

SPECIAL ISSUE



THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CXXVII—No. 230

NAIROBI, 14th November, 2025

Price Sh. 60

GAZETTE NOTICE No. 16521

THE NATIONAL LAND COMMISSION ACT

(Cap. 281)

NATIONAL LAND COMMISSION

INVESTIGATIVE HEARING FOR COMPLAINTS RELATING TO HISTORICAL LAND INJUSTICES

IN EXERCISE of the powers conferred by Article 67 (2) (e) of the Constitution of Kenya 2010 and sections 6 and 15 of the National Land Commission Act, 2012, the Chairman, National Land Commission, informs the general public that the Commission upon receipt of Historical Land Injustice claims from members of the public admitted and investigated the complaints to ascertain the appropriate redress. The Commission invited all the complainants, respondents and the interested parties to appear before it, inspect documents and make written representations and submissions after which the Commission undertook further investigations. Consequently, the Commission has made recommendation in respect of the following claims. The Commission calls upon the mandated authority(s) to effect the recommendations herein.

<i>No.</i>	<i>Case No & County</i>	<i>Parties</i>	<i>Recommendation</i>
BARINGO COUNTY			
1.	NLC/HLI/149/2017 NLC/HLI/824/2021 consolidated	The Ilchamus Community/Elders of Baringo South C/o Wilson Leriana Vs- National Irrigation Authority, Attorney General, County Government Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Water and Sanitation	The 1st Respondent to surrender against the reservation the 2850 acres to the Ilchamus community where they have been living over 35 years, that is toward the Eldume adjudication scheme through the degazettement of the same by the Ministry of Water, Sanitation and Irrigation and N.I.A the 1st respondent to re-establish its boundaries within the prescribed statutory period of 3 years.
2.	NLC/HLI/213/2018	Chebir Clan Vs Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry, Ministry of Interior	The Claimants' fast track the court case to completion.
3.	NLC/HLI/157/2017	Kapropita Community Water Spring Vs Attorney General, County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Registered Owners	(a) To await the court's decision in adherence to the doctrine of sub-judice. (b) Further, and in the alternative, and to the extent of which the Commission is the guardians of public land, the claimant is encouraged make an application requesting the court to have the Commission enjoined as a party in the above court case

No.	Case No & County	Parties	Recommendation
4.	NLC/HLI/183/2018	Joel Masai Ronoh Vs Sawala Cotton Ginnery, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Kerio Valley Development Authority.	The lodged appeal be hereby heard and determined by the D.C.C delegated by the Minister on priority basis.
5.	NLC/HLI/158/2017	Tugen Hills Forest Right Holders Group Vs- Kenya Forest Service, Attorney General, County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	a) That the Claimants who gave their express authority to be represented by the Association and are the registered members of Torobeek Community Association of Kenya their claim has been conclusively heard and determined in the Torobeek claim in Nakuru, thus this claim is res-judicata. b) The review of the above said determination be finalized. c) As for the other issues which fall beyond land, such as those of cultural issues, their cultural life rights and cultural sites, any determination or any directions given on the same by this Commission would be ultra vires.
6.	NLC/HLI/186/2018	Beretwo Dam Land Owners C/O Richard K. Rerimoi Vs- Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Water and Sanitation.	This particular claim fails and is thus dismissed
7.	NLC/HLI/1707/2021 NLC/HLI/579/2019 NLC/HLI/446/2019 Consolidate	Chebartigon Forest True Right Holders/ Tereben Right Holders' Community/ Tereben Community Chebartigon Right Holders Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	The claimants are already settled since where they reside is already adjudicated. Therefore, giving them the land within forest reserve would amount to double enrichment
8.	NLC/HLI/148/2017	The Original/Right Holders of Katimok Forest At Kipkobot, Goitalam & Kamindem Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	Claim fails as they were taken/shown/settled/moved to an alternative land where they settled (to-date) and have been issued with the registration documents of their respective land parcels. This therefore serves as compensation and any further compensation would only amount to double enrichment
9.	NLC/HLI/113/2017	Kinyo Forest Right Holders Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forests	Claim fails as these claimants are already in occupation of other land parcels and possess ownership documents thereto. Therefore, any further award/compensation would amount to double enrichment
10.	NLC/HLI/434/2018	Chelanga Chelimo Family (Saimo Forest Evictees) Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	Claimant's claim fails and is hereby dismissed for lack of evidence
11.	NLC/HLI/181/2018	KIRDAM Evictees C/O Luka Kimosop Kipkeiyo Vs- Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Water and Sanitation.	Claim fails as those displaced for the construction of the dam were already compensated.

