



# MINISTRY OF LANDS

## CURRENT STATUS OF LAND IN THE COAST

### **Background**

Squatter existence at the Kenya Coast is historical dating back to pre-independence. Coastal land was previously controlled by the Persians, Arab Sultans and British. It was only much later handed over to the Government of Kenya. The squatter problem escalated due to rising populations, increased demand for land and the non-restriction of land-ownership in the country. A Presidential directive to regularize Coastal squatters on Government Land was first issued in 1978. Since then, there have been concerted attempts to establish regional Settlement Schemes.

Settlement of Coastal squatters is still ongoing and a number of schemes are yet to be completed and each is unique, taking its own different shape. There are however, conventional ones where Settlement Trustees purchase land and sub-divide it to both squatters and other landless people.

The co-operation of stakeholders in the exercise is vital for the success of the projects and would result in easier settlement and the resolution of persistent regional land disputes.

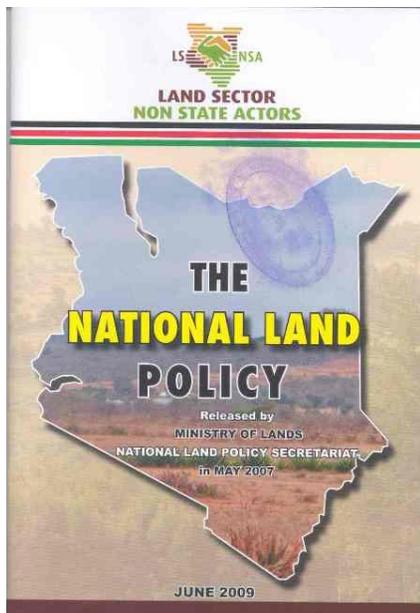




### **Draft National Land Policy**

The Draft National Land policy addresses “land issues peculiar to the Coast” encompassing historical injustices. It seeks to establish mechanisms to resolve land claims as far back as 1895. It proposes access and usability of land by the people as opposed to ownership rights, and the termination of leases that are breached. The policy also proposes that :

- An inventory of all Government land along the '10' mile Coastal Strip and other parts of the province where the problem is prevalent
- A framework for its conversion to community land eventual adjudication and resettlement.



There are plans to vest these in respective community structures within their jurisdiction as Trustees for ordinary local residents. A framework for sharing benefits from land and land-based resources with communities is also suggested.

### **Ten-Mile Coastal Strip**

It covers 1128 parcels of land in over 80,000 hectares in Kwale, Mombasa, Kilifi, Malindi, Tana River and Lamu districts {Land Titles Act (Cap 282)}. Most of it is Government land. To date, the following have been done:

- About 70,790 Coastal families (in Kwale, Kilifi, Malindi and Lamu) are now in Settlement Schemes on a 351,300.5 hectareage;
- Six categories of squatters have been identified on Government and private land: indigenous, invading and trespassing squatters; squatters illegally allocated land but who have paid money, “professional squatters” and tenants-at-will.
- Over 128,900 heads of squatters identified and registered: (Mombasa-51,621, Kwale-24,551, Lamu-3160, Kilifi-26,124, Tana River-1,427 and Malindi-22,017).



### **Absentee Landlords**

This is a problematic issue at the Coast. It is estimated absentee landlords own over 77,753.02 hectares of land. This is broken down land as follows:

Mombasa District: 301 hectares;

Malindi District: 234.17 hectares;

Kwale District: 75,982.4 hectares;

Kilifi District: 1235.85 hectares;

Tana River District: unspecified;

Lamu District: unspecified;

Comprehensive data is still being compiled to verify the true status of ownership of private parcels of land by absentee landlords.

### **Settlement Fund Trustees (SFT)**

This was originally a Revolving Fund previously supported by other Governments. SFT was used to purchase land and sub-divide it to beneficiaries who were expected to pay back the money at the rate of 6 and a half per cent interest per year. SFT was formed under an Act of Parliament (Body Corporate). The Government uses the SFT to settle different categories of the landless poor. Last year however, there was an outstanding debt of KShs. 400,000 million. About KShs 82 million (20 per cent of what is outstanding) was collected from beneficiaries in the whole country.

The Government largely uses SFT to settle the landless poor and to regularize squatters living on its land. This is meant to minimize their movement and to oversee those who are resident on the land. In this case the land is allocated to locals and non-locals at the ratio of 4:1. (*Non-resident in this case refers to any other needy Kenyan*).

