

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

PUBLIC PETITIONS COMMITTEE

Approved
[Signature]
11/04/24

REPORT ON-

(PUBLIC PETITION NO. 13 OF 2023)

BY HON. ARAMAT LEMANKEN, REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

APRIL 2024

DIRECTORATE OF LEGISLATIVE AND PROCEDURAL SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS

NAIROBI

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CHAIRPERSON'S FOREWORD

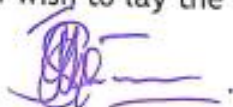
On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member of Parliament for Narok East Constituency, Hon. Aramat Lemanken, MP on behalf of residents of Narok East Constituency.

The Committee considered the Petition and observed that Hell's Gate National Park is home to diverse wildlife and plant species that are vital to the ecosystem. Therefore, the closure of the access road was driven by the need to safeguard the sensitive infrastructure supporting the Geothermal power plant from potential damage or destruction as well as protect human beings from injury.

In order to provide a public road to directly link the affected areas and Naivasha town and other parts of the country, the Committee recommended that a multi-agency team headed by the Ministry of Roads and Transport and comprised of Kengen, the Kenya Wildlife Service, Ministry of Tourism and Wildlife, the National Land Commission, and the Ministry of Interior and National Administration be constituted within six months of tabling of this report, to commence the acquisition of land to construct the road through either the Kongoni-Nkorionto-Suswa Road or the Kasarani-Kongoni Road.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.



for HON. NIMROD MBITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date... 11-04-2024

ACRONYMS

KWS Kenya Wildlife Service

NGO Non-Governmental Organisation

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises of the following Members:

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South

Jubilee Party (JP)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Caleb Mutiso Mule, M.P.
Machakos Town Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. Ernest Kivai Ogesi Kagesi, M.P.
Vihiga Constituency

Amani National Congress (ANC)

Hon. John Bwire Okano, M.P.
Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. John Walter Owino, M.P.
Awendo Constituency

Orange Democratic Movement (ODM)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

Wiper Democratic Movement-Kenya (WDM-K)

1.3 Committee Secretariat

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk

Mr. Ahmed Kadhi
Senior Clerk Assistant

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Mr. Martin Sigei
Research Officer III

Ms. Patricia Gichane
Legal Counsel II

Ms. Peninnah Naisiae
Legal Counsel II

Ms. Roselyn Njuki
Senior Sergeant at Arms I

Mr. Peter Mutethia
Audio Officer

Mr. Calvin Karungo
Media Relations Officer

Mr. Paul Shana
Sergeant at Arms

PART TWO

2 PETITION NO. 13 OF 2022 REGARDING THE ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

2.1 INTRODUCTION

1. Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency was presented to the House by the Member of Parliament for Narok East Constituency, Hon.Aramat Lemanken, MP on behalf of residents of Narok East Constituency.
2. The Petitioner is concerned that the residents of Inkoirienito, Olmara, Narasha, Oltepesi and Suswa communities are socially and economically isolated because the only available access road is blocked by farms and other structures like the Kedong Farm, Gorge Park, Hell's Gate and Oserian Farm.
3. For a long time, these communities have lacked direct access by road to markets for goods and livestock, health services and other essential services and are disadvantaged.
4. The only existing road that runs through the Hell's Gate National Park is owned by the Kenya Wildlife Service (KWS) and is open for use by residents of the area on Mondays and Thursdays, resulting in service disruptions. In addition, residents who wish to use the road must pay the management of Hell's Gate National Park access fees or obtain prior permission to do so.
5. In the event of a medical emergency, residents must wait for long at the Olkaria and Narasha Gates to be granted permission for access, and on numerous occasions, lives have been lost and mothers have given birth while waiting to be granted access.
6. Efforts to resolve the matter with the relevant Ministry and agencies have been futile; and the issues in respect of which the Petition is made are not pending before any Court of Law, Constitutional or Statutory body.

