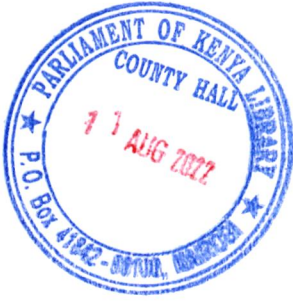


Approved for tabling-

PARLIAMENT OF KENYA

BAI SNA
21/4/16



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - FOURTH SESSION - 2016

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE LAND DISPUTE BETWEEN KILIFI AIRCHARTERS AND
KIWANDANI RESIDENTS

Paper Land
By Hon. A. Mwangi, MP
Chair, DC-lands com
Thurs. April 21, 2016 (PM)
MW

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

APRIL, 2016

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1.0 PREFACE

- 1.1 On 10th November 2014 the Hon. Gideon Mungaro, M.P a Member of the Departmental Committee on Lands tabled documents which included letters from Members of the public from his Constituency claiming that there is a dispute of Land where Kilifi airstrip is located since the airstrip has been invaded by over 2000 families of squatters.
- 1.2 The Committee having seized the Matter in question and pursuant to the provisions of Standing Order No. 216 (a) resolved to conduct an inquiry into the circumstances in question.
- 1.3 The Committee commenced the inquiry in on 25th November 2014 and set out a procedure for the consideration of the inquiry.

2.0 MANDATE OF THE COMMITTEE

2.0.1 The Departmental Committee No. L on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -

- 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);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

2.0.2 The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

2.1 OVERSIGHT

In executing its Mandate, The Committee oversees the following Government Departments, Namely: -

- a) The State Department for Lands
- b) The National Lands Commission

2.2 COMMITTEE COMPOSITION

The Departmental Committee on Lands was Constituted on 16th of May 2013 and its membership is as follows:-

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Sarah Korere, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Suleiman Dori, M.P.

11. The Hon. George Oner, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Shakila Abdallah, M.P.
14. The Hon. Dr. Paul Otuoma, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Joseph Magwanga, M.P.
17. The Hon. Ali Shariff Athman, M.P.
18. The Hon. Francis Njenga, M.P.
19. The Hon. Hezron Awiti Bollo, M.P.
20. The Hon. Benard Bett, M.P.
21. The Hon. Esther Murugi, M.P.
22. The Hon. Oscar Sudi, M.P.
23. The Hon. Onesmus Ngunjiri, M.P.
24. The Hon. Julius Ndegwa, M.P.
25. The Hon. Patrick Kingola, M.P.
26. The Hon. Kanini Kega, M.P.
27. The Hon. Eusilah Ngeny, M.P.
28. The Hon. Lawrence Aburi, M.P.

2.3 TASKS ACCOMPLISHED

The Committee proceeded to conduct the inquiry as follows:-

2.3.1 Held meetings with:-

- a) the Member who presented the inquiry request to the Committee;
- b) the State Department for Lands;
- c) the National Lands Commission;
- d) Kilifi County Commissioner;
- e) Kilifi County Governor;
- f) Dr. Mtana Lewa;
- g) Residents of Kiwandani;

2.3.2 A sub-committee of the Committee undertook a tour of Kiwandani area in Kilifi County where the complainants are living which comprised the following Members: -

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Hellen Chepkwony, M.P.
4. The Hon. Benson Mbai, M.P.
5. The Hon. Patrick Makau, M.P.
6. The Hon. Francis Kigo Njenga, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. John Kihagi, M.P.
12. The Hon. Athman Shariff, M.P.
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Sarah Korere, M.P.

2.4 RECOMMENDATIONS

2.4.1 The Government of Kenya through the Ministry of land, Housing and Urban Development and the State Department for special programmes should:-

- a) Profile squatters in Kiwandani area with a view to establish genuine ones;
- b) purchase through Settlement Fund Trust (SFT) the land from Kilifi Air Charters and distribute to genuine squatters;
- c) to consider repaying the Loan taken up by Mombasa Kilifi Air Charters with a view to distribute/allocate the Land to the genuine squatters in the area;

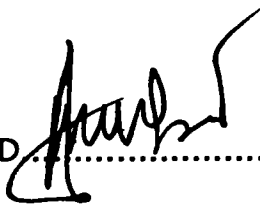
2.4.2 The Ministry of land, Housing and Urban Development and the Attorney General fast-track the enactment of the Historical Land Injustices Bill.

2.5 ADOPTION OF THE REPORT

2.5.1 We, the members of the Departmental Committee on Lands have pursuant to Standing Order no. 199 adopted this Report on land dispute between Kilifi Air charters and Kiwandani Residents as affirmed by the attached annex 1.

2.5 ACKNOWLEDGEMENT

- 2.5.1 The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate.
- 2.5.2 The Chairperson takes this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules, which enabled the Committee to complete the tasks within the stipulated period.
- 2.5.3 The Committee is also grateful to all the witnesses/general public who made submissions and presentations before it during the fact - finding visit. Their Contributions gave the Committee insights into the issues under investigations and possible solutions.
- 2.5.4 Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this Report on Land Dispute between kilifi air charters and kiwandani residents to the House pursuant to the provisions of Standing order 199.

SIGNED 

DATE *20th April 2016*

THE HON. ALEX M. MWIRU, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON LANDS

3.0 PREAMBLE

- 3.1.1 Kiwandani airstrip covers approximately 200 acres and is currently occupied by more than 15,000 people in over 2000 small plots measuring 50 by 50 upto 100 by 100.
- 3.1.2 The dispute between Kilifi Air Chatter and Kiwandani residents started when the private developer, Kilifi Air Charters was granted land where 200 families lived;
- 3.1.3 Today, the same land has over 2000 families who have been residing in the area for the last 70 years.
- 3.1.4 This land affects the squatters on Plot Ref. No. 1705/44 Kilifi and Air Chatters CR 26743/2/3 respectively.

4.0 EVIDENCE

4.0.1 EVIDENCE FROM THE MEMBER OF PARLIAMENT, KILIFI NORTH CONSTITUENCY,

The Hon. Gideon Mungaro, MP. Informed the Committee as follows: -

- a) That there is a dispute of Land where Kilifi airstrip is located;
- b) The land was sold despite families living in the area;
- c) This land affects the squatters on Plot Ref 1705/44 Kilifi and Air Chatters CR 26743/2/3 respectively;
- d) The area Member of Parliament requested that the Committee intervenes and help to solve the matter.

4.0.2 EVIDENCE FROM THE STATE DEPARTMENT FOR LANDS

On March 5th 2015 the Committee met the Principal Secretary for the State Department for Lands Ms. Mariamu El- maawy and received submissions concerning the dispute between Kilifi Air Charters and Kiwandani residents, she informed the Committee as hereunder: -

- a) The LR 1705/44 originally formed part of LR 1705/42 and belonged to Mr. Mary Morrill Lilly - white on freehold terms.
- b) In 1968 Mary Morrill Lilly - White caused LR 1705/42 to be subdivided into eight portions, which upon survey became LR 1705/43-1705/49.

- c) Out of this subdivision, LR 1705/44 was created measuring 76.55 Hectares (189 Acres) and is what was known as Kilifi Airstrip.
- d) There is no evidence of surrender of this plot (LR. 1705/44) to the Government nevertheless a letter of allotment was issued allocating M/S Kilifi Air Charters Limited for leasehold of a term of 99 years with effect from 1st September 1994. A Grant was later processed and registered at the Coast Land Registry as CR 26743 on 23rd January 1995.
- e) A sub-division of LR 1705/44 was carried out around 1955 into 33 plots as follows: -

LR	AREA (Ha)	USER
i. 21640/2 -	3.285 -	School
ii. 21640/4 -	3.282 -	Health Centre
iii. 21640/5 -	18.88 -	Residential
iv. 21640/5 -	31 -	Various
v. 21640-35 -	15.53 -	Airstrip

4.0.3 EVIDENCE FROM THE NATIONAL LAND COMMISSION

On March 5th 2015 the Committee met Mr. Tom Chavangi – Chief Executive Officer, National Land Commission and received submissions concerning the dispute between Kilifi Air Charters and Kiwandani residents, he informed the Committee as follows:-

- a) LR 1705/44 originally formed part of LR 1705/42 and belonged to one Mary Morril Lilly - white on freehold terms;
- b) In 1968 Mary Morril Lilly - White caused LR 1705/42 to be subdivided into eight portions which upon survey became LR 1705/43-1705/49;
- c) Out of this subdivision, LR 1705/44 was created measuring 76.55 Hectares (189 Acres) and is what was known as Kilifi Airstrip;
- d) Although there is no evidence of surrender of this plot (LR. 1705/44) to the Government nevertheless a letter of allotment was issued allocating it to M/S Kilifi Air Charters Limited for a term of 99 years with effect from 1st September 1994. A Grant was later processed and registered at the Coast Land Registry as CR. 26743 on 23rd January 1995;

e) A sub-division of LR 1705/44 was carried out around 1955 into 33 plots as follows: -

LR		AREA (Ha)		USER
i. 21640/2	-	3.285	-	School
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iii. 21640/5	-	18.88	-	Residential
iv. 21640/5	-	31	-	Various
v. 21640-35	-	15.53	-	Airstrip

4.0.4 EVIDENCE FROM THE KILIFI COUNTY COMMISSIONER

Mr. Albert Kobia Wakamau, The Kilifi County Commissioner who was accompanied by Hon. Gertrude Mbeyu, Kilifi County Assembly, M.C.A, Hon. Lawrence K. Kilabo, Kilifi County Assembly M.C.A, and Michael Kinyua informed the Committee as follows: -

- a) Kilifi area was adjudicated under Mazemia land in 1908, making it one of the areas with the oldest titles in the Country;
- b) Kilifi County is the most affected County with cases of land disputes. It is the County with the most squatters;
- c) There are extremely serious cases of land disputes in both public and private land. The Committee was informed of a case in Kikampala/ Mtwapa, LR No. 1308-registered as MN (Mainland North) MN/14/1B/150. Where brokers sold the private land to unsuspecting people and even attempted to sell the land to a Government Agency, the Kenya Bureau of Standards (KBS) in an attempt to cover up their tracks.

4.0.5 EVIDENCE FROM THE KILIFI COUNTY GOVERNOR

The Kilifi County Governor, Hon. Amason Kingi, who was accompanied by Mr. Owen - Beye, Mr. John Mazuri - Chief Executive Officer, Mr. Albert Kobia Wakamau - Kilifi County Commissioner, Mr. John Mbeca - CIC, Hon. Gertrude Mbeyu - Kilifi County Assembly, M.C.A, Hon. Lawrence K. Kilabo - Kilifi County Assembly M.C.A, Hon. Kalindi G. Mhambi M.C.A, Mr. John Nguzo - Chief Officer Lands and Michael Kinyua - Lands and Settlement Officer informed the Committee as follows: -

- a) The Land problems in Kilifi County have persisted since independence;

- b) Several reports on land grabbing in Kilifi County have been written, but no tangible results have been seen; the Committee to look into all the reports concerning Kilifi County, land problems and generate solutions;
- c) Concerning Mr. John Keen's land, Kilifi County Government together with Hon. Gedion Mungaro, M.P, met with the Deputy President over the matter;
- d) Concerning Mombasa Cement, Kilifi County Government, wrote to the National Land Commission to investigate the said parcel of land. Although the National Land Commission reported that they have finalised the investigations. However Kilifi County Government has not received the report by the National Land Commission;
- e) A number of schemes have been started, but devilled by management problems. For example Mavueni B, where prime areas were grabbed by prominent people in the Ministry of Lands leaving squatters landless;
- f) When President Uhuru Kenyatta was in Mombasa issuing title deeds, the issuing of Makike scheme titles was halted, because over two hundred plots were missing in the list of beneficiaries and no proper explanation was given;
- g) The schemes near the ocean have been allocated in total disregard of the procedure.

