Mr. Erick Njogu
4. Robert Rop

- Clerk Assistant
- Legal Counsel
- Clerk Assistant
- Hansard Officer

MINUTE SEN/SCLNR/390/2021: PRELIMINARIES

The meeting was called to order at 11.25 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLNR/ 391/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows

1. Preliminaries
 - Prayer;
 - Introductions
2. Adoption of the agenda;

3. **Petition regarding historical injustices against Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**

- **Submissions from Petitioners.**

4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/ 392 /2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY

Submissions from Petitioners

- The Committee was taken through the petition by the petitioners as was presented to the Senate, highlighting the numerous attempts they have made in the past to have the matter resolved but were unsuccessful.
- In their prayer, the petitioners sought the Senate, through the Committee, to intervene and have the matter resolved.
- The Committee noted the land ownership challenges the petitioners had gone through in Laikipia County and the efforts they had made to have the matter resolved by authorities.
- The Committee also noted that traditional land that belonged to the Samburu community living in Laikipia County was taken away by the colonial government and awarded it on lease to their soldiers. The leases expired in 2004 and the community's attempt to have some of the land returned to them were unsuccessful despite renewal of some of the leases where the land was granted to new owners.
- Members also observed that nomadic pastoralist communities within Laikipia county were regarded as illegal herders and source of insecurity, and that there existed an order from the Ministry of Interior and Coordination of National Government that required them to vacate Laikipia County. It was further noted that the security operations in Laikipia have led to loss of lives of members of the community as well as loss of livestock
- It was noted that the population of the community has since grown and were unable to practice their tradition such as grazing on the lands and that the petitioner's prayer was to have the Kirimun area given back to them to allow their lives to return to normal.

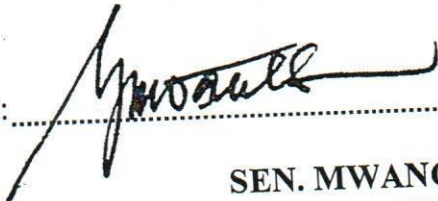
MINUTE SEN/SCLENR/ 393 /2021: ANY OTHER BUSINESS

There was no other business.

MINUTE SEN/SCLNR/ 394 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.52 am and the next meeting was to be held on Wednesday, 18th November, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

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

**MINUTES OF THE 71ST SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 18TH NOVEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT
11.00 AM.**

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. (Dr.) Lelegwe Ltumbesi, MP
5. Sen. George Khaniri, MGH, MP
6. Sen. Boy Issa Juma, MP

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Arch. Sylvia Kasanga, MP

A. PETITIONERS

1. Mr. John Lekushula

B. NATIONAL LAND COMMISSION (NLC)

1. Mr. Gershom Otachi
2. Samuel Nthuni

C. SECRETARIAT

1. Ms. Clare Kidombo
2. Mr. Victor Bett
3. Mr. Mitchell Otoro
4. Mr. Erick Njogu
5. Mr. James Kimiti

PRESENT

- Vice Chairperson
- Member (**Ag. Chairperson**)
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

- **Chairperson**
- Member
- Member

IN ATTENDANCE

- Representative, Petitioners

- Chairperson
- Secretariat

- Research Officer
- Clerk Assistant
- Legal Counsel
- Clerk Assistant
- Hansard Officer

MINUTE SEN/SCLENR/395/2021: PRELIMINARIES

The meeting was called to order at 11.29 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 396/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. George Khaniri, MGH, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows

1. Preliminaries

- *Prayer;*
- *Introductions*

2. Adoption of the agenda;

3. **Petition regarding historical injustices against Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**

- **Submissions from Chairperson, National Land Commission.**

4. Any other Business;

5. Date of the next meeting;

6. Adjournment.

MINUTE SEN/SCLENR/ 397 /2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY

Submission from Chairperson, National Land Commission

- As the Chairperson, National Land Commission took the Committee through his submissions, members noted that they were directly drawn from responses to a similar petition submitted to the Departmental Committee on Lands in the National Assembly and thus did not address the issues raised in the petition tabled in the Senate.
- The Chairperson, National Land Commission tendered his apology to the Committee and informed the meeting that the submission was erroneously made. He further sought the Committee for more time to put together a relevant response to the questions as framed in the petition and present it to the Committee at a later meeting, a request the Committee acceded to.

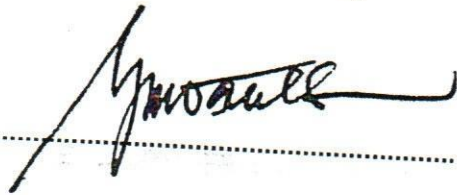
MINUTE SEN/SCLENR/ 398 /2021: ANY OTHER BUSINESS

- The Committee noted that it was necessary to get the input from the Ministry of Tourism and Wildlife on the matter of establishment of Kirimun Game Reserve in Laikipia County and **resolved request for information and a status update on the same.**
- The meeting was informed by the Secretariat of a petition that was tabled in the Senate regarding the alleged illegal alienation of parcel of land EMBU/MUNICIPALITY/375 (LEASEHOLD) by Child Welfare Society of Kenya in Embu County.

MINUTE SEN/SCLENR/ 399 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.45 am and the next meeting was to be held on Tuesday, 30th November, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 72ND SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 30TH NOVEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP

1. Sen. Philip Mpaayei, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Arch. Sylvia Kasanga, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. George Khaniri, MGH, MP
6. Sen. Boy Issa Juma, MP

A. PETITIONERS

1. Mr. John Lekushula

B. SECRETARIAT

1. Ms. Veronicah Kibati
2. Ms. Clare Kidombo
3. Mr. Victor Bett
4. Mr. Moses Kinyanchui
5. Mr. Erick Njogu
6. Ms. Florence Waweru
7. Mr. James Kimiti

PRESENT

- Chairperson
- Member
- Member

ABSENT WITH APOLOGY

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

IN ATTENDANCE

- Representative, Petitioners

- Principal Clerk Assistant
- Research Officer
- Clerk Assistant
- Legal Counsel
- Clerk Assistant
- Clerk Assistant
- Hansard Officer

MINUTE SEN/SCLENR/400/2021: PRELIMINARIES

The meeting was called to order at 11.16 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 401/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows

1. Preliminaries
 - Prayer;

- *Introductions*
- 2. Adoption of the agenda;
- 3. **Petition regarding historical injustices against Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**
- **Submissions from Chairperson, National Land Commission.**
- 4. Any other Business;
- 5. Date of the next meeting;
- 6. Adjournment.

MINUTE SEN/SCLNR/ 402 /2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY

- The Committee was informed of apologies from the Chairperson, National Land Commission that he was engaged in statutory inquiries in Lamu County for the ongoing LAPSET Corridor project vide letter Ref: NLC/1/7/13 dated 29th November, 2021.
- For the petition to progress, the Committee noted that the presence of the Chairperson, National Land Commission was essential and therefore **resolved to re-invite him to a meeting of the Committee on Tuesday 7th December 2021 to respond to the issues raised in the Petition.**

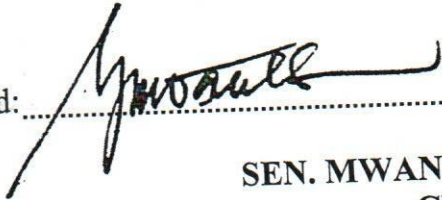
MINUTE SEN/SCLNR/ 403 /2021: ANY OTHER BUSINESS

- The Senator Embu County sought to know if the Chairperson, National Land Commission would be present in the Committee meeting with petitioners on the Diodos of Embu Trustees Petition. He was informed by the Secretariat that the said meeting would only involve the petitioners, and that he would be present on Wednesday 1st December 2021 when the Committee will be considering matters Kimondi and Chetambe (Webuye) Hill forests.
- The Secretariat was thus tasked to ensure that the Chairperson, National Land Commission is left behind after the meeting to discuss matters on Kirimun residents' petition.
- The Senator Samburu County sought to know the effect the Special Sittings of the Senate slated for 1st and 2nd December, 2021 would have on the business of the Committee and was informed by the Secretariat that written permission from the Speaker was required in accordance with Standing Orders 200 (2).
- The Secretariat was thus tasked to ensure that the written permission from the Speaker was obtained to allow the Committee to proceed smoothly with its urgent business.

