

Report is approved for tabling.

REPUBLIC OF KENYA



Bat SNA
3/12/15

Papers laid by
Hon. Alex Mwiru
On 3/12/2015

ELEVENTH PARLIAMENT - THIRD SESSION - 2015



NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON NYALI CONSTITUENCY LAND ISSUES

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2015



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1.0 PREFACE

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honor to present to this House the Report of the Committee on Sirikwa Settlement Scheme.

1.1 MANDATE OF THE COMMITTEE

The Committee is established pursuant to the provisions of Standing Order 216 and is mandated to, among others:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) study and review all legislation referred to it;
- d) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204(Committee on Appointments); and
- g) make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

1.2 COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:

1. The Hon. Alex Mwiru, M.P. **(Chairperson)**
2. The Hon. Moses Ole Sakuda, M.P **(Vice Chairperson)**
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Francis W. Nderitu, M.P.
7. The Hon. Francis Njenga, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Eusilah Jepkosgei, M.P.
10. The Hon. Benard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. Oscar Sudi, M.P.
13. The Hon. Hellen Chepkwony, M.P.
14. The Hon. Sarah Korere, M.P.
15. The Hon. Julius Ndegwa, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Kanini Kega, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Gideon M. Mung'aro, M.P.
20. The Hon. Hezron Awiti Bollo, M.P.
21. The Hon. Suleiman Dori Ramadhani, M.P.
22. The Hon. George Oner Ogalo, M.P.
23. The Hon. Lekidime Lempurkel Mathew, M.P.
24. The Hon. Shakila Abdallah, M.P.
25. The Hon. Paul Otuoma, M.P.
26. The Hon. Thomas Mwadeghu, M.P.
27. The Hon. Magwanga Joseph Oyugi, M.P.
28. The Hon. Aburi Lawrence Mpuru, M.P.
29. The Hon. Patrick Makau, M.P.

1.3 MEETINGS AND TO NYALI CONSTITUENCY

- 1.3.1 The Committee undertook a tour of Kwa Bulu (Kadzandani ward) & Maweni/Kisumu Ndogo (Mkomani ward) Settlements in Nyali Constituency area between 30th October and 2nd November 2014;
- 1.3.2 The objective of the visit was to assess the situation on the ground and collect views of the residents of the Scheme with an aim of recommending sustainable solution and settle outstanding issues;
- 1.3.3 The following Members undertook the visit:-
 1. The Hon. Paul Otuoma, M.P- **Chairing**
 2. The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)
 3. The Hon. Onesmus Ngunjiri, M.P.
 4. The Hon. John Kihagi, M.P.
 5. The Hon. Francis W. Nderitu, M.P.
 6. The Hon. Francis Njenga, M.P.
 7. The Hon. A. Shariff, M.P.
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 15. The Hon. Thomas Mwadeghu, M.P.
 16. The Hon. Magwanga Joseph Oyugi, M.P.
 17. The Hon. Aburi Lawrence Mpuru, M.P.
 18. The Hon. King'ola Patrick Makau, M.P.

1.4 COMMITTEE GENERAL OBSERVATIONS AND RECOMMENDATIONS

Having held meetings, undertaken the inspection/fact finding visit and considered the submissions presented, the Committee made the following observations and recommendations: -

1.4.1 OBSERVATIONS

General Observations

1. The residents have no title deeds to the land;
2. The residents are constantly facing eviction threats from Kenset Holdings who claim ownership of the land as well as other wealthy land owners in the area;
3. The land Kwa Bulu can be categorized as private land (lease hold);
4. There exists absentee Landlords;
5. There are suspicious/fictitious agents collecting rent for land owners who abandoned their land.

Observations made In Maweni/Kisumu Ndogo and Idi Kumbi Village;

1. The residents have no title deeds to the land;
2. The private land owners in the area are willing to accept compensation from the government, for their land to be surveyed and redistributed to the residents;
3. Residents have been subjected to paying rent to suspicious/fictitious land owners who abandoned their land.

Observations made In Kisumu Ndogo ;

1. There exists absentee Landlords in the area;

1.4.2 RECOMMENDATIONS

1. The National Government through the Ministry of Lands, Housing and Urban Development should fund private land purchase to pave way for squatter settlement in Nyali;
2. The National Land Commission should establish the leases which have expired with a view to repossessing the land to pave way for squatter settlement;
3. The Government through the Ministry of Lands, Housing and Urban Development should conduct an audit with a view of establishing the legal owners of the various

parcels of Land in Nyali. If public, the land should be re-planned and allocated to the squatters and if private, compensate the private owners who are willing and resettle the squatters.

4. The National Land Commission and the County Government of Mombasa should urgently review land ownership in the area to establish ownership. Land without ownership or with expired lease ought to revert back to the Government;
5. The National Land Commission should publish the renewed leases for the area in question for the last 2 years.

1.6 ADOPTION OF THE REPORT

The Members of the Departmental Committee on Lands have, pursuant to Standing order 199 adopted this report on Nyali Constituency Land Issues and affix signatures to affirm approval and confirm its accuracy, validity and authenticity (See Annex 1).

1.7 ACKNOWLEDGEMENT

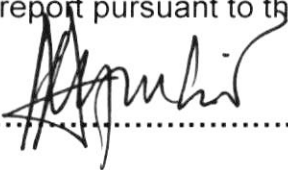
The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all Members of the Committee for their useful contribution towards the production of this report and hard work during the long sitting hours under tight schedules, which enabled us to complete the tasks within the stipulated period. The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this report possible.

The Committee is also grateful to all the witnesses/general public who made submissions and presentations before the Committee during the fact-finding visit. Their contributions gave the Committee the much-needed insights into the issues under investigations and possible solutions.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this report pursuant to the provisions of Standing Order 199(6)

SIGNED



DATE.....

19th November 2015

(HON. ALEX M. MWIRU, MP)

CHAIRPERSON

2.0 BACKGROUND

2.0.1 During its sitting held on 15th October 2015, the Member for Nyali Constituency Hon. Awiti Bollo, M.P brought to the attention of the Committee land disputes in Nyali Constituency;

2.0.2 The Committee was informed of the following categories of land in the constituency to which he sought the intervention of the Committee with a view to assisting in resolving the land issues in the Constituency. Plot no 112/1/MN whose leases have expired:-

- a) Plot numbers 44, 45, 46, 64, 161, 106, 112, 397, 621, 622, 624, 154, 175, 11224, 1409/1/MN to which he is seeking assistance of the national government to fund land purchase to pave way for squatter settlement;
- b) Plot Numbers 623, 183/1/MN which has absentee landlords who continue collecting fees through lawyers; and
- c) Plot no 62, 427/1/MN which is government land; and the following under listed plots among others;

NO	PLOT NUMBERS	AREA	WARD
1.	1409/1/MN	MATOPENI - KONGOWEA	KONGOWEA
2.	114/1/MN	MATOPENI - KONGOWEA	KONGOWEA
3.	183/2/MN	KADZANDANI	KADZANDANI
4	184/1/MN	KADZANDANI	KADZANDANI
5.	81/1/MN	FRERETOWN	FRERETOWN
6.	82/1/MN	FRERETOWN	FRERETOWN
7.	83/1/MN	FRERETOWN	FRERETOWN
8.	84/1/MN	FRERETOWN	FRERETOWN
9	261/1/MN	FRERETOWN	FRERETOWN
10	281/1/MN	FRERETOWN	FRERETOWN
11	408/1/MN	FRERETOWN	FRERETOWN
12	7540/1/MN	FRERETOWN	FRERETOWN
13	1409/1	MOMBASA MAINLAND	

2.0.3 The Committee was informed that people have been living in these lands for over 40 years.

2.1 MEETINGS DURING THE FACT FINDING VISIT

The Committee received submissions from the County Commissioner and the resident's follows:

Submissions from the County Commissioners Office

The Committee paid a courtesy call to the Mombasa County Commissioner Mr. Nelson Marwa, who was in the company of Messrs. Peter Ng'ethe, Land Officer, Dick James Safari, Registrar of titles, Justus M. Levu, Settlement officer, Rachel M. Ndambuki, Surveyor and Nyamawi Mwajoto, surveyor. The County Commissioner informed the Committee that: -

- 2.1.1 In Nyali- Maweni, land was set aside for settlement scheme and was awaiting declaration to be established as a settlement scheme;
- 2.1.2 There were however squatters residing on private land;

Submissions from Residents In Kwa Bulu (Mkomani Ward) Nyali Constituency

Mr. Joseph Karisa- Chairman Mwatamba Swamp, Kenneth Baya-Chairman Land Freetown and Messrs.: Masika, Mama Mariam Bakari Jade-Resident Majengo Mapya, Omar Sore, Ali Abdalla bin Hemed-Resident Kwabulo, Jonah Ishmael Ambaka-Resident Gombe Village and Mati wa Matamazero-Resident Kwa Bulu made submissions before the committee. The Committee was informed as follows, that: -

- 2.1.3 Kwabulo Settlement land LR No is 379 measures 86 acres and was initially owned by Mzee Bin Ali on behalf of the Mazrui Family. He later lost the land to the government due to his failure in making income tax payment. The land was later transferred to Bulu and later reverted back to the government when Bulu could not pay the tax;
- 2.1.4 The government thereafter transferred the land to an Insurance Company-Kenya National Assurance. However in recent times, a company known as Kenset has come to claim ownership of the land, which they say they acquired from National Assurance and has been threatening to evict the squatters from the land. There are about 7600 squatters in Kwabulo.

The Committee was also informed that: -

- 2.1.5 The first settlers on the land were the indigenous coastal people who were mostly from the Mijikenda community. Later, a white settler by the name Dr. Bulu settled in the area with the indigenous people;
- 2.1.6 Later, Dr. Bulu gave the land to his grandson Andrew Bulu who later sold it to Mr. Suleiman Bin Ali a transporter in Bamburi;
- 2.1.7 In the 1980s, the land was sold to the Kenya National Assurances, there were 49 families existing on the piece of land then, who were mostly the indigenous Mijikenda people;
- 2.1.8 The indigenous people started looking for titles to the land around the year 2000;
- 2.1.9 Kenya National Assurance sold the land in 2006 to Kenset Holdings, who now claim ownership of the land. Kenset Holdings is claimed to have given a deposit of Kshs 40 Million to Kenya National Assurance to acquire the land;
- 2.1.10 The residents have been given eviction notices twice and are continuously been threatened with eviction;
- 2.1.11 Currently there are 10,000 residents in the area and apart from the eviction notices from Kenselt Holdings, other influential land owners, continuously threaten the residents with court orders;
- 2.1.12 Other Residents in Mwatamba Swamp, Mafisini Village, Majengo Mpya, Freetown and Gombe villages also continuously face eviction, from individuals who claim to own the land, despite the residents having settled on the land years ago. Gombe village for instance measures 5.32 acres and has 150 villagers. Arab settlers originally owned it. In 2005, the land was claimed by a Mr. Kimani Muthua who claims he bought for Kshs 1 Million;
- 2.1.13 The residents in Kwa Bulu are seeking the help of the committee, in having the land surveyed and sub-divided among them, as well as getting title deeds, to rid them off the constant harassment and threats of eviction;
- 2.1.14 The residents are further sought the intervention of the National Land Commission in repossessing the land and having the land surveyed and allocated to the residents.

Submissions from Residents In Maweni/Kisumu Ndogo (Kadzandani Ward) Nyali Constituency

Mr. Clement Wasike – Chairman Land Nyali Constituency and messrs: Mohammed Salim -Mnazi Moja Resident, Mr. Jimmy Dickson Gitau – Land Owner Maweni, Idi Hamis Mambo – Resident Kumbi Village, Rahel Wakio – Resident Kisumu Ndogo, Zahara Salim – Land owner Kisumu Ndogo, Alice Njoki- Resident Ziwa la Ng'ombe and Mama Dina Mwala – Resident Kisumu Ndogo made submissions before the committee. The Committee was informed as follows that: -

- 2.1.15 The land in Kisumu Ndogo Settlement is Government land and that there are 3 villages on the land that includes; Shauri Yako, Kisumu Ndogo and Nazi Moja. The squatters have been on the land for over 40 years and there are no public utilities on the land. Further, that some wealthy land owners claim ownership of the land and keep threatening the residents with eviction;
- 2.1.16 The land in Maweni is also Government Land;
- 2.1.17 The residents have been occupying the land for many years and started seeking ownership of the land some 20 years ago, whereby they have made visits to various government offices;
- 2.1.18 In 2005, a petition on the land taken to The Ministry of Land, which recommended that the land be surveyed and distributed to the residents;
- 2.1.19 In Idi Kumbi village Mr. Said Seif Bin Salim originally owned LR. No.623/1/MN measuring about 49.9 acres. There are 6,000 people in Idi Kumbi, with approximately 200 structures on the land. In 1979, the land was registered as trust land, and agents have been collecting land rates from the residents, but continuously inflate the rates;
- 2.1.20 The absentee landlord, claiming ownership of Idi Kumbi land resides in Oman;
- 2.1.21 People claiming to own the land and threatening them with eviction constantly harass the residents. The residents have therefore formed and registered a co-operative, with an aim of presenting them and their interest on Idi Kumbi land; Similarly in Ziwa Ngombe village, the residents have not been able to obtain Ownership of the land despite having lived on the land for years and going to several offices. There are about 120 families on the land;

2.2.9 Private land owners in Maweni have agreed to compensation from the government, so that the land can be re-distributed to the residents, who have already set out space for hospitals, school as well as other social amenities.

3.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:-

General Observations

1. The residents have no title deeds to the land;
2. The residents are constantly facing eviction threats from Kenset Holdings who claim ownership of the land as well as other wealthy land owners in the area;
3. The land Kwa Bulu can be categorized as private land (lease hold);
4. There exists absentee Landlords;
5. There are suspicious/fictitious agents collecting rent for landowners who abandoned their land.

Observations made In Maweni/Kisumu Ndogo and Idi Kumbi Village;

1. The residents have no title deeds to the land;
2. The private land owners in the area are willing to accept compensation from the government, for their land to be surveyed and redistributed to the residents;
3. Residents have been subjected to paying rent to suspicious/fictitious land owners who abandoned their land.

Observations made In Kisumu Ndogo;

1. There exists absentee Landlords in the area.

4.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations, that;

1. The National Government through the Ministry of Lands, Housing and Urban Development should fund private land purchase to pave way for squatter settlement in Nyali;
2. The National Land Commission should establish the leases which have expired with a view to repossessing the land to pave way for squatter settlement;
3. The Government through the Ministry of Lands, Housing and Urban Development should conduct an audit of the land ownership in Nyali with a view to establish the legal owners of the various parcels of Land in Nyali. If public, the land should be re-surveyed and subdivided then allocated to the squatters and if private, compensate the private owners who are willing and resettle the squatters in the area;
4. The National Land Commission and the County Government of Mombasa should urgently review land ownership in the area to establish ownership. Land without ownership or with expired lease ought to revert back to the Government;
5. The National Land Commission should publish the renewed leases for the area in question for the last 2 years.