4.0.6 EVIDENCE FROM RESIDENTS OF KIWANDANI

On February 6th 2015 the Committee toured Kilifi Air Charters grounds and to appraise itself with the matters on the ground and received evidence from Kibaoni and Kiwandani residents; where it interacted with squatters and farmers. Mr. Hamisi Juma - Village Elder, Corny Maitha - Chairlady, Faira Muhaji - C.D.F.F, S.K. Kaingu - Chairman, Bawari Said-Village Elder, Hon. Hali Sadi – M.C.A, Daniel Mwanzi, Hon. Lawana Kilabo - M.C.A Kilifi, Anderson Munga Kean - Chairperson Kiwandani, Eng. Mangi Dogo-Assistant Secretary, Charlotte Ngala, Erastus M. Chuma, Prudence Mapenzi Mwangori speaking on behalf of the residents they informed the Committee as follows: -

- a) Kiwandani airstrip covers approximately 200 acres and currently occupied by more than 15,000 people in approximately 2000 small plots measuring 50 by 50 up to 100 by 100;

- b) The land was first sparsely occupied by the coastal local population mainly Mijikenda (Giriama) community up to and including the early months of the year 1948 who owned the farms;
- c) In mid - 1948, one Lily white, a white settler using the colonial administration forcefully evicted residents with allegation of using the land platform as a landing platform for his small aeroplanes ferrying his friends and relatives who were visiting him;
- d) The colonial government helicopters landed on the land and that is how the place was named Kiwandani;
- e) After some years, Mr. Lily White, returned the land to the Government and some other parcels of land which they owned to his African servants who he personally assisted in securing of title deeds;
- f) Mr. Lilly White could not immediately ascertain the real owners of this disputed land that's why he chose the government to find them and return to them the land;
- g) The problem escalated when a private developer Kilifi Air Charters were granted a licence to operate on the land where 200 families lived. Today, the same land has over 2000 families, since they have been living in the area for the last 70 years.
- h) This land affecting the squatters on plot Ref 1705/44 Kilifi and Air Chatters CR 26743/2/3 respectively;
- i) The current residents on the land are praying for the government to help them get their rightful land and be issued with the title deeds.

4.0.7 EVIDENCE FROM DR. MTANA LEWA

On March 24th, 2015 the Committee met with Dr. Mtana Lewa – Chairman – Kilifi Air Chatters and received evidence concerning land plot No. LR 21640, He Informed The Committee as Follows: -

- a) The piece of land known as Mtana Lewa/ Airstrip area is legally owned by Kilifi Air Charters since 1989, and the directors are Dr. Mtana Lewa, Mr. Edget Manase and Mr. David Harris;
- b) Kilifi Air Chatters Ltd is a registered limited liability company operating in Kenya.

- c) The Company is the registered owner of plot No. LR 21640 (formerly Plot No. LR 1705/44) in Kilifi town;
- d) Kilifi Air Chatters Ltd was allocated the land in 1994, and proceeded to carry out some subdivision with a view of developing the land;
- e) Since acquiring the land in 1995, Kilifi Air Chatters Ltd, made several efforts to develop the land but the issue of persistent conflict with squatters disorganized the plans;
- f) Kilifi Air Charters Ltd obtained a loan from Middle East Bank in 1995 for the purpose of subdividing the property for sale. The subdivision was completed in 1998 and the property was offered for sale in 1999;
- g) The Company's effort to sell the Land were frustrated in 2000 when squatters invaded the land.
- h) In October 2001, Kilifi Air Charter was given authority by Mombasa Law court to evict the squatters.
- i) The eviction order was not successful because the provincial Administration and the Kenya Police in Kilifi County did not support and implement the order;
- j) On 21st March 2001 the District Officer, Bahari Division convened a stakeholders meeting where it was agreed that a process of moving the recognized squatters to the allocated land would start as soon as the valuation of their houses is complete, and that no more squatters would be allowed to encroach in the land;
- k) But the squatters continued to encroach the land, constructing structures even on the established road networks, cultivating and destroying fences, removing beacons and fencing posts;
- l) In November 2005, Kilifi Air Chatter offered to sell the land to the Government of Kenya through the Settlement Fund Trust (SFT) in the Ministry of Lands.
- m) Through correspondences and discussions the Director of Land Adjudication and Settlement informed the company that its proposal is still being considered by SFT and that they will be informed of the outcome in due course.

5.0 THE COMMITTEE FINDINGS AND OBSERVATIONS

Based on the Investigations, evidence adduced and submission made, the Committee observed that: -

- 5.1 Kilifi Air Chatters are the registered owners of the said land;
- 5.2 Although there is a court order for eviction of squatters from Kiwandani the plot is densely populated by squatters; and the eviction order has not been implemented;
- 5.3 Kilifi Air Charters Ltd obtained a loan from Middle East Bank in 1995 to develop the land but could not develop due to conflicts with the squatters.

6.0 RECOMMENDATIONS

- 6.1 The Government of Kenya through the Ministry of land, Housing and Urban Development and the State Department for special programmes should:-
 - d) Profile squatters in Kiwandani area with a view to establish genuine ones;
 - e) purchase through Settlement Fund Trust (SFT) the land from Kilifi Air Chatters and distribute to genuine squatters;
 - f) to consider repaying the Loan taken up by Mombasa Kilifi Air Charters with a view to distribute/allocate the Land to the genuine squatters in the area;
- 6.2 The Ministry of land, Housing and Urban Development and the Attorney General fast-track the enactment of the Historical Land Injustices Bill.

Minutes

MINUTES OF THE 32ND SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 7TH APRIL, 2016 IN THE TRAVELERS HOTEL AND SPA MOMBASA AT 9.00 A.M.

PRESENT:

- | | | |
|---|---|------------------|
| 1. The Hon. Alex Mwiru, M.P. | - | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | - | Vice Chairperson |
| 3. The Hon. Patrick Makau, M.P. | | |
| 4. The Hon. Benson Mbai, M.P. | | |
| 5. The Hon. Thomas Mwadeghu, M.P. | | |
| 6. The Hon. Francis W. Nderitu, M.P. | | |
| 7. The Hon. KiprutoMoi, M.P. | | |
| 8. The Hon. Hellen Chepkwony, M.P. | | |
| 9. The Hon. EusilahNgeny, M.P. | | |
| 10. The Hon. Joseph OyugiMagwanga, M.P. | | |
| 11. The Hon. OnesmusNgunjiri, M.P. | | |
| 12. The Hon. Dr. Paul Otuoma, M.P. | | |
| 13. The Hon. John Kihagi, M.P. | | |
| 14. The Hon. Kanini Kega, M.P. | | |

ABSENT WITH APOLOGIES

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. Sarah Korere, M.P.
5. The Hon. Suleiman Dori, M.P.
6. The Hon. Mathew L. Lempurkel, M.P.
7. The Hon. Bernard Bett, M.P.
8. The Hon. Esther Murugi, M.P.
9. The Hon. Francis Kigo Njenga, M.P.
10. The Hon. A. Shariff, M.P.
11. The Hon. Shakila Abdallah, M.P.
12. The Hon. Julius Ndegwa, M.P.
13. The Hon. George Oner, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. The Hon. Richard Moitalel Ole Kenta, M.P.
2. The Hon. Kamoti Mwamkali, M.P.

KENYA NATIONAL ASSEMBLY

- | | |
|----------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ms. Joshua Ondari | Clerk Assistant III |

3. Mr. Muyodi Emmanuel Clerk Assistant III
4. Mr. Jonathan Lemurt Budget Officer

MINUTE NO. DCL/LN/2016/139 **PRELIMINARIES**

The Chairman called the meeting to order at 9.15 a.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/140 **ADOPTION OF THE PROGRAMME**

The programme was adopted after being proposed by the Hon. John Kihagi, M.P. and seconded by the Hon. Kanini Kega, M.P. as annexed in the minutes.

MINUTE NO. DCL/LN/2016/141 **CONSIDERATION AND ADOPTION OF
THE REPORT ON THE LAND DISPUTE
BETWEEN KILIFI AIR CHARTERS AND
KIWANDANI RESIDENTS**

The Committee considered the report and come up with the following observation and recommendations:

Observations

1. Kilifi Air Chatters are the registered owners of the said land;
2. Although there is a court order for eviction of squatters from Kiwandani the plot is densely populated by squatters; and the eviction order has not been implemented;
3. Kilifi Air Charters Ltd obtained a loan from Middle East Bank in 1995 to develop the land but could not develop due to conflicts with the squatters.

Recommendations

1. The Government of Kenya through the Ministry of Devolution and Planning, Ministry of land, Housing and Urban Development should purchase the land from Kilifi Air Chatters and distribute to the recognized squatters; The purchase can be funded through Settlement Fund Trust (SFT);
2. The government through the Ministry of land, Housing and Urban Development and Ministry of Devolution and Planning to profile squatters in Kiwandani with a view to establishing genuine ones;
3. The government through the Ministry of land, Housing and Urban Development and the Ministry of Devolution and Planning to consider repaying the Loan taken

up by Mombasa Kilifi Air Charters with a view to distribute/allocate the Land to the genuine squatters in the area;

4. The Ministry of land, Housing and Urban Development and the Attorney General fast-track the enactment of Historical Land Injustices Bill.

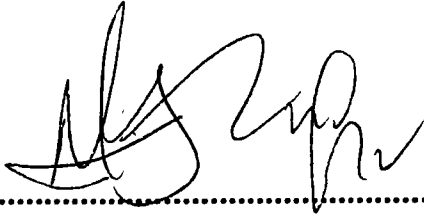
The Report was unanimously adopted by the Committee after being proposed by the Hon. Francis Nderitu Waweru, M.P. and seconded by the Hon. Hellen Chepkwony, M.P.

MINUTE NO. DCL/LN/2016/142

ADJOURNMENT

There being no any other business, and the time being 1.00 p.m. the meeting was adjourned.

