

KEBS Head Office
P. O. Box 54974, Nairobi 00200
Tel.: +254 (0) 20 605490, 605506,
Mobile: 0722 202 137/8,
0734 600 471/2
Fax: +254 (0) 20 609 660
Direct Dial: +254 (0) 20 694 8000
E-Mail: info@kebs.org
Web: http://www.kebs.org

REF: KEBS/CONF/NSC/1A/(107)

DATE: 2009-03-30

Hon. John Mututho, MP
Honourable Chairman
Parliamentary Committee on Agriculture,
Lands and Natural Resources
Kenya National Assembly
NAIROBI

KEBS Coast Region
P. O. Box 99376, Mombasa 80100
Tel: +254 (0) 41 229 563, 230 939/40
Fax: +254 (0) 41 229 448
E-mail: kebs-msa@kebs.org

Dear Honorable Chairman Mututho, mp

RE: APPEARANCE BEFORE YOUR COMMITTEE

KEBS Lake Region
P. O. Box 2949, Kisumu 40100
Tel: +254 (0) 57 202 8396, 202 9549
Fax: +254 (0) 57 202 7814
E-mail: kebs-kisumu@kebs.org

Kindly accept our humble request to allow us to meet your committee on the matters of imported white shelled maize once more.

KEBS Rift Valley Region
P. O. Box 2138, Nakuru 20100
Tel: +254 (0) 51 221 0553/5, 221 1208
Fax: +254 (0) 51 221 0076
E-Mail: kebs-nakuru@kebs.org

Sir, our last appearance before you may not have been very cordial and information and explanations may not have been fully given by reason of the state I was in then. I had just lost my cousin Alex Mang'eli in the Nakumatt downtown fire tragedy and this left me very traumatized. Further on the same day my mother-in-law was hospitalised for surgery in the intensive care unit at Nairobi Hospital. I was therefore under extreme pressure psychologically and was restive in body and mind.

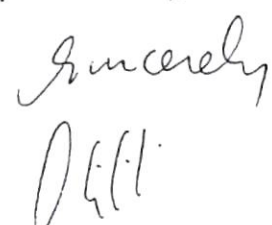
Kindly grant us another chance to appear before you and your committee to give further information on the matter.

KEBS Mt. Kenya Region
P. O. Box 1790, Nyeri 10100
Tel: +254 (0) 61 203 1410/1
+254 (0) 61 203 2038
E-mail: kebs-nyeri@kebs.org

We enclose copies of documents relating to the matter duly stamped and certified to assist your committee make a sound decision on the matter.

Yours sincerely

KEBS North Eastern Region
P. O. Box 978, Garissa 70100
Tel: +254 (0) 46 2519
Fax: +254 (0) 46 3455
E-Mail: kebs-garissa@kebs.org


Dr. Kipko Mang'eli
MANAGING DIRECTOR

JBK/jbk



**MINISTRY OF AGRICULTURE
OFFICE OF THE PERMANENT SECRETARY**

Telephone: 2718870/9
Fax: 2718318
When replying please quote;

KILIMO HOUSE
CATHEDRAL ROAD
P.O. Box 30028
NAIROBI

Ref No: MOA/LCD/9/12/1 VOL. II (103)

Date: 22nd January 2009

Eng. Dr. Kioko Mang'eli
Managing Director
Kenya Bureau of Standards
P.O. Box 54974 - 00200
NAIROBI



Dear *Dr. Kioko*

RE: SPECIFICATION OF YELLOW CORN AS A FEED GRAIN

The Government has awarded Corn Products Kenya Limited the rights to import yellow maize for industrial use and non-direct food consumption. This is in light of the current limited availability of maize grain and the obvious intention to take pressure off white maize availability.

Since the yellow maize being imported is not for human consumption, the purpose of this letter is to request your office to allow specifications to be different from that of white maize.

The typical standards for yellow corn traded globally are;

Moisture content	14.5%
Foreign matter	2.5%
Damaged	6%
Broken	5%

Due to the urgency of the matter, your quick approval of these specifications will facilitate the importation process to begin.

Yours *Sincerely*

**ROMANO M. KIOME, PhD, CBS
PERMANENT SECRETARY**

*Certified true copy
of the original*

SB 27/1/09



**KENYA BUREAU OF STANDARDS
P. O. Box 54974-00200
NAIROBI**

6. TWIGA FARM.

Major Makolo owned the farm between 1945 -1971. From 1997 to date, it is owned by SFT. The squatters stay at the nearby center with their families. They are 120 in number.

