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**REPORT OF THE SELECT COMMITTEE
ON THE
ISSUE OF LAND OWNERSHIP ALONG
THE TEN-MILE COASTAL STRIP OF
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Report of The Select
Committee On the Issue of
333.36 ROK.



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 433

1984

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PREFACE

MR. SPEAKER,

On the 25th November, 1976, the following Members were appointed to be the Members of the Select Committee on the Issue of Land Ownership along the 10-mile Coastal Strip:—

The Hon. M. Mathai, M.P. (Chairman).
The Hon. M. Kubo, M.P.
The Hon. C. C. Murgor, M.P.
The Hon. K. Kinyanjui, M.P.
The Hon. J. K. Yeri, M.P.
The Hon. S. M. B. Mudavadi, M.P.
The Hon. P. C. Oloo-Aringo, M.P.
The Hon. Sharrif Nassir, M.P.
The Hon. N. K. Ngala, M.P.
The Hon. P. E. M. Ivuti, M.P.

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The resolution containing the terms of reference of this Committee was passed on 15th October, 1976 and is as follows:—

THAT, since land tenure system on the 10-mile strip along the Coast Province has created a lot of problems for the indigenous people in that they are regarded as squatters who have no right to own that land, this House resolves to set up a Select Committee—

- (a) To probe the origin of these problems;
- (b) To investigate the right to own the available land since the transfer of the administration of the strip from the then Sultan of Zanzibar; and
- (c) To write recommendations to the House on how to resolve these problems permanently.

Although the Committee was constituted in 1976, it was too late during the Session for it to start functioning. Therefore, it was during the 1977 Session that the Committee was revived and it embarked on the assignment.

The Select Committee heard oral and written evidence in Nairobi and the Coast Province. It interviewed the provincial administration, local politicians, squatters, landlords and other individuals giving evidence in their personal capacity including several from the university. The Committee received generous co-operation and assistance from all quarters and especially the Provincial Commissioner for the Coast and the District Commissioners from the four affected districts of Mombasa, Kwale, Kilifi and Lamu.

The Committee appreciates the co-operation it received from the officials of the Ministry of Lands and Settlement, particularly the Permanent Secretary with his staff who appeared at length before the Committee. The Committee is grateful to all these and to all others who contributed by giving evidence and submitting memoranda.

The problem of landlessness is an emotive issue. The Committee had considerable difficulty in coming to conclusions that were reasonable and fair to the Kenya we want. The Committee has been able to make a number of specific recommendations which it feels would be of great value in resolving or minimizing the problem of landlessness and it hopes that these will be given the urgent attention they deserve.

As Chairman of this Committee, it gives me special pleasure to be able to express my gratitude and appreciation to all the honourable Members who served on the Committee, who sacrificed so much of their time to give attention to the business of the Committee. The contributions made by the Members have substantially eased the task of preparing the report.

The Committee would also like to record its appreciation for the services of Mr. H. W. O. Okoth-Ogendo of the University of Nairobi who advised on land law intricacies. Finally, the Committee is grateful for the substantial support it received from the staff of the National Assembly.

In conclusion, I would like to thank again those without whose assistance the report could not be as elaborate as it is. The Committee presents its report to the House and looks forward to the Assembly giving this report its authority and blessing so as to enable the Government to accept and implement the recommendations contained therein.

MWANGI MATHAI,
Chairman.

28th April, 1978.

INTRODUCTION

1. *The Resolution of the Assembly*

On the 15th October, 1976, the National Assembly passed the following resolution:—

That since land tenure system in the 10-mile strip along the Coast Province has created a lot of problems for the indigenous people in that they are regarded as squatters who have no right to own that land, this HOUSE resolves to set up a Select Committee:—

- (a) to probe the origin of these problem;
- (b) to investigate the right to own the available land since the transfer of the administration of the strip from the then Sultan of Zanzibar; and
- (c) to write recommendations to the HOUSE on how to resolve these problems permanently.

2. *Interpretation*

By that resolution the Committee was required to do three things:—

- (a) To identify and probe the origins of the contemporary problems of land tenure in the ten-mile Coastal strip;
- (b) To investigate changes in the structure of ownership and patterns of distribution of land rights which have occurred within the ten-mile coastal strip since Kenya's independence;
- (c) To make recommendations for the permanent resolution of problems identified in (a) in the light of the ownership pattern described in (b) above.

For reasons which will emerge later, the Committee has not found it necessary to define who for purposes of this resolution the "indigenous" people are. Rather what we have done is simply to assess the nature and magnitude of the problem, identify those who are adversely affected by it, and to write recommendations

based on the conviction that this House has the duty to assist the state in the search for appropriate solutions to these problems.

3. *General Review of the Evidence*

Much of the evidence was collected in Nairobi, Kwale, Mombasa, Kilifi, Malindi and Lamu where both oral and written submissions were taken from members of the public, private institutions, and organs of government and the national party, KANU. As will become clearer later, all those who appeared before the Committee—whether land owners, "squatters" or government and party administrators—were agreed that problems of national significance exist which need urgent attention. The majority view clearly was that those problems although grave, must not be viewed in isolation from the general question of landlessness in the country as a whole. They have arisen from exactly the same historical process that caused similar problems in up-country Kenya. The only difference was that although attempts have been made since independence to deal with landlessness up-country, no clear policy has yet emerged in respect of the Coastal situation.

As would be expected, not all witnesses were agreed on what the origins of the land tenure problems of the 10-mile strip were. The Committee's view on this issue is set out in Chapter One below. It is based on a balanced assessment not only of the evidence given to us but also of the available historical material which was at our disposal. Despite sharp differences on the question of *origin*, we found general agreement on the question of *magnitude* and *consequences* of landlessness within the 10-mile strip. These are set out in Chapter Two of this report. Finally, the Committee received much assistance from those who appeared before it on how best to permanently resolve the land tenure problems within the 10-mile strip. These are discussed and evaluated in Chapter Three of this report. The recommendations we have arrived at have drawn heavily on this assistance and past experiences in this Country.