SIGNED:



(CHAIRPERSON)

DATE:

8th April 2016

MINUTES OF THE 138TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 24TH MARCH, 2015 IN THE BOARD ROOM, 4TH FLOOR, PROTECTION HOUSE, AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Kipruto Moi, M.P.
4. The Hon. Benson Mbai, M.P.
5. The Hon. Shakila Abdallah, M.P.
6. The Hon. Julius Ndegwa, M.P.
7. The Hon. Suleiman Dori, M.P.
8. The Hon. Patrick Makau, M.P.
9. The Hon. Francis Kigo Njenga, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Thomas Mwadeghu, M.P.
12. The Hon. Dr. Paul Otuoma, M.P.
13. The Hon. Athman Shariff, M.P.
14. The Hon. Kanini Kega, M.P.
15. The Hon. Gideon Mung'aro, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Onesmus Ngunjiri, M.P.
2. The Hon. John Kihagi, M.P.
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. Bernard Bett, M.P.
5. The Hon. Joseph Oyugi Magwanga, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Eusilah Ngeny, M.P.
11. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

- | | |
|------------------------|-------------------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Muyodi Emmanuel | Clerk Assistant III |
| 3. Mr. Noah Too | Research and Policy Analyst I |
| 4. Christine Odhiambo | Legal Counsel II |
| 5. Ahmed Yakub | Media Relation Officer |
| 6. Richard Sang | Serjeant-at-Arm |

IN ATTENDANCE

KILIFI AIRCHATTERS

- | | |
|---------------------------|-------------------------------|
| 1. Dr. Timothy Mtana Lewa | Chairman – Kilifi AirChatters |
|---------------------------|-------------------------------|

MINUTE NO. DCL/LN/2015/438

PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

MINUTE NO. DCL/LN/2015/439

SUBMISSION FROM DR. MTANA LEWA

While appearing before the Committee Dr. Mtana Lewa – Chairman – Kilifi AirChatters informed the Committee as understated:

History

- i. The piece of land known as Mtana Lewa/ Airstrip area is legally owned by Kilifi Air Charters since 1989, and the directors are Dr. Mtana Lewa, Mr. Edget Manase and Mr. David Harris;
- ii. Kilifi Air Chatters Ltd, is a registered limited liability company operating in Kenya.
- iii. The Company is the registered owner of plot No. LR 21640 (formerly Plot No. LR 1705/44) in Kilifi town;
- iv. Kilifi Air Chatters Ltd was allocated the land in 1994, and proceeded to carry out some subdivision with a view of developing the land;
- v. Since acquiring the land in 1995, Kilifi Air Chatters Ltd, made several efforts to develop the land but the issue of persistent conflict with squatters disorganized the plans;
- vi. Kilifi Air Charters Ltd obtained a loan from Middle East Bank in 1995 for the purpose of subdividing the property for sale. The subdivision was completed in 1998 and the property was offered for sale in 1999;
- vii. The Company's effort to sell the Land were frustrated in 2000 when squatters invaded the land. In October 2001, Kilifi Air Charter was given an eviction order by a Mombasa Law court to evict the said squatters. The eviction was not successful

because the provincial Administration and the Kenya Police in Kilifi did not support the order;

- viii. On 21/3/2001 District Officer Bahari Division convened a stakeholders meeting, and it was agreed that a process of moving the recognized squatters to the allocated land would start as soon as the valuation of their houses is complete, and that no more squatters would be allowed to encroach in the land;
- ix. But the squatters continued to encroach the land, constructing structures even on the established road networks, cultivating and destroying fences, removing beacons and fencing posts;
- x. In November 2005, Kilifi Air Chatter offered to sell the land to the Government of Kenya through the Settlement Fund Trust (SFT) of the Ministry of Lands. Through correspondences and discussions Director of Land Adjudication and Settlement informed the company that its proposal is still being considered by SFT and that they will be informed of the outcome in due course.

The Committee thereafter made the following observations, that:-

Mtana Lewa/ Airstrip area:-

- i. The piece of land known as Mtana Lewa/ Airstrip area, (plot No. LR 21640 (formerly Plot No. LR 1705/44) in Kilifi town, was government land and Dr. Mtana Lewa had no title deed but he was issued with a Temporary Occupation Title;
- ii. When the title was issued in 1994, and subdivision work started with the view of developments. The squatters encroached the land and disorganized Kilifi Air Chatters plans;
- iii. The Government efforts to buy the land has been hampered by the outstanding loan that Kilifi Air Chatter obtained from Middle East bank in 1995.

The Committee resolved as follows:

The following to be invited to appear before the Committee to shed more light on the above mentioned issues:

- i. The Cabinet Secretary Ministry of Lands, Housing and Urban Development;
- ii. The National Land Commission.

**MINUTE NO. DCL/LN/2015/440 ADJOURNMENT & DATE OF THE
NEXT SITTING**

There being no any other business, and the time being 2:45 pm; The Meeting was adjourned until 27th March 2015.

2/9/2015

[Handwritten signature]

SIGNED



(CHAIRPERSON)

**MINUTES OF THE 130TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS
HELD ON THURSDAY, 5TH MARCH, 2015 IN THE MEDIA CENTER, MAIN PARLIAMENT
BUILDINGS, AT 10.00 A.M**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Joseph Oyugi Magwanga, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Francis W. Nderitu, M.P.
8. The Hon. Julius Ndegwa, M.P.
9. The Hon. Eusilah Ngeny, M.P.
10. The Hon. Bernard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Dr. Paul Otuoma, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Hellen Chepkwony, M.P.
2. The Hon. Shakila Abdallah, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. Patrick Makau, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

1. Ms. Mariamu El Maawy Principal Secretary, State Department of Lands
2. Mr. Peter Kahuho Ag. Secretary-Lands

NATIONAL LAND COMMISSION

1. Mr. Tom Aziz Chavangi Chief Executive Officer
2. Mrs. Edith S.L. Olando Deputy Director Land Administration

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwhaki Clerk Assistant III
3. Mr. Muyodi Emmanuel Clerk Assistant III
4. Mr. Noah Arap Too Research and Policy Analyst
5. Mr. Lynnette Atieno Legal Counsel
6. Mr. Ahmed Yakub Media Officer

MINUTE NO. DCL/LN/2015/402

PRELIMINARIES

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

MINUTE NO.DCL/LN/2015/403

**SUBMISSIONS FROM THE PRINCIPAL SECRETARY
LAND ON VARIOUS OUTSTANDING ISSUES
BEFORE THE COMMITTEE.**

While appearing before the Committee Ms. Mariamu El Maawy - Principal Secretary, State Department of Lands and Mr. Peter Kahuho - Ag. Secretary-Lands Informed the Committee as follows, that:-

Kiwandani

The Committee was informed as follows, that:-

- a) LR.1705/44 originally formed part of LR 1705/42 and belonged to one Mary Morrill Lillywhite on freehold;
- b) In 1968, Mary Morrill LillyWhite caused LR 1705/42 to be subdivided into eight portions which upon survey became LR 1705/43-1705/49. Out of this subdivision, LR 1705/44 was created and it measured 76. 55 Hectares (189 Acres) and is what was known as Kilifi Airstrip;
- c) Although there is no evidence of surrender of this plot (LR. 1705/44) to the Government nevertheless a letter of allotment was issued allocating it to M/S Kilifi Air Charters Limited for a term of 99 years with effective from 1st September 1994. A Grant was later processed and registered at the Coast Land Registry as CR 26743 on 23rd January 1995;
- d) A sub-division of LR 1705/44 was carried out around 1955 33 plots as follows:-

<u>LR</u>	<u>AREA (Ha)</u>	<u>USER</u>
21640/2 -	3.285	School
21640/4 -	3.282	Health Centre
21640/5 -	18.88	Residential
21640/5 -	Various -	"

MINUTE NO. DCL/LN/2015/404

SUBMISSIONS FROM THE CHIEF
EXECUTIVE OFFICER NATIONAL LAND
COMMISSION ON VARIOUS OUTSTANDING
ISSUES BEFORE THE COMMITTEE

While appearing before the Committee Mr. Tom Aziz Chavangi, Chief Executive Officer – National Land Commission and Mrs. Edith S.L. Oland, Deputy Director Land Administration Informed the Committee as follows, that:-

Kiwandani

The Committee was informed as follows, that:-

- a) **LR 1705/44** originally formed part of LR 1705/42 and belonged to one Mary Morril Lillywhite on freehold terms.
- b) In 1968 Mary Morril LillyWhite caused LR 1705/42 to be subdivided into eight portions which upon survey became LR 1705/43-1705/49.
- c) Out of this subdivision, LR 1705/44 was created measuring 76.55 Hectares (189 Acres) and is what was known as Kilifi Airstrip.
- d) Although there is no evidence of surrender of this plot (LR. 1705/44) to the Government nevertheless a letter of allotment was issued allocating it to M/S Kiifi Air Charters Limited for a term of 99 years with effect from 1st September 1994. A Grant was later processed and registered at the Coast Land Registry as CR 26743 on 23rd January 1995.
- e) A sub-division of LR 1705/44 was carried out around 1955 into 33 plots as follows:-

LR	AREA (Ha)	USER
21640/2	- 3.285	- School
21640/4	- 3.282	- Health Centre
21640/5	- 18.88	- Residential
21640/5	- 31	- Various
21640-35	- 15.53	- Airstrip

Committee Resolution:

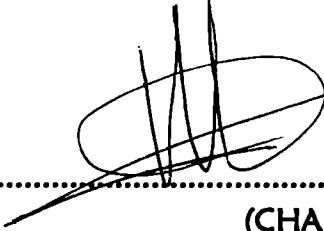
The Committee resolved that the National Land Commission subjects the land to a review of grants and dispositions with a view to making a recommendation on the same.

MINUTE NO. DCL/LN/2015/405

ADJOURNMENT & DATE OF THE NEXT
SITTING

And the time being thirty six Minutes past one O'clock, the Chairperson adjourned the Sitting to Friday 6th March 2015.

SIGNED


.....
(CHAIRPERSON)

DATE

..... 29/5/2015

MINUTES OF THE 113TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 6TH FEBRUARY 2015, AT KIWANDANI AIRSTRIP AT 11.00AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Hellen Chepkwony, M.P.
4. The Hon. Benson Mbai, M.P.
5. The Hon. Patrick Makau, M.P.
6. The Hon. Francis KigoNjenga, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. John Kihagi, M.P.
12. The Hon. Athman Shariff, M.P.
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Sarah Korere, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Bernard Bett, M.P.
4. The Hon. Joseph Oyugi Magwanga, M.P.
5. The Hon. Mpuru Aburi, M.P.
6. The Hon. Kanini Kega, M.P.
7. The Hon. Mathew L. Lempurkel, M.P.
8. The Hon. Francis W. Nderitu, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Shakila Abdallah, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Suleiman Dori, M.P.
13. The Hon. Eusilah Ngeny, M.P.
1. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Mr. Muyodi Emmanuel Clerk Assistant III

- | | |
|--------------------------|-------------------------------|
| 3. Ruth Mwhiki | Clerk Assistant III |
| 4. Mr. Noah Too | Research and Policy Analyst I |
| 5. Mr. Lynette Atieno | Legal Counsel II |
| 6. Mr. James Macharia | Media Relations Officer |
| 7. Mr. Zainab Wario | Sergeant-at-Arm |
| 8. Mrs. Rehema Chepkurui | Audio Officer |

MINUTE NO. DCK/LN/2015/321 **PRELIMINARIES**

The Chairman called the meeting to order at 11.10 a.m.

