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1/4/26*

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 11 OF 2024 REGARDING THE
WAIVER OF THE ELGEYO BORDER SETTLEMENT SCHEME NO. 45
SETTLEMENT FUND TRUSTEES LOAN, BY HON. (PROF) PHYLIS BARTOO, MP
ON BEHALF OF THE RESIDENTS OF MOIBEN CONSTITUENCY



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

THE NATIONAL ASSEMBLY PAPERS LAID	
MARCH, 2026	
DATE:	01 APR 2026
	DAY: Wednesday
TABLED BY:	Hon. Kavumba Muchang Chair, Public Petitions
CLERK-AT-TABLE:	Mocha Muiam

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ACRONYM

NLC National Land Commission

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 Public Petitions Committee regarding the waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. (Prof) Phylis Bartoo, MP on behalf the residents of Moiben Constituency.

The Petitioner prayed that the Committee engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community and makes any recommendations or actions it deems fit in addressing the plight of the petitioners.

In consideration of the Petition, the Committee collected the views from the petitioner and the State Department for Lands and Physical Planning.

The Committee observed that the Cabinet had approved waiver of the same and was awaiting gazettelement.

The Committee recommends that the State Department for Lands expedites the gazettelement and waiver of the outstanding loans, and completes titling process to beneficiaries.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat 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 table the report before the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

The Public Petitions Committee was 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 the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

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

**Wiper Democratic Movement-Kenya
(WDM-K)**

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

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

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

Hon. Biego Paul Kibichy, M.P.
Chesumei
United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency
Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency
**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

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 members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

2. BACKGROUND TO THE PETITION

2.1 Introduction

1. Public Petition No. 11 Of 2024 regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan, was presented to the House by Hon. (Prof) Phylis Bartoo, MP on behalf of the Residents of Moiben Constituency on 20th June, 2024.
2. The petitioner stated that Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act CAP. 318 of the laws of Kenya Section 168 which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
3. The Fund is managed by the Ministry of Lands, Public Works, Housing and Urban Development. Its mandate is vested in the Settlement Fund Trustees jointly managed by the Ministry of Lands, Public Works, Housing and Urban Development, National Treasury, Ministry of Interior and National Administration and the Ministry of Agriculture and Livestock Development.
4. The Elgeyo Border Scheme Settlement Scheme was among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Ksh. 5,000 aimed at facilitating settlement and development in the region.
5. However, over the years, due to various socio-economic factors and changes in land ownership, the burden of arrears of loan repayment has become unmanageable for the current generation of residents.
6. Many families inherited the debt without the corresponding assets or resources to repay. Further, the original purpose of the Settlement Trust Fund has been overshadowed by the financial strain it imposes on the community.
7. The debt incurred by the Elgeyo Border Scheme has grown exponentially over time, surpassing the initial capital of Ksh. 5,000, hence becoming a significant barrier to the economic progress and the well-being of the community by hindering their ability to invest in essential infrastructure, education, healthcare, among others.
8. The residents have over the years received demand notices regarding the arrears of loan repayment with possibility of repossession of land if outstanding amounts are not paid; and,
9. The issues in respect of which this Petition is raised are not pending before any court of law or any constitutional or legal body.

2.2 Petitioner's Prayers

10. The Petitioners prayed that the National Assembly through the Public Petitions Committee:
 - i. Engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community.
 - ii. Makes any recommendations or actions it deems fit in addressing the plight of the petitioners.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS

3.1 Petitioners

The MP Moiben Constituency, Hon. (Prof.) Phylis Bartoo, on Tuesday, 1st October, 2024, appeared before the Committee and submitted as follows -

11. Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act (Cap 318 of the Laws of Kenya) section 68, which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
12. The Fund is managed by the Ministry of Lands and Physical Planning. Its mandate is vested in the Settlement Fund Trustees jointly run by the Ministries of Lands, National Treasury, Interior and Agriculture.
13. The Elgeyo Border Settlement Scheme was among the schemes established under the Fund in 1963 for agricultural development and purchase of land with an initial capital of Kshs. 5000, aimed at facilitating settlement and development in the region.
14. Over the years, due to various socio-economic factors and changes in land ownership, the burden of the arrears of loan repayment has become unmanageable for the current generation of residents.
15. Many families inherited the debt without the corresponding assets or resources to repay. Further, the original purpose of the settlement trust fund has been overshadowed by the financial strain it imposes on the community.
16. The debt incurred by the Elgeyo Border Settlement Scheme has grown exponentially over time, surpassing the initial capital investment of Kshs. 5000 hence becoming a significant barrier to the economic progress and well-being of the community by hindering their ability to invest in essential infrastructure, education, health care among others.
17. The residents have over the years received demand notices regarding the arrears of loan repayment with possibilities of repossession of the land if the outstanding amounts are not paid.

3.2 National Land Commission

The Commission Secretary/CEO NLC, Ms. Kabale Tache Arero, MBS vide a letter NA/DAA&GPC/PPC/2026/014 dated 18th February, 2026 submitted as follows -

18. The Commission clarified that the issues raised in the Petition, particularly those relating to the administration of the Elgeyo Border Settlement Scheme, the management of settlement loans, and payments by beneficiaries under the scheme, fall outside their Constitutional Mandate.
19. The Commission observed that these matters fall under the Ministry of Lands, Public Works, Housing and Urban Development, which is the institution responsible for matters concerning land settlement and the administration of settlement schemes.
20. The Commission's position was that this matter was best addressed by the Ministry of Lands, being the competent authority with the requisite policy, administrative and operational mandate to handle settlement scheme obligations, including any consideration for waiver of such payments.