2.2 PETITIONER'S PRAYERS

The Petitioners prayed that the National Assembly through the Public Petitions Committee:

7. Intervenes to have the Government provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha;

8. Intervene to have the Government through the Ministry of Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country and;
9. Make any other order or direction that it deems fair in the circumstances of the matter.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Submissions by the Petitioner

Hon. Aramat Lemanken, M.P, appeared before the Committee on Tuesday, 25th April, 2023 and submitted as follows:

10. Around 30,000 residents of Narok East Constituency have for a long time been unable to directly access essential services.
11. The alternative route that can be used freely without being denied access takes them to Suswa which is about 22 kilometres away, then to Mai Mahiu and back to Longonot then Naivasha.
12. Making use of the existing road that passes through Hell's Gate National Park and Oserian Company Ltd would be cheaper than constructing a new road because its already tarmacked and it provides quicker access.
13. Efforts to engage with Kenya Wildlife Service and the park's management to allow unrestricted access by residents have not yielded positive results. The residents were looking for permanent solutions to the problem which could only be best addressed by the National Assembly.
14. Opening of the road would not compromise the status of the gazetted national park, given that community, being pastoralist in nature has harmoniously lived with wild animals.

3.2 Submissions by residents of Narasha area in Narok East Constituency

The Committee conducted a site visit in Narok East on Friday 23rd June 2023 and met the petitioner and residents of Narasha area in Narok East Constituency, officials from the Kenya Wildlife Service (KWS), representatives of KenGen Ltd and representatives of Oserian Development Company Ltd. Residents of Narasha area in Narok East Constituency submitted as follows:

15. The road in question is a public road that allows residents to access essential amenities and access to crucial markets located in Naivasha that provide a source of income to the residents. KWS has allowed motorbikes to pass through. However, public transport service providers are not allowed to access the restricted area, thereby posing connectivity challenges to the residents.

16. The community was always in conflict with KWS about the access road until KWS conceded by opening the road for use on Mondays and Thursdays only.
17. Closure of the only access road that links Narasha area to Moi South Lake Road by Oserian Development Company Limited and Hell's Gate National Park has economically and socially secluded the local community.
18. Access to the residents' homes by visitors is a problem since they require clearance by the KWS which takes a long time therefore inconveniencing for the residents and visitors.
19. An access road passing between KWS and Oserian Development Company Limited should be allowed without infringing on the park to reduce the distance from Narok to Naivasha from 94 km to 44 km. The road that was in use before being blocked by Oserian Development Company Limited still exists.
20. Due to the peaceful co-existence between KWS and the citizens, and minimal interference to wild animals, the park should be converted to a National Reserve instead of a National Park.
21. KWS should allow residents to transport their animals across the park as is the case in Tsavo National Park.
22. Daily use of the access road across the National Park should be allowed to spur economic growth. In the long term, the KWS and Oserian Development Company Limited should cede some land for construction of an access road that does not pass through the National Park.

3.3 Submissions by the Kenya Wildlife Service

The Deputy Director, Kenya Wildlife Service (KWS), Mr. Samuel Tokore accompanied by three officials appeared before the Committee during the site visit on Friday 23rd June 2023 and submitted as follows:

23. The relationship between the community living near the National Park and KWS has been amicable, with the residents being largely cooperative and obeying the law.
24. Restrictions to movement were introduced by KWS upon establishment of the Geothermal Power plant due to the need to protect the sensitive infrastructure

supporting the power plant from potential destruction, as well as protect humans from injuries from close interaction with the Geothermal plant.

25. The Geothermal plant covers areas in both Narok and Nakuru counties.
26. The decision to allow residents to use the access roads on Mondays and Thursdays was made to allow residents transport their livestock and other goods for sale on the market days.
27. Vehicles and Motor cycles that belong to residents and are registered under the KWS are allowed to use the road any day without any charges. On average, around 120 vehicles use the road in a day including those of service providers to KWS and the Geothermal Power Plant. Out of these, around 25 vehicles belong to members of the community living around the National Park.
28. The use of Motor cycles is allowed in Hell's Gate Park only, and is discouraged in all other National Parks as the noise is disruptive to wild animals.
29. Allowing daily use of the access road by livestock would pose a challenge as it will lead to rapid degradation of the *Flora* and *Fauna* in the park and stretch the already limited human resource available to monitor use of the access road.
30. The existing provision of allowing use of the access road for two days in a week was already an infringement of rules governing National Parks in recognition of the nomadic nature of the community around the park, but was minimal so as not to strain the environmental resources.
31. In addition, some residents abuse the opportunity to use the access road to graze their cattle, which they sometimes leave unattended, compelling KWS officers to tend to them while looking for the owners.
32. While it was true that Tsavo National Park allowed animals to be transported across the park, this was not done by animals on foot but by transporting them using lorries.
33. KWS allows use of the access road at night by residents seeking emergency services such as health services and maternity cases.