MINUTE NO. DCK/LN/2015/322 **SUBMISSION KIWANDANI/KIBAONI**

The Committee visited Kibaoni and Kiwandani. They interacted with the area Member of Parliament, residents squatters and farmers. Mr. Hamisi Juma-Village Elder, Corny Maitha-Chairlady, Faira Muhaji-C.D.F.F, S.K. Kaingu- Chairman, Bawari Said- Village Elder, Hon. Hali Sadi –M.C.A, Daniel Mwanzi, Hon. Lawana Kilabo-M.C.A Kilifi , Anderson Munga Kean-Chairperson Kiwandani, Eugs Mangi Dogo-Assistant Secretary, Charlotte Ngala, Erastus M. Chuma, Prudence Mapenzi Mwangori speaking on behalf of the residents informed the Committee as follows:-

1. Kiwandani airstrip covers approximately 200 acres and currently occupied by more than 15,000 people in small 2000 small plots measuring 50 by 50 up to 100 by 100;
2. The land was first sparsely occupied by the coastal ~~aborigines~~ mainly Mijikenda (Giriama) community up to and including the early months of the year 1948 who owned the farms;
3. In the mid-1948, one Lily white, a white settler using the colonial administration forcefully evicted residents with allegation of using the land as a landing for his small aeroplanes ferrying his friends and relatives visiting him;
4. The colonial government helicopters landed on the land and that is how the place was called Kiwandani;
5. After some years, Mr. Lily White, returned the land to the Government and some other parcels of land which they owned to his African servants who he personally assisted in pursuance of title deeds;
6. Mr .Lilly White could not immediately ascertain the real owners of this disputed land that's why he chose the government to find them and return to them the land;
7. The problem escalated when a private developer Kilifi Air Charters were granted a licence to operate on the land where 200 families lived. Today, the same land has over 2000 families, since they have been residing here for the last 70 years. This land affects the squatters on plot Ref 1705/44 Kilifi and Air Chatters CR 26743/2/3 respectively;
8. The current residents on the land are praying for the government to help them get their rightful land and be issued with the title deeds.

MINUTE NO. DCK/LN/2015/323 **SUBMISSION FROM OLD FERRY**

The Committee visited Old Ferry and interacted with the residents..The Committee was informed as follows:-

1. In 1972 the residents of Old ferry bought the land from Mzee Wera, Mama Salama and Manju Rajabu;
2. Population of the area grew fast as a result of success in cashew nuts crop plantation;
3. The residents were surprised when they were given eviction notices in 1981, that the land they are occupying was proposed for construction of police station;
4. In 1998 the residents formed a group and visited various relevant government offices trying to pursue and appeal for legitimate ownership of the land in question and possible relocation of the prospective government project but all unfruitful;
5. The resident learnt that police station was issued with a title deed and a rich person was given part of police land and a title as well;
6. Although the residents were promised an alternative land, up to now they are living as squatters and the land has not been provided.

MINUTE NO. DCK/LN/2015/324

**SUBMISSION MTAANI/ KISUMU NDOGO/
GTZ RESIDENTS**

The Committee Visited Mtaani/ Kisumu Ndogo / GTZ and Mr. Chai Nelson, representing the residents informed the Committee as follows; That:

1. In 1989, the Government, through the Ministry of local government in conjunction with the German Technical Development Corporation (GTZ), Non Profit making NGO, directed the upgrading of the Mtaani and Kisumu Ndogo slums in Kilifi;
2. The project involved the urban planning of the settlement by providing for road reserves, amenities, utility wayleaves and distinct registered plots for the residents on property known as Kilifi Township Block 3;
3. There was uproar and demonstrations by the displaced residents who by reason of the project were rendered destitute as they were not given alternative land;
4. The government therefore in 1996 authorized the relocation of these displaced people on LR 5046/1 and LR 5024/1 now known as Kinaoni extension of Mtaani Kisumu ndogo Upgrading Scheme;
5. The then District Commissioner, Provincial Commissioners, the Town Clerk, the Minister of Agriculture and the Minister for Lands were deeply involved in this process of relocating residents;
6. Additionally, the Commissioner of Lands and the Ministry of Planning through the Director of Physical planning were also involved in the relocation exercise with the former issuing letters of allotments to the residents and the latter drawing up the PDP;
7. The conduct and involvement of Government in this process gave the residents legitimate belief that the land was theirs and the residents proceeded to develop it openly and without demand;
8. They have lived and resided thereon since 1996;
9. It is pertinent that even the Pwani University is a holder of a Letter of allotment (not a title) just like the residents;
10. In a suit filed in malindi High Court Case No. 70 of 2009, residents saw for the first time old correspondence between various Government departments involved which were

converting their land into University land;, allegedly turning around their settlement on the present land;

11. Between 1996 to 2009, the residents continued to develop the land oblivious of the ongoing within government departments and were shocked when they learnt of a decision to revoke their settlement on the present land which they occupy;
12. On LR 5046/1 and LR 5024/1 residents occupy and claim only 50 acres whereas the University occupies 623 acres;
13. The judgement in Malindi HCC No. 70 of 2009, the Court compared the residents as land grabbers which is not a fair description given the history of the settlement on the land;
14. The Court has issued the University with Orders directing the Evictions of residents;
15. On 4th February 2015, the Chancellor of the University accompanied with the County Commissioner with the police pounced on the property and declared to residents to vacate lest they will use force;
16. They pleaded with them and they reluctantly retreated. The position now is that they stand evicted, to meet court bills and cost of demolitions.

The Committee resolved:

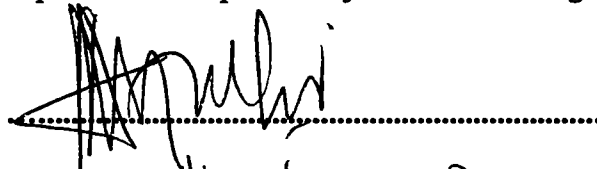
That the Ministry of Lands Housing and Urban development, the National Land Commission and Pwani University be invited to shed more light on the matter.

MINUTE NO. DCK/LN/2015/325

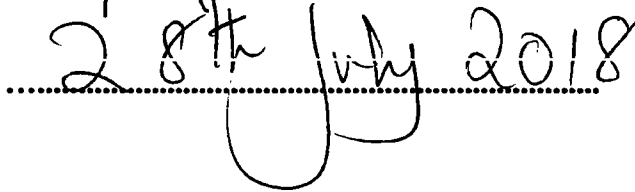
ADJOURNMENT

And the time being 2.15 p.m. the Chairperson adjourned the Sitting.

SIGNED

A handwritten signature in black ink, appearing to be 'M. M. M. M.', written over a horizontal dotted line.

DATE

A handwritten date '28th July 2018' in black ink, written over a horizontal dotted line.

**MINUTES OF THE 111TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON
LANDS HELD ON THURSDAY 5TH FEBRUARY 2015, AT KILIFI COUNTY
COMMISSIONERS OFFICE AT 11.00 AM**

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Hellen Chepkwony, M.P.
4. The Hon. Benson Mbai, M.P.
5. The Hon. Patrick Makau, M.P.
6. The Hon. Francis Kigo Njenga, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. John Kihagi, M.P.
12. The Hon. Athman Shariff, M.P.
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Sarah Korere, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Bernard Bett, M.P.
4. The Hon. Joseph Oyugi Magwanga, M.P.
5. The Hon. Mpuru Aburi, M.P.
6. The Hon. Kanini Kega, M.P.
7. The Hon. Mathew L. Lempurkel, M.P.
8. The Hon. Francis W. Nderitu, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Shakila Abdallah, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Suleiman Dori, M.P.
13. The Hon. Eusilah Ngeny, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

- | | |
|--------------------------|-------------------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Ruth Mwhaki | Clerk Assistant III |
| 3. Mr. Muyodi Emmanuel | Clerk Assistant III |
| 4. Mr. Noah Too | Research and Policy Analyst I |
| 5. Mr. Lynette Atieno | Legal Counsel II |
| 6. Mr. James Macharia | Media Relations Officer |
| 7. Mr. Zainab Wario | Sergeant-at-Arms |
| 8. Mrs. Rehema Chepkirui | Audio Officer |

MINUTE NO. DCK/LN/2015/312

PRELIMINARIES

The Chairman called the meeting to order at 11.05 a.m.

MINUTE NO. DCK/LN/2015/313

SUBMISSION FROM KILIFI COUNTY COMMISSIONER

The Committee paid a courtesy call to the Kilifi County Commissioner Mr. Albert Kobia Wakamau, who was in the company of Hon. Gertrude Mbeyu, Kilifi County Assembly, M.C.A, Hon. Lawrence K. Kilabo, Kilifi County Assembly M.C.A, and Michael Kinyua. The County Commissioner informed the Committee that:-

1. Kilifi area was adjudicated under Mazemia land in 1908, making it one of the areas with the oldest titles in the Country;
2. Kilifi County is the most affected County with cases of land disputes. It is the County with the most squatters;
3. There are extremely serious cases of land disputes in both public and private land. The Committee was informed of a case in Kikampala/ Mtwapa, LR No. 1308-registered as MN (Mainland North) MN/14/1B/150. Where brokers sold the private land to unsuspecting people and even attempted to sell the land to a Government agency, the Kenya Bureau of Standards (KBS) in an attempt to cover up their tracks.

MINUTE NO. DCK/LN/2015/314

SUBMISSION FROM KILIFI COUNTY GOVERNOR

The Committee paid a courtesy call on the Kilifi County Governor, Hon. Amason Kingi, who was in the company of messrs Owen- Beye, Mr. John Mazuri-Chief Executive Officer, Mr. Albert Kobia Wakamau-Kilifi County Commissioner, Mr. John Mbeca-CIC, Hon. Gertrude Mbeyu-Kilifi County Assembly, M.C.A, Hon. Lawrence K. Kilabo-Kilifi County Assembly M.C.A, Hon. Kalindi G. Mhambi M.C.A, Mr. John Nguzo-Chief Officer Lands and Michael Kinyua-Lands and Settlement Officer.

The Committee was informed as follows that:-

- i. Land problems in Kilifi County have persisted since independence;
- ii. Reports upon reports have been done, but no tangible results has been seen, he urged the Committee to look into all the reports concerning Kilifi County, land problems and come with solutions;

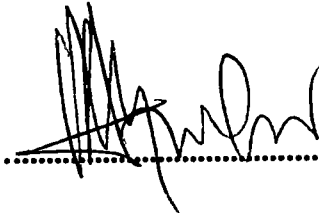
- iii. Concerning Mr. John Keen's land, Kilifi County Government together with Hon. Gedion Mungaro, M.P, met with the Deputy President over the matter;
- iv. Concerning Mombasa Cement, Kilifi County Government, wrote to National Land Commission to investigate the said parcel of land. Although the National Land Commission reported that they were through with the investigation. Kilifi County Government has not yet received the report;
- v. A number of schemes have been started, but they haven't been managed well. The case in point is Mavueni B, where prime areas have been grabbed by prominent people in the Ministry of Lands hence leaving squatters landless;
- vi. When the President Uhuru Kenyatta was in Mombasa issuing title deeds, the issuing of Makike scheme titles was halted, because over two hundred plots were missing in the list and no proper explanation was given;
- vii. The schemes near the ocean have been given out in total disregard of the procedure.

MINUTE NO. DCK/LN/2015/315

ADJOURNMENT

There being no any other business, and the time being 12:45 pm, the Chairperson adjourned the Meeting.

SIGNED


.....

CHAIRPERSON

DATE

28th July 2015
.....

Submissions

Annex 2.

MWANZO MPYA RESIDENTIAL COMMITTEE

KIWANDANI AIRSTRIP

4/2/2015

THE CHAIRMAN PALIAMENTARY LAND COMMISSION

NAIROBI

Dear Sir,

REF: REQUEST FOR OWNERSHIP – KIWANDANI AIRSTRIP

The above named piece of land which covers acreage of approx. 200 acres is currently occupied by more than 15,000 (fifteen thousand people) in 2000 small plots measuring 50 by 50 up to 100 by 100.