### **Other Coastal Land**

- **Kwale District**

#### **Current Status of Land in Msambweni District**

The revised Draft Plan is ready and has been circulated awaiting comments while the Survey Work is awaiting plan approval. The Kwale District Land Management Committee (DMCL) is in the process of streamlining land matters in the three divisions of Msambweni, namely Diani, Lunga-Lunga and Kasemeni. Most of the adjudicated sections were registered between 1974 and 2002. However, over 14,000 titles remain uncollected.

The sections registered last year include 1627 plots in Mahuruni and 652 plots in Makwenyeni. Another 1476 plots in Kasemeni are still to be adjudicated. To date there is only one group ranch in Kasemeni District, Mwereni which has 2909 members. A small section between Kasemeni and Lunga Lunga Ranch is still to be clarified.



This covers Matuga, Msambweni and Lunga Lunga divisions: Tana River Bangale, Madogo, Bura, Galole, Wenje, Garsen and Kipini. The Kwale District Land Management Committee (KDLMC) has grappled with land issues in three divisions, namely Diani, Lunga-Lunga and Msambweni. So far:

- **Mbughuni**

The land was allocated to squatters in the 1990s but the allocation was nullified in 2007 by the then Minister for Lands. Fresh survey and demarcation have been ordered. Once the process is finalized, letters of offer are to be issued.

- **Diani Complex**

Ongoing

### **Tumbe Settlement Scheme (Kwale)**

The area covers over 135 hectares of land. Most of the adjudicated sections were registered between 1974-2003. It is also a squatter Scheme but the matter is currently in court. The beneficiaries claim that the people who benefited from the allocations were mainly from outside the region. The Scheme has been nullified but fresh demarcations completed as per the preset ground occupancy. So far the scheme map, survey map and complete and the accountability lists signed by the beneficiaries; the publication of the RIM has however, not been done and is still awaiting the official cancellation of existing files.

#### **In Kwale:**

- 14,000 Titles remain uncollected;
- 1627 plots have been registered in Mahuruni;
- 652 plots registered in Makwenyeni;
- 1476 plots are still to be adjudicated in Kasemeni
- One Group Ranch Mwereni with 2909 members has been established
- Ramisi, Kinondo-Chale, Vanga, Majoreni, Gazi, Shimoni Settlement, Diani, Ukunda and Mrima Bwiti Schemes have been registered; Shimoni Village has however, only been partially surveyed. The revised Draft Plan is ready and has been circulated. Survey Work is awaiting Plan Approval.

### **Gazi Swahili Village Settlement Scheme**

In Gazi Swahili Village Settlement Scheme, the heir of the Mazrui family may relinquish his land to settle locals. Survey is already complete

### **Magaoni Scheme**

Survey is complete and the Scheme Plan has been published. Over 680 letters of offer have been released. Acquisition of the land on which the scheme is established is however not formalized.

### **Ramisi Phase One Settlement Scheme**



This is part of the old Ramisi Land which was roughly 42,000 acres. This problematic scheme was previously at Kanana and Shimoni and Shimoni in Msabweni. It was subdivided into five acre-plots with half-an acre for homesteads. These will now be allocated to existing squatters and those displaced by the Kwale International Sugar Company (KISCOL). The land is 15,000 acres. (The Government wants squatters to occupy land where they live and that Kwale International Sugar Company be compensated with land in Phase II in Kinondo. The area it occupies is approximately 5,000 acres while approximately 2,000 acres was given to Tiomin for mining. The company will lose approximately 7,000 acres which require compensation on Phase II Block.

About 980 squatters in occupation in the area around Ramisi Sugar Factory for decades were identified.

Ganjora, Dzibwage, Kibwaga, Fingirika, Nguluku, Maumba, Vumbu and Mwakoyo are also covered.

### **Diani and Others**

Diani, Ukunda, Mrima Bwiti schemes have been registered. Shimoni village has however only been partly surveyed. The revised Draft P lan is ready and has been circulated . Survey work is awaiting plan approval.

### **Gonjora and Others**

980 squatters were identified in the villages of Gonjora, Dzibwage, Kibwaga, Fingirika, Nguluku, Maumba, Vumbu and Mwakoyo. These squatters have occupied the land for several decades even when Ramisi Sugar Factory was functioning and sugarcane was not grown on their land.