3.4 Submissions by Oserian Development Company Limited

The Human Resource Manager, Oserian Company Ltd, Mr. George Lunke appeared before the Committee on Friday 23rd June 2023 during the site visit and submitted as follows:

34. Oserian Development Company Limited is a utility farm that allows farmers to lease its farms and supports them through provision of electricity, water and other amenities.
35. The company has been living harmoniously with the community illustrated by the passage of Moi South Lake through its land but has no access restriction to members of the public.
36. The company would comply with the Government directive on the matter upon review of the proposed ceding of land to construct a public road.

A Director, Oserian Company Limited, Mr. Alasdair Keith accompanied by the Finance Director, Mr. Timothy Ndikwe appeared before the Committee on Tuesday 29th August, 2023 and submitted as follows -

37. The company appreciates that road networks, accessibility and community engagement is a very important aspect of society. Oserian Development Company Ltd in the late 1970s ceded large tracts of land for the development of the Geothermal Power plant.
38. Through Corporate Social Responsibility, the company has helped the community in so many ways including offering priority in employment opportunities to the locals, payment of school fees for students, construction of health facilities and boosting of businesses.
39. There is a proposal by the company and other relevant stakeholders to develop an industrial park and having an access road through the company may adversely affect the proposed project due to possible alteration of boundaries.
40. There was need to undertake a survey as it may not be practical to construct a road through the farm due to the hostile landscape and topography of the projected land. The company was of the opinion that the Kenya Wildlife Service is in a better position to cede its land so as to address the plight of the petitioners.

-
41. Upon extensive consultations with the Committee, the Director agreed to the Committee proposal that the Company and KWS each donate 3metres of their land to have the access road constructed for the community.

The Managing Director, Oserian Company Limited, Mr. Nikolas Thompson accompanied by the Finance Director, Mr. Timothy Ndikwe appeared before the Committee on Thursday, 12th October 2023 and stated as follows -

42. The Board of Directors of Oserian Company Limited had a meeting as earlier requested by the Committee and resolved to cede the three-metre piece of land to allow for the construction of access roads along their border with the Kenya Wildlife Service (KWS), Hell's Gate National Park.
43. The three metres could be ceded from land owned by Oserian Company Limited after survey is conducted to establish the cost implications of the various infrastructure that will be affected during the acquisition.
44. The acquisition of the land ceded by Oserian would compromise investments underway on a potential business park which the company is engaging in with other investors.
45. While Oserian Company Limited accepts to cede the land, the cost of critical infrastructure that will be affected should be borne by the government.

3.5 Submissions by KenGen

The Manager, Research and Development, Mr. Josephat Kebu participated in the stakeholder engagement during the site visit on Friday 23rd June 2023. In addition, the Managing Director, Mr. Austin Ouko appeared before the Committee on Thursday 28th September 2023 and submitted that:

46. KenGen installations are classified as a Government Critical Infrastructure Installations as established vide Gazette Notice No. 1043 of 31st January 2022.
47. Security challenges/risks have been mapped and identified as trespass/unauthorized access; vandalism of cladding within the steam field infrastructure and electrical cables; lack of perimeter fence on the Hells Gate National Park (exposure for vulnerability); and terrorism activities through interference with networks and critical infrastructure.
48. Having mapped the risks, the solutions proposed are as follows:

- i.) Controlled access by establishing security check points on either point (both ends, entrance and exit of the KenGen business area) These points shall be manned by KenGen security guards for controlled movement. The guards are predominantly from the local community and cordial existence shall be exhibited to achieve a balance position between the security state and the movement.
- ii.) Continued security patrols within the business area by police officers and security guards as contracted by KenGen. The police Officers seconded to KenGen shall have the rights to search any vehicle suspected to exhibit abnormal activities affecting the KenGen operation. Normal Police Service procedures shall apply on such occasions.
- iii.) All stakeholders are requested to comply with KenGen security process as part of safeguarding the Government Critical Infrastructure.
- iv.) The KenGen community relations office shall address any emerging issue arising from the community requests, taking into account of the Critical Infrastructure Security State.

3.6 Submissions by the State Department for Wildlife

The Principal Secretary, State Department for Wildlife, Ms. Sylvia Museiya accompanied by the Director General, Kenya Wildlife Service (KWS), Dr. Erastus Kanga appeared before the Committee on Wednesday 9th August 2023 and submitted as follows:

49. Hells Gate National Park was established in 1984 and it covers an area of 68.25KM². The park is within Nakuru County, located in the north west of Nairobi and south West of Lake Naivasha. To the north east, it borders Oserian Development Company. To the south it borders Kedong farm and Gorge Park. The access roads to these properties are private roads.
50. The park is endowed with a variety of wildlife species and amazing landscapes thereby attracting both domestic and international visitors. Being a protected area, it plays an important role in conservation of wildlife in the country.
51. The significance of the park is evidenced by the development of five geothermal plants which is a key installation/critical infrastructure that is of great economic importance to the country. This calls for enhanced security measures to secure the investments and minimize risks that may arise.

-
52. KWS has continuously put up the following measures to support the communities:
- i. The Narasha, Inkorionito, Narok East community through engagements with KWS were given free access through the park via Narasha and Olkaria gates on foot, motorcycles, bicycles and vehicles. The access allows the communities to traverse the park for social amenities in Naivasha town.
 - ii. The communities have benefited from international and domestic visitors visiting Hells Gate National Park. In addition to accessing Government or NGO functions for service delivery that is not tarified, access is provided for visitors to the community who get a chance to showcase their culture and engage in economic activities.
 - iii. The community requested KWS for access of their livestock through the park to access market days on Mondays and Thursdays. As a landlocked community from Narasha and Suswa trading centres to Naivasha market, previous arrangements had considered their plights and allowed their livestock be passed through the southern side of the park to the South Lake Road leading to Naivasha market.
53. It is crucial for the communities to be considered by the government in regard to public roads to access social/basic amenities like schools, hospitals, markets among others. The provision of roads will open up development and improve the livelihood of the people.
54. The original intention of access roads in the parks was to allow for tourist circuits and security operations. The access granted sometimes conflicts with the communities as both interests are not compatible thereby depreciating the value of the park. It is constantly a tough decision to balance between wildlife conversation and allowing the construction of access roads.
55. Similar concerns had been raised by residents in Aberdare National Park and Kitui Game Reserve. The Ministry was therefore worried that if the road is allowed, it would have a ripple effect on the other parks, thereby interfering with the protected areas. Not only would this affect wildlife through increase of access by poachers and traders in bush meat, but also the minimum threshold of 30 percent requirement for Ecological Biodiversity.

56. To safeguard the integrity of the park, an alternative road passing through Oserian Development Company land and bordering Hell's gate National Park would be a lasting option. The government should engage the Oserian Company to cede the access road.



Map of the Park and its surroundings

59. The Ministry had no objection to ceding land for the construction of the access road for the residents of Narok East Constituency and appreciates that the proposed road will not be put in the middle of the park that would compromise the environmental and social impacts of the park and wellbeing of the animals. Therefore, the land being asked for the access road is a reasonable request and the ministry has no objection to it. However, the technical team will ensure processes and procedures are followed.
60. The Ministry had ceded land before for the construction of access roads such as the Nairobi National Park to allow for the Southern Bypass hence the Narok East case will not be a precedence.
61. There was need to establish a proper route that will not compromise the security of the critical installations, for example, Olkaria 1 and 2. Currently, access to the area is controlled for security reasons. Further, there is a need to involve other stakeholders whose installations could be affected.