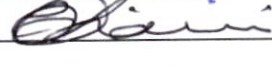



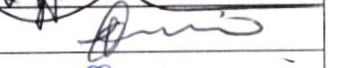
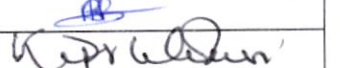
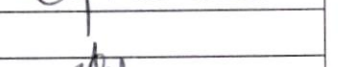

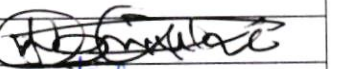

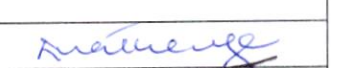

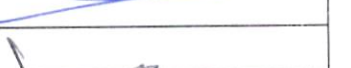
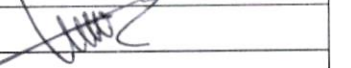







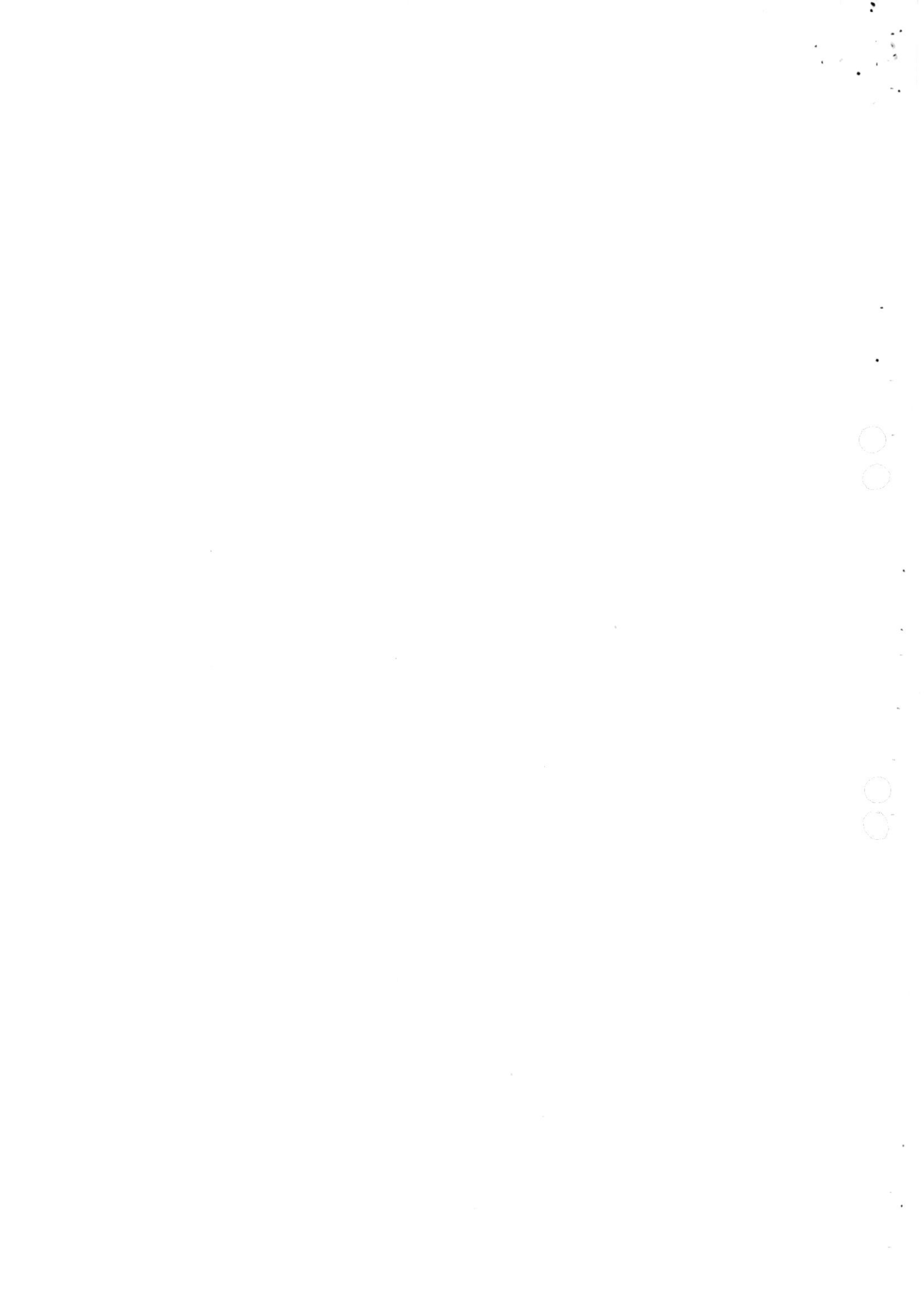
**DEPARTMENTAL COMMITTEE ON LANDS
ADOPTION LIST**

REPORT ON NYALI CONSTITUENCY LAND ISSUES

Date: 19TH November, 2015

Venue: 7th Floor, Continental House

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chairman	
2.	The Hon. Moses Ole Sakuda, M.P. (Vice Chairperson) <i>(Chairman)</i>	V/Chairman	
3.	The Hon. Onesmas Ngunjiri, M.P.	Member	
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.	"	
8.	The Hon. A. Shariff, M.P.	"	
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	
10.	The Hon. Benard Bett, M.P.	Member	
11.	The Hon. Kipruto Moi, M.P.	Member	
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P.	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.	member	
19.	The Hon. Gideon M. Mung'aro, M.P.	member	
20.	The Hon. Hezron Awiti Bollo, M.P.	Member	
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.	Member	
23.	The Hon. Lekidime Lempurkel Mathew, M.P.		
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	"	
26.	The Hon. Thomas Mwadeghu, M.P.	Member	
27.	The Hon. Magwanga Joseph Oyugi, M.P.	member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.	member	



**EXTRACTS FROM THE MINUTES OF THE 219TH SITTING OF THE DEPARTMENTAL COMMITTEE (K)
ON LANDS HELD ON THURSDAY 19TH NOVEMBER 2015 IN 7TH FLOOR, CONTINENTAL HOUSE
AT 11.00 AM**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson (Chairing)
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
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15. The Hon. Gideon Mung'aro, M.P.
16. The Hon. Hezron Awiti Bollo, M.P.
17. The Hon. George Oner, M.P.
18. The Hon. Dr. Paul Otuoma, M.P.
19. The Hon. Thomas Mwadeghu, M.P.
20. The Hon. Joseph Oyugi Magwanga, M.P.
21. The Hon. Patrick Makau, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Sarah Korere, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Suleiman Dori, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Oscar Sudi, M.P.
4. The Hon. Mathew L. Lempurkel, M.P.
5. The Hon. Kanini Kega, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwhaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III

MINUTE NO. DCL/LN/2015/791

PRELIMINARIES

The Chairperson called the meeting to order at 11.10 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2015/792

AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Benson Mbai, M.P. and seconded by the Hon. Hellen Chepkwony, M.P.

AGENDA

1. Prayers
 2. Communication from the Chair
 3. Confirmation of Minutes
 4. Matters Arising
 5. Bills
 6. Petitions
 7. Papers
 8. Statements
 9. **Substantive Agenda:- Consideration and Adoption of the following Reports:**
 - a) Report on the Petitions by residents of Chuka Igambangombe Constituency on alleged grabbing of public Land Belonging to the Chuka Township Primary School;
 - b) Report on State House Crescent Land
 - c) Report on Nyali Constituency Land Issues and
 - d) Report on Mombasa Cement Land Limited in Mombasa
 10. Any Other Business
- Date of the Next Sitting

MINUTE NO. DCL/LN/2015/793

CONSIDERATION AND ADOPTION OF THE REPORT ON NYALI CONSTITUENCY LAND ISSUES

The Committee Considered and adopted the report after being proposed by the Hon. Eusilah Ngeny, M.P. and seconded by Hon. Francis Waweru Nderitu, M.P. as follows :

The Committee made the following observations:

General Observations

1. The residents have no title deeds to the land;
2. The residents are constantly facing eviction threats from Kenset Holdings who claim ownership of

- the land as well as other wealthy land owners in the area;
- 3. The land Kwa Bulu can be categorized as private land (lease hold);
- 4. There exists absentee Landlords;
- 5. There are suspicious/fictitious agents collecting rent for land owners who abandoned their land.