This is as per our ground report carried out between December 2012 and June 2013 is situated at hospital sub – location of Sokoni Ward, Kilifi Township in Kilifi County, has the following history of ownership:-

- ❖ The land was first sparsely occupied by the coastal aborigines mainly Mijikenda (Giriama) community up to and including the early months of the year 1948 as their Shambas.
- ❖ That in the mid 1948, one Lily White, a white settler using the colonial administration forcefully evicted the occupants with allegation of using the piece of land as a landing for his small aeroplanes ferrying his friends and relatives visiting him. The colonial government helicopters landed onto this ground – that's when the name Kiwandani was born.
- ❖ After some years, Mr. Lily White then aged, returned the piece of land to government and some other parcels of land he owned to his servants

Tabled before the Dean Level
by Ernest Juma. On 6/2/2015

~~EST~~

(Africans) who he personally assisted them in pursuance of the title deeds. He could not immediately ascertain the real owners of this disputed land that's why he chose the government to find them.

- ❖ The government did not do as it was requested by the settled and thus a bad smell begun to spread to the community forcing the evicted community to enter the field one by one. One Dr. Mtana Lewa, a people's representative, with two others pretended to be deodorants by forming a company in a name Kilifi Air Charters purposely to build an aviation school to our youth, a language he used to the government so that title deed may be issued to him.
- ❖ The Legislature did not meet his ideas and immediately through the powers he had convinced the ward representatives to agree on a change of use, from a training institute to residential.
- ❖ In the late 1990's the evicted community eventually came back in plenty to their land after seeing that their own vote has become a thorny issue in their pockets this after realizing that, the Mheshima had hired a land agent one Mr. Osoro to sub – divide the land to people he sold to them.

OUR MITIGATION APPEAL

Sir, evicting a person through falsehood is a real threat to every aspect of man's development agenda. As we fell on this on the first and second failed eviction where the later, government mechanism was used. We strongly feel that this ownership claim deprived us of adequate social and economic development brought to us by selfish hearted individuals if not one. In that, we ask the following:-

- ❖ The government to recognize that we are the owners of the piece of land in question just like that Mr. Lily honored us by handing to the government and likewise the government was to do the same to its people. This is not a plea but what the government deals with its people endeavors at organized life.
- ❖ That we ask both the central and county government with a matter of urgency define and prioritize action after identifying an allegation that the second owner used the papers issued to him to borrow a bank loan which he could not pay up to date.
- ❖ That we have stayed for more than 30 years and not known other place to call home. We therefore ask for an advance possession as defined by our National Law.
- ❖ That none of us is willing to move and in any cases it happens so then the claimant should be in a position to rehabilitate and reconstruct providing the bridge of satisfaction meeting the immediate needs through implementing of comprehensive vulnerability reduction system accepted by both the government and the concerned.

As we cross examine the above occurrences just to mention a few, we ask your honorable office to amicably readdress this ownership from one party to many of us. Forwarded to you herewith, please find a compiled list of names in a booklet with their National Identification Numbers for your perusal and further necessary action.

Thanks for reading from us as we eagerly wait your immediate response.

Mary Kadzo Tsori

CHAIRLADY

CCs

- Cabinet Secretary for lands – Nairobi
- Lands Commission – Nairobi
- Kilifi County Commissioner
- Kilifi County Senator
- Member of Parliament – Kilifi North
- Kilifi County Women Rep
- Sokoni Ward Rep
- Cabinet Secretary for Lands – Kilifi County
- D.O. Bahari
- Area Chief – Kilifi Township
- Asst. Chief – Hospital Sub – Location
- Chairman Plot Alotee – Kilifi County

Tabled before the DC Lands
by Samuel Kiliaka on 6/2/2011 ~~11/2/2011~~

Annex 2

BORA SALAMA WELFARE ASSOCIATION - KIWARDANI
P.O. BOX 575 – 80108
KILIFI
MOB. 0729 580 049 / 0725 864 924

Hon. James Orengo EGH, MP
Minister for Lands & Settlement.
P.o. Box 30450 – 00100
NAIROBI.



Dear Sir

CONFIDENTIAL

RE: PLOT REF. 1705 / 444 KILIFI AIR CHARTERS C R 26743/2/3

Please refer to the above mentioned piece of land with a long history, it was set aside for the purpose of an air strip in Kilifi Kiwandani.

It is a long history, but the above mentioned plot had been preserved as an air strip for light planes land here in Kilifi. Back in 1988, the then Member of Parliament for Bahian, Hon. Mtana Lewa, requested the authorities through his financial proposals to be given a chance through his registered company " **Kilifi Air Charters**" to develop an Aviation Training College. The authorities granted him the offer with a promise to ensure that squatters who are on ground will be allocated permanent settlement without any disturbances.

Your Honour, by the time this happened, the area had only **200 families** settled. It is to the surprise of every one that the earlier earmarked project, has not taken off, and the plot which today settles **2000 families** has been granted change of user by your office and the fate of all the families still hang in the balance.

Their lives have been threatened through harassment by auctioneers and frequent conflicts with policemen who claim they have been ordered to demolish homes and chase away squatters as their plot has been sold off. At one time, we are told that it has been sold to Middle East Bank, at another time to an independent developer."

Your humble citizens who overwhelmingly voted in the new constitution, are suffering with their families, they are not given time to go about their businesses with peace. There are churches, mosques, businesses, permanent houses and even schools in this area.

"Where do we place our hope if the government we voted in with great expectations of caring for us is turning us down because of one individual who has used our votes to ascend to the position which made him to undermine us and have us to cherish in poverty while he and his family enjoy at our expense."?

We have come to you because we know you are able to solve our problem, we come to you to ask for Settlement for ourselves and our families.

If he mortgaged this land It is not with our consent, if he sold it, we were not consulted, we, like any other Kenyans, have a right for a permanent settlement for which we kindly ask you to use your able offices to ensure that we also benefit like other Kenyans.

We came together and registered this welfare **Association Bora Salama**. To bring us together so that we can approach our problems in unity.

Your Honour, we have come to you to assure you of our confidence in you, for the efforts to give Kenyans land. We promise to support you in your endeavors.

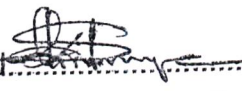
We attach some of the documents that have led to our sleepless nights not to know where to go or who should save us from this predicament.

May the Lord bless you.

Yours sincerely,

1. Samuel Kilinka.

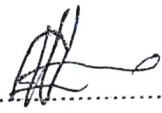
CHAIRMAN

Signed 

Date 10/10/2011

2. Chilumo Mwajanji

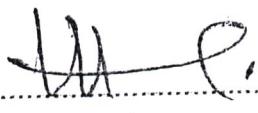
TREASURER

Signed 

Date 10/10/2011

3. Erastus Chuma

SECRETARY

Signed 

Date 10/10/2011

TOPA SALAMA WELFARE ASSOCIATION PROJECT KILIF

Annex 4

BORA SALAMA WELFARE ASSOCIATION – KIWANDANI
P.O. BOX 575 – 80108
KILIFI
MOB: 0729580049/0724275297

27th July 2013

TO:
THE CHAIRMAN (DR SWAZURI)
NATIONAL LAND COMMISSION,
NAIROBI

Dear Sir,

RE: PLOT REF.1705 / 44 KILIFI AIR CHARTERS CR 26743/2/3

Please refer to the above mentioned piece of land with a long history; it was set aside for the purpose of an air strip in Kilifi Kiwandani.


It is a long history, but the above mentioned plot had been preserved as an air strip for light planes land here in Kilifi. Back in 1988, the Member of Parliament for Bahari, Hon. Mtana Lewa, requested the authorities through his financial proposals to be given a chance through his registered company “**Kilifi Air Charters**” to develop an Aviation Training College. The authorities granted him the offer with a promise to ensure that squatters who are on ground will be allocated permanent settlement without any disturbances.

Your Honour, by the time this happened, the area had only **200 families** settled. It is to the surprise of every one that the earlier earmarked project, has not taken off, and the plot which today settles **2000 families** has been granted change of user by your office and the fate of all the families still hang in the balance.

Their lives have been threatened through harassment by auctioneers and frequent conflicts with policemen who claim they have been ordered to demolish homes and chase away squatters as their plot has been sold off. At one time, we are told that it has been sold to Middle East Bank, at another time to an independent developer”

Your humble citizens who overwhelmingly voted in the new constitution, are suffering with their families, they are not given time to go about their business with peace. There are churches, mosques, businesses, permanent houses and even schools in this area.

“Where do we place our hope if the government we voted in with great expectations of caring for us is turning us down because of one individual who has used our votes to ascend to the position which made him to undermine us and have us to cherish in poverty while he and his family enjoy at our expense?”

Tabled before the DC Lands
by Erastus Juma on 6/2/2015


We have come to you because we know you are able to solve our problem, we come to you to ask for settlement for ourselves and our families.

If he mortgaged this land it is not with our consent, if he sold it, we were not consulted, we like any other Kenyans, have a right for a permanent settlement for which we kindly ask you to use your able office to ensure that we also benefit like other Kenyans.

We came together and registered this welfare **Association Bora Salama**, to bring us together so that we can approach our problems in unity.

We have come to you to assure you of our confidence in you, for the efforts to give Kenyans land. We promise to support you in your endeavors.

We attach some of the documents that have led to our sleepless nights not to know where to go or who should save us from this predicament for your reference as follows:-

A letter from Kilifi Air Charters limited dated 6/7/2000 requesting us not to do anything on this land. A letter to HON. E.K. MAITHA dated 23/3/2001 requesting for assistance.

A letter from the Leisure Vest dated 10th September 2010 to the senior chief Mr. Athman Matano requesting to be given a site office in the shamba. A public notice dated 26th August 2010 awarering the community of clearing and fencing program when to start.

A letter from the Middle East Bank Kenya ltd to the area chief dated 30th August 2010 which claims that they have a legal charge over the land.

A letter from our advocate Ombachi Moriasi and Company dated 6th October 2010 to the Middle East Bank (K.) ltd rejecting the Bank's claim and the Bank to furnish us with the documents confirming the said charge before we negotiate with them.

A letter dated 12th October 2011 to the minister for lands.

May we thank you in advance.

Yours faithfully,

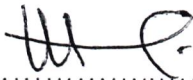
FOR BORA SALAMA WELFARE ASSOCIATION

CHAIRMAN : TAURA CHUMA CHIVATSI

SIGN: 

MOBILE NO : 0724275297

SECRETARY : ERASTUS CHUMA

SIGN: 

MOBILE NO : 0729580049

TREASURER : CHILUMO MWAJANJI

SIGN: 

MOBILE NO : 0727686421

Annex 5.

BORA SALAMA WELFARE ASSOCIATION – KIWARDANI

PO BOX 575 -80108

KILIFI

5TH FEBUARY 2015

TO CHAIRMAN,

NATIONAL LAND COMMISSION

(PARLIAMENTARY COMMITTEE)

ARDHI HOUSE,

PO BOX 44417,

NAIROBI.

Dear Sir,

RE: REMINDER PLOT NO 1705/44 KILIFI AIR CHATERS CR 26743/2/3

Kindly refer to our letter dated 27th July 2013 filed in your office concerning the above parcel of land.

Your letter dated 5th December 2013 is in our file for future reference and that we are reminding your office for success progress towards settling the squatters.

Sir, a letter dated 9th December 2013 to the county Government, Kilifi County through your office requesting for the same was addressed.

Sir, we hope your investigation towards final decision will favour the innocent homeless Kenyan citizens who have been residing in the said land for over 40years without any conflict until late eighty's (1988) when Kilfi Air Chaters LTD came into our attention to solve this long term conflict.

We also enclose herewith the quoted documents for your perusal.