No.	Case No & County	Parties	Recommendation
12.	NLC/HLI/410/2018	Edwin S. Chebon/ Chepsergon Chebii Vs Inspector General National Police Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Roads & Transport, Ministry of Interior, Mosque & Registered Owners	Claim fails and is dismisses
13.	NLC/HLI/187/2018	Kapchelanga Family Vs- Riwo Secondary School, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Education, Registered Owners	Claimants' claim herein fails and the same is dismissed.
14.	NLC/HLI/624/2019 NLC/HLI/536/2018 consolidated	Lembus Advocacy C.B.O/ Lembus Council of Elders Vs- Kenya Forest Service, Attorney General County Government of Baringo, County Government Laikipia, County Government Narok, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	This claim to be very amorphous and the same is herein dismissed.
15.	NLC/HLI/180/2021	Endoris Community Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment Climate Change and Forest	Claimants' claim fails and is hereby dismissed.
16.	NLC/HLI/195/2018	Kapchebon Family Vs- Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Education, Ngetmoi Primary, Ngetmoi Secondary, Ngetmoi Catholic Church, Registered Owners	The claim fails and is hereby dismissed.
17.	NLC/HLI/496/2018	Katimok Forest Right Holders Vs Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	a) The claim regarding the properties lost, that is; livestock, bee hives, millet & sorghum, granaries and huts, the Commission find the same to be unsubstantiated by the claimants thus cannot suffice. b) However, all the registered family members of the Katimok forest right holders of the Katimok forest, Mosegem forest and Sokta forest, that is, Katimok Forest right Holders claiming Katimok East- through HLI/496/2018, who are currently living in ecological-sensitive zone/regions and/or are prone to landslides to be settled through Settlement Fund Trustees by Ministry of Lands, Public Works, Housing and Urban Development and the county Government
18.	NLC/HLI/107/2017	Morop/ Tarambas Evictees Vs Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	That all the people living within the eco-sensitive and hazardous areas/zones within the steep edges or cliffs of Tambara and Morop Hills, at the forest boundary, to be settled through Settlement Fund Trustees Ministry of Lands, Public Works, Housing and Urban Development, and the relevant county Government.
19.	NLC/HLI/154/2017	Lembus Chemorgong Inhabitants Vs Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	The claimants herein settled or living within the steep slopes of the hills of the Chemorgong Forest and the steep slopes near the A.D.C, categorized as ecological-sensitive zone/regions and/or are prone to landslides to be settled through Settlement Fund Trustees by the Ministry of Lands, Public Works, Housing and Urban Development, and the relevant county Government.