3.7 Submissions by the National Lands Commission

The Chairperson, National Lands Commission, Mr. Gerishom Otachi appeared before the Committee on 15th August 2023 and submitted as follows:

62. The mandate of the subject matter of the petition lies with the county Governments and the Kenya Rural Roads Authority (KeRRA). The proposed road needs to be designed and the design corridor identified within the areas proposed. The corridor will then need to be acquired in this case for the Kenya Urban Roads Authority (KURA).
63. The Commission's role is restricted to matters on Compulsory Land Acquisition as spelt out in the law in consultation with the State Department of Lands and Physical Planning, and the conduct of survey to vest the acquired road corridor to the acquiring entity.

The Chairperson, National Lands Commission, Mr. Gerishom Otachi appeared before the Committee on 31st August 2023 and made additional submissions as follows:

64. While acknowledging the rationale to close the road, it is necessary to place the community at the centre as a solution is sought. In this respect, the Commission proposed the following: -

-
- (i) *Alternate Road Construction*: Initiate discussions involving KWS, Oserian Development Company Ltd, and relevant authorities to consider expanding the road on their common border so that it can be a long-term solution. The Commission will partner with the authorities to ensure that aspects of any land to be acquired should be fast tracked.
 - (ii) *Community Engagement and Education*: Conduct regular awareness programs to educate residents on responsible road usage and the importance of conservation. Empower the community with knowledge to strike a balance between their economic activities and the preservation of the environment.

65. These proposals are the result of a thoughtful consideration of the concerns raised by the Petitioners and the insights gleaned from considering and balancing the functions of the other actors. If these are adopted, the access road issue can be effectively resolved, benefiting both the community and the cherished ecological balance of Hell's Gate National Park.

3.8 Submissions by the Ministry of Roads

The Principal Secretary, State Department for Roads appeared before the Committee on Thursday 28th September 2023 on behalf of the Cabinet Secretary and submitted as follows:

- 66. The Moi South Lake Road is maintained by the Kenya Rural Roads Authority and provides access to the hospitality industry and the community within Naivasha town. The request by the petitioner to have an access road linking the Moi South Lake Road to Narok East Constituency will require consultation and approval of the KWS and other interested stakeholders. The link through the national park is not within the KeRRA mandate and therefore, has not been factored in the current mid-term plan for the Authority.
- 67. The Ministry through the Narok East Constituency Roads Committee (CRC) has planned for a total of 39 Km in the current work plan Financial Year 2022/2023 for the 10% Road Maintenance Fuel Levy funds. (RMLF). The construction and maintenance of these roads will open up access at the constituency level and to other parts of the country. In addition, through the 22% allocation, the Narok East CRC has planned for construction and maintenance of 124.33 Km, out of the 133km in Narok East.

68. The Ministry through KeRRA has proposed the upgrading to Bitumen Standards of the following road links in Narok East constituency to Naivasha as well as opening up the constituency to access Suswa SGR and access to Mai Mahiu-Nairobi-Narok Road. However, this will be subject to availability of funds.

Name of road	Length	Condition	Estimate	Remarks
Suswa-Inkorianito-Naivasha	28.9km	Some sections are earth while others are gravelled	1,539,792,000.00	Connects Naivasha. Suswa SGR and Mai Mahiu-Narok-Nairobi road

SUPPLEMENTARY INFORMATION

69. The following represents the status of RMLF projects in Narok East, Narok region.

I. Overview

Narok East constituency of Narok region has a total of 133 km of class C roads, being maintained, as listed below:

Code Class	Road Class	Bitumen (Km)	Gravel (Km)	Earth (Km)	Total (Km)
C726	Ntulele-Mosiro	0	6	41	47
C715	Nairegie-Maela	0	0	16	16
C705	EOR-Kule-Ildamat	0	6	29	35
C710	Nairegie-Ildamat	4	3	28	35
Total		4	15	114	133