3.3 Ministry of Lands, Public Works, Housing and Urban Development

The Principal Secretary State Department for Lands and Physical Planning submitted as follows;

21. The Elgeyo Border Settlement Scheme No.045, Uasin Gishu County was started in January, 1963 with the beneficiaries being allocated 25 acres each. The scheme comprises 428 land parcels allocated to families and 23 Public utilities which include schools, market centres, churches and a water dam.
22. Being a conventional scheme, the beneficiaries were required to pay an initial deposit and thereafter pay the balance in 28 half – yearly instalments after grace period of 2 years. They were required to meet these costs from the income generated from the land allocated to them.
23. That over the years, some beneficiaries have managed to clear the amounts owed to them and have been discharged.
24. The current status of loan repayment under the scheme is as follows:
 - i. Number of plots discharged and forwarded for titling – 148.
 - ii. Number of discharges at the County Land Adjudication and Settlement office awaiting execution of transfer – 83. This is mainly due to succession issues.
 - iii. Number of plots with outstanding Loan balances – 186.
25. The total outstanding loan amount accruing from the Scheme is approximately Kshs. 13 million.
26. The settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises of: -
 - i. Cabinet Secretary - Ministry of Lands and Physical Planning (Chair)
 - ii. Cabinet Secretary – National Treasury
 - iii. Cabinet Secretary – Ministry of Agriculture
 - iv. Cabinet Secretary – Internal Security.
 - v. Cabinet Secretary – Ministry of Environment and National Resources
 - vi. A Representative – National Land Commission
27. On 7th August, 2025, the Ministry of Lands, Public Works, Housing and Urban Development presented a Cabinet Memorandum seeking approval for the waiver of all outstanding land and development loan interests and related penalties for all settlement schemes amounting to Kshs. 5,342,797,484.39.
28. The Cabinet approved the memo in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the National Land Commission and the Ministry of Lands, Public Works, Housing and Urban Development, the Committee observed that –

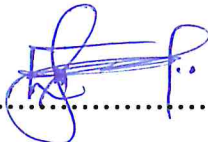
29. The Agricultural Settlement Fund Trustees was established in 1963 under the Agriculture Act CAP. 318 of the laws of Kenya Section 168 which was repealed by the Agriculture Fisheries and Food Authority Act, 2013.
30. The Committee further established that Elgeyo Border Settlement Scheme No. 045 is located in Uasin Gishu County was started in January, 1963 comprises of 428 land parcels with the beneficiaries being allocated 25 acres each.
31. The settlement programme in the country is managed by the Land Settlement Fund Board of Trustees which comprises representation of six ministries and the National Land Commission.
32. According to the Ministry of Lands, the current status of loan repayment under the Scheme is as follows –
 - i. 148 have been fully discharged and forwarded for titling;
 - ii. 83 have discharges pending County Land Adjudication and Settlement office awaiting execution of transfer, mainly due to succession issues; and
 - iii. 186 plots still have outstanding Loan balances
33. The Committee further noted that the total outstanding loan amount accruing from the Scheme is approximately Kshs. 13 million.
34. The Ministry of Lands presented a Cabinet Memorandum on 7th August 2025 seeking waiver of interest and penalties for all settlement schemes Kshs. 5.34 billion. The Cabinet approved in November 2025 and a draft Gazette Notice was prepared and submitted to the Attorney General for Gazettement effective 13th February, 2026.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends that-

On the prayer that the Committee engages the Settlement Funds Trustee with a view of seeking waiver of the accumulated debt of Elgeyo Border Settlement Scheme by the community; **the Committee recommends that, within twelve (12) upon tabling of this report, arising from the Cabinet approval of the Memorandum on waiver, the Ministry of Lands, Public Works, Housing and Urban Development should ensure gazettelement of the same, including beneficiaries of the Elgeyo Border Settlement Scheme, and ensures completion of the titling process and reports back to the National Assembly..**

Signed:.......... Date: 1/7/2026.....

THE HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: Adoption List

Annex 2: Public Petition No. 11 Of 2024 Regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan, By Hon. (Prof) Phylis Bartoo, MP

Annex 3: Minutes of proceedings



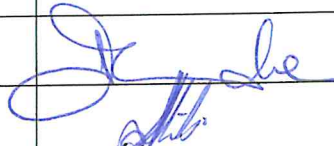
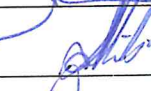
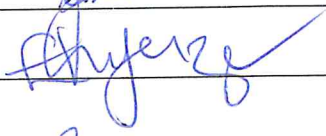
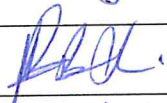
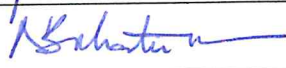
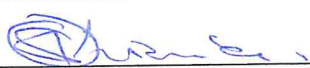
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 11 of 2024 by Hon. (Prof) Phyllis Bartoo, MP, regarding the Waiver of the Elgeyo Border Settlement Scheme No. 45 Settlement Fund Trustees Loan**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/3/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	