May we thank you in advance,

Yours faithfully for

BORA SALAMA WELFARE ASSOCIATION.

CHAIRMAN: NICODEMUS KATANA

SIGN:

MOBILE NO: 0726346274

SECRETARY: ERASTUS CHUMA

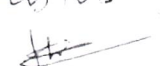
SIGN:

MOBILE NO: 0729580049

TREASURER: CHILUMO MWAJANJI

SIGN:

MOBILE NO: 0727686421

Tabled before the DC on Lands
by Erastus Chuma on 6/2/2015




THE NATIONAL LAND COMMISSION

Telegrams: "MINILANDS", Nairobi

Telephone: Nairobi 2718050

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

Ref: CF/2092/2

Date: 5TH DECEMBER, 2013

BORA SALAMA WELFARE ASSOCIATION - KIWANDANI
P. O. BOX 575-80100
KILIFI

Dear Sirs

RE: PLOT NO. 1705/44 KILIFI AIR CHARTERS CR 26743/2/3

We acknowledge receipt of your letter dated 27th July, 2013 on the above matter.

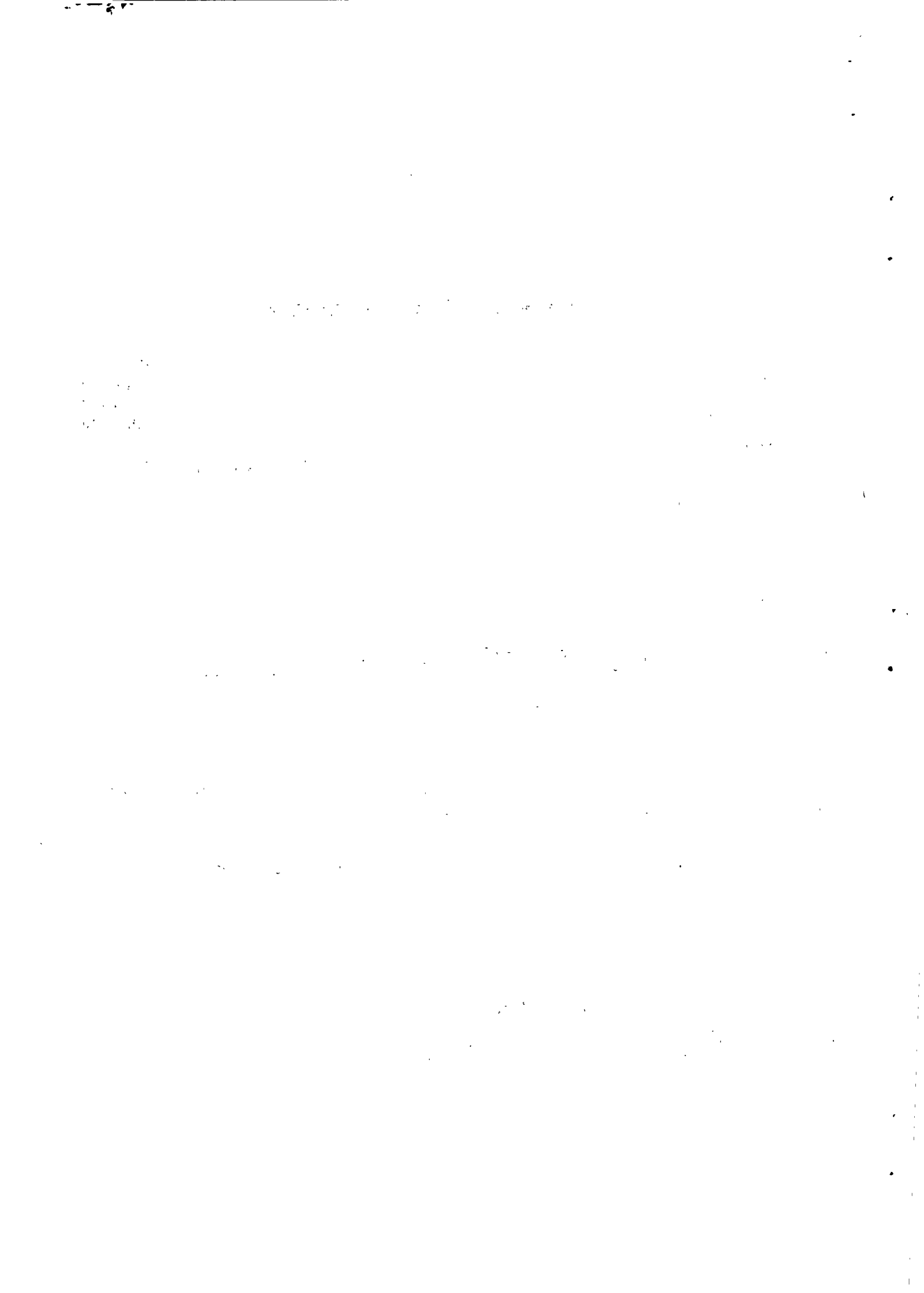
The Commission has studied the documents you presented and is in the process of carrying further investigations into your claim.

The Commission will contact you in due course with the progress therein.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Abigael Mbagaya-Mukolwe'.

**ABIGAEI MBAGAYA-MUKOLWE (MRS.)
VICE- CHAIRPERSON
FOR: CHAIRMAN NATIONAL LAND COMMISSION**



BORA SALAMA WELFARE ASSOCIATION
P.O. BOX 575-80108
KILIFI

9TH DECEMBER 2013

TO
THE COUNTY GOVERNMENT – KILIFI COUNTY
THROUGH
THE LAND CABINET SECRETARY OF
KILIFI COUNTY



Dear Sir/Madam

**REF: SETTLEMENT OF SQUATTERS PLOT REF 1705/44 KILIFI AIR CHATTERS
CR 26743/2/3 RESPECTIVELY**

We refer to the copy of the letter dated 10th September 2013 sent to you addressed to the National land commission as per the discussion we held between the National land commissioner and us at Pangoni Beach Resort on 29th July 2013 concerning the above parcel of land, that we are requesting your office.

- a) To assist in settling us in this parcel of land because the families who are residing on this parcel of land before Kilifi air chatters granted the land by your office have increased in number.
- b) The private developer Kilifi air chatters cheated the government and the Kilifi residents that to be granted this parcel of land with a purpose to built an aviation training college to train Kenyans knowing very well that she will sell the land after being granted.
- c) This is one of the many cases of historical injustices in our country therefore we seek for your help.

Sir this parcel of land has a long history. That the squatters who are on this land have been residing here since early 70s without being disturbed. The problems only erupted sooner when Kilifi air chatters was granted this land in the year 2000.

Your honour, by the time Kilifi chatters was granted this land there were 200 families on it which today settles over 2000 families and the fate of them still hang in the balance after your office granted the change of user to favour one person Kilifi air chatters ignoring the majority who are Kenyan citizens deserve to be settled on this land.

We came together and registered this welfare association Bora Salama on the year 2003 to bring us together so that we can approach our problems in unity.

Sir we have confidence that your office will highly assist to push forward our problems to the county Government and to the National land commission to settle this long term conflicts.


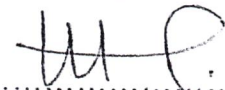
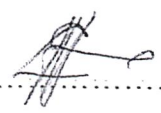
We attach some of the documents herewith for your reference:- A letter from Kilifi air chatters limited dated 6/7/2000 which proves that these were squatters at the time Kilifi air chatters was granted this land beyond our knowledge. A letter to HON. E.K. MAITHA dated 23/3/2001 requesting for assistance.

A letter from our advocate Ombachi Moriasi and company dated 6th October 2010 to the Middle East Bank (K) ltd rejecting the banks claim. A letter dated 12th October 2011 to the Minister of lands. A Kilifi plan and a letter dated 27th July sent to the commission through the land commissioner.

May we thank you in advance.

Yours faithfully for,

BORA SALAMA WELFARE ASSOCIATION

CHAIRMAN	:	TAURA CHUMA CHIVATSI	SIGN: 
MOBILE No	:	0724275297	
SECRETARY	:	ERASTUS CHUMA	SIGN: 
MOBILE No	:	0729580049	
TREASURER	:	CHILUMO MWAJANJI	SIGN: 
MOBILE No	:	0727696421	

1. The Governor – Kilifi County.
2. The Deputy Governor – Kilifi County.
3. Ward Representative – Hospital/Sokoni Ward.
4. The Area member of parliament – Kilifi North.
5. The District officer - Bahari Division.
6. The Area chief – Kilifi Township location.
7. The Area Assistant chief – Hospital Sub- location.
8. File copy.

BORA SALAMA WELFARE ASSOCIATION
KILIFI

BORA SALAMA WELFARE ASSOCIATION – KIWARDANI
P.O. BOX 575 – 80108
KILIFI
MOB: 0729580049/0724275297

27th July 2013

TO:
THE CHAIRMAN (DR SWAZURI)
NATIONAL LAND COMMISSION,
NAIROBI

Dear Sir,

RE: PLOT REF.1705 / 44 KILIFI AIR CHARTERS CR 26743/2/3

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Your Honour, by the time this happened, the area had only 200 families settled. It is to the surprise of every one that the earlier earmarked project, has not taken off, and the plot which today settles 2000 families has been granted change of user by your office and the fate of all the families still hang in the balance.

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A letter from the Leisure Vest dated 10th September 2010 to the senior chief Mr. Athman Matano requesting to be given a site office in the shamba. A public notice dated 26th August 2010 awarering the community of clearing and fencing program when to start.

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A letter dated 12th October 2011 to the minister for lands.

May we thank you in advance.

Yours faithfully,

FOR BORA SALAMA WELFARE ASSOCIATION

CHAIRMAN : TAURA CHUMA CHIVATSI

SIGN:.....

MOBILE NO : 0724275297

SECRETARY : ERASTUS CHUMA

SIGN:.....

MOBILE NO : 0729580049

TREASURER : CHILUMO MWAJANJI

SIGN:.....

MOBILE NO : 0727686421

Plot No. 1705/44

Annex 6.

6/2/2015

HISTORY YA SHAMBAA AIRSTEP KUE - KWAANDANI

1 Hii ni SHAMBAA YA SERIKALI. NDANI YA SHAMBAA HII KUMBUWA KUKUISHA FAMILIA ZA ~~ZADU~~ ZA 200 KABLA KUE ARCHITECTS KUKABIDHIWA SHAMBAA HII NA SERIKALI KUPUZA FAMILIA ZILIZO KUWA ZIKUSHAKUAKA YA 80s (1988). Lisi YA WAKAAZI - 65

* 2 WAKAAZI WALOKUWA WAKIFUKUZWA NA KUVUNJIWA NA HUKU KULTARIBIWA MUMBA YRCS NDIPO HARAKATI YA KUYITIGITA ZIKAAZITA MAANA KUE ARCHITECTS WAKUWA WANAKA PLOTS ZA 100 X 100 FT KUZUA MAZAJIRI.

3 TULITAFUTA USAJIZI KUTOKA KWA VIONGOZI WALOKUWA KO BARRA 23/3/2001, BADA YA KUSOMEWA KOTI ORDER 2001. BARRA YA MUMBA NOTICE 6/7/2000 (KUE ARCHITECTS)

250 ALLOS
4 KUE ARCHITECTS WALIPUWA ~~8~~ UWANJA HUI NA SERIKALI ILE WAJENGGE CHUO CHA MAFUNZO YA NDege NA BADA YA WAKAAZI KUZUA WAKAAZI WAKITOTENGA UWANJA WAO KUFUNDA NI MITA KIMOJA KUE ARCHITECTS.