The committee felt that the squatters should be left to carry on occupation on where they live and Kwale International Sugar Company be compensated with another piece of land in Phase 11 in Kinondo area.

The area they occupy is approximately 5,000 acres while part of the land which is approximately 2,000 acres was given to Tiomin for mining purposes. Kwale International Sugar Company will therefore lose approximately 7,000 acres which requires compensation on Phase 11 block.

A team of surveyors is currently in the field doing demarcation of individual plots from the block demarcation done by the Provincial Surveyor. A total of 515 plots have been demarcated so far.

The planning of the scheme was done in Nairobi while its survey and demarcation was coordinated at the Coast. The exercise involved the identification and settlement of benefic

### **Lamu District**

Most of the land is Government-owned although large portions in the mainland have been given to private individuals as ranches . In Lamu Island (Amu), most of the town lies in land that is owned by one land-owner (Maawiya). The island mostly has tenants-at-will and the majority of landlords have written tenancy agreements with them. Most farms in Amu are private except Wiyoni which is Government-owned.



## **Lamu**

Lamu has conventional schemes that were started around the 1970s, e.g., Kenyatta, Hindi and Magogoni (in the mainland).

### **Faza Island (Lamu East)**

The island has a village called Faza. Perimeter survey has been done for the village as well as the demarcation for the farm plots. The village itself was however, given one allotment letter (Block Title). About 488 families had benefited from the allocations by 2008 and a number of them have already made payment. Discharges and transfers have also been issued. It is important to note that in Lamu East, no survey or demarcation had previously been done on land occupied by indigenous people.

### **Kikombe Tele (in Malindi)**

This is a large hectareage of land with about over 2,000 families. Allocations have already been completed.

Chembe Jimba, Madeteni (Malindi).

### **Ngomeni (Magarani)**

This is private land owned by the Department of Defence. Currently, it has 57 squatters living on it. The DOD however, wants them removed. The SFT had identified some Government land to be given to the families as an alternative for their settlement but they have refused to move. They have also requested for compensation by DOD. They claim the alternative location is 20 kilometres away from the sea while they are fishermen and not farmers. It has also been established that they will not be welcome in the new area called Majenjeni.

## **Kilifi District**

Covers Kikambala, Bahari, Chonyi, Ganze, Vitengeni, Bamba and Kaloleni but Squatters are mainly found in Kikambala, Bahari, Chonyi and Vitengeni. Most of the land in Kilifi is private-owned. Several Settlement Schemes in the area and adjudication is going on.

## **Malindi District**

### **Magarine Settlement Project**

This is a mature project that was begun in the 1970s with support of Canada and other European countries. It was to run for 10 years until the Government took over. Plots are sub-divided into 30 acres and people have already been allocated land. A number have however, abandoned their plots. Plot occupancy is currently very low. This is because the area is generally arid with run down infrastructure.

In Malindi Division, Squatter Settlement Schemes are planned. A Task Force is currently working on them. The settlement schemes are Jimba, Chembe, Kibabamshe, which have had a problem with Triple Registration. The problem is now being resolved and already, there is a ban affecting development in the area.



Parcels of land in Malindi suspected to belong to absentee landlords is about 476.03 hectares

Chakama Ranch in Malindi covers about 50,000 hectares. A Perimeter Survey and planning currently are currently going on. It is planned that about 5,000 households will finally be settled in the ranch in just under two years.

## **Taita District**

### **Former Taita Taveta**

A number of schemes (projects) Maungu/Mbuguta, Wananchi, Jipe? . These are SFT funded

**Maungu/Mbuguta:** (5000 hectares) demarcation ongoing;

**Wananchi:** allocated and given to residents

## **Problematic Areas**

### **Waitiki**

The Waitiki Area in Likoni, Mombasa is private land which has been invaded by squatters. The area, which is about 50 acres is still full of squatters and has permanent structures.

### **Kagaa Farm**

This co-operative farm is estimated to be 1,000 hectares (bought by members in Murang'a through the Kagaa Co-operative Society). It is fully infested with squatters but since it is private land, the matter has been recommended for court action. Other problem areas are Swaleh Nguru and Ramisi.

## **Established Settlement Schemes**

### **Mombasa**

Mwembe Legeza (Pilot Scheme)

First squatter settlement has 1642 households settled and a number have Titles. A Task Force has analyzed the confusion that had surrounded the settlement of squatters, which mainly dealt with allocation of specified areas. A ban will however, soon be lifted

### **Mkomani**

A small squatter scheme has been established in Kisauni.