Observations made In Maweni/Kisumu Ndogo and Idi Kumbi Village;

- 1. The residents have no title deeds to the land;
- 2. The private land owners in the area are willing to accept compensation from the government, for their land to be surveyed and redistributed to the residents;
- 3. Residents have been subjected to paying rent to suspicious/fictitious land owners who abandoned their land.

Observations made In Kisumu Ndogo ;

- 1. There exists absentee Landlords in the area.

The Committee made the following recommendations:

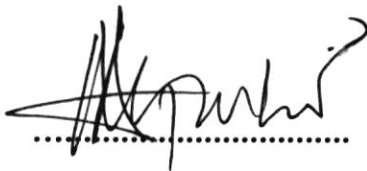
- 1. The National Government through the Ministry of Lands, Housing and Urban Development funds private land purchase to pave way for squatter settlement in Nyali;
- 2. The National Land Commission establishes the leases which have expired with a view to repossessing the land to pave way for squatter settlement;
- 3. The government through the Ministry of Lands, Housing and Urban Development should conduct an audit with a view of establishing the legal owners of the various parcels of Land in Nyali. If public, the land should be re-planned and allocated to the squatters and if private, compensate the private owners who are willing and resettle the squatters.
- 4. The National Land Commission and the County government of Mombasa should urgently review land ownership in the area to establish ownership. Land without ownership or with expired lease ought to revert back to the Government;
- 5. The National Land Commission should publish the renewed leases for the area in question for the last 2 years.

MINUTE NO. DCL/LN/2015/794

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 12.55 p.m. the meeting was adjourned.

SIGNED



..... (CHAIRPERSON)

DATE

..... 24th November 2015

MINUTES OF THE NINETY SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 31ST OCTOBER 2014, AT MAWENI/KISUMU NDOGO (KADZANDANI WARD), NYALI CONSTITUENCY AT 2.00 P.M

PRESENT:

1. The Hon. Paul Otuoma, M.P- Chairing
2. The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Francis Njenga, M.P.
7. The Hon. A. Shariff, M.P.
8. The Hon. Kipruto Moi, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Sarah Korere, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. Suleiman Dori Ramadhani, M.P.
14. The Hon. Lekidime Lempurkel Mathew, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Magwanga Joseph Oyugi, M.P.
17. The Hon. Aburi Lawrence Mpuru, M.P.
18. The Hon. King'ola Patrick Makau, M.P.

APOLOGIES

1. The Hon. Alex Mwiru, M.P. –Chairperson
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Esther Murugi
5. The Hon. George Oner, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Gideon Mung'aro, M.P.
9. The Hon. Benard Bett, M.P.
10. The Hon. Eusilah Ngeny, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I

2. Ms. Ruth Mwhaki

Clerk Assistant III

3. Ms. Anne Kigoro

Research and Policy Analyst III

MINUTE NO. DCK/LN/2014/237

PRELIMINARIES

The Chairman called the meeting to order at 11.25 a. m with a word of prayer.

MINUTE NO. DCK/LN/2014/238

**SUBMISSIONS FROM THE RESIDENTS OF
MAWENI/KISUMU NDOGO KADZANDANI
WARD)**

Mr. Clement Wasike – Chairman Land Nyali Constituency and messrs: Mohammed Salim -Mnazi Moja Resident, Mr. Jimmy Dickson Gitau – Land Owner Maweni, Idi Hamis Mambo – Resident Kumbi Village, Rahel Wakio – Resident Kisumu Ndogo, Zahara Salim – Land owner Kisumu Ndogo, Alice Njoki- Resident Ziwa la Ng'ombe and Mama Dina Mwala – Resident Kisumu Ndogo made submissions before the committee.

The Committee was informed that:-

- a. The land in Kisumu Ndogo Settlement is Government land and that there are 3 villages on the land that includes Shauri Yako, Kisumu Ndogo and Nazi Moja. The squatters have been on the land for over 40 years and there are no public utilities on the land. Further, that some wealthy land owners claim ownership of the land and keep threatening the residents with eviction;
- b. The land in Maweni is also Government Land;
- c. The residents have been occupying the land for many years and started seeking ownership of the land some 20 years ago, whereby they have made visited various government offices;
- d. In 2005, a petition on the land taken to The Ministry of Land, which recommended that the land be surveyed and distributed to the residents;
- e. Idi Kumbi village in the area is land with LR. No.623/1/MN measuring about 49.9 acres was originally owned by Said Seif Bin Salim. There are 6,000 people in Idi Kumbi, with approximately 200 structures on the land.
- f. In 1979, the land was registered as trust land, and agents have been collecting land rates from the residents, but continuously inflate the rates;
- g. The absentee landlord, claiming ownership of Idi Kumbi land resides in Oman;
- h. The residents are constantly harassed by people claiming to own the land and threatening them with eviction. The residents have therefore formed and registered a co-operative, with an aim of presenting them and their interest on Idi Kumbi land;
- i. Similarly in Ziwa Ngombe village, the residents have not been able to obtain Ownership of the land despite having lived on the land for years and going to several offices. There are about 120 families on the land;
- j. 2.2.9 Private land owners in Maweni have agreed to compensation from the government, so that the land can be re-distributed to the residents, who have already set out space for hospitals, school as well as other social amenities.

MINUTE NO. DCK/LN/2014/239 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Thirty Minutes past one O'clock, the Chairperson adjourned the meeting.

SIGNED


.....

(CHAIRPERSON)

DATE

4th November 2014
.....

MINUTES OF THE NINETY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 31ST OCTOBER 2014, AT KWA BULO (MKOMANI WARD) NYALI CONSTITUENCY AT 11.00 A.M

PRESENT:

1. The Hon. Paul Otuoma, M.P- Chairing
2. The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Francis Njenga, M.P.
7. The Hon. A. Shariff, M.P.
8. The Hon. Kipruto Moi, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Sarah Korere, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. Suleiman Dori Ramadhani, M.P.
14. The Hon. Lekidime Lempurkel Mathew, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Magwanga Joseph Oyugi, M.P.
17. The Hon. Aburi Lawrence Mpuru, M.P.
18. The Hon. King'ola Patrick Makau, M.P.

APOLOGIES

1. The Hon. Alex Mwiru, M.P. –Chairperson
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Esther Murugi
5. The Hon. George Oner, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Gideon Mung'aro, M.P.
9. The Hon. Benard Bett, M.P.
10. The Hon. Eusilah Ngeny, M.P.

ABSENT

1. The Hon. Oscar Sudi, M.P.

KENYA NATIONAL ASSEMBLY

- | | |
|---------------------|---------------------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Ruth Mwihaki | Clerk Assistant III |
| 3. Ms. Anne Kigoro | Research and Policy Analyst III |

MINUTE NO. DCK/LN/2014/233

PRELIMINARIES

The Chairman called the meeting to order at 11.25 a. m with a word of prayer.

MINUTE NO. DCK/LN/2014/234

**SUBMISSIONS FROM THE MOMBASA COUNTY
COMMISSIONER**

The Committee paid a courtesy call to the Mombasa County Commissioner Mr. Nelson Marwa, who was in the company of Messrs. Peter Ng'ethe, Land Officer, Dick James Safari, Registrar of titles, Justus M. Levu, Settlement officer, Rachel M. Ndambuki, Surveyor and Nyamawi Mwajoto, surveyor.

The Committee was informed that In Nyali- Maweni, land was set aside for settlement scheme and was awaiting declaration to be established as a settlement scheme and that there were squatters residing on private land in the area.