7. LIYAVO SETTLEMENT SCHEME. LR. NO 5751, IR. NO. 517, (acreage 2802acres).

Seven hundred and fifty acres of land was given to 150 squatters. The rest was grabbed by people from outside the camp. The said squatters among them 180 were evicted in 1980. They are apparently staying at the nearby center with their families.

4.3 THE COMMITTEE FINDINGS AND OBSERVATIONS.

Based on its investigations, evidence adduced and submission made, The Committee observed that:-

4.3.1 The Managing Director, ADC was uncooperative and the Committee was less than convinced about his management capacity in such a sensitive institution;

4.3.2 The Kiboroa Squatters Alliance is a registered Community-Based Organization in Trans-Nzoia whose aim is to advocate for resettlement of landless people in the larger Transnzoia region. The leaders are collecting funds from the would-be settled for purposes of registration and membership with the alliance;

4.3.3 The Kiboroa Squatters Alliance appear not to pass the credibility test and therefore should not interfere with the ownership of the farms;

4.3.4 The Committee found out that Sikhendu Farm – L. R. No. 6657 and 10832 belongs to Rutongot Limited, who bought it from Mr. Olzen in 1973 as first buyers. The Ministry of Natural Resources then also went ahead to pay Mr. Olzen in 1975 to deny Rutongot Limited the piece of land. It is difficult to establish the government claim on this land.

4.3.5 The Committee also discovered that Sabwani and Olingatongo are farms validly owned by Agricultural Development Corporation for

their activities. None of them is idle land as alleged by Kiboroa Squatters Alliance.

4.3.6 If a decision is made in favour of the petitioners, it will create tension with other squatters associations and more so with the Saboat, who feel already marginalized.

4.4. RECOMMENDATIONS

4.4.1 The government through the Provincial Administration and local leaders should address the squatter problem in Trans-Nzoia region arising from each of the farms and settle the genuine squatters;

4.4.2 The government should scrutinize the Kiboroa Squatters Alliance, establish their legitimacy, mandate/role in the squatter's problem in Trans-Nzoia and address their grievances conclusively;

4.4.3 The Ministry of Forestry and Wildlife should relinquish its interest in Sikhendu farm L. R. No. 6657 and 10832 and stop interfering with the farm. Rutongot Limited, the initial buyers, should be allowed to settle in the farm.

4.4.4 The Ministry of Lands should stop the resettlement of people at Chepchoina, and establish the number of ADC workers/staff/employees who have no land and to settle them.

4.4.5 All workers/employees/staff in ADC farms in Trans-Nzoia and their families should be treated with dignity and respect. With particular reference to provision of basic social amenities

MINUTES OF THE SEVENTY SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 14TH AUGUST 2014, AT THE SECOND FLOOR BOARD ROOM, MAIN PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

- | | | |
|--|---|------------------|
| 1. The Hon. Alex Mwiru, M.P. | - | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | - | Vice Chairperson |
| 3. The Hon. Onesmus Ngunjiri, M.P. | | |
| 4. The Hon. John Kihagi, M.P. | | |
| 5. The Hon. Francis W. Nderitu, M.P. | | |
| 6. The Hon. Benson Mbai, M.P. | | |
| 7. The Hon. A. Shariff, M.P. | | |
| 8. The Hon. Bernard Bett, M.P. | | |
| 9. The Hon. Kipruto Moi, M.P. | | |
| 10. The Hon. Sarah Korere, M.P. | | |
| 11. The Hon. Hellen Chepkwony, M.P. | | |
| 12. The Hon. Kanini Kega, M.P. | | |
| 13. The Hon. Esther Murugi, M.P. | | |
| 14. The Hon. Suleiman Dori, M.P. | | |
| 15. The Hon. Mathew L. Lempurkel, M.P. | | |
| 16. The Hon. Joseph Oyugi Magwanga, M.P. | | |
| 17. The Hon. Mpuru Aburi, M.P. | | |
| 18. The Hon. Patrick Makau, M.P. | | |

ABSENT WITH APOLOGY

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Eusilah Ngeny, M.P.
3. The Hon. Gideon Mung'aro, M.P.
4. The Hon. Francis Kigo Njenga, M.P.
5. The Hon. George Oner, M.P.
6. The Hon. Hezron Awiti Bollo, M.P.
7. The Hon. Julius Ndegwa, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Shakila Abdallah, M.P.