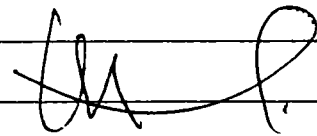
5 30/8/2010 TUKAPOKA BARRA KUTOKA BARRA E-BANKI KUBAI KWAMBAA SHAMBAA NI YAO NA WANAZUA KWA KAMPUNI ZA INGE NA NOTICE YA KUTENGA UKEZA NA KUVUNJIWA IKATOLEWA YA 26/8/2010 IKUWA VIONGOZI WA SERIKALI WANAHUSIKA NA TUKASHUKU WAKILI NA BARRA YA 6/10/2010 IKAAZIWA BANK KATIIBUSITA IKUWA SHAMBAA WALIPATA KUPIPI NA SHUSHTUZI KUVUNJIWA AU KUZUA KUKABIMAMA. HADI LEA BANK ANZA TUMYESHA VIBALI UYAO KWA KUNA ISH WAKAAZI ZADU YA 2000.

6 Tumefusisha Tume ya Swazuri 27/7/2013 ili wachunguze balalamu wa wetu na wachunguze bu arua yao ya 5/12/2013 kwanza wacha chunguza swaha hili

7 Ulaamushi kama huo demopelera kion wazi wa ardhi 12/10/2011, kilefu county bolu bumbeni 9/12/2013

8 Kuepita kwa kamati hi ya Bunge, Tunaomba wachunguze jinsi ~~si~~ architects walivyo jipitia vwanja huu ndipo kama ni kulipa wakazi wawe tayari kwani tujavyo shamba hii ni mali yetu ya serikali na ulikuwa ^{kwa} ~~ku~~ wakazi walioko wapo wa ardhi hii si architects baina zote tumesha kaulisha kwa uchunguzi

ASALIE

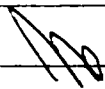
SECRETARY 

CHUMA. 0729580049

WABUNGE WALIOPITA BAADA MITHA MUMBA, JUMBO, JOE HANUSI, GONDA, SAA HI MNG'ARO.

TUNAOMBA KAMATI HI UTULETSE TITLE YA HAPA KUEPITA SERIKALI YETU

Plot no. 1705/44 ~~44~~



LIST OF 200 FAMILIES

S/NO.	NAME	I/D NO.	PLOT NO.
1.	Rose Mbodze Kahaso	10072908	1
2. X	Morris Kambi Mgende	21484033	2
3.	Charo Kenga Nzola	4960805	3
4.	Kalume Dede Karisa	5432761	4
5.	Medza Shoo Tsuma	4579301	5
6. X	Dama Kambi Mgende	2165982	7
7. X	Harrison Guyo Mwambo	11265671	6
8.	Rehema Kasabu Kapembe	10691882	8
9.	Safari Masha Mumba	4996828	9
10.	Easther Munga Kai	4961506	10
11.	Kea Gonda Juaje	2151168	11
12. X	Kazungu Katana Mtoi	10691945	12
13.	Katana Yongo Ngala	14500474	13
14. X	Godrick K. Ngala	6720090	14
15.	Karisa Kenga Dahu	1381045	15
16. X	Mohammed Juma Mwakidudu	8467414	16
17. X	Mwalimu Safari Masha	10830741	17
18.	Yongo Ngala Kilonga	1377126	18
19.	Sidi Charo Kenga	9112723	19
20. X	Mwalolo Yuda Tsuma	0690173	20
21.	Kazungu Mangi Yaa	4965371	21
22.	Bendera Katana Kithi	1376184	22
23.	Lucy Harrisson Muhambi	20213471	23
24.	Kadzo Kenga Koi	1376413	24
25.	Ngoa Jambo Kimoja	0691345	25
26.	Charo Yongo Ngala	8526980	26
27. X	Garama Yongo Ngala	0878988	27
28.	Kavumbi Katana Mwinyi	9964838	28

29. X	Sidi Mrimi Kithi	5027302	29.
30.	Sidi Karisa Muhambi	9204024	30.
31.	Chembe Guunda Chea	1377457	31.
32.	Charlotte Kang'ombe Ngala	8459870	32.
33.	Poala Karisa Masha	4977306	33.
34.	Nyamawi Kenga Karisa	8467391	34.
35.	Kabibi Karisa Masha	5016211	35.
36.	Zawadi Charo Kenga	20047868	36.
37. X	Mangi Mweri Baya	41381257	37.
38.	Sidi Kataña Ngala	2169738	38.
39.	Mkare Tsuma Dima	0691198	39.
40. X	Ngumbao Charo Nzola	5458372	40.
41. X	Nzingo Kazungu Kahele	3907230	41.
42. X	Kingenda Jefa Kalama	13857715	42.
43.	Christine William Madzayo	0688628	43.
44.	Charo Mhembi Kandete	1376727	44.
45.	Kahaso Kahindi Douglas	9477615	45.
46. X	Jumwa Chembe Bofu	9474173	46.
47. X	Jane Kabibi Nyakundi	12798130	47.
48.	Ngumbao Yongo Ngala	9878988	48.
49.	Christine Kenga Kitsoka	0689160	49.
50.	Isa Mwanongo Mwayima	-	50.
51.	Rehema Msena Fundi	20975783	51.
52.	Kache Charo Mwanza	0690802	52.
53.	Changawa Kazungu Kombe	11265885	53.
54.	Ngumbao Mhambi Kandete	2151953	54.
55.	Gazowere Bendaro Mbega	2153905	55.
56.	Philister Fatuma Tsuma	0688395 0688395	56.
57. X	Tabu Kalume Kithi	0689682	57.
58. X	Haro Yonda Juaje	4565854	58.

59.	Ngolo Baya Mwabaya	3884037	59.
60.	Charo Ngombo Biyenge	4965078	60.
61.	Bendera Kahindi Ayubu	Receipt No. 91718	61.
62.	Garama Kenga Koi	21279760	62.
63.	Charo Mwanza Ngoa	0687255	63.
64.	Kingi Kazungu Mramba	-	64.
65.	Kazungu Jumaa Mramba	0626928	65.

KILIFI AIR CHARTERS LIMITED

P O BOX 60763
NAIROBI,

KENYA

TEL: 254-2-334933
FAX: 254-2-240095

6/7/2000

M/S MKARE TSUMA DIMA (MASHUESHI)
KILIFI.

Bw. Mkare,

HUSU: UPANDAJI MIMBA.

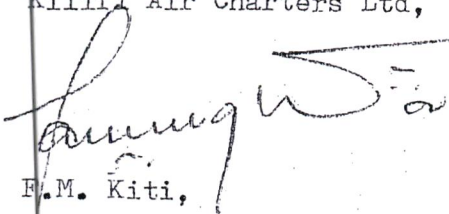
Tumegundua kwamba wewe uneungana na wengine kupanda minazi, migomba na makonge katika ardhi L/R No. 21640 mali ya kampuni ya Kilifi Air Charters Ltd. Upandaji huu uliuanza tarehe 4/1/2000.

Kampuni inakuonya kwamba ni hatia kwa mtu yeyote kupanda mimea ardhini mwake bila idhini. Pia unakumbushwa kwamba uko huru kupanda mimea uipendayokatika ploti uliyogawanywa na kampuni - L/R No. 21640/2 ambako wewe ulipatiwa ploti nambari 39 bure.

Hivyo basi, kampuni ya Kilifi Air Charters Ltd inakupatia siku tatu kuanzia tarehe 7/7/2000 ungoe mimea yote uliyopanda na unayoeledelea kupanda. Tunakuonya usitulaumu kwa hatua tutakayo kuchukulia usipo kidhi amri yetu.

Ahsante.

Wako,
Kilifi Air Charters Ltd,


F.M. Kiti,
MANAGER.

CC. The OGS Kilifi.

The Area Chief - Kilifi Township Location.

P O BOX 99, KILIFI

KIWANDANI SELF
HELP GROUP
P.O. BOX 220 KILIFI
23-03-2001

HON. E. K. MAITHA
M.P. KISAUNI-MSA.
P.O. BOX 85784,
MOMBASA

MHESHIMIWA,

KUH: MAKAO NA KILIMO

MHESHIMIWA KWANZA POKEA PONGEZ KWA HAZI
YAKO UTUFANYIAYO, UNASTAHILI PONGEZ NA MUNGU
TWAMBWA AZIDI KUKUPA MWONGYO MWEWA.
KILIO CHETU SISI WAKAZI WA KIWANDANI BADO KINAENDELEA
NA TUNATATIZIKA. NYUMBA ZETU ZINA BOMBEWA
TAKARI NA TUNALAZIMISHWA KIONDOKA.

HATUNA KIMBILIO KWIENIKIWEKO ISIPU KUWA KWAKO
WEWE TU UNAYEJARI MASLAHI YA RAIA.

TUNASUMBULIWA NA:

- ① - DIWANI WA KANU BW. KILABU
- ② - D.O.
- ③ - CHIEF
- ④ - ASST CHIEF (PATRICK)
- ⑤ - MTANA LEWA

MHESHIMIWA WATU HAWA HATUNA AMANI NAO KABISA
WEWE NDIYE TAA YA PWANI TWAMBWA MWANGAZA
WAKO. KWA NIABA YA MWANDISH *K. M. Tsuma*

J M Tsuma (MWANDISH)

C C H MWANGO

Annex 8.



Middle East Bank Kenya Ltd

HEAD OFFICE, MEBANK TOWER, MILIMANI ROAD
P.O. BOX 47387, 00100 - NAIROBI PHONE: 2723120
Fax: 343776 Swift: MIEKKEN E-mail: ho@mebkenya.com

30th August 2010

Our Ref: HO/GEN/281/2010

TO WHOM IT MAY CONCERN

The Area Chief,
Local Administration,
KILIFI.

Dear Sir,

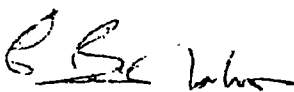
RE: LAND REFERENCE NUMBER 1705/44, KILIFI

This is to confirm that **MIDDLE EAST BANK KENYA LIMITED** holds a Legal Charge and a Further Legal Charge over the above property, duly registered as Number C.R.26743/2 and Number C.R.26743/3 respectively.

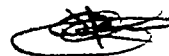
This entitles the bank to full control of the land and the authority to sell the Land without the approval from the previous land owner, namely Kilifi Air Charters Limited. Accordingly, any proposals or negotiations affecting the property must be notified to the Bank.

This is further to confirm that the Bank is presently in negotiations with Pristine Quays Limited regarding their purchase of the property.

Yours faithfully,


Philip B. Ilako
Managing Director

Tabled by Dr. Mtana Leuga
On 24/3/2015



10th September 2010

Mr Athman Matano
Senior Chief
Kilifi Township Location
P.O.Box 29, Kilifi, Kenya.

Dear Senior Chief,

Firstly I would like to thank you for your kind consideration in greeting us in the process of trying to facilitate the free community school that we would like to provide for the Kiwandani community, it has been very much appreciated.

As discussed and agreed, it was our plan to firstly locate on the site office corner 6so that we have a base to conduct barazas and to inform the community in a well planned and methodical process. As you are aware, the Quantum Foundation has the endorsement of the land owner, (Middle East Bank Kenya Ltd) and we were pleased to receive your support by offering to vacate the site office for this purpose.

