

Celebrate and sustain gains in the recovery of grabbed public land

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High demand for public land

With our increasing population and expanding public needs, public land remains in great demand. Therefore, the push to recover land that had been arrogated to individuals and other juridical entities must be intensified. This is a tough and long-term undertaking. And the pace changes with circumstances, competence and the determination of the state drivers involved. When all chips are up and there's synergy between them, a lot can be achieved. The public agencies that suffered land grabs, the national land commission, the investigation and prosecution organs along with the courts must however beware that Kenyans continue to look up to them for results. And given its constitutional mandate, the land commission should provide proactive leadership in recovery and protective interventions.

Grabbing of ADC ranches averted

But we have some recent gains to celebrate. The Agricultural Development Corporation (ADC) just thwarted the land grab aimed at its vast Galana and Kulalu ranches which this column alluded to in May last year. Galana cuts across parts of Tana River and Kilifi Counties while Kulalu is in Kilifi. Parts of these ranches had been encroached upon by land buying companies and offered for market sale. But ADC intervened and pushed back, at one time even drawing in parliament. It remains puzzling how this attempt happened. The perimeter boundaries to the subject ranches are surveyed and therefore easily identifiable on the cadastral maps maintained by the Director of Surveys in the Lands Ministry.

Therefore, even assuming that an incompetent surveyor inadvertently encroached into the ranches, this office, which is responsible for quality control of surveys undertaken for registration of title, should have been able to detect and flag the encroachments. The whole saga needs some thorough investigation, and any collaborators, be they private or public agents, ought to be held accountable. But buyer beware! When the price of land offered for market sale appears grossly understated, which has been the case here, it pays to think it over.

There is usually some hidden risk. So let's celebrate ADC and other state agencies involved for detecting and averting this major invasion of public land.

Recovery of Coffee Board land in Nairobi's Industrial Area

Also standing to be celebrated are the actors who have helped the Coffee Board of Kenya (now part of the Agriculture and Food Authority) to recover some 20 acres of its prime land in Nairobi's Industrial Area. In ELC Case No 108 of 2010, Judge Lucy Mbugua of the Environment and Land Court held that once a letter of allotment had been issued to the Coffee Board of Kenya, no other entity could be allocated the same land without the cancellation of the initial allotment letter. Subsequently, the court ruled that the title that had been issued to Sotua Development Company Ltd against the land be cancelled. This is premium land in today's market. The ruling sets a precedent that may serve as a deterrent to similar land grabs, and may be seized to recover more public land. May such effective interventions be sustained.

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