MINUTE NO. DCK/LN/2014/235

**SUBMISSIONS FROM THE RESIDENTS OF
KWA BULO**

Mr. Joseph Karisa- Chairman Mwatamba Swamp, Kenneth Baya-Chairman Land Freetown and Messrs.: Masika, Mama Mariam Bakari Jade-Resident Majengo Mapya, Omar Sore, Ali Abdalla bin Hemed-Resident Kwabulo, Jonah Ishmael Ambaka-Resident Gombe Village and Mati wa Matamazero-Resident Kwa Bulu made submissions before the committee.

The Committee was informed that:-

- i. Kwabulo Settlement land LR No is 379 measures 86 acres and was initially owned by Mzee Bin Ali on behalf of the Mazrui Family. He later lost the land to the government due to his failure in making income tax payment. The land was later transferred to Bulu and then reverted back to the government when Bulu could not pay the tax;
- ii. The government thereafter transferred the land to an Insurance Company-Kenya National Assurance. However in recent times, a company known as Kenset has come to claim ownership of the land, which they say they acquired from National Assurance and has been threatening to evict the squatters from the land. There are about 7600 squatters in Kwabulo.

The Committee was also informed that:-

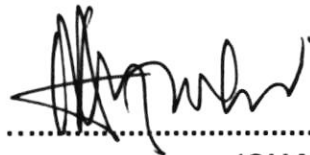
- iii. The first settlers on the land were the indigenous coastal people who were mostly from the Mijikenda community. Later, a white settler by the name Dr. Bulu settled in the area with the indigenous people;
- iv. Later, Dr. Bulu gave the land to his grandson Andrew Bulu who later sold it to Mr. Suleiman Bin Ali a transporter in Bamburi;
- v. In the 1980s, the land was sold to the Kenya National Assurance, there were 49 families existing on the piece of land then, who were mostly the indigenous Mijikenda people;
- vi. The indigenous people started looking for titles to the land around the year 2000;

- vii. Kenya National Assurance sold the land in 2006 to Kenset Holdings, who now claim ownership of the land. Kenset Holdings is claimed to have given a deposit of Kshs 40 Million to Kenya National Assurance to acquire the land;
- viii. the residents have been given eviction notices twice and are continuously been threatened with eviction;
- ix. Currently there are 10,000 residents in the area and apart from the eviction notices from Kenset Holdings, other influential land owners, continuously threaten the residents with court orders;
- x. Other Residents in Mwatamba Swamp, Mafisini Village, Majengo Mpya, Freetown and Gombe villages also continuously face eviction, from individuals who claim to own the land, despite the residents having settled on the land years ago. Gombe village for instance measures 5.32 acres and has 150 villagers. It was originally owned by Arab settlers. In 2005, the land was claimed by a Mr. Kimani Muthua who claims he bought for Kshs 1 Million;
- xi. The residents in Kwa Bulu are seeking the help of the committee, in having the land surveyed and sub-divided among them, as well as getting title deeds, to rid them off the constant harassment and threats of eviction;
- xii. The residents are further sought the intervention of the National Land Commission in repossessing the land and having the land surveyed and allocated to the residents.

MINUTE NO. DCK/LN/2014/236 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Thirty Minutes past one O'clock, the Chairperson adjourned the meeting.

SIGNED



.....
(CHAIRPERSON)

DATE

4th November 2014
.....



REPUBLIC OF KENYA
PARLIAMENT

Hon. Awiti H. Bollo, MP. Nyali Constituency

Parliament Buildings
Tel: +254 20 2221291 Ext. 32575
P. O. Box 41842 00100
Nairobi, Kenya

Continental Hse 2nd Flr Rm 211
DL: +254 20 2848595
Mobile: +254 722 999 868
E-mail: nyali@parliament.go.ke

2. B) PRIVATE LAND (LEASE HOLD) (B)- BE REVOKED

Plots no's are **112/1/MN**

Requesting the Land Commission to repossess the Land whose leasehold has expired to settle the squatters.

3. ABSENTEE LAND LORD – BE REPOSSESSED.

The plots no's are **623, 183/1/MN**

The Land commission to assist in repossessing the Land and resettle the squatters.

4. GOVERNMENT LAND: -TO SETTLE SQUATTERS

The Plots no's are; **62, 427/1/MN**

The Land commission to assist in subdividing the Land and issue the title deeds to each squatter.

Enclosed herewith, please find a copy of the Land itinerary on the same.

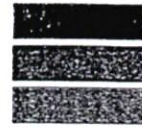
Yours Sincerely,


Hon. Hezron Awiti Bollo, MP
Nyali Constituency.

Copy to:

The Speaker of the National Assembly, Hon Justin Muturi.
The Parliamentary Lands Committee
The Lands Cabinet Secretary, Hon. Charity Kaluki Ngilu
The County Governor, Hon. Ali Hassan Joho
The County Executive secretary Lands, housing and Planning, Mr. Francis Thoya.





THE REPUBLIC OF KENYA



NYALI CONSTITUENCY

Leisure Maweni off Mainini - Mombasa Road. P.O. Box 31-80122 Kengeleni Nyali - Mombasa County
Tel: +254 771 708 148 Email: nyaliconstituency@yahoo.com

REF: NYACon/ADM001/14

DATE: 15TH AUGUST, 2014

THE AREA MEMBER OF PARLIAMENT
NYALI CONSTITUENCY
MOMBASA.

RE: NYALI CONSTITUENCY SQUATTER SETTLEMENT

Following your request to the Nyali Constituency Land Committee to do an audit of Land occupied by squatters, kindly find the attached four categories of land identified as follows:-

1. Private Land A- Land which are under negotiation/negotiated
2. Private Land - Land whose leasehold have expired.
3. Absentee Land Lords - Land whose owners are either deceased or not in the country.
4. Government Lands occupied by squatters.

We kindly request you sir, to pursue this matter with the National Lands commission to settle the squatters who have lived there for over 50 years.

Thank in advance.

Yours Faithfully,

Chairman 
Clement Wasike - Nyali Constituency Lands Committee

Secretary 
Peter Munyao - Nyali Constituency Lands Committee

Huduma kwa wote



**NYALI CONSTITUENCY LAND
SETTLEMENT PROGRAMME**

2013/2014

THE NYALI CONSTITUENCY LAND SETTLEMENT PROGRAMME

PRIVATE LAND STATUS (FREE HOLD)

THE NYALI CONSTITUENCY LAND SETTLEMENT PROGRAMME

THE REPORT PREPARED BY: NYALI CONSTITUENCY LANDS COMMITTEE

1. **CHAIRMAN:** CLEMENT WASIKE - 0722351217
2. **SECRETARY:** PETER MUNYAO - 0722706506
3. **ORGANISER:** RICHARD ONYANGO - 0722838098

NO	PLOT NO/SIZE	NO OF FAMILIES	COMMITTEE MEMBERS	STATUS	RECOMMENDATION
1.	624/1/MN (Free hold) 11.7 Acres Kidogo Basi Mkomani ward.		1. Chairman – Michael Okello – 0722470598 2. Secretary – Bonface Kimore 3. Organizer – Stanley Kilonzo	Swaleh Nguru registered as original owner, later subdivided and sold under controversial circumstances.	<ul style="list-style-type: none">• Seek assistance from the government to fund land purchase to pave the way for the squatters’ settlement.
2	154/1/MN (Zahara Ismael) 3.5 Acres Kisumu Ndogo, Mkomani ward	1,120	1. Chairman – Oгла Makumbo 2. Secretary – Francis Maina 3. Organizer - Zahara Ismail 0726012635	Appeared for negotiation and requested to be paid Ksh. 24M to give up the Land to squatters.	<ul style="list-style-type: none">• Seek assistance from the government to fund land purchase to pave the way for the squatters’ settlement after the agreement.
4	44/45,46/1/MN (DOSHI) Kisumu Ndogo, Mkomani ward	1,160	1. Chairman – Samuel Ojuma 2. Secretary – Lapsone Kimwele 3. Organizer – Yusuf Said	Agreed to be paid 56,940,000 to surrender the Land to squatters.	<ul style="list-style-type: none">• Seek assistance from the government to fund land purchase to pave the way for the squatters’ settlement.
5	64/1/MN(Late Kale Udu) 4.6 Acres Kisumu Ndogo,	960	1. Chairman – John Gongga - 0724362232 2. Secretary – John Chegere 3. Organizer – Elias Nyendwa	Family willing to appear for negotiation.	<ul style="list-style-type: none">• Seek assistance from the government to fund land purchase to pave the way for the squatters’ settlement.