### **Bububu**

In Likoni, a squatter Settlement Scheme has been established and about 2,000 households settled.

### **Kilimanjaro (Mombasa)**

This is a very small scheme that has settled 39 families. They have also been issues with Titles.

### **Majaoni (Kilifi)**



The farm was bought using SFT from private owners to settle squatters living around there. Planning was successfully done but the squatters have refused to allow work to progress, insisting that they must also take possession of a neighboring plot of 30 acres. Around 67 families live at the farm.

### **Problematic Schemes**

- Kilifi/Jimba
- Chembe Kibabamshe
- Madeteni.

They had triple allocation of Titles and a ban was issued on any development on them. The problem of Kilifi/Jimba, Chembe, Kibabamshe and Madeteni areas in Malindi and Kilifi Districts is old and complex and dates back to 1973. The issuance of the Presidential directive to legalize the squatters on the Government land at the Kenyan Coast, Cap 284 of the Adjudication Act was applied to determine the right of the owner of the land. The Titles to this land were issued by 1978. This Act is however, only applicable to Trust Lands.

### **Remedial Measures**

Upon the realization that a wrong Act had been applied to adjudicate this land, the Government devised a plan to correct the error.

In 1986, all Titles issued under this Act were declared null and void;

- Owners were asked to surrender the Freehold Titles in exchange with Leasehold Titles.
- An embargo was also placed on all affected parcels of land;

### **Surrender Titles**

The surrender of Titles was however not finalized in many areas and some remain in force. With the embargo, the Ministry vested the land in Settlement Land Trustees and then constituted a committee to verify whether the registered proprietors were same people who occupied the land. The report was however allegedly tampered with and subsequently discredited. The SFT however went ahead and undertook the sub-divisions of some parcels. Later lease Titles were issued for the same land but as in the case of leases, those who have breached the terms of lease would have their leases terminated.

### **Task Force**

A Task Force has been formed on Coastal Land issues. It is headed by the Deputy Commissioner of Lands, Mr. Peter Kahuho. It is expected to resolve the issue by:

- Reviewing the report by a previous committee that suggested finalizing the nullification of Adjudication titles;
- Streamlining the SFT Squatter Settlements on available Government land;
- Taking corrective measures on irregular Titles.



### **Purchase of Land**

Government is purchasing land from private owners to resettle squatters. An example is the 1000 acres of land bought from Musa Muli where Mwakirunge 2 Settlement Scheme is situated; 5,000 acre Chakama Ranch in Malindi and Faza Island in Lamu where 8000 squatters have benefited.

The Government will also buy land from private owners to resettle squatters. Already, a 1000-acre plot at Mwakirunge 2 settlement scheme has been bought and another 50,000 acres from Chakama Ranch in Malindi and Faza Island in Lamu. These will settle 8000 people. The co-operation of stakeholders is vital for the project to succeed and to pave way for the settlement of regional land disputes.

### **Land Adjudication Activities**

#### **Spread in seven districts:**

- Tana River
- Taveta
- Malindi
- Kwale
- Taita
- Kinango
- Kilifi.

To-date 126 adjudication sections have been finalized. The number of parcels of this area is 112112 covering an area of 599, 915.08 hectares.

A total of 36 adjudication sections are in progress at various stages.

### **Group Ranches**

There are 16 incorporated group ranches with a total membership of 18,035 and covering an area of 368,458. Group ranches fall within the seven districts.

### **Achievements**

- Schemes in Mwembe Legeza, Mkamani, Bububu, and Kilimanjaro (Mombasa), Majaoni (Kilifi), Mbughuni, Diani Complex, Tumbe (Kwale), Faza Island (Lamu), Kikombe Tele, Chembe Jimba and Madeteni (Malindi) are already in place;
- Coast squatters to be finally regularized;
- Settlement schemes in Diani, Ukunda and Mrima Bwiti registered;
- 1000-acre plot at Mwakirunge 2 settlement scheme bought;
- 50,000 acres acquired from Chakama Ranch in Malindi and Faza Island in Lamu;
- About 8000 people are to be settled;
- Revised draft plan is ready;
- Shimoni Village partly surveyed: awaits plan approval;
- Mazrui family to relinquish Gazi Swahili Village Settlement Scheme;
- Survey in Magaoni Scheme complete.

END.