MINUTE SEN/SCLNR/ 404 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.40 am and the next meeting was to be held on Wednesday, 1st November, 2021 at 11:00 am.

Signed:



Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

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

**MINUTES OF THE 76TH SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
TUESDAY, 7TH DECEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 12.00
PM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. George Khaniri, MGH, MP
5. Sen. Boy Issa Juma, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- Chairperson
- Member
- Member
- Member
- Member
- Member

1. Sen. Cherarkey Samson K, MP

IN ATTENDANCE

- Senator, Nandi County

1. Sen. Philip Mpaayei, MP
2. Sen. Gideon Moi, CBS, MP
3. Sen. Arch. Sylvia Kasanga, MP

ABSENT WITH APOLOGY

- Vice Chairperson
- Member
- Member

IN ATTENDANCE

A. PETITIONERS – KIMONDI FOREST EVICTEES

1. Mr. Earnest Ambetsa
- Representative, Petitioners

B. PETITIONERS – CHETAMBE (WEBUYE) HILL FOREST

1. Mr. Patrick Lichuma
- Representative, Petitioners

C. PETITIONERS – KIRIMUN RESIDENTS

1. Mr. John Lekushula
- Representative, Petitioners

D. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi
- Chairperson

E. COUNTY GOVERNMENT OF NANDI

1. H.E. Dr. Yulita Chepbotip Cheruiyot
 2. Mr. Solomon Mang'ira
 3. Mr. Philemon Bureti
 4. Mr. Kibet Awi
 5. Mr. Abraham Kogo
- Deputy Governor
 - Chief Officer, Lands
 - CEC Lands
 - Legal Officer
 - Legal Officer

6. Mr. Koech Isaac

- Lands Administrator

F. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Hon. Mohammed Elmi

- Chief Administrative Secretary

2. Mr. Julius Kamau

- Chief Conservator of Forests

3. Dr. Benjamin Kinyili

- Kenya Forest Service Officer

4. Mr. Evans Kigoda

- Kenya Forest Service Officer

5. Ms. Juma

- Kenya Forest Service Officer

6. Ms. Jacinta Nabwire

- Assistant Secretary

7. Mr. Alfred Gichu

- Kenya Conservation Directorate

G. SECRETARIAT

1. Ms. Veronicah Kibati

- Principal Clerk Assistant

2. Ms. Clare Kidombo

- Research Officer

3. Mr. Victor Bett

- Clerk Assistant

4. Mr. Mitchell Otoro

- Legal Counsel

5. Mr. Erick Njogu

- Clerk Assistant

6. Mr. James Kimiti

- Hansard Officer

7. Shem Ayuka

- Attachee

MINUTE SEN/SCLENR/421/2021: PRELIMINARIES

The meeting was called to order at 12.20 pm by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 422/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. (Dr.) Lelegwe Ltumbesi, MP and seconded by Sen. George Khaniri, MGH, MP as follows

1. Preliminaries

- *Prayer*
- *Introductions*

2. Adoption of the agenda;

3. **Petition regarding historical injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**

- **Submissions from the Chairperson, National Land Commission;**

4. **Petition on the resettlement status of former Kimondi Forest evictees;**

- **Submissions from -**
 - **The Cabinet Secretary, Ministry of Lands and Physical Planning;**

- The Chairperson, National Land Commission; and
- The Governor, Nandi County.

5. Petition on the alleged gazettement of Chetambe (Webuye) Hill Forest, vide legal notice No. 106: proposed declaration of public Forest Chetambe (Webuye) Hill forest dated 25th June, 2021.

- Submissions from -
 - The Cabinet Secretary, Ministry of Lands and Physical Planning; and
 - The Chairperson, National Land Commission.

6. Any other Business;

7. Date of the next meeting;

8. Adjournment.

MINUTE SEN/SCLENR/ 423/2021: PETITION ON THE RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES

- The meeting was informed of an apology from the Cabinet Secretary Ministry of Lands and Physical Planning as she was held in Cabinet meeting.
- Nonetheless, the meeting proceeded and heard the submissions from the Chairperson National Land Commission as follows;

Submissions from National Land Commission

The Chairperson, National Land Commission submitted as follows;

The Commission acknowledges receipt of an Historical Land Injustice Claim from Former Kimondi Forest Squatters and Kimondi Forest Squatters which were admitted and registered under Claim No. NLC/HLI/430/2018 and NLC/HLI/016/2017 respectively.

The Commission proceeded to hearing the claims between 10th to 11th July 2018 in Nandi County. Subsequently, the Commission made and signed a determination on the 7th February 2019 in which it recommended as follows;

The County Government in collaboration with the Ministry of Lands (Adjudication and Settlement Department) and other relevant authorities, should proceed with the resettlement of both the 1st and 2nd claimants.

As per the determination, the principal entities anticipated to implement the recommendations are the Ministry of Lands and Physical Planning and the County Government of Nandi. The Commission has no specific role unless called upon to assist in any other manner as per its mandate.

Observations and Interventions

- The Committee noted that that the County Government in conjunction with the Ministry of Lands and Physical Planning were required to resettle the petitioners as recommended by the National Land Commission.
 - The Committee also sought to know from the County Government the plans it had to resettle the evictees and the Deputy Governor informed the meeting that from National Land Commission community engagement exercise, the findings established the existence of an alleged 1,541 hectares of land excised from the current Nandi North Forest land that was to be used for resettlement and that it was yet to be allocated to the county.
 - The Committee sought clarification on the existence of the alleged degazettement of forest land for resettlement and the Ministry informed the meeting that there existed no such degazettement in their records.
 - There being no record of degazetted forest land, noting the need to protect the national forest cover, the Committee observed that the petitioners needed to be resettled on alternative land other and asked the County Government to brief the Committee on the available options.
 - The County Government informed the meeting that apart from the petitioners, there existed other numerous squatters within Nandi County who needed resettlement and that following engagements with the National Land Commission, it was recommended that some of the land under tea plantations be resurveyed to ascertain its actual size as there existed a mismatch between the actual and the documented size. Excess land from the exercise would be used for re-settlement..
 - The County Government also informed members that the resurvey process was put on hold after a section of the tea landowners sought judicial intervention over the recommended resurvey where a stay order was issued.
 - The Committee sought the National Land Commission to clarify the number of people who were to be resettled, the criteria used to arrive at the figure and whether it had a role in following up implementation of its recommendations.
 - Chairperson National Land Commission informed the meeting that there was no actual number captured in the findings by National Land Commission but could be obtained from the numerous correspondences over the matter between different stakeholders. The Commission further added that its role ended at issuing findings and recommendation to the implementation agencies for action.
 - From the deliberations, the Committee resolved as follows;
- i. **The Committee resolved to hold a stakeholder's meeting with the Cabinet Secretary Ministry of Lands and Physical Planning, the National Land Commission, the County Government of Nandi and the tea farms**

multinationals with the aim of;

- a. Getting the tea farms resurveyed through alternative dispute resolution away from the court. The Committee felt that move would be better than excising forest land.
 - b. Seeking the Ministry of Lands and Physical Planning to look for some funds to facilitate acquisition of land for resettling the evictees.
- ii. The Committee also resolved to conduct a county visit to Nandi on a fact-finding mission and meet with different stakeholders to resolve the matter.