6	467/1/MN (Jimmy and Others) 8.8 Acres Kongowea , Harambee Estate' Kongowea ward	1,000	1. Chairman – Sammy Kariuki 2. Secretary – Gladys Kariuki 3. Organizer – Margret David	Owners appeared for negotiations and agreed on a workable settlement.	<ul style="list-style-type: none"> Seek assistance from the government to fund land purchase to pave the way for the squatters' settlement.
7	106/1/MN (Muihidin) 8.1 Acres Maweni Soweto, Mkomani ward	1,200	1. Chairman – Joseph Were – 0726826232 2. Secretary – Daniel Mukaka Mainye 3. Organizer – Joyce Mukaluma	Eviction order due 30/9/2014	<ul style="list-style-type: none"> Help more than 1200 families living on the plot for over 30 years get title deeds through repossession of the grabbed land.
8	397/MN/1 81.6 Acres Kwa Bulu, Kadzandani ward	10,000	1. Chairman – Omar Sore – 0723636415 2. Secretary - Dennis Okwara 3. Organizer – Everline Kinano	Squatters are waiting for the report from the last meeting which was held between the National Land Commission, Kwa Bulu squatters committee, Mombasa County Commissioner representative, Executive for Lands, Planning and Housing, Mombasa County.	<ul style="list-style-type: none"> Seek assistance from the government to fund land purchase to pave the way for the squatters' settlement.
9	27/1/MN (Ibrahim Juma) 1.14 Ha Ratna Kongowea	1,000		Agreed to be paid 51,900,000 to pave way for squatter settlement.	<ul style="list-style-type: none"> Seek government intervention for funds.
10	112/1/MN (Rehema) 12.5 Acres Kambi Kikuyu	2,000	1. Chairman – Daudi Shakur 0733780104 2. Secretary – Francis Muthee 3. Organizer – Osman Omar	Ownership Claim by some individual not proved	<ul style="list-style-type: none"> Investigate ownership to facilitate squatter settlement.
11	5799/1/MN 2 Ha Ziwa la Ng'ombe	1600	1. Chairman – Athman Tore 2. Secretary –Hamisi Ali 3. Organizer –Mirriam Kimemia	Owner given up the land for squatter settlement.	<ul style="list-style-type: none"> Pursue with the relevant ministry to settle the Squatters.

Kadzandani			
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THE NYALI CONSTITUENCY LAND SETTLEMENT PROGRAMME
ABSENTEE LAND LORD

NO	PLOT NO/SIZE	NO OF FAMILIES	COMMITTEE MEMBERS	STATUS	RECOMMENDATION
1	623/1/MN 40 ACRES Kidogo Basi, Mkomani Ward	3,200	1. Chairman – Idd Mambo 0722833155 2. Secretary – Ali Kea 3. Organizer – Yuna Ali	Most of the Land owners passed on but one lives in Muscat, Oman.	3,200 families have occupied the land for 35 years and the said owner lives in Muscat, Oman. Please repossess the Land and settle the squatters.
2	161/1/MN 1 ACRE Maweni, Mkomani ward	1,200	1. Chairman – Fred Odhiambo 0721868476 2. Secretary – James Andere 3. Organizer - Robinson Kamwere		Request the government to repossess the Land and settle the squatters.
3	621/1/MN 5.1 ACRES Kambi Kikuyu, Kongowea Ward	1,200	1. Chairman – Aziz Zagwa Mbuzi - 0720052598 2. Secretary – Mohammed Masandwa 3. Organizer – Alphonse Kinga		Request the government to repossess the Land and settle the squatters
4	183/1/MN 5.2 ACRES KD Mafisini	1,200	1. Chairman – Gaspa Gambo 0713838443 2. Secretary – Nassir 3. Organizer – Charlie Ngure		Request the government to repossess the Land and settle the squatters

GOVERNMENT LAND

NO	PLOT NO/SIZE	NO OF FAMILIES	COMMITTEE MEMBERS	STATUS	RECOMMENDATION
1	62/1/MN 8.5 ACRES Kisumu Ndogo Mkomani Ward	1,410	<ol style="list-style-type: none"> Chairman – Clement Wasike - 0722351217 Secretary – Harrison Oduor Organizer – Mbalasi Musa 	Squatter settlement Scheme recommended by the District Lands Officer in 2005.	<ul style="list-style-type: none"> The squatters have been living on this plot for 35 years. Kindly help settle them as per the District Lands officer recommendation of the year 2005.
2	427/1/MN 10.8 ACRES Shauri Yako, Mkomani Ward	1,665	<ol style="list-style-type: none"> Chairman – Joseph Mumbo – 0726475977 Secretary – Aggrey Kharondo Organizer – Joyce Naika 	Previous correspondents dated 2005 from District Land Registrar recommended squatter settlement.	<ul style="list-style-type: none"> Squatters have lived on this plot for over 40 years. Kindly settle them as per the recommendation of the District Lands Officer.
3	GL 6.5 ACRES Mnazi Moja, Mkomani ward	360	<ol style="list-style-type: none"> Chairman – Mohammed Salim 0734120749 Secretary – Thomas Omoyo Organizer – Christine Angaya 	The following plot was identified as owned by absentee Landlords. Subdivision sheet (A) Showing plot numbers attached.	<ul style="list-style-type: none"> More than 360 families have lived here for over 30 years. Please repossess the land and help settle the squatters.
4	GL 3.5 ACRES Mwatamba Swamp Kadzandani Ward		<ol style="list-style-type: none"> Chairman – Michael Simba 0725948435 Secretary – Winu Mwamba Organizer – Juma Bakari 	The plot has been grabbed by individuals.	<ul style="list-style-type: none"> The government should repossess the grabbed government Land.
5	GL 4 ACRES Soweto, Kadzandani ward			The plot has been grabbed by individuals.	<ul style="list-style-type: none"> The government should repossess the grabbed government Land
6	GL 5 ACRES Soweto,			The plot has been grabbed by individuals.	<ul style="list-style-type: none"> The government should repossess the grabbed government Land

MUUNGANO WA WANAVIJIJI MNAZI MMOJA,
C/O REV. THOMAS OMWOYO,
P.O BOX 41385-80100,
MOMBASA .
30TH OCT 2014.

TO:
CHAIRPERSON,
PARLIAMNENT LANDS COMMITTEE,
NAIROBI -KENYA.

Dear Sir/Madam,

**RE: PETITION OF MNAZI MMOJA SQUATTERS KISAUNI DIVISION,
NYALI CONSTITUENCY , MOMBASA COUNTY PLOT NOS. ATTACHED**

We're Muungano wa wanavijiji Mnazi Mmoja Village, being in community advocacy and development bring into your attention our long struggle for security of land tenure . We settled in Mnazi Mmoja since 1930s. Task force of 2007 proposed we be settled in the pieces of land but we do not know the impediments that have stalled the process since then, hence petition the national assembly (Parliament) to investigate so that obstacles can be removed to enable squatters to be settled in Gov't Land they are in.

