

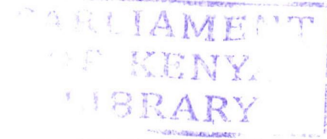


REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

Approved
SNA
27/6/23

PUBLIC PETITION

(No. 33 of 2023)



**REGARDING COMPENSATION OF PERSONS AFFECTED BY
MOMBASA – MARIAKANI ROAD DUALLING PROJECT**

I, the **UNDERSIGNED**, on behalf of Mombasa West Community Project Affected Persons of Jomvu Constituency;

DRAW the attention of the House to the following:

1. **THAT**, the Kenya National Highway Authority (KeNHA) undertook rehabilitation and expansion of a 41.3km Regional Mombasa Port Access Road from Mombasa Town heading to Mariakani as part of a 2,000km-long corridor directly connecting the Port of Mombasa to several neighbouring countries, but whose construction has stopped in Jomvu Madafuni where the said road is in a pathetic state despite being the gateway to Mombasa;
2. **THAT**, whereas the construction part of the project was financed by the African Development Bank, German KfW, European Investment Bank and the EU-Africa Infrastructure Trust Fund, the Government of Kenya was to oversee compensation of all Project Affected Persons on the project corridor;
3. **THAT**, pursuant to this arrangement, in 2014 KeNHA prepared a faulty Resettlement Action Plan that excluded use of Geographic Information System on asset inventory tabulation, but later claimed that the project was allegedly on public land;
4. **THAT**, on its part, the National Land Commission conducted an unclear valuation that led to grave injustice being meted out on Project Affected Persons;

Hon. Speaker
Hon. member of Parliament
Group Kijini
22.6.23

PUBLIC PETITION
REGARDING COMPENSATION OF PERSONS AFFECTED BY
MOMBASA – MARIAKANI ROAD DUALLING PROJECT

5. **THAT**, contrary to expectations and agreement, KeNHA proceeded to brutally evict residents of Jomvu Constituency from their houses without notice in May 2017, whilst the National Land Commission omitted many residents and property-owners from the Final Compensation List;
6. **THAT**, efforts by the Project Affected Persons to secure the collaboration and cooperation of KeNHA and the National Lands Commission have been futile;
7. **AND THAT** , the issues in respect of which this Petition is raised are not pending before any court of Law, or any constitutional or legal body .

THEREFORE, your humble petitioners pray that the National Assembly through the Public Petitions Committee;

-
- a) urgently intervenes to compel the National Lands Commission to compensate Project Affected Persons fairly and in accordance with actual value of their assets; and to disclose the Valuation Report Feedback;
 - b) directs KeNHA to implement that Corrective Action Plan agreed with Project Affected Persons and to additionally embrace use of Geographic Information System in Asset Inventory, and
 - c) makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONER** will ever pray.

PRESENTED BY:



THE HON. BADI TWALIB BADI, MP
MEMBER FOR JOMVU CONSTITUENCY

DATE: 21/6/2023

Head-PRJ
T. N. J. Kiny
30/6/23.



REPUBLIC OF KENYA

DHPS

Please deal. The
petition was presented on
29/06/23.
30/06/23

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

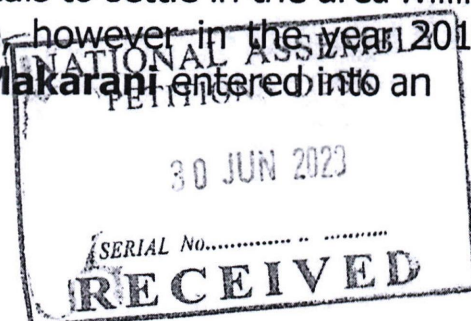
(No. 36 of 2023)

**REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF
RESIDENTS OF MISUFINI, VIBANDANI AND KIBARANI SUB-
LOCATIONS, TEZO LOCATION -KILIFI NORTH CONSTITUENCY.**

I, the **UNDERSIGNED**, on behalf of the residents of Kilifi North Constituency;

DRAW the attention of the House to the following:

1. **THAT**, the people of Misufini, Vibandani and Kibarani Sub-Location, Tezo Location -Kilifi North Constituency have occupied a parcel of land registered as **Plot No: 5046/5** in the name of **Coast Development Company Limited** measuring **265 Acres** for more than **50 years**.
2. **THAT**, one of the Directors acquired the land at independence from a European known as **Lilly White** who had initially acquired the same land as a Leasehold for a term of **99 years** from **1st May, 1929** with a rent of **3,760 Kenyan shillings** per annum.
3. **THAT**, the Petitioners are concerned that the Leasehold term is almost lapsing and they are fearful of its fate in terms of Article **65(2)** of the 2010 Constitution;
4. **THAT**, one of the Directors allowed locals to settle in the area willingly and they were to pay a monthly fee, however in the year 2010 a Committee chaired by one **Mr. Abdi Makarani** entered into an



REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF MISUFINI, VIBANDANI AND KIBARANI SUB-LOCATION, TEZO LOCATION -KILIFI NORTH CONSTITUENCY.

agreement with Coast Development Company stating that the residents would be required to pay **20,000 Kenyan Shillings** as shares to the said Company, some of the residents paid the 20,000 shillings and were issued with payment receipts;

5. **THAT**, presently there is no **LR. 5046/5** as the property was subdivided into several portions without the resident's notice being **LR NO. 5046/8, 5046/9, 5046/10** and **5046/11**.
6. **THAT**, plot **No.5046/8** measuring **34.4 Acres** was subdivided subject to the compulsory acquisition of the property by the Government for construction of **Coast Institute of Agriculture**, now **Pwani University**.
7. **THAT**, Coast Development Company submitted an application to the County Government of Kilifi seeking an approval for its proposed change of user from Agricultural to Residential plot **No.5046/11**. The same was approved **27th June, 2018**.
8. **THAT**, Petitioners have written many letters to the National Lands Commission but no action has been taken concerning the matter;
9. **THAT**, both the National Government and County Government have invested heavily in the said piece of land by providing the necessary infrastructure such as Electricity Connectivity, Water, Roads and other Social Amenities;
10. **THAT**, the land has not been adjudicated and therefore no title deeds issued;
11. **THAT**, the matter presented in this petition is not pending before any tribunal, court of law or Independent body.

REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF MISUFINI, VIBANDANI AND KIBARANI SUB-LOCATION, TEZO LOCATION -KILIFI NORTH CONSTITUENCY.

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

- i. Inquire into the ownership of the land occupied by residents of Misufini, Vibandani and Kibarani Sub-Location - Kilifi North Constituency in the name of Coast Development Company.
- ii. Establish whether Coast Development Company is a legally registered Company and the number of Locals that bought shares in Coast Development Company and their fate in terms of their shareholding in the Company.
- iii. Recommend that the Government under the 1 Million Acre Compulsory Land Acquisition Programme acquires the land for the local residents and that the land be adjudicated so as to ensure that the residents acquire title deeds; and
- iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:


THE HON. OWEN YAA BAYA CBS, MP

MEMBER FOR KILIFI NORTH CONSTITUENCY

DATE:29/06/2023.....

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF PUBLIC PETITION

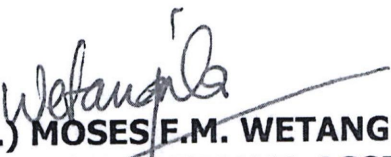
(No. 40 of 2023)

REGARDING THE DELIMITATION OF ELECTORAL UNITS

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2. Honourable Members,** in this regard, I wish to report to the House that my office has received a petition from Centre for Accountability, Reform and Democracy calling for delimitation of electoral units.
- 3.** The Petitioners states that on 9th January 2012, the Independent Electoral and Boundaries Commission (IEBC) published the revised preliminary report relating to the delimitation of boundaries of Constituencies and Wards, which was presented to the Departmental Committee on Justice and Legal Affairs on the same date.
- 4.** Th Petitioners further state that after considering the recommendations by Parliament on its revised preliminary Report, the IEBC published the National Assembly Constituencies and County Assembly Wards Order, 2012 dated 6th March, 2012 published in the Kenya Gazette as **Legal Notice No. 14 of 2012**. The gazette informs the present constituencies and wards in place.
- 5.** The Petitioners appreciate that following the publication of the final report and the National Assembly Constituencies and County Assembly Wards Order, 2012, complaints were raised regarding the manner in which 80 extra Constituencies and 1450 County Assembly Wards were created, their distribution, their names, boundaries and areas of allocation.

6. The Petitioners note that in accordance with the provisions of Article 89 (2) of the Constitution, the next review of boundaries of Constituencies and Wards must be undertaken and concluded not later than March 2024.
7. **Honourable Members**, the Petitioners are worried that Parliament has not developed a legal framework for the creation and determination of sub-locations that takes into account the obligation of the IEBC to progressively achieve population parity.
8. **Honourable Members**, the Petitioners aver that the Independent Electoral and Boundaries Commission (IEBC) has been dysfunctional since August 2022 General Election. The Commission is presently in limbo pending the recruitment of new commissioners thus no substantive constitutional functions can therefore be discharged by the Commission.
9. **Honourable Members**, the Petitioners therefore pray that the National Assembly engages the relevant authorities and stakeholders to take a more proactive role to ensure the review of the electoral units is carried out in a constitutionally compliant manner including meeting the deadline established under Article 89(2) of the Constitution.
10. **Honourable Members**, having determined that the matters raised by the petitioner are well within the authority of this House; and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
11. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.


THE RT. HON. (DR.) MOSES E.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 8/8/23