MINUTE SEN/SCLENR/ 424/2021: PETITION ON THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE, 2021.

The matter was rescheduled to Thursday 9th December, 2021 following an apology from the Ministry of Land and Physical Planning and the Senator Bungoma County.

MINUTE SEN/SCLENR/ 425/2021: PETITION REGARDING HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTH IN LAIKIPIA COUNTY.

The Chairperson National Land Commission submitted as follows;

Attention had been brought to the Commission in late August 2021 of a Petition and Complaints of a similar nature on the subject land by members of the Samburu community. The Commission, on its own motion, considered the issues to be candidate for historical land injustice and, under its mandate as spelt out in Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act, 2012 which mandates the Commission "to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress", took cognizance of the matter and took it up.

The Commission proceeded to formally receive the petition as a historical land injustice claim on its own initiative and entered it into the register of claims as Claim Number NLC/HLI/1641/2021 and will proceed to consider its admissibility, carry out investigations and make appropriate recommendations.

The Commission specifically wishes to point out that adjudication of and conferment of title to community land is governed by the Community Land Act (sections 8 to 14) and the mandate thereunder is primarily that of the Cabinet Secretary Lands and Physical Planning and the respective County Government.

However, upon hearing the HLI claim, the Commission may recommend appropriate

remedies, possibly including those set out in the prayers.

Interventions

The Committee noted the need to have both the Ministry of Lands and Physical Planning and the National Land Commission present when the matter is being discussed and **resolved to invite both to a meeting of the Committee for conclusive deliberations.**

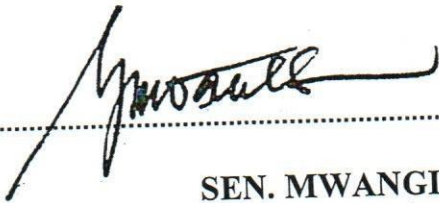
MINUTE SEN/SCLENR/ 426 /2021: ANY OTHER BUSINESS

- The Senator Taita Taveta requested to know the status of the DCI report on the the Petition by residents of Mkamenyi Village in Voi sub-county of Taita Taveta County regarding the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County.
- The Committee to invite DCI during the stakeholder's meeting to provide an update.

MINUTE SEN/SCLENR/ 427 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 13:40 pm and the next meeting was to be held on Wednesday, 8th December, 2021 at 11:00 am.

Signed:



Date: 18/2/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

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

**MINUTES OF THE 1ST SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 9TH FEBRUARY, 2022 VIA ZOOM ONLINE PLATFORM AT 11.00
AM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. Mwaruma Johnes, MP

1. Sen. Philip Mpaayei, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. Gideon Moi, CBS, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Arch. Sylvia Kasanga, MP

SECRETARIAT

1. Mr. Victor Bett
2. Ms. Clare Kidombo
3. Mr. Mitchell Otoro
4. Mr. Erick Njogu
5. Mr. John Pere

PRESENT

- Chairperson
- Member
- Member
- Member

ABSENT WITH APOLOGY

- Vice Chairperson
- Member
- Member
- Member
- Member

IN ATTENDANCE

- Clerk Assistant
- Research Officer
- Legal Counsel
- Clerk Assistant
- Serjeant-at-Arms

MINUTE SEN/SCLENR/001/2022: PRELIMINARIES

The meeting was called to order at 11.19 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 002/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Mwaruma Johnes, MP as follows

1. Preliminaries
 - Prayer
 - Introductions
2. Adoption of the agenda;

3. Confirmation of Minutes;
4. **Consideration of Pending Business; Petitions, Statements, County Visits and Inquiries;**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/003/2022: CONFIRMATION OF MINUTES;

- The meeting was informed of a set of 20 minutes of the Committee that were yet to be confirmed.
- It was suggested that the minutes be confirmed during the proposed work planning retreat and members acceded.

MINUTE SEN/SCLENR/004/2022: CONSIDERATION OF PENDING BUSINESS; PETITIONS, STATEMENTS, COUNTY VISITS AND INQUIRIES

The meeting was taken through the pending business as follows;

PENDING MEETINGS

DATE	TIME	AGENDA	INVITED STAKEHOLDERS		REMARKS
WEDNESDAY, 9 TH FEBRUARY, 2022	11.00 AM	Housekeeping	In-house	Join Zoom Meeting https://us02web.zoom.us/j/85484426824?pwd=SWpmNkJTYUZXXK3hsbDZmSy9zcG1HQT09 Meeting ID: 854 8442 6824 Passcode: 655907	
WEDNESDAY, 16 TH FEBRUARY, 2022	11.00 AM	Petition to the senate on the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta county	<ul style="list-style-type: none"> Cabinet Secretary Ministry of Interior and Coordination of National Government Directorate of Criminal Investigation 	Letters Sent Join Zoom Meeting https://us02web.zoom.us/j/88511893600?pwd=WU5oT01kNnRnaG1XckdXa09JL280QT09 Meeting ID: 885 1189 3600 Passcode: 901595.	<ul style="list-style-type: none"> Members were informed that the decision to invite the Cabinet Secretary and the Directorate of Criminal Investigation (DCI) was arrived at during the previous meeting of the Committee following failure by DCI to present an investigative report despite numerous requests by the Committee hence delaying conclusion of the matter.
	12.00 NOON	Summons to Cabinet Secretary Ministry of Lands and Physical Planning and Cabinet Secretary Ministry of Education over statements	<ul style="list-style-type: none"> Cabinet Secretary Ministry of Lands and Physical Planning. Cabinet Secretary Ministry of Education. 	Summon still being processed. Join Zoom Meeting https://us02web.zoom.us/j/81054549017?pwd=R0lrdFZZK3pISFN6RTRrYm9zY1BuZz09 Meeting ID: 810 5454 9017 Passcode: 559676	<ul style="list-style-type: none"> The Meeting was informed that the two Cabinet Secretaries were summoned by the committee following failure to honour the Committee's invitations to respond to issues within the mandates of their respective ministries. Members noted that the summons were to be dispatched over the day.
		Petition on historical injustices against the	<ul style="list-style-type: none"> Cabinet Secretary 	(Letters Sent) Join Zoom Meeting	<ul style="list-style-type: none"> Members were informed that the

THURSDAY, 17 TH FEBRUARY, 2022	11.00 AM	Samburu Community living in Kirimun area of Laikipia North in Laikipia County	Ministry of Lands and Physical Planning • Chairperson, National Land Commission	https://us02web.zoom.us/j/84486000530?pwd=bkJWV0s3c0cwQ1ZCNklnaGY3aHp4QT09 Meeting ID: 844 8600 0530 Passcode: 999416	Cabinet Secretaries were invited to give concrete responses following substandard during a previous meeting over the matter.
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PENDING COUNTY VISITS

AGENDA	PROPOSED DATES	REMARKS
• Retreat Work planning (Mombasa/Naiivasha)		<ul style="list-style-type: none"> The secretariat requested the Committee to propose the dates for the activities. The secretariat was tasked to formulate the proposed dates and present them before the Committee during the next meeting for ratification.
• Visit to Bungoma County and Nandi County – Chetambe Hill Forest Petition and Kimondi Forest Petition		
• Visit to Embu County and Nyandarua County – Embu Diocese Petition and Kwa Muhu Statement		
• Report Writing Retreat (Mombasa/Naiivasha)		