Mnazi mmoja is found in Nyali settlement scheme along with Kisumu Ndogo and Shauri yako. The area is measuring 10.2 acres according to the report of mapping and enumeration done by Pamoja Trust and Residents; more that 940 structures , 2584 households and a total population of more than 12,000 people. Area MP Hon. Awiti Bolo is pushing but we add our voice to speed up the investigation and the report made public .

According to attached letter date 27th May,2004 Ref. prov.LA/259Vol 1/12, the district land settlement officer approved establishment of schemes in Kisauni Division whereby Nyali settlement was one of them . In regard with the proclamation(Copy attached), by ministry of land on December, 8th 2006, the Gov't of Kenya decided to settle squatters and landless in Coast Province on lands they have occupied for over 12 years and further decided to ensure that tenants will have - clear land rights. As per the Kenya constitution, Article 1(1) and (2), Article 35 (a), Article 37, Article 39 (2) and (3) , Article 43 (b), (d) and (e), Article 47, Article 48 and Article 70 (1), So therefore to accelerate sustainable development in the area we forward our petition

as law abiding citizens. We are entitled right administrative to actions that are expeditious. Attached are copies of correspondence with government offices and reports that have not been implemented to benefit settle squatters as the government had suggested in 2006 Dec 8th. Enclosed are copies also of court cases on some plot numbers 1447, 1448, 1449 and 1450 of 1/Mainland North Mombasa. Note the court sought local elders to settle the matter but their resolutions cannot be traced in court files. Therefore since grabbers are threatening to evict residents, we hope you will consider our case and come to our rescue as squatters of Mombasa County to end our nightmare.

Thanks in advance.

Signed by:

Contacts

Sign

1. Mohammed Salim Dete	0734120749	MPHAYE
2. Rev. Thomas Abuga Omwoyo	0712381501
3. George Karani	0715882171
4. Njeri Njoroge	0735599042

On behalf of Muungano wa Wanavijiji Mnazi Mmoja Village

Received by.....DateSign.....

C.C

- The speaker of National Assembly Hon. Justin Muturi
- Chairman Parliamentary Lands Committee
- The Lands Cabinet Secretary, Hon Charity K. Ngilu
- The County Governor, Hon. Ali Hassan Joho
- The county Executive secretary Lands, Housing and planning Mr. Francis Thoya

MINISTRY OF LAND, HOUSING &
URBAN DEVELOPMENT

120... 179/K
Surrender

Telegrams:
Telephone: Mombasa 2311916
When replying please quote
Reference and date



DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICE
P.O. BOX 81620
MOMBASA

REF: DLASO/MSA/222 VOL.VI/30

27th March, 2014

The Deputy County Commissioner
KISAUNI

RE: PLOT NO. MN/1/5799 CR NO. 22688

Please refer to my letter DLASO/MSA/222 VOL.V/178 of 22 November 2013.

Kindly note that the above quoted plot was surrendered to the Government of Kenya on 31st December 1991 because the proprietor found out that there were squatters on the ground.

My letter was to request for comments from all the concerned departments/stakeholders for the establishment of a settlement scheme in view of regularizing the squatters on the ground.

This is to request your office to convene a meeting and involve the parties/departments concerned so that we can deliberate and possibly visit the plot. The squatters' committee members have been to the office several times.

The concerned departments include District Surveyors, District Physical Planners, District Land Officer, etc.

Kindly intervene.

S A MCHOMBO

S A MCHOMBO
DISTRICT LAND ADJUDICATION &
SETTLEMENT OFFICER - MOMBASA

- cc
- The Chief Officer – Land, Planning & Housing (Msa County)
 - The District Surveyor
 - The District Physical Planning Officer
 - The District Lands Officer
 - The Land Registrar

ZIWA LA NG'OMBE SQUATERS
SETTLEMENT SCHEME COMMITTEE
P.O BOX 83794-80100
MOMBASA
28/11/2013

CHIEF EXECUTIVE
DEAR SIR,
LANDS, HOUSING AND URBAN DEVELOPMENT.
MOMBASA COUNTY

REF: APPLICATION TO BE SETTLED ON ZIWA LA NG'OMBE SETTLEMENT SCHEME ON LAND
PLOT NO. MN/1/5799, TITLE NO. CR 22688

We, the people living and owning houses on the above mentioned piece of land, do hereby apply to be settled on the said piece of land.

We have been living on this piece of land since 1965. We were among the ziwa la ng'ombe settlement Scheme squatters, but we were left out because Mr. Sammy Arap Kugo and Giogio Vittone, Trading in the name and style of Libo Development of Nairobi had acquired the title Deed of the Land. They later realize that there were squatters living on that piece of land, hence surrendered the Title Deed back to the Government of Kenya in 1992.

It's our hope that, as other squatters from Mombasa County you will consider our case.

Attached here find a list of all squatters living on the said piece of land.

Yours faithfully


Hamisi Ali Mwanyumba

The Secretary

CC. District Land Adjudication and Settlement Officer
MOMBASA

CC. Assistant county commissioner
KISAUNI

CC. The deputy county commissioner
KISAUNI



NYALI SETTLEMENT SCHEME,
P.O. BOX 41385,
MOMBASA.

Date: 5th December, 2013.

TO,
THE CHAIRMAN,
LAND COMMISSION.

ATTENTION: DR. MOHAMMED SWAZURI.

We as the residents of Mnazi Mmoja request your commission to probe and intervene the matters affecting squatters in Mnazi Mmoja area in connection with Land Tenure.

Referring to the letter dated 27/05/2004 REF: PROV.LA/259 VOL. 1/12 the District Land Settlement Officer stated land was not committed and was a government land. Mnazi Mmoja village is measuring 10.2 acres, 940 structures and a population of about 12,000 people. There are those who claim that they own plots in Mnazi Mmoja and if it's true since it was not committed in 2004, why were we not given the first priority?

According to Article 35 of the Kenyan constitution, citizens have a right to get information, held by the government. Many letters have been written but no Land Ministry actions have ever taken place thus the residents living in fear due to threats of tycoons who have grabbed land in this area.

It is therefore our sincere hope that your office would investigate and let us have your comments on the squatters' situation in Mnazi Mmoja area, in Nyali Settlement Scheme.

NOTE:

Enclosed are copies of some correspondents:-

A Letter Ref No. KES/IND/16/1/VOL.VI/46

Ref. No. LA/259 VOL.1/12

Reply letter dated 24/05/2004

Ref. No. KIS/IND/16/24/ VOL. 1/227

A letter sent to Ministry of Land 2/02/2011

Thanks in advance.

Signed by,
Chairman Nyali Settlement Scheme,
Clement Wasike Wepukhulu

Sign:.......... 0722 351217.

Received by

SUMMERY INFORMATION OF MNAZI MMOJA VILLAGE

GOVERNMENT LAND (GL)

Size(In acre)	Plot no. as per the County government of Mombasa	Number of families	Committee members	Status	Recommendation
10.2	IMN/151,IMN/1866 IMN/1867,IMN/1868 IMN/1869,IMN/1870 IMN/1871,IMN/1872 IMN/1873,IMN/1874 IMN/1875,IMN/1875 IMN/1876,IMN/1877 IMN/1878,IMN/1879 IMN/1880,IMN/2077 IMN/2154,IMN/2155 IMN/2276,IMN/2499 IMN/2500,IMN/4364 IMN/4365,IMN/4366 IMN/4367,IMN/4368 IMN/4369,IMN/4370 IMN/4371,IMN/4372 IMN/4373,IMN/4374 IMN/4375,IMN/4376	2584	1.Chairman- Mohammed Salim Dete 2.Secretary- Rev. Thomas Omwoyo 3.Organiser- Njeri Njoroge 4.George Karani- member	General land subdivision sheet showing plot numbers aaaand inventory of informal settlement schemes. Plot numbers too attached.	More than 2484 families lived here for more than 30 years.Therefore recommendation was to reposses the land and help squatters.