I acknowledge that a baraza with Dr. Lewa's representatives confused the matter of ownership for you, not that Dr. Lewa could possible present any solution whatsoever to the people of Kiwandani. I undertook to provide you a letter directly from the Executive Director of the bank clarifying the matter and this was promptly done, complete with all court proceeding and charge references. We are disappointed that we are sitting waiting and to-date that delivery of the site office has not happened.

Following our meeting yesterday, I have since realised that you have already advised the Kiwandani representatives of the community school and proposed development and I feel that this has compromised the process and is counter productive. As agreed, it is better that we establish a proper office to work from, to have a proper address to make appropriate applications and a proper venue to entertain barazas in order to liaise with the community in conjunction with yourself, the elders and the Kiwandani representatives.

From this position of being well organised and with billboard infrastructure in place to communicate with the community, we could introduce community based initiatives such as the free community school and the road improvement program etc.

After we have delivered this for the community and shown our true agenda and character, we would prepare to present further housing initiatives that we are in the unique position to be able to provide the underprivileged people of this community.

We have the structure in place to provide skills training in contemporary construction, long term employment, mortgage facility and ownership of a new modern home that is fully furnished with separate lounge, kitchen, bathroom and bedroom/s. With permanent employment and a mortgage assistance program, even the single mothers of this community (supported by the community school) will be empowered and self sufficient.

We have already invested considerably in preparing a master plan for feedback from the Town Planner, District Commissioner and yourself, we have done this in order to show good faith and our commitment to facilitate proper housing and long term prosperity to the impoverished people of this community, completely transforming their lives and livelihood. However this investment is of zero consequence and nothing will commence if not fully supported and driven by all stakeholders.

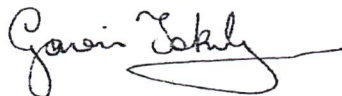
The bank has recently obtained a charge over the land from the court, providing them with complete authority and ownership of the land. Part of our discussions with the bank is Plan B, an initiative to provide legal title to the squatters. However this is extremely complicated to achieve and there are many other considerations (such as town planning approval and civil infrastructure) and the bank is not in a position to deliver or whatsoever inclined to deal with so many people in this complicated matter.

However, we are in a position to finance the purchase, to master plan the community around existing dwellings, construct the civil infrastructure such as roads, sewage, water and electricity and even to provide a mortgage facility to purchase the land. As a guide, we are able to provide 3% PA micro financing with around a 20% deposit.

We bring solutions but only if fully and aggressively supported with a respect for time, there are four options for due consideration.

1. Free Community School;
2. Legal Title of the land with full civil infrastructure and mortgage facilities provided;
3. Skills training with trade certificates, long term employment, mortgage on new modern home with long term prosperity in a master planned community with extensive civil and social infrastructure;
4. None of the above.

Yours sincerely



Gavin King Tokely
MANAGING DIRECTOR

CC:

Mr K.Mwanza	District Commissioner
Mr Lali	Local Councillor
Ms Juliana Mutua	Senior Provincial Town Planner
Mr A. J. Omukoko	District Physical Planner

Pristine Quays

Implementation Plan

Introduction:

The master plan for this township development has been completed, it consists of an affordable zone consisting of 830 x terrace homes, 113 x homes and 60 x shop/houses in a pedestrian shopping mall configuration. The more up-market zone consists of 96 x luxury homes, 500 x terrace homes, 22 x B2L terrace homes and 360 x apartments a total of 2,351 properties. All residential zones are designed into gated communities with car parking and recreational facilities. There are three resorts and two hotels in addition to the commercial district which consists of a hospital with dental and pharmacy, substantial technology park, financial and corporate centre, shopping mall, police station, fire station and court house. There is also a workshop centre and sustainable technology industrial park. The focus of the development is tourism and features the Paradise centre and Dreamworld attractions. This is further supported by a transport system, kindergartens, primary and secondary schools, church, mosque and palace, all of which are provided to the community.

This development is poised to be a flagship development, not only for Kilifi and Kenya but for the entire East African region.

The development is a professionally master planned integrated community, a private club with private roads, private footpaths and street-lighting, private water supply system, private rubbish system, private sewage system, private grid and private electricity production, even a private city council management authority system.

The city is steadfastly focused on utilizing cutting edge sustainable technologies, these technologies provide a quantum leap in energy efficiency and a lifetime of cost savings.

A township specifically designed for a high quality, family orientated lifestyle, with open spaces, parks and recreational facilities.

Comprehensive social, civil and commercial infrastructure provide the community with supportive services and substantially significant sustainable employment opportunity of many thousands and indirect employment of as many ten thousand. This development is expected to have a major positive impact on the local economy bring significant prosperity.

The implementation process:

The Senior Chief (Athman T. Matano) has agreed to supervise and protect the interests of the squatters who have been permanently living on the said land as of the date of the National Crisis.

Step One: Identification

1. Sign posting in strategic locations throughout the land.
2. Dwellings shall be numbered with spray paint and location plotted on map.
3. Occupants of each dwelling shall be named complete with National ID Card number, gender and age.
4. The relationship of each occupant within the dwelling shall be established.
5. The period of time each occupant has resided in that dwelling.
6. The employment status, income and skills of each occupant.

Step Two: Verification

1. A statutory declaration shall be issued to each occupant of legal age, this will reconfirm all above mentioned information and an undertaking to cooperate with the implementation plan or be excluded from the program and confirmation of a thorough understanding of the process. All statutory declarations shall be individually analysed for accuracy.

It should be noted that the more people on the list, effectively results in less assistance that each legitimate occupant shall receive. Furthermore, should it be determined that if false information has been provided under statutory declaration, this therefore would have a direct negative effect on the livelihood of the legitimate occupants on the land. As such, the person/s committing this fraud shall be inequitably excluded from participating in the assistance program and shall be prosecuted for criminal fraud.

Step Three: Representation

The existing committee shall organise democratic elections in order for the verified occupants to elect their representative that will act on behalf of and represent the interests of the verified occupants. This may also include other positions such as a bookkeeper, secretary or as deemed appropriate by the Senior Chief.

Step Four: Implementation

1. An assistance program shall be designed that will assist occupants to rent or purchase new completed homes within the development. (One example is the mortgage assistance program that holds 35% equity in trust interest free for ten years, this is provided to the bank as collateral effectively dramatically reducing the interest rate and the monthly payment. The savings from this program are expected to be as much as 100% of the value of the home or more over the period) effectively resulting in a free home in cost savings. This implementation process may include providing temporary accommodation whilst a phase of residential homes are constructed.
2. Each verified occupant shall be systematically processed to determine their individual circumstance and preferences, of which shall then be documented, qualified and implemented. The intention is to place every verified occupant into a home to rent or purchase.

Pertinent Points:

1. No legitimate verified occupant will be left homeless during the implementation process.
2. Every assistance possible will be provided to verified occupants to legally rent or purchase completed homes with registered title.
3. The benefit of the majority shall be the rule not the exception and those deemed to be detrimentally affecting or delaying the implementation of assistance program for the verified occupants shall be excluded from participating in the program.
4. ALL fraudulent statements and assistance program claims will be prosecuted for criminal fraud and be excluded from participating in the program.
5. This development will provide enormous employment generation to both the verified occupants and to the local community. In addition to unprecedented quality of healthcare and social infrastructure for the wellbeing, education and future development and prosperity for the people of Kilifi.

How to get started:

1. A site office shall be erected on the land and a representative of the Developer shall be made available.
2. Each dwelling shall be numbered with spray paint and plotted on a map.
3. Security services commissioned.
4. Each occupant shall complete an Occupant Identification Form which is available and submitted to the site office manager which will take a photo of each occupant.
5. The Occupant Identification Forms shall be analysed for accuracy and suspected fraudulent applicants identified, interviewed and dismissed if applicable. The name and photo of the non-occupant claims shall be posted on the Wall of Shame Billboard for all to see and the makeshift dwelling removed.
6. All questions by occupants are to be submitted in writing and shall be answered on the billboard for all to see. This will be the central point of reference for all occupants.
7. The Statutory Declaration shall be provided to the semi qualified occupants, this will be a legal contract with legal ramifications if completed fraudulently. There will be a period of time allocated for this to be completed by or participation in the program is not longer available.
8. Every Statutory Declaration shall be analysed by off duty police and monitored by a representative of the Developer. Those found making fraudulent claims shall be prosecuted, physically removed from the land, excluded from the program and their name and photo posted on the Wall of Shame Billboard for all to see.
9. The Initial Committee Members as authorised by the Senior Chief shall organise a democratic election to select a representative for the verified occupants.
10. The Official Representative will protect the interests of the Verified occupants and coordinate the Implementation Process. The developer will undertake to pay the salary of Official Representative in order to allow the full time commitment to the Verified Occupants.
11. The skills and circumstances of the individuals are assessed and various assistance options shall be allocated to best suit the individuals preferences and capabilities.
12. Agreements are signed to finalise all arrangements, these will include a variety of options that will be determined in consultation with the Official Representative. After which the matter is now considered closed. The assistance package will have been agreed by each individual Verified Occupant and all other people and dwellings shall be considered trespassers and be promptly physically removed with the lawful support and on-going cooperation of the verified occupants.
13. Construction shall commence on phase one of which shall accommodate workers and used to decant verified occupants.
14. The project management process will thereafter manage the systematic processing of relocating the verified occupants as per the agreement and clearing the land for development.

Authorised by:


Mr Gavin King Tokely
Managing Director
Pristine Kilifi Ltd
Developer
Site Office, Plot LR 21640
Kilifi Town, Coast Province, Kenya.
Phone:
Email:

Mr K.Mwanza
District Commissioner
Address
Phone:
Email:

Mr Athman T. Mataro
Senior Chief
Address
Phone:
Email:

Mr Lali
Local Councillor
Address
Phone:
Email:

Ms Juliana Mutua
Senior Provincial Town Planner
and
Mr A. J. Omukoko
District Physical Planner
Address
Phone:
Email:



QUANTUM FOUNDATION

Quantum Foundation Ltd (NGO pending)
M: P.O.Box 12376-00100, Nairobi.
SMS: 0736 28 55 79
E: b.chege@quantum-foundation.org
S: bascolyne.chege
W: www.quantum-foundation.org

26th August 2010

PUBLIC NOTICE

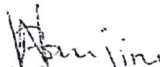
The Quantum Foundation is a Not For Profit organisation mandated to provide medical and educational facilities in areas of need in developing countries. Subject to the support of the community, we intend to provide free kindergarten, primary and secondary schools in this area.

This is an initiative of the District Commissioner (Mr K.Mwanza), the Senior Chief (Mr Athman T. Matano), The Local Councillor (Mr Lali), The Senior Provincial Town Planner (Ms Juliana Mutua) and the Kilifi District Physical Town Planner (Mr A. J. Omukoko) in a collaboration with the Pristine Quays Ltd and Middle East Bank Kenya Ltd.

We intend to work closely with the community representatives and the Senior Chief who has been integral in bringing this education and prosperity initiative to the people of this community.

Renovation of this site-office building will commence shortly and a systematic clearing and fencing program will commence. There will also be tree planting programs as this multi-denominational community education facility has a fundamental foundation based on the protection of the environment, self sufficiency and sustainability.

We welcome your assistance and support as we strive to provide free quality education and nutrition to the many underprivileged children in this immediate area.



Ms Bascolyne Chege
HEAD TEACHER
COMMUNITY MOBILISER