II. Improvement to Gravel Standards

Further to the above, the following roads received funds from GOK and have been improved to gravel standards:

S/No.	Project Name	Project Length(km)	Constituency	Physical Progress (%)as at 10th July 2023
1	Spot Improvement of Eor-Kule-Avfoo-Sakutiek-Kongoni Roads	53	Narok East	100% completed

III. Bridges

The below listed bridges are being done by KeRRA in Narok East Constituency

S/No.	Project Name	Location	Physical Progress (%)
1	Construction of Nkilingos Bridge and Approach Roads	Narok East	10%, Contractor abandoned site citing non- payment of his IPCs on Kuto bridge.
2	Olorngogyne Bridge and Approach roads	Narok East	Under procurement

IV. 2022/2023 WORK PLAN OF NAROK EAST, 22% AND 10%.

Routine Maintenance Work Program Report

Funding Source : 10% RMFL for CRC

Financial Year
2022-23

Road Code	Surface Type	Section Name	Work planned	Work plan Cost (Ksh) including VAT
Constituency: Narok East (Code:75034)				
C705	Gravel	Ildamat - Ololpironito	10.00	1,153,040.00
C705	Gravel	Ololpironito - Eor Ekule	17.55	4,642,549.98
C710	Gravel	Kojonga - Ildamat	10.00	2,308,036.92
C710	Gravel	Nairegie Enkare - Kojonga	4.00	6,270,203.32
C715	Gravel	Nairegie Enkare - Maela Ntulele - Ntumententi -	16.00	1,375,404.59

		Mosiro		
C726	Gravel	Mosiro	15.00	2,564,709.18
C726	Gravel	Nturumenti - Mosiro Irrigation	10.78	5,561,759.20
U-E 7059	Gravel	Suswa- Olshaiki	10.00	3,885,233.54
U-G71621	Gravel	Ntulele - Koionga	7.00	2,359,994.78
U-G71621	Gravel	Ntulele - Olenkomei	8.00	3,092,096.00
U-G71693	Gravel	Suswakaruka	16.00	9385,328.00
Total for: Narok East			124.33	42,598,355.51

70. The following were other roads that were routinely maintained in Narok East constituency

V. Routine Maintenance and Work Program Report

Funding Source: 10% RMFL for CRC

Financial Year
2022-23

Road Code	Surface Type	Section Name	Work Planned Length (km)	Work plan Cost (Ksh) including VAT
Region: Narok				
Constituency: Narok East (Code: 75034)				
R4	Gravel	Suswa - Inkiriendo Nkilonkosi	20.00	8,608,968.04
R5A	Gravel	Kirangarian	10.00	6,998,068.44
U-G71620	Gravel	Enooseyia- Kutenoi-Kiru	9.00	3,743,349.05
Total for: Narok East			39.00	19,350,385.52

71. There was a proposal by the Ministry to gain access through the two roads defined as followed: -

- i.) The Kongoni-Nkorionto-Suswa Road which is approximately 32.558km entirely. The line is through Oserian land as recommended by KWS; and
- ii.) The Kasarani-Kongoni Road passing through Orpower plant.

Vide a Letter dated 30th October 2023, the Principal Secretary, State Department of Roads submitted as follows:

72. As a follow up on the possibility of having an access road from Suswa to Naivasha through Nkorionto, surveyors from KeRRA visited the area which included Hells Gate National Park and a private conservancy and held brief discussions with the warders in charge.

73. The team from KeRRA acquired cadastral maps covering the area. The cadastral maps are survey plans FR No. 47/132 and FR No. 66/109. From the analysis of the Kenya Roads Board data, cadastral maps as well as satellite imagery, the following were the findings;

- i.) There exists a classified road E7054 from Suswa to Nkorionto, which is approximately 20.35km.
- ii.) From Nkorionto, there exists a classified road F7161 to Maela joining C715 Road at Maela. The road Cz15 proceeds from Maela to Gunyumu (Junction C710) to Kongoni, which is approximately 30.77km.
- iii.) There is no classified road connecting Nkorionto to Moi South Lake Road (C710) unless through Maela.