PENDING PETITIONS

The meeting was informed that there were seven (7) pending petitions before the Committee which included;

PETITIONERS	PETITION	REMARKS
Residents of Kericho and Bomet Counties	• The status of land owned by multinationals in Kericho and Bomet Counties	<ul style="list-style-type: none"> The meeting was informed that the petition was joint between Land, Environment and Natural Resources, and Justice, Legal Affairs and Human Rights Committees. The meeting was also informed that the Committee resolved to leave the matter Justice and Legal Affairs Committee to conclude it after which there will be a joint sitting to adopt the report.
Residents of Mkamenyi	• The alleged encroachment of land belonging to Mkamenyi	• The meeting was informed that invitations were sent to Cabinet

Village in Voi sub-county of Taita Taveta County	residents by Voi Point Limited in Taita Taveta County.	Secretary Ministry of Interior and Coordination of National Government and the Directorate of Criminal Investigation for a meeting with the Committee next week to facilitate conclusion of the matter.
Residents of Webuye East, Bungoma County	<ul style="list-style-type: none"> The gazettement of Chetambe (Webuye) Hill Forest, vide Legal Notice No. 106, dated 25th June 2021 	<ul style="list-style-type: none"> The Committee was informed that the matter awaited a county visit for it to be concluded.
Former Kimondi Forest evictees	<ul style="list-style-type: none"> Resettlement status of former Kimondi Forest evictees 	<ul style="list-style-type: none"> The Committee was informed that the matter awaited a county visit for it to be concluded.
Ms. Linda Munyao and other members of the Environment Institute of Kenya (EIK)	<ul style="list-style-type: none"> Introduction to the Senate of the proposed Environment Institute of Kenya Bill. 	<ul style="list-style-type: none"> The meeting was informed that the petition was concluded and only awaited written responses from the Ministry of Environment and Forestry.
Kenya Water and Sanitation Civil Society Network	<ul style="list-style-type: none"> To expunge offending provisions in the Water Services Regulations, 2021 and the Water Resources Regulations, 2021. 	<ul style="list-style-type: none"> The meeting was informed that the matter was concluded and that a draft report was ready and awaited consideration by the Committee.
Kirimun residents	<ul style="list-style-type: none"> Historical injustices against the Samburu community living in Kirimun area of Laikipia North in Laikipia County. 	<ul style="list-style-type: none"> The Committee was informed that a meeting with the Ministry of Lands and physical Planning and the National Land Commission was scheduled for 17th February 2022, after which a county visit would be conducted to conclude the matter.
Bishop Paul Kariuki Njiru and Sister Alice Wambui	<ul style="list-style-type: none"> Illegal alienation of parcel of land Embu/Municipality/375 (leashold) by the Child Welfare Society of Kenya. 	<ul style="list-style-type: none"> The Committee was informed that the petitioners and stakeholders had been invited and that it awaited a county visit and analysis of all submissions before a final meeting.

PENDING STATEMENTS

The meeting was informed that 12 statements were pending before the Committee awaiting responses from the relevant Ministries and Agencies.

MINUTE SEN/SCLENR/005/2022: ANY OTHER BUSINESS

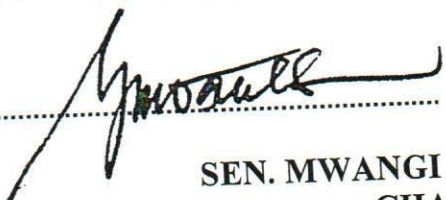
- Senator for Taita Taveta County sought to know the implementation status of the report of the Committee on the Petition on the alleged impending evictions of Msambweni residents by a private company.

- The secretariat informed him that a follow up on the same would be done with the relevant ministry to ascertain the status of implementation of the report and revert with a response in the following week

MINUTE SEN/SCLENR/006/2021: DATE OF NEXT MEETING

The meeting was adjourned at 11:00 am and the next meeting was to be the next meeting was to be held on Wednesday, 16th February, 2022 at 11:00 am.

Signed:



Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

**MINUTES OF THE 3RD SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 17TH FEBRUARY, 2022 VIA ZOOM ONLINE PLATFORM AT
11.00 AM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Boy Issa Juma, MP
6. Sen. Arch. Sylvia Kasanga, MP

PRESENT

- Chairperson
- Member
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. Ndwiga Peter Njeru, EGH, MP
3. Sen. Gideon Moi, CBS, MP

- Vice Chairperson
- Member
- Member

IN ATTENDANCE

A. MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Dr. Nicholas Muraguri, CBS
2. Mr. Chacha Maroa

- Principal Secretary
- Officer, Chief Land Registrar's Office
- Ass. Director, Land administration
- Legal Officer

3. Mr. John Kamau
4. Ms. Caroline Menin

B. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi
2. Mr. Samuel Nthuni

- Chairperson

C. SECRETARIAT

1. Mr. Victor Bett
2. Ms. Clare Kidombo
3. Mr. Mitchell Otoro
4. Mr. Erick Njogu
5. Mr. Simon Muinde

- Clerk Assistant
- Research Officer
- Legal Counsel
- Clerk Assistant
- Audio Officer

MINUTE SEN/SCLNR/012/2022: PRELIMINARIES

The meeting was called to order at 11.17 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 013/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, MP as follows

1. Preliminaries
 - *Prayer*
 - *Introductions*
2. Adoption of the agenda;
3. **Petition regarding historical injustices against the Samburu Community living in Kirimun area of Laikipia Northin Laikipia County;**
 - **Submissions from the Chairperson National Land Commission; and**
 - **Submissions from the Cabinet Secretary, Ministry of Lands and Physical Planning**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/014/2022: PETITION REGARDING HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF LAIKIPIA NORTHIN LAIKIPIA COUNTY;

Submissions from the Cabinet Secretary, Ministry of Lands and Physical Planning
The Principal Secretary (PS), Ministry of Lands and Physical Planning took the Committee through his submissions as follows (*see attached...*).

Observations and Interventions

- It was observed that the matter had been admitted as a case of Historical Land Injustices and was under consideration by the National Land Commission (NLC).
- The Committee sought to know from the ministry how long the matter was likely to take to be resolved and was informed that the matter was in the purview of NLC and that it would be concluded once NLC has concluded its investigations and made recommendations.
- Chairperson NLC informed the meeting that the matter would be prioritized and concluded with three (3) months.
- The Committee requested the Chairperson to give an overview of the process followed till the matter was brought to conclusion and it was informed that the process begins at receiving the matter, followed by admission, then investigations and finally hearing.
- The Senator for Samburu County sought to know if the response by the PS had been issued to the Petitioners and was informed that the same would be available to the petitioner once they receive the final report of the Committee on the Petition.

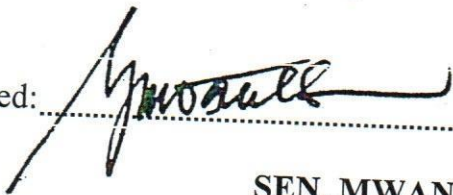
MINUTE SEN/SCLENR/015/2022: ANY OTHER BUSINESS

- The Senator for Taita Taveta County sought to know from the PS how the ministry intended to tackle the Msambweni issue in view of the Settlement Fund Board of Trustees (SFT Board), considering the recommendations of the Committee in its final report on the matter.
- The PS informed the member that they were indeed in receipt of the report and that the ministry would consider the matter and chart the way forward, including pushing for it to appear before the SFT Board as it would sit in April 2022.
- The meeting **resolved to make a follow up with the matter with the ministry in May of 2022 after the sitting of the Board.**
- Members sought to know from the Secretariat if the scheduled Work Planning Retreat was still on course and were informed that it was and that it would be hybrid to allow members who will not be physically present to join in virtually.