ABSENT WITHOUT APOLOGY

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE

- | | | |
|-----------------------|---|-------------------------------|
| 1. Mr. James Ginono | - | Clerk Assistant I |
| 2. Ms. Ruth Mwihaki | - | Clerk Assistant III |
| 3. Mr. Noah Arap Too | - | Research and Policy Analyst I |
| 4. Ms. Lynette Otieno | - | Legal Counsel II |

MINUTE NO. DCL/LN/2014/150

PRELIMINARIES

The Chairman called the meeting to order at 10.00 a.m with a word of prayer.

MINUTE NO. DCL/LN/2014/151

EVIDENCE: RESPONSE TO PETITIONS BEFORE THE COMMITTEE

The Cabinet Secretary for Devolution and Planning, Ms. Anne Waiguru, accompanied by Dr. John Konchella, Permanent Secretary, Mr. Simon Munyiri, Ms. Betty Maina, Senior advisor and Mr. Joseph Macharia appeared before the Committee and gave evidence on the following petitions:

1. Petition for the resettlement of victims of the 1992 Molo clashes

2. Petition regarding the provision of funds for resettlement of Internally displaced persons
3. Petition regarding resettlement of Enoosupukia evictees

The Committee was informed THAT:

1. Until 2012, there was no legal framework to deal with internal displacement in Kenya, and internal displacement issues were often handled in the context of humanitarian assistance. Similarly, there was no designated institutional framework to deal with internal displacement until the establishment of the National Humanitarian fund and the attendant structures in 2007/2008. Comprehensive data and information on how victims of internal displacement have been handled over the years have therefore proved hard to find.
2. Following the Post-Election Violence of 2007/8, the government established the National Humanitarian Fund through a legal notice no.11 of 2008. This was followed by the establishment of the advisory board through legal notice no 1038 of 15th February 2008 to:
 - a) Determine the persons who were adversely affected by the violence
 - b) Resettle the persons displaced by the PEV
 - c) Replace basic household effects destroyed during the PEV
 - d) Enable the victims to restart their basic livelihood
 - e) Reconstruct basic housing
 - f) Rehabilitate community utilities and institutions destroyed during the violence
3. The Mandate of the ministry is limited to resettlement of the people profiled after the 2007/2008 Post Election Violence after establishment of a legal framework. The Ministry was however directed to resettle specific groups of forest evictees from Mau, Kieni, Embombut, Teldet and Kipkurere.

The Committee was further informed as follows:

Regarding the Petition for the resettlement of victims of the 1992 Molo clashes

THAT:-

1. In view of the legal framework in place, the ministry has not been able to extend its work to other groups such as the 1992 Molo Clashes victims.
2. The actual number of the 1992 Molo clashes is not known because the group has neither been profiled nor programmed for settlement as they fall outside the scope of the IDPs being considered.
3. The Ministry faces the difficult policy question of how far back in time to go in resettling past displacement. The operationalization of the "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and its National consultative Coordination will however help to determine and sort these issues.
4. Resources for implementation of the Act were not allocated in this financial year hence the Act is yet to be operationalized.

Regarding the Petition regarding the provision of funds for resettlement of internally displaced persons.

THAT:-

1. The government is aware of the existence of IDPs in Nairobi and the ministry has profiled some 19, 146 individuals IDP and the records have 3,439 households.
2. The government is aware of some IDPS who were not profiled as it was difficult to establish when and where they were displaced. e.g Njiru group;

5. Majority of forest evictees moved out of the forest areas after resettlement but a few still remain. The Ministries of Environment and Interior are looking into the matter with a view to establishing who moved and who remained;
6. The Ministry is in the process of establishing a Board under the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012, and is awaiting submission of member's names from various institutions. The Chairman of the Board has already been appointed.

Regarding the Petition for the resettlement of Enoosupukia evictees

THAT:-

1. The Ministry has received the case of Enoosupukia IDPs,/Forest evictees numbering 3,612 for consideration;
2. Ministry is unable to deal with the matter because issues surrounding their claims could best be addressed by the ministry of Land, Housing and Urban Development.
3. The Evictees have been able to demonstrate that between 1993 and 2013, the Ministry of Lands was addressing their matter under their resettlement program. The matter was therefore wrongly shifted to the Ministry of Devolution.
4. The Ministry has therefore neither profiled nor programmed the Enoosupukia IDPs for resettlement as it has concentrated on the Post-Election Violence IDPs for now and the position has been communicated to the Enoosupukia group representatives.