PLOTS NO (KISAUNI) SHT. NO. 29 COASTAL
MNAZI MOJA VILLAGE NYALI (SHT 25)

1449	-	FILE NO.	84825
1468	-	FILE NO.	66158
1447	-	FILE NO.	84823
1448	-	FILE NO.	84824
1450	-	NO CARD	
1866	-	FILE NO.	101469
1867	-	FILE NO.	101470
1873	-	FILE NO.	102347
1874	-	FILE NO.	101762
1875	-	FILE NO.	101475
1876	-	FILE NO.	101476
1870	-	FILE NO.	101473
1872	-	FILE NO.	101839
1877	-	FILE NO.	101478
1879	-	FILE NO.	101740
1880	-	FILE NO.	101840
2075	-	FILE NO.	101480
2076	-	FILE NO.	101481
2077	-	FILE NO.	101482
2154	-	FILE NO.	89155
2155	-	FILE NO.	89156
2499	-	FILE NO.	102801
2500	-	FILE NO.	102854
2501	-	FILE NO.	102800

KISUMU NDOGO VILLAGE

PLOT NO. 62/1/MN

PLOT NO. 242/1/MN

SHAURI YAKO VILLAGE

PLOT NO. 427/MN

BY SCHEME CHAIRMAN CLEMENT WASTICE
TEL: 0722351217

Ministry of Lands and Settlement
Phone: Mombasa 311201, Ext. 3004
In replying please quote

MINISTRY OF LANDS AND SETTLEMENT



DEPARTMENT OF LAND
P.O. Box 80053
MOMBASA
24th May 2004

No. 20175
and date

I B/U
Emk 25/05/04

The District Land Adjudication & Settlement
P.O. Box 81620
MOMBASA

- RE: PLOT NO. 427/I/MN MOMBASA MUNICIPALITY
U. M

cc-18

I refer to your letter ref. PROV.LA/259 Vol.1/10 dated 17th May 2004 in connection with the above. Please note that according to my records there is no title registered against the plot. However it may be prudent to confirm with our Nairobi office whether the same is committed or not.

S. M. JOSODO
for: DISTRICT LAND OFFICER
MOMBASA/KWALE

SMO/jwk

- c.c. District Commissioner
Mombasa
- c.c. District Lands Officer -Your letter ref No. 20175 of
Mombasa. 24th May, 2004 is relevant.
- c.c. Provincial Physical Planning
Officer, Coast - Yours Ref:CT/SQ/11/40 of 22nd
December, 2003
- c.c. Town Clerk
Mombasa Municipality

Encl.

KEM/jao

- c.c. District Commissioner
Mombasa
- c.c. District Lands Officer -Your letter ref No. 20175 of
Mombasa. 24th May, 2004 is relevant.
- c.c. Provincial Physical Planning
Officer, Coast - Yours Ref. CT/SQ/11/40 of 22nd
December, 2003
- c.c. Town Clerk
Mombasa Municipality

Encl.

KEM/jao

4/2/2011
NYALI SETTLEMENT SCHEME
ON PLOT NO 427M/M

TO
THE MINISTER OF LANDS AND SETTLEMENT
P.O. BOX 30089
NAIROBI
KENYA

ATTENTION, MR. JAMES ORENKO

We as the residents of the above mentioned scheme have written to this office requesting to be considered for allocation to this scheme since 1992 but all without successful follow up.

Sir, there are some shocking rumours circulating around saying the plot has been sold to some tycoons, we very well know only Government can provoke this land for distribution. This land covers an Area of 10.8 hectares with a total of not less than 500 families.

Referring our last letter dated 29/9/2008 addressed to that office, to the Ministry to intervene to the matter, but no reaction have ever happened and no replies have been heard.

Sir, we kindly remind that office again and remain hopefully, for Nyali settlement scheme.

CHAIRMAN
CLEMENT WASIKE
0722351217

Clement Wasike

SECRETARY
PETER KITHEKA
0719735314

Peter Kitheka

NB All copies of the previous letters are attached along with this letter.

CHIEF'S OFFICE,
KONGOWEA.
P.O BOX 90430,
MOMBASA.

1st February, 2011.-

TO WHOM IT MAY CONCERN

RE: INTRODUCTION OF NYALI SETTLEMENT SCHEME COMMITTEE

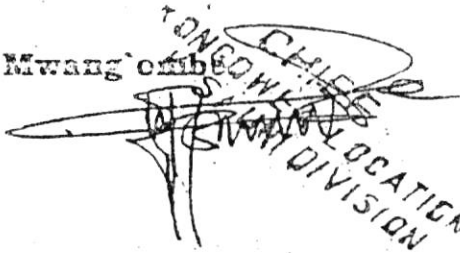
I refer to the above mentioned subject and wish to confirm that the same as below.

The above mentioned committee member representatives live and come from the area of my jurisdiction; Mr. Chairman, Clement Wasike, Secretary, Peter Kitheka and Committee Member, Aggrey Kharondo.

The mentioned scheme was initiated about 10 years and up to now nothing seems to be happening. The Wananchi are anxiously waiting to get settled so that they can own this area. Please help us to get our scheme started.

Thanks for your co-operation.

Victor Mwang'ombe


KONGOWEA
CHIEF'S OFFICE
LOCATION
DIVISION

2011
FEB
1

Rev. Thomas

FRIDAY DEC 8-2006

REPUBLIC OF KENYA



MINISTRY OF LANDS

PROCLAMATION

Know ye all that the Government of Kenya has decided to settle squatters and the landless on land they have occupied uninterruptedly for over 12 years or land whose owners are absentee landlords in the Coast Province. The Government has further decided to ensure that tenants-at-will in the aforesaid Province have clear land rights. The Government has therefore constituted an inter-Ministerial Task Force to look into the issues regarding absentee landlords, tenants-at-will and the squatter problem within the Ten Mile Coastal Strip with a view to legally resettling squatters and the landless thereon. The parcel of Land commonly referred to as the Ten Mile Coastal Strip is as described in section 2 of the Land Titles Act (Cap.282) of the Laws of Kenya, to wit:

1. The former District of Malindi
2. Mombasa Island
3. Tana River District
4. The area within the Coast Province the boundaries whereof commencing at Mackenzie Point opposite Mombasa Fort, run thence in a northerly and then a northy-westerly direction along the coast of the mainland bordering port Tudor and up to what is known as the Jomvu Creek and along the course of the Kombeni River as far as the limits of the ten-mile zone; thence along the southern boundary of Mazui reserve Block No.1 to the coast and southwards along the coast to Mackenzie Point, the point of commencement.
5. The area of land within the Coast Province the boundaries whereof, commencing at the point where the Uмба river crosses the Tanzania boundary, run thence in a straight line to Mazeras station, thence to a point at which the Kombeni River cuts the ten mile zone, thence following the southern boundary of the area defined in paragraph 4 above to Mackenzie point, thence in a straight line to Ras Mwaka Senge, thence following the coast line of the mainland south to Tanzania, thence in a westerly direction along the Tanzania boundary to the point of commencement.
6. The Island of Lamu.
7. The Lamu Archipelago outside Lamu Island and to the remainder of the former Lamu District lying north of the boundary of Witu.
8. Witu.

Any person who has any representations to make in relation to any parcel of land in the above described area may do so in writing to:

The Secretariat,
Inter-Ministerial Task Force,
C/o Ministry of Lands,
Ardhi House,
P. O. Box 30450,
NAIROBI.

PROF. KIVUTHA KIBWANA
ACTING MINISTER FOR LANDS