MINUTE SEN/SCLENR/016/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:04 pm and the next meeting was to be held on Friday, 18th February, 2022 at 9:00 am.

Signed:



Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

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

MINUTES OF THE 4TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 18TH FEBRUARY, 2022 AT ENGLISH POINT MARINA, MOMBASA COUNTY AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Ndwiga Peter Njeru, EGH, MP
2. Sen. (Dr.) Lelegwe Ltumbesi, MP
3. Sen. Arch. Sylvia Kasanga, MP
4. Sen. Gideon Moi, CBS, MP

- Member
- Member
- Member
- Member

IN ATTENDANCE

SECRETARIAT

1. Mr. Victor Bett
2. Ms. Clare Kidombo
3. Mr. Mitchell Otoro
4. Mr. Erick Njogu
5. Ms. Alice Namaya
6. Mr. James Kimiti

- Clerk Assistant
- Research Officer
- Legal Counsel
- Clerk Assistant
- Secretary
- Hansard Officer

MINUTE SEN/SCLENR/017/2022: PRELIMINARIES

The meeting was called to order at 9.00 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 018/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwaruma Johnes, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
 - Prayer
 - Introductions
2. Adoption of the agenda;
3. Pending Legislative Business;

4. Confirmation of Pending Minutes;
5. Matters Arising;
6. Adoption of the following Petition Report
 - Draft Report of the Committee on the Petition to expunge the alleged the alleged offending provisions in the Water Services Regulations, 2021 and Water Resources Regulations, 2021
7. Any other Business;
8. Date of the next meeting;
9. Adjournment.

MINUTE SEN/SCLENR/019/2022: PENDING LEGISLATIVE BUSINESS;

- The Secretariat briefed the meeting on the pending legislative business as captured in the Statements and Petitions Trackers.
- Members was informed of other items that would be considered during the retreat including confirmation of pending minutes and adoption of three petition reports.
- The Committee was taken through pending legislative business as follows;

1. PETITIONS

The pending Petitions included;

NO	PETITIONER	SUBJECT	REPORTED/ PRESENTED BY:	DATE OF REPORTING / PRESENTATION	STANDING COMMITTEE OF COMMITTAL	REMARKS
	Residents of Webuye East, Bungoma County	The gazettement of Chetambe (Webuye) Hill Forest, vide Legal Notice No. 106, dated 25th June 2021	Sen. Moses Wetang'ula, EGH, MP	04/08/2021	Land, Environment and Natural Resources	County Visit scheduled 10 th – 13 th March, 2022 Report Writing
	Former Kimondi Forest evictees	Resettlement status of former Kimondi Forest evictees	Sen. George Khaniri, MP	07/09/2021	Land, Environment and Natural Resources	County Visit scheduled 10 th – 13 th March, 2022 Report Writing
	Ms. Linda Munyao and other members of the Environment Institute of Kenya (EIK)	Introduction to the Senate of the proposed Environment Institute of Kenya Bill.	The Speaker	08/09/2021	Land, Environment and Natural Resources	Report Writing

Kenya Water and Sanitation Civil Society Network	To expunge offending provisions in the Water Services Regulations, 2021 and the Water Resources Regulations, 2021.	The Speaker	16/9/2021	Land, Environment and Natural Resources	Report Writing
Kirimum residents	Historical injustices against the Samburu community living in Kirimum area of Laikipia North in Laikipia County.	Sen. (Dr.) Lelegwe Ltumbesi, MP	14/10/2021	Land, Environment and Natural Resources	Report Writing
Bishop Paul Kariuki Njiru and Sister Alice Wambui	Illegal alienation of parcel of land Embu/Municipality/375 (leasehold) by the Child Welfare Society of Kenya.	Sen. Ndwiga Peter Njeru, EGH, MP	17/11/2021	Land, Environment and Natural Resources	County Visit scheduled 28 th February, 2022

- On the issue Mkamenyi Petition, the meeting was also informed that the Committee had resolved to reinvoke the Cabinet Secretary, Ministry of interior and Coordination of National Government and the Directorate of Criminal Investigations (DCI) over the matter to address the issues raised by the Committee.
- The meeting was also informed that a request had been sent to DCI asking them to do a formal response on the Mkamenyi matter as the one they had sent initially appeared to be an internal document since it lacked the Cabinet Secretary's letter head.
- On the issue of the joint petition regarding the Multinationals in Kericho County, the meeting was informed that the report was ready for consideration. The Committee resolved to engage Senate Committee on Justice and Legal Affairs and schedule a meeting to conclude the matter.

Observations and Interventions

- The meeting observed that recommendations issued in the Committee report on Msambweni issue needed further resolutions such have the matter considered by the Settlement Fund Board of Trustees (SFT Board). Deliberations on the matter ensued and the **Committee resolved to conduct a follow up with the implementing agencies on the matter by inviting them to a meeting of the Committee where it can pronounce itself further by issuing resolutions such as having the matter handled by SFT Board for quicker turnaround times.**
- The Secretariat was tasked to have the invitations done.

2. STATEMENTS

The pending statements included;

NO	STATEMENT BY	SUBJECT	DATE OF REQUEST/ISSUE	STATUS
1.	Sen. Moses Otieno Kajwang', MP	Dredging and sand harvesting activities around Takawiri Island in Lake Victoria	02.03.2021	Awaiting Response from Ministry of Environment
2.	Sen. Mercy Chebeni, MP on behalf of Sen. Abshiro Halake, MP	Status of <i>Kwa Muhu</i> Internally Displaced Persons (IDPs) resettlement farm in Kanjuiri, Olkalou in Nyandarua County	05.08.2021	The Committee has received written responses from the PS Ministry of Lands and Physical Planning and awaits response from the National Land Commission Scheduled a County Visit on Monday 28 th February, 2022
3.	Sen. Johnson Sakaja, MP	Demolition of Martin Luther Primary School in Makadara Constituency, Nairobi City County	13.10.2021	The Committee has requested for written responses from the Ministry of Education and the Ministry of Lands and Physical Planning. Summons sent to the Cabinet Secretaries to appear before the Committee on Tuesday 22 nd February, 2022
4.	Sen. Aaron Cheruiyot, MP	Status of titling of Government Learning Institutions	10.11.2021	The Committee has scheduled a meeting with the Ministry of Lands and Physical Planning and the Ministry of Education to issue their responses. Summons sent to the Cabinet Secretaries to appear before the Committee on Tuesday 22 nd February, 2022
5.	Sen. Aaron Cheruiyot, MP	Land transactions by Multinationals without the involvement of the National or County Governments	11.11.2021	The Committee has requested for written responses from the Ministry of Lands and Physical Planning.
6.	Sen. Millicent Omanga, MP	Alleged irregular ownership and use of land No. LR 336/64, originally land No. LR 336/12 in Babadogo, Nairobi City County	11.11.2021	The Committee has requested for written responses from the Ministry of Lands and Physical Planning.

