



**THIRD ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 6<sup>TH</sup>, 2025 AT 2:30 PM**

1. The House assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

**QUORUM OF THE ASSEMBLY**

The Hon. Speaker (Hon. Kennedy Ng'ondi) having confirmed that there was Quorum at the commencement of the Sitting called the Assembly to order.

**3. PAPERS LAID: -**

The following paper was laid on the Table of the Assembly;

**THE REPORT OF THE SELECT COMMITTEE ON WATER AND SANITATION ON A JOINT WORKSHOP HELD WITH NAIROBI CITY WATER AND SEWERAGE COMPANY ON CONSIDERATION OF THE COMPANY'S ANNUAL BUDGET FOR THE FY 2025/2026 FROM 30<sup>TH</sup> TO 5<sup>TH</sup> JULY 2025.**

*(Chairperson, Sectoral Committee on Water and Sanitation)*

**4. NOTICE OF MOTION-THE RESSETLEMENT 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. 1134 (EMBAKASI)**

**THAT, 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;

**AND WHEREAS**, Article 60(1)(d) and (f) 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;

**AND 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 Ruai Resettlement Scheme, 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;

**AND WHEREAS**, to formalize this resettlement, the affected squatters formed a Community-Based Organization named *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 of Nairobi on 27<sup>th</sup> January, 2009;

**AND WHEREAS**, after taking possession of the land, members of the Mathare 4A Resettlement Scheme (now Eastend Development Properties) 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 with 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 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 in alignment with the County Government's constitutional mandate and the Supreme Court's ruling;

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

- i) **THAT**, pursuant to Article 62(2) of the Constitution and the Supreme Court's decision in Petition No. 5 (E006) of 2022, 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;
- ii) **THAT**, taking into account the current occupation of part of the said Land Reference No. 11344, the Kenya Defence Forces (KDF) be allowed to retain the part it currently occupies measuring approximately 1,000 for its continued use;
- iii) **THAT**, the remaining portion, approximately 4,000 hectares be allocated as follows: -
  - a) Approximately 1000 hectares to Mathare 4A Resettlement Scheme–Ruai (now Eastend Development Properties); and
  - b) Approximately 3,000 hectares to affiliated communities, for purposes of residential settlement and community development.
- iii) **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.

**5. NOTICE OF MOTION - IMPLEMENTATION OF THE COURT DECISION IN ELC NO. 1235 OF 2015 ON THE OWNERSHIP AND ALLOCATION OF LAND LR NO. 10905 (RUAI)**

**THAT, 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;

**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:

- i) **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;
- ii) **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.

**6. STATEMENTS**

i) Pursuant to **Standing Order 47 (2) (c)** the following Statement was requested:-

-Hon. Peter Imwatok, MCA requested for a Statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations Committee regarding the status of the remittance of outstanding bill owed by the Nairobi City County Executive to the Local Authorities Provident Fund (LAPFUND) relating to unremitted employee pension contributions.

ii) Pursuant to **Standing Order 47 (2) (f)** the following response to a Statement was given:-

-Report on Response to a Statement by Hon. Kennedy Oyugi, MCA on Water and Sanitation regarding drilling of boreholes in Nairobi City County.

There being no other business and the time being Thirty-Five Minutes past three o'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**7. ASSEMBLY ROSE**- at Thirty-Five Minutes past Three O'clock,

**MEMORANDUM**

The Speaker will take the Chair on  
Thursday, August 7<sup>th</sup>, 2025 at 2:30 p.m