74. In order for residents of Nkorionto to access Naivasha through C710 (Moi South Lake) Road without going through Maela, they have to either pass through Hells Gate National Park or through a private Conservancy as follows:

- i.) From Nkorionto to Kongoni through private Conservancy for approximately 16.37km. This option requires acquisition of 12.7km road length and 30m road reserve width within the private conservancy.
- ii.) From Nkorionto to Moi South Lake Road through Hells Gate National Park for approximately 20.12km with 7.5km inside the National Park.

75. From the above observation, KWS has to provide some corridor for the road to be constructed.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other witnesses, the Committee observed that -

76. According to Kenya Wildlife Service, the Hell's Gate National Park is considered home to diverse wildlife and plant species that are vital to the ecosystem. The claim to restrict access to the park was intended to prevent rapid degradation of the park's flora and fauna that could arise from increased human interference.

77. The closure of the access road was necessitated by the need to safeguard the sensitive infrastructure supporting the Geothermal power plant from potential damage or destruction as well as to protect human beings from injury.

78. To allow access to the residents through the Hell's Gate National Park and Oserian Company Ltd, the two proposed roads are:

- (i) the Kongoni-Nkorionto-Suswa Road that passes through Oserian Land; and
- (ii) the Kasarani-Kongoni Road that passes through Orpower plant.

79. Oserian Development Company and the Kenya Wildlife Service (KWS) agreed to provide an easement at the adjoining boundary for purposes of constructing the access road for the community in line with Section 98 (1) & (2) of the Land Registration Act, 2012 which provides that:

"An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land."

80. Section 143 of the Land Act, 2012 confers upon the National Land Commission the power to create public rights of way for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organisations, authorities and bodies to carry out their functions, referred to in this Act as a wayleave; or a right of way created for the benefit of the public as a communal right of way.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

Based on the submission from the stakeholders. The Committee made the following recommendations -

Prayer 1: Have the Government to provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha

81. In response to the above prayer, the Committee recommends that as a short-term solution:


- (i) Permission to access road be granted by the Committee responsible for management of the Hell's Gate National Park comprising of residents and Kenya Wildlife Service, that three identified Public Service Vehicles registered with the Kenya Wildlife Service to operate within specified timelines each day.
- (ii) In addition to residents of the area utilising the only existing road that runs through the Hell's Gate National Park on Monday and Thursday, permission be granted to utilise the road for an extra day of the week, specifically Saturday, to improve access to the market by the community.
- (iii) community policing be enhanced to assist in maintenance of harmonious relationship between the community and Kenya Wildlife Service.

Prayer 2: Have the Government through the Ministry of Roads and Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country

82. In response to the above prayer, the Committee recommends that as per the deliberations during the stakeholder engagement process, a multi-agency team headed by the Ministry of Roads and Transport and comprised of KenGen, the Kenya Wildlife Service, Ministry of Tourism and Wildlife, the National Land Commission, and the Ministry of Interior and National Administration be constituted **within six months**

of tabling of this report, to commence the acquisition of land to construct the road through the Kongoni-Nkorionto-Suswa Road.

Signed:  Date: 11-04-2024

 THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
PUBLIC PETITIONS COMMITTEE

ADOPTION OF THE REPORT ON THE CONSIDERATION OF A PUBLIC PETITION NO. 13 OF 2023
REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

We, the undersigned Honourable Members of the Public Petitions Committee, today Monday, 25th March, 2024, do hereby affix our signatures to this Report on the consideration of Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency, to affirm our approval and confirm its accuracy, validity and authenticity: -

S/NO	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice-Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Ernest Ogesi Kivai, M.P.	Member	
5.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
6.	Hon. John Walter Owino, M.P.	Member	
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	
8.	Hon. Edith Vethi Nyenze, M.P.	Member	
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	
10.	Hon. Caleb Mutiso Mule, M.P.	Member	
11.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
12.	Hon. Peter Mbogho Shake, M.P.	Member	
13.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	
14.	Hon. John Bwire Okano, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	