7.	Sen. Cherarkey Samson, MP	Land leases in Nandi County	01.12.2021	The Committee has requested for written responses from the Ministry of Lands and Physical Planning.
8.	Sen. Paul Githiomi, MP	Rampant destruction of food crops by elephants in Kiriita Ward, Ndaragwa Constituency, Nyandarua County	02.12.2021	The Committee has requested for written responses from the Ministry of Tourism and Wildlife
9.	Sen. Paul Githiomi, MP	Delay in issuance of title deeds to the members of Gwa Kung'u Self-help Group in Ndaragwa Constituency, Nyandarua County	02.12.2021	The Committee has requested for written responses from the Ministry of Lands and Physical Planning.
10.	Sen. John Kinyua, MP (Sto 47(3))	Insecurity in Laikipia County and the need to clear land around the Laikipia Nature Conservancy to aid visibility and enhance security operations in the County	02.12.2021	The Committee has requested for written responses from the Ministry of Environment and Forestry and the Ministry of Tourism and Wildlife

Observations and Interventions

- The Committee observed that the issue on Takwiri Island was yet to be concluded despite numerous requests for responses from the Ministry of Environment. **The Committee resolved to have a reminder sent to Ministry and tasked the secretariat on the same.**
- On the issue of Demolition of Martin Luther Primary School, the meeting was informed of an apology from the Cabinet Secretary Ministry of Lands and Physical Planning being she was not able to honour the summon issued by the Committee as she was out of the Country. **The Committee resolved to consider the matter on Tuesday 22nd February, 2022 and thereafter make a determination.**

MINUTE SEN/SCLENR/019/2022: CONFIRMATION OF PENDING MINUTES:

- The Minutes of the 58th sitting held on 20th August, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 60th sitting held on 16th September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Philip Mpaayei, MP respectively.

- The Minutes of the 61st sitting held on 22nd September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Philip Mpaayei, MP respectively.
- The Minutes of the 62nd sitting held on 23rd September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 63rd sitting held on 29th September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 64th sitting held on 30th September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 65th sitting held on 6th October, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by and Sen. Philip Mpaayei, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 66th sitting held on 14th October, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 67th sitting held on 21st October, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP, and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 69th sitting held on 28th October, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 70th sitting held on 17th November, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Philip Mpaayei, MP respectively.
- The Minutes of the 71st sitting held on 18th November, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 73rd sitting held on 1st December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 75th sitting held on 2nd December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Philip Mpaayei, MP respectively.
- The Minutes of the 76th sitting held on 7th December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.

- The Minutes of the 77th sitting held on 8th December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 78th sitting held on 8th December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 79th sitting held on 9th December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 80th sitting held on 9th December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- Confirmation of the minutes of the 59th, 72nd and 74th meetings was deferred to a later date.

MINUTE SEN/SCLENR/020/2022: MATTERS ARISING

There were no matters arising.

MINUTE SEN/SCLENR/021/2022: ADOPTION OF THE FOLLOWING PETITION REPORT

- **Draft Report of the Committee on the Petition to expunge the alleged the alleged offending provisions in the Water Services Regulations, 2021 and Water Resources Regulations, 2021**

The Committee considered the draft report and resolved to defer its adoption to allow for further deliberations on the matter with Ministry of Water and Sanitation. The Secretariat was tasked to invite the Cabinet Secretary Ministry of Water and Sanitation to a meeting of the Committee on the Same.

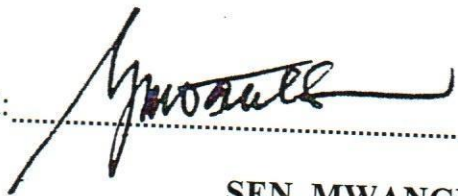
MINUTE SEN/SCLENR/022/2022: ANY OTHER BUSINESS

- The Committee noted that not all title deeds for the Colonial Village in Nyandarua County had been issued and resolved to conduct a follow up on the same. The Secretariat was tasked to ensure that the implementing agencies are invited to the meeting of the Committee for an update.

MINUTE SEN/SCLENR/023/2021: DATE OF NEXT MEETING

The meeting was adjourned at 1:00 pm and the next meeting was to be held on Friday, 18th February, 2022 at 2:00 pm.

Signed:



Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 5TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 18TH FEBRUARY, 2022 AT ENGLISH POINT MARINA, MOMBASA AT 2.00 PM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. Boy Issa Juma, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|----------|
| 1. Sen. Ndwiga Peter Njeru, EGH, MP | - Member |
| 2. Sen. George Khaniri, MGH, MP | - Member |
| 3. Sen. (Dr.) Lelegwe Ltumbesi, MP | - Member |
| 4. Sen. Arch. Sylvia Kasanga, MP | - Member |
| 5. Sen. Gideon Moi, CBS, MP | - Member |

IN ATTENDANCE

SECRETARIAT

- | | |
|-----------------------|--------------------|
| 1. Mr. Victor Bett | - Clerk Assistant |
| 2. Ms. Clare Kidombo | - Research Officer |
| 3. Mr. Mitchell Otoro | - Legal Counsel |
| 4. Mr. Erick Njogu | - Clerk Assistant |
| 5. Ms. Alice Namaya | - Secretary |
| 6. Mr. James Kimiti | - Hansard Officer |

MINUTE SEN/SCLNR/024/2022: PRELIMINARIES

The meeting was called to order at 2.00 pm by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLNR/025/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Philip Mpaayei, MP and seconded by Sen. Mwaruma Johnes, MP as follows

1. Preliminaries
 - Prayer
 - Introductions
2. Adoption of the agenda;
3. Adoption of the following Petition Reports

- Draft Report of the Committee on the proposed Environment Institute of Kenya Bill; and
 - Draft Report of the Committee on the Petition regarding Historical Injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County.
4. Any other Business;
 5. Date of the next meeting;
 6. Adjournment.

MINUTE SEN/SCLENR/026/2022: ADOPTION OF THE FOLLOWING PETITION REPORTS

- **Draft Report of the Committee on the proposed Environment Institute of Kenya Bill**

The Committee considered the draft report and resolved to defer its adoption to allow for further deliberations on the matter in the presence of the Ministry of Environment and Forestry and the petitioners to determine the next cause of action. The Secretariat was tasked to send out the invitations

- **Draft Report of the Committee on the Petition regarding Historical Injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County**

The Committee considered the draft report and resolved to defer its adoption to allow for further deliberations.

MINUTE SEN/SCLENR/027/2022: ANY OTHER BUSINESS

There was no other business

MINUTE SEN/SCLENR/028/2021: DATE OF NEXT MEETING

The meeting was adjourned at 4:00 pm and the next meeting was to be held on Tuesday, 22nd February, 2022 at 2:00 pm.

Signed: _____

Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 20TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 19TH MAY, 2022 VIA ZOOM ONLINE PLATFORM AT 12.00 NOON.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Boy Issa Juma, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member
- Member

ABSENT WITH APOLOGY

- | | |
|------------------------------------|----------|
| 1. Sen. George Khaniri, MGH, MP | - Member |
| 2. Sen. (Dr.) Lelegwe Ltumbesi, MP | - Member |
| 3. Sen. Gideon Moi, CBS, MP | - Member |
| 4. Sen. Arch. Sylvia Kasanga, MP | - Member |

IN ATTENDANCE

SECRETARIAT

- | | |
|------------------------|--------------------|
| 1. Mr. Victor Bett | - Clerk Assistant |
| 2. Ms. Clare Kidombo | - Research Officer |
| 3. Mr. Mitchell Otoro | - Legal Counsel |
| 4. Mr. Erick Njogu | - Clerk Assistant |
| 5. Ms. Florence Waweru | - Clerk Assistant |
| 6. Mr. James Kimiti | - Hansard Officer |

MINUTE SEN/SCLENR/096/2022: PRELIMINARIES

The meeting was called to order at 12.20 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 097/2022: ADOPTION OF AGENDA

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

1. Preliminaries
 - Prayer
 - Introductions
2. Adoption of the agenda;
3. Confirmation of Minutes;

4. Matters Arising;
5. **Adoption of Petition Reports**
 - **Report on the Petition Regarding historical injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**
 - **Report on the Petition Regarding the alleged illegal alienation of parcel of land EMBU/MUNICIPALITY/375 (Leasehold) by Child Welfare Society of Kenya in Embu County;**
 - **Report on the Petition to Approve the Proposed Environment Institute of Kenya (EIK) Bill; and**
 - **Report on Petition to expunge the alleged offending provisions in the Water Services Regulations, 2021 and Water Resources Regulations, 2021**
6. Any other Business;
7. Date of the next meeting;
8. Adjournment.

