



**REPUBLIC OF KENYA**  
**NAIROBI CITY COUNTY ASSEMBLY**  
**THIRD ASSEMBLY – (FOURTH SESSION)**  
**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**THURSDAY, AUGUST 7, 2025 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8. \*PROCEDURAL MOTION – THE LEADER OF MAJORITY PARTY**

***Subject: Alteration of the County Assembly Calendar***

**THAT**, pursuant to the Provisions of Standing Order 31(4), this Assembly resolves to alter the County Assembly Calendar and adjourn until **Tuesday, 23<sup>rd</sup> September, 2025 at 2.30 p.m.**, (Regular Session).

**9. \*MOTION – HON. PETER JATESO IMWATOK, MCA – MAJORITY LEADER**

***Subject: Resettlement of Mathare 4A Squatters and the implementation of the Supreme Court decision in petition no. 5 (E006) of 2022 on the ownership and allocation of land LR. No. 11344 (18169 & 18170)***

**WHEREAS**, Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by County Governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

**WHEREAS**, Article 60(1) of the Constitution outlines that the principles of land policy shall ensure the protection of human rights and secure land rights for all Kenyans, including marginalized and displaced persons;

**FURTHER WHEREAS**, the defunct City Council of Nairobi and the Government of the Republic of Kenya, in response to a longstanding public interest concern, agreed to resettle squatters evicted in the year 1989 from Land Reference No. 209/1210, formerly a quarry and commonly known as Mathare 4A, to a parcel of land situated in Ruai under the Mathare 4A Resettlement Scheme-Ruai, specifically Land Reference No. 12979/1/R, as communicated in a letter Ref. TC(L) MNN/234/E/2005 dated 21<sup>st</sup> March, 2005 by the then Town Clerk, Mr. John Gakuo;

**NOTING THAT**, in order to formalize this resettlement, the affected squatters formed a Community-Based Organization known as Mathare 4A-Resettlement Scheme-Ruai and later on registered a legal entity known as ***Eastend Development Properties***, which was subsequently issued with allotment letters vide a letter dated 16<sup>th</sup> January, 2007, following a resolution passed by the full defunct City Council meeting of Nairobi on 27<sup>th</sup> January, 2006;

**CONCERNED THAT**, after taking possession of the land, members of the Eastend Development Properties formerly known as Mathare 4A Resettlement Scheme-Ruai were forcibly evicted following a claim over the land by the Nairobi City Water & Sewerage Company Limited, resulting in a protracted legal dispute. This culminated in ELC Petition No. 1243 of 2016, where the court issued restraining orders against eviction, a position supported by this Assembly in its report adopted on 28<sup>th</sup> September, 2016 tabled by the Sectoral Committee on Water and Sanitation;

**AND WHEREAS**, despite the court orders and the resolution of this Assembly, the resettlement has not been realized. Instead, continued evictions have persisted, amounting to a sustained historical land injustice against the intended beneficiaries, who remain in deplorable and insecure living conditions while enduring expensive legal battles against state agencies;

**COGNIZANT**, that the defunct City Council had clear and documented intentions to settle the said squatters on county land, as reflected in official correspondences and resolutions;

**AND WHEREAS**, the Supreme Court of Kenya, in a landmark and final judgment in Petition No. 5 (E006) of 2022, held that the Nairobi City County Government holds valid and legal title to Land Reference No. 11344 (Original No. 41/3), measuring 5,639 acres in Embakasi, land previously claimed by the Kenya Defence Forces and other private entities and that has the authority to allocate and administer this land in the interest of Nairobi residents;

**AND FURTHER WHEREAS**, following a public petition presented by representatives of Mathare 4A, this Honourable Assembly, through a report tabled on 18<sup>th</sup> October, 2023 by the Sectoral Committee on Planning and Housing, recommended that the petitioners, who have endured long-standing historical injustices, be considered for resettlement on the aforementioned Land Reference No. 11344 (Embakasi) under allotment number LR No. 18170 in alignment with the County Government's constitutional mandate and the Supreme Court's ruling;