The Committee Resolved;

That the Cabinet Secretary submits the following information to the Committee in two weeks:

1. A breakdown of where the Land procured for resettlement of IDPs was bought
2. The beneficiaries of the Ksh. 3,319,600,000 cash payment
3. Breakdown of the Item of Government support to the Ministry of Special Programmes worth Ksh.4,776351,167

MINUTE NO. DCL/LN/2014/152 ANY OTHER BUSINESS

The Committee noted that the Cabinet Secretary for Lands Housing and Urban Development had failed to honor the invitation to appear before the Committee. The Committee also observed that the Cabinet Secretary is quick to honor invitations when the agenda before the Committee is favorable to the Ministry.

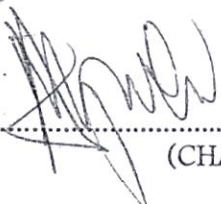
The Committee Resolved;

That another invitation letter be made to the Cabinet Secretary for Lands, Housing and Urban Development to appear before the Committee on Tuesday 19th August 2014.

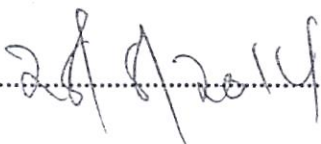
MINUTE NO. DCL/LN/2014/153 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Twenty Minutes past one O'clock, the Chairperson adjourned the Sitting until Tuesday 19th August 2014 at 9.00 am at the Small Dining, Main Parliament Buildings.

SIGNED


.....
(CHAIRPERSON)

DATE


.....

3. Most IDPs in Nairobi were either tenants or small businessmen mostly in slum areas and their displacement was different in that most moved to other estates or within the estates after the clashes.
4. Most IDPs lost nothing, a number lost personal properties to looters and none lost land. The National Humanitarian fund Board therefore considered most of these IDPs as integrated and decided to pay each of them Ksh.10,000 startup capital. They were therefore not considered for any other additional resettlement package.
5. During the 2007 Post Election violence, 663, 921 people (composed of 245,416 households) were displaced within the Country; 80,000 houses destroyed countrywide, 1300 lives lost while 640 IDP households fled to Uganda.
6. At the height of the vilence,350,000 IDPs sought refuge in 118 camps while 313,921 IDPs were integrated
7. Given that IDPs were faced with different situations and needs, they were categorized into four main categories
 - a. The 70,000 households (or 350,000 individuals) IDPs who agreed to voluntarily return to their farms through the Rudi Nyumbani operation.
 - b. The 8,754 families (including 2,574 Turkana IDPs) who formed self-help groups that were profiled by the ministry before the set deadline of 30th September 2008. These IDPs were resettled in government procured land with the exception of Ksh.400,000 each in lieu of land settlement
 - c. All the other IDPs numbering 165,846 households were categorized as integrated IDPs living among the various communities in the country. The integrated IDPs were paid Ksh.10,000 as startup capital
 - d. The 8910 forest evictee households who were also resettled through cash payment programme.
8. The Ministry was allocated Ksh.705 million for resettlement of IDPs in the current Financial year which has been earmarked for the following activities:
 - a. Construction of IDP 2,400 houses in various government procured farms
 - b. Complete survey work, balloting and showing of plots in a number of farms where IDPs are settled in government procured lands.
 - c. Resettlement of 243 Kenya IDPs still in Uganda.
9. In the last four years, the ministry has received kshs.2, 856, 009, 000 for IDPs which has been utilized totally in IDP related activities.
10. Since the Commencement of the resettlement of IDPs in 2008, the government has spent Kshs. 15 billion in resettlement as follows
 - a) Procurement of Land(entirely from the Ministry of Lands for purchase of Land)Ksh.3,279,100,360
 - b) Government Support to the Ministry of Special Programmes Kshs. 4,776,351,167
 - c) Food -Kshs. 966,766,245
 - d) Non Food items -Kshs 117,615,000
 - e) Turkana Houses-1,000,000,000
 - f) Payments mobilized form the Ministry of Lands, Interior and Treasury -Kshs. 3,319,600,000
 - g) ADB project is Kshs. 1,700,000,000

The Committee was further informed THAT:-

1. The Ministry opted for cash payments as opposed to buying land for victims due to price escalations, locals wanting compromises for the land and victims refusing to move to other areas where land was bought;
2. Rose farm (2000 acres) was purchased at a cost of Kshs.560 million but no IDPS were settled. The Farm now belongs to the Agricultural Development Corporation;
3. The Lease for Muhu farm expired before the transaction could be completed;
4. Donga farm has a case in court after a dispute arose from the family members who sold the land;