MINUTE SEN/SCLNR/098/2022: CONFIRMATION OF MINUTES

- The Minutes of the 72nd sitting held on 30th November, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 74th sitting held on 2nd December, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 1st sitting held on 9th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 2nd sitting held on 16th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 3rd sitting held on 17th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 4th sitting held on 18th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 5th sitting held on 18th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.

- The Minutes of the 6th sitting held on 22nd February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Philip Mpaayei, MP respectively.
- The Minutes of the 7th sitting held on 28th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Philip Mpaayei, MP respectively.
- The Minutes of the 8th sitting held on 28th February, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Ndwiga Peter Njeru, EGH, MP respectively.
- The Minutes of the 9th sitting held on 9th March, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 10th sitting held on 16th March, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 11th sitting held on 17th March, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Mwangi Paul Githiomi, MP respectively.
- The Minutes of the 12th sitting held on 11th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 13th sitting held on 12th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Boy Issa Juma, MP respectively.
- The Minutes of the 14th sitting held on 13th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively .
- The Minutes of the 15th sitting held on 13th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Ndwiga Peter Njeru, EGH, MP respectively.
- The Minutes of the 16th sitting held on 14th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, MP and Sen. Ndwiga Peter Njeru, EGH, MP respectively.
- The Minutes of the 17th sitting held on 14th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 19th sitting held on 19th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Philip Mpaayei, MP and Sen. Boy Issa Juma, MP respectively.

MINUTE SEN/SCLENR/099/2022: MATTERS ARISING

There were no matters arising.

MINUTE SEN/SCLENR/100/2022: ADOPTION OF PETITION REPORTS

- **Report on the Petition Regarding historical injustices against the Samburu Community living in Kirimun area of Laikipia North in Laikipia County;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

The National Land Commission, which is investigating the historical land injustices raised in the Petition in accordance with its mandate under Article 67(2)(e) of the Constitution, promptly investigates the same and makes its recommendations within 3 months of the tabling of this report.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Boy Issa Juma, MP respectively.

- **Report on the Petition Regarding the alleged illegal alienation of parcel of land EMBU/MUNICIPALITY/375 (Leasehold) by Child Welfare Society of Kenya in Embu County;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

The Embu County Government, the Ministry of Lands and Physical Planning and the National Land Commission identifies and procures alternative and appropriate land for the Child Welfare Society of Kenya to use for its activities in Embu County.

Upon the identification and procurement of alternative land as stated above, the Ministry of Lands and Physical Planning registers the subject land in the name of the Catholic Church – Diocese of Embu specifically to continue running the children's home as it has for the last sixty years.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Johnes Mwaruma, MP respectively.

- **Report on the Petition to Approve the Proposed Environment Institute of Kenya (EIK) Bill;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

The Senate, in due course, favorably considers and approves the Bill the Committee shall propose to address the regulation of environment professionals.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Philip Mpaayei, MP respectively.

- **Report on Petition to expunge the alleged offending provisions in the Water Services Regulations, 2021 and Water Resources Regulations, 2021**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

noting that the Regulations have ceased to have effect and are now void pursuant to section 11(4) of the Statutory Instruments Act, the Committee recommends that the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation conducts a fresh and effective public participation on draft regulations and thereafter publishes them and transmits them to both Houses of Parliament in accordance with section 11(1) of the Statutory Instruments Act.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.

MINUTE SEN/SCLNR/101/2022: ANY OTHER BUSINESS

The meeting was informed that the following draft reports would be ready for consideration by the Committee during the next meeting;

- Report on a Petition has been submitted through the Clerk, concerning The alleged gazettement of Chetambe (Webuye) Hill Forest, vide legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest Dated 25th June 2021;
- Report on a Petition has been submitted through the Clerk, concerning the resettlement status of the former Kimondi forest evictees;
- Report on a Petition regarding the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;
- Report on a Petition regarding the status of land owned by multinationals in Kericho and Bomet Counties; and
- Report on the Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021).

The Committee was informed that the National Assembly had rejected the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020). Consequently, a ten-member mediation Committee had been constituted with membership from both houses of Parliament and they included;

1. Sen. Mwangi Paul Githiomi, MP;
2. Sen. Ndwiga Peter Njeru, EGH, MP;
3. Sen. Johnes Mwauma, MP;
4. Sen. (CPA) Farhiya Haji, MP;
5. Sen (Arch). Sylvia Kasanga, MP;
6. Hon. Eng. Paul Nzengu, MP;
7. Hon. Chachu Ganya, MP;
8. Hon. Rozah Akinyi Buyu, MP;
9. Hon. Shinali Benard Masaka, MP;
10. Hon. Ali Amin Deddy, MP;

The Secretariat requested to have the first meeting of the Mediation Committee on Tuesday, 24th May, 2022 and the Committee acceded to the request.

MINUTE SEN/SCLNR/102/2022: DATE OF THE NEXT MEETING

The meeting was adjourned at 11:54 am and the next meeting was to be held on Wednesday, 25th May, 2022 at 11:00 am.

Signed: _____

Date: 20/5/2022

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS



NATIONAL LAND COMMISSION

**RESPONSE TO PETITION REGARDING HISTORICAL LAND INJUSTICES
AGAINST THE SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF
LAIKIPIA NORTH IN LAIKIPIA COUNTY**

REPORT BY:

**GERSHOM OTACHI BW'OMANWA
CHAIRMAN**

3RD DECEMBER, 2021

**RESPONSE TO PETITION REGARDING HISTORICAL LAND INJUSTICES
AGAINST THE SAMBURU COMMUNITY LIVING IN KIRIMUN AREA OF
LAIKIPIA NORTH IN LAIKIPIA COUNTY**

HON CHAIR

I make reference to the letter Ref. SEN/DCS/LENR/2/2021(67) dated 21st October, 2021 from the Clerk of the Senate on the above petition.

This petition is premised on the grounds that residents of Kirimun Community lay claim to the Samburu traditional land, and in particular Kirimun Sub location. As early as 1990s, local delegations met with several national leaders to resolve the matter including Laikipia Council of Elders.

The petition further notes that in 2004, following the expiry of 100 years' land lease of some of the million hectares of land in the hands of the British settlers in the country, the Samburu Community presented a petition to the Government on the return of traditional Maa speaking land alienated by the colonial Government. They claim that the Government, unfortunately, rubbished the demands of the community.

The petitioners inform that none of the issues raised in this petition pending in any court of the law, constitutional or any other legal body.