**NOW THEREFORE**, this Assembly resolves as follows:

1. **THAT**, pursuant to Article 62(2) of the Constitution, the Supreme Court's decision in Petition No. 5 (E006) of 2022 and all other applicable provisions of the law, the Nairobi City County Government is mandated and empowered to allocate Land Reference No. 11344 in accordance with principles of equity, justice, and historical redress;
2. **THAT**, in consideration of the current occupation of a portion of Land Reference No. 11344 (Embakasi), the Kenya Defence Forces (KDF) be permitted to retain the area it presently occupies being LR No. 18169. The County Government to engage KDF on the terms for transfer of ownership of the land;
3. **THAT**, the remaining portion LR 18170 measuring approximately 405 ha be allocated to Mathare 4A Resettlement Scheme–Ruai (Eastend Development Properties) and other deserving communities/groups for purposes of residential settlement and community development;
4. **THAT**, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the formal allocation and issuance of title deeds or other legal instruments to the identified beneficiaries within **ninety (90) days** from the date of adoption of this Motion; and
5. **THAT**, the County Executive Committee Member responsible for Lands shall update this County Assembly within 21 days of adoption of this Motion on the progress made on its implementation.

**10. \*MOTION – HON. PETER JATESO IMWATOK, MCA – MAJORITY LEADER**

**Subject: *Implementation of the Court Decision in ELC No. 1235 of 2015 on the Ownership and Allocation of Land LR No. 10905 (Ruai)***

**WHEREAS**, Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by county governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

.... /10\*Cont.

**AND WHEREAS**, Article 60(1) of the Constitution outlines the principles of land policy, which include equitable access to land, security of land rights, sustainable and productive management of land resources, and the protection of human rights, including the rights of marginalized and displaced persons;

**FURTHER AWARE THAT**, the City continues to face challenges posed by landless persons and squatters, who scramble for unoccupied county land, often leading to violent confrontations, destruction of property, and social unrest;

**NOTING**, that a dispute concerning Land Reference No. 10905 (Ruai) was subject to legal proceedings in Petition No. 1235 of 2015, which culminated in a court decision affirming that the land does not belong to any of the contesting parties and that it should revert to the Nairobi City County Government as unalienated land with full authority to administer and allocate it in the interest of Nairobi residents;

**COGNIZANT THAT**, despite the court's determination, the County Government bears a responsibility to ensure equitable settlement and protection of land rights for affected communities;

**NOW THEREFORE**, this Assembly **resolves** as follows:-

1. **THAT**, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the allocation/regularization of ownership and settlement of the identified and deserving beneficiaries of Land LR No. 10905 (Ruai) within sixty (60) days from the date of adoption of this Motion; and
2. **THAT**, the County Executive Committee Member (CECM) for Lands shall provide an update to this County Assembly on the progress of implementation within twenty-one (21) days from the date of adoption of this Motion.

#### 11. \*MOTION – CHAIRPERSON, SELECT COMMITTEE ON PUBLIC ACCOUNTS

**Subject:** *Adoption of Committee Report*

**THAT**, this Assembly adopts **THE REPORT OF SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF AUDITOR GENERAL ON RECEIVER OF REVENUE FOR COUNTY GOVERNMENT OF NAIROBI FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2022**, laid on the Table of the Assembly on Wednesday, 30<sup>th</sup> April, 2025.