The petitioners pray that the Senate intervenes with a view to ensure that:

1. The rights and interest of the Samburu Community are protected by the National Land Commission through conferment of the title of all land in Kirimun Sub-location to the designated Samburu Community residents under the Community Land Act 2016;
2. The Samburu people living in Kirimun, Laikipia North Sub-county are compensated commensurate with the value of any land taken from them;
3. The Samburu Community are compensated for historical wrongs of torture, humiliation and suffering perpetuated by the successive governments and its agents such as the Livestock Marketing Division, National Youth Service, Kenya Wildlife Service game wardens and the Police on the members of the Samburu in Kirimun Sub-location;

4. There is accelerated establishment of schools, health facilities and other public service institutions for the benefit of the Samburu Community;
5. The rights of the Samburu Community to use their traditional land, natural resources and water points for grazing and maintenance of their traditional way of life is upheld; and
6. The planned establishment of Kirimun Game reserve is degazetted and subsequent allocation of the land to community residents.

RESPONSE

Hon. Chair, The Commission wishes to respond as follows:

Attention had been brought to the Commission in late August 2021 of a Petition and Complaints of a similar nature on the subject land by members of the Samburu community. The Commission, on its own motion, considered the issues to be candidate for historical land injustice and, under its mandate as spelt out in Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act, 2012 which mandates the Commission "to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress", took cognizance of the matter and took it up.

The Commission proceeded to formally receive the petition as a historical land injustice claim on its own initiative and entered it into the register of claims as Claim Number NLC/HLI/1641/2021 and will proceed to consider its admissibility, carry out investigations and make appropriate recommendations.

The Commission specifically wishes to point out that adjudication of and conferment of title to community land is governed by the Community Land Act (sections 8 to 14) and the mandate thereunder is primarily that of the Cabinet Secretary Lands and Physical Planning and the respective County Government.

However, upon hearing the HLI claim, the Commission may recommend appropriate remedies, possibly including those set out in the prayers.

Hon. Chair, I submit

Gershom Otachi

GERSHOM OTACHI BW'OMANWA
CHAIRMAN

3RD DECEMBER, 2021

ANNEX III: SUBMISSIONS BY THE PETITIONER

**PETITION TO THE SENATE BY KIRIMUN RESIDENTS CONCERNING
HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING
IN KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY**

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

Email: csenate.petitions@parliament.go.ke

[Handwritten signature]
[Handwritten signature]
13/10/2021

**PETITION TO THE SENATE BY KIRIMUN RESIDENTS CONCERNING
HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING
IN KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY**

We, the undersigned,

Citizens of the Republic of Kenya, and residents of Kirimun,
Laikipia County;

PCAS I - Lands
Ksindy dem
15/10/21

DRAW the attention of the Senate to the following:

THAT, The National Land Commission Act 2012 was enacted to provide for the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the national land policy. The enunciated principles include the principle of equitable access to land, the security of land rights and as well the settlement of community land disputes using local initiatives;

THAT, the Samburu community have often been depicted in postcards, coffee-table books, and the popular media as generously adorned girls or as glamorous bachelor warriors roaming the countryside engaging in livestock theft against their neighbors, and illegal herders;

THAT, the British Colonial government founded the African Livestock Marketing Organization (ALMO), later transformed into the Livestock Marketing Division (LMD) to spearhead livestock development and marketing.

**PETITION TO THE SENATE BY KIRIMUN RESIDENTS CONCERNING
HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING
IN KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY**

This policy development became a nightmare for the Samburu community. To date, the LMD is seen as the curse to the Samburu community land rights;

THAT, the establishment of the Isiolo Holding Ground in 1952 by the colonial government as a quarantine and disease screening area for pastoralists' cattle prior to their travelling further south for sale, was originally only 16,000 hectares but overtime expanded to an area of approximately 124,000 hectares. This expansion extended the southern LMD territory to the current Laikipia County further displacing the Samburu from their traditional lands;

THAT, the changes in land tenure introduced by the colonial government and later, the independent government affected the Samburu negatively. The nomadic pastoralist Samburus remained largely landless;

THAT, in Kiri^{to}mun, there are harrowing testimonies of harassments, torture and even death in the hands of the LMD personnel for the nomadic herders, and even women and children found in the LMD controlled areas;

THAT, the Samburu community have been depicted as illegal herders and trouble makers in the vast ranches of Laikipia County. The herders, as they are referred^{to} are seen as a source of insecurity for the private ranchers. On the basis of this depiction, the serious problem of unfair land alienation of the traditional Samburu lands has been perpetrated;

THAT, the local community members have in the past engaged with the relevant authorities to lay down formal claims to the Samburu traditional land in Laikipia North Sub County, and particularly Kiri^{to}mun sub-location. As early as the 1990s, local delegations met with several national leaders to resolve the matter (2003-2007). The same issue has been raised with the Laikipia County Council for a long time. In particular, in 1996, this was petitioned to the County council during the leadership of Mr. John Lokopien, with no success. Local leaders were part of the delegation of Maa speakers to former Vice

**PETITION TO THE SENATE BY KIRIMUN RESIDENTS CONCERNING
HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING
IN KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY**

President Moody Awori in 2003 on the Laikipia landlessness of Samburu people but once again, no action was taken;

THAT, in 2004, following the expiry of the 100 years' land lease of some 1 million hectares of land in the hands of British settlers in the country, the Samburu community under the aegis of Maasai Civil Society Group presented a petition to the government on the return of traditional Maa speaking land ^{alienated} ~~aliened~~ by the colonial government. This was before the promulgation of Kenyan Constitution 2010, which now recognized discussions on historical land injustices in the country. Unfortunately, the government rubbished the community demands;

THAT, the petitioners have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate intervenes with a view to ensure that-

1. the rights and interests of the Samburu community are protected by the National Land Commission ^{through} ~~th~~ conferment of the title of all land in Kiriimun sub location to the designated Samburu community residents under the Community Land Act, 2016;
2. the Samburu People living in Kiriimun, Laikipia North Sub County are compensated commensurate with the value of any land taken from them;
3. the Samburu community are compensated for historical wrongs of torture, humiliation and suffering perpetrated by the successive

**PETITION TO THE SENATE BY KIRIMUN RESIDENTS CONCERNING
HISTORICAL INJUSTICES AGAINST THE SAMBURU COMMUNITY LIVING IN
KIRIMUN, LAIKIPIA NORTH, LAIKIPIA COUNTY**

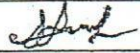

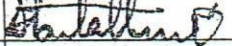





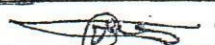
governments and its agents such as the LMD, NYS, KWS game wardens
and the Police on the members of the Samburu in Kirimun sub-location;

4. there is accelerated establishment of schools, health facilities and other
public service institutions for the benefit of the Samburu community;


5. the rights of the Samburu community to use their traditional land,
natural resources and water points for grazing and maintenance of
their traditional way of life is upheld; and

6. the planned establishment of Kirimun Game reserve, ^{is designated} and allocation of
the land to community residents ^{Subsequent} is ~~designated~~.

Dated this ^{3rd}.....day of ^{October}.....2021

	NAME	ID NO.	SIGNATURE
1.	Sopira Lerumpe	9052858	
2.	Sorokwa Lenjodor	3041283	
3.	Panta Leiririo	0293772	
4.	Simon Lolkokoyei	4356367	
5.	David Lentiyo	3041832	
6.	John Lekushula	32236943.	
7.	Nonguta Lekolua	0185327	
8.	Damaris Loichopoko	9052498	
9.	Catherine Riungu	21242150	

Counter signed by Senator Dr. Lelegwe Ltumbesi, Senator for Samburu County.


Sen. Dr. Lelegwe Ltumbesi, MP
Senator for Samburu County