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> July, 2025 at 2:30p.m.)*

# **NOTICES**

**I. The Assembly resolved on Wednesday, 12<sup>th</sup> February, 2025 as follows: -**

- a) **THAT**, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.
- b) **THAT**, each speech in a debate on a **Report of a Committee**, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- c) **THAT**, each speech in a debate on **any Motion for the Adjournment** of the Assembly to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

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**\* Denotes Orders of the Day\***

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# **NOTICE PAPER I**

**Tentative business for  
Tuesday, 23<sup>rd</sup> September, 2025 at 2.30 p.m.**

*(Published pursuant to Standing Order 41(1))*

IT IS NOTIFIED that the Assembly Business Committee, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, 23<sup>rd</sup> September, 2025 at 2.30 p.m.: -

**1. \*MOTION – HON. JOSEPH NDUNG’U, MCA**

**Subject: *Renaming of Juja Road to Leonard Mambo Mbotela Road***

**AWARE** that Article 186 (1) of the Constitution of Kenya 2010, and Paragraph 5 of the Fourth Schedule of the same Constitution provide for transport including County roads, street lighting, public road transport traffic, and parking as a devolved county function; **FURTHER AWARE** that the Country has since independence named and renamed roads and other public facilities in honor of heroes and heroines who have contributed immensely in the society as a way of honoring them; **APPRECIATING** the late Leonard Mambo Mbotela, who was a distinguished Kenyan journalist, broadcaster, and patriot and who made indelible contributions to the nation through his dedicated service and unwavering commitment to public communication; **RECOGNIZING** his iconic radio and television programs, particularly "*Je, Huu ni Ungwana?*" and his coverage of national events, played a pivotal role in shaping Kenyan culture, promoting civic responsibility, and fostering national unity; **ACKNOWLEDGING** that his courage and selfless efforts during the 1982 attempted coup, where he risked his life to broadcast messages of peace and stability, demonstrated his unwavering dedication to the nation's well-being, earning respect and admiration; **APPRECIATING** that by renaming of a prominent road in Nairobi would serve as a fitting tribute to his enduring legacy and ensure that his contributions are remembered and celebrated by future generations; **COGNIZANT** that Juja Road, being a major artery in Nairobi, offers a significant opportunity to publicly recognize and honor Leonard Mambo Mbotela's contributions to the nation; this **ASSEMBLY THEREFORE URGES** the County Executive to initiate the process of renaming Juja Road to Leonard Mambo Mbotela Road, in honor of the late Leonard Mambo Mbotela, EGH, in recognition of his exceptional service to the Republic of Kenya.

***(Resumption of Debate interrupted on Thursday, 19<sup>th</sup> June, 2025 at 2:30p.m.)***

**2. \*MOTION – HON. ANTHONY MARAGU, MCA**

**Subject: *To urge the County Attorney and County Executive to utilize litigation as a last resort in County legal matters***

**AWARE THAT** Article 159(2)(c) of the Constitution of Kenya 2010 provides that in exercising judicial authority, courts and tribunals shall be guided by the principle that alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted; **FURTHER AWARE THAT** the County Governments Act, 2012 and the County Attorney Act, 2020 obligate County governments to pursue lawful, efficient and cost-effective mechanisms in the discharge of their legal and governance functions; **COGNIZANT**

*.../Notice Paper I*



**THAT** a Section 9 of the County Attorney Act, 2020 empowers the County Attorney to represent the County Government in civil litigation and to provide legal advice aimed at protecting the interest of the County Government; **CONCERNED THAT** a significant portion of the County's annual budget continues to be spent on settling court awards and legal costs resulting from litigation initiated by the County Legal Department, with many of these matters capable of resolution through alternative means; **NOTING THAT** prolonged legal battles not only deplete County resources but also result in judgements that could have been mitigated to avoided. **THIS ASSEMBLY THEREFORE URGES** the County Executive through the Office of the County Attorney to: -

- i. Ensure that litigation is used strictly as a last resort in resolving disputes involving the County Executive;
- ii. Establish structured negotiation frameworks, and institutionalize the use of tribunals, mediation, conciliation and arbitration in line with Article 159(2)(c) of the Constitution within 60days; and
- iii. Develop a County Alternative Dispute Resolution (ADR) policy to guide the resolution of disputes involving the County and its agencies within 60 days.