No.	Case No & County	Parties	Recommendation
20.	NLC/HLI/190/2018	Morkisis/ Emgunynguny Vs Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	The Claimants displacement with no alternative settlement arrangements makes them squatters and /or Internally Displaced Person and as such the names of the 165 claimants submitted herein through the Settlement Fund Trustee (SFT) be settled by the Ministry for Lands, Public Works, Housing and Urban Development and the relevant county government.
21.	NLC/HLI/214/2018	Richard C.K Yator Vs Ministry of Agriculture, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Roads & Transport, Ministry of Interior	Claimant herein be monetary compensated by KERRA for the land that was surrendered/tampered with of approximately 7foot x 70 meters for the construction of the collage road.
22.	NLC/HLI/110/2017	Kabarak-Mukobe North Forest Right Holders Vs- Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry	The Ministry of Lands, Public Works, Housing and Urban Development and the Ministry of Interior and Coordination of the National Government to screen the list of the beneficiaries of the Sabatia Settlement Scheme against the list of the 144 original members to identify the settled and the unsettled to be settled through SFT.
23.	NLC/HLI/179/2018	Kapkerem Family Vs- Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Education, Kimalel Girl Guide Camp, Kimalel Health Center, Kimalel Primary School	The claim is hereby dismissed because the subject land belongs to another that is Kimalel Group Ranch. However, the claimants stand advised and directed to raise this issue/ have discussions with the Kimalel Group Ranch representatives who are in the process of transferring documents of the sub-divided land to it members
24.	NLC/HLI/074/2017	Kirgirwo Family Vs- A.I.C Ebenezer Academy, Kenya Forest Service, Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Environment and Forestry,	Ebenezer school the 1st respondent, on both the developed and the undeveloped part of the subject land. Any amicable solution reached shall be recorded and adopted as binding by this Commission within 90 days of issuance of this determination.
25.	NLC/HLI/224/2018	Mogotio/Katorong`ot Squatters Vs Pokot Council of Elder, Turkana Council of Elders Attorney General County Government of Baringo, Ministry of Lands, Public Works, Housing and Urban Development & Ministry of Interior	Concluded that by the County Government of Baringo in liaison with Kenya Informal Settlement Programme (KISP) to settle the claimants
ISIOLO COUNTY			
1.	NLC/HLI/1743/2021, NLC/HLI/756/2021, NLC/HLI/2602/2021 both merged to NLC/HLI/1748/2021 and NLC/HLI/3726/2021	Residents of Burat Ward Isiolo, Leparua Community and Isack and Herti Communities Vs. County Government of Isiolo and Others	1. Pursuant to the Commission's mandate under Article 67(2)(e) of the Constitution and Section 15 of the National Land Commission Act, the following joint recommendations are made for a final resolution in the public interest and on humanitarian grounds: i. Kenya Defence Forces will retain its titled land but surrender the specific areas where people have settled. ii. Livestock Marketing Division will surrender 60% of its land to settle all verified residents. In exchange, the Kenya Defence Forces will be compensated with an equivalent parcel from the remaining Livestock Marketing Division land towards the hills. iii. The Isaack & Harti communities will be accommodated within this 60% community land. iv. All verified residents will be regularized on the land they currently occupy. v. The Livestock Marketing Division will retain 40% of its land and must submit a land use development plan for it to the Commission.

No.	Case No & County	Parties	Recommendation
			vi. A multi-agency technical committee comprising the County Government of Isiolo, Ministry of Lands and representatives from all parties herein will be formed immediately to survey boundaries, verify beneficiaries, and oversee the subdivision and titling for Kenya Defence Forces, Livestock Marketing Division, and the new Community Land.
2.	NLC/HLI/1740/2021	Dominic Ngoyan Vs. County Government of Isiolo and Others	1. The main complaint by Dominic Ngoyan on behalf of the Ngaremara Community, seeking the revocation of Gazette Notice No. 3210 of 1977 and the restitution of the entire 18,000 acres, is dismissed. 2. However, to address the specific injustice of potentially encroached cultural sites, a comprehensive resurvey of the Kenya Defence Forces land (LR No. 37144) shall be undertaken by the County Surveyor at Kenya Defence Forces's cost to verify the current boundaries against the title deed and the original allocation. 3. Should the resurvey establish that the Kenya Defence Forces fence has encroached upon land beyond its legal allocation, the Kenya Defence Forces shall, at its own cost, immediately relocate its boundary to its rightful limit. Any land found to be outside the legally allocated parcel shall be reverted to the Ngaremara community. 4. Furthermore, the Kenya Defence Forces is directed to develop and submit to the Commission a comprehensive Land Management Plan for its entire parcel. This plan must make provision for a dedicated wildlife corridor to facilitate the natural movement of wildlife, mitigating human-wildlife conflict for the adjacent community.
3.	NLC/HLI/1747/2021	The Interim Oldonyiro Community Land VS. Ministry of Livestock and others	1. Although the Commission has found that no historical land injustice exists, it recognizes the practical and humanitarian need to address the current conflict and landlessness in Oldonyiro Ward. In exercise of its broader mandate to advise on land policy, the Commission makes the following recommendations to resolve the standoff: i. The Ministry of Agriculture and Livestock, in conjunction with the Ministry of Lands, shall undertake a comprehensive land use plan for the entire Livestock Marketing Division parcel to determine which areas are essential for its core mandate. ii. Following this planning, and in the public interest to resolve the squatter crisis, the Livestock Marketing Division should formally surrender any portion of its land that is deemed surplus to its requirements for the lawful and planned settlement of the current occupants. iii. Furthermore, public utilities in the area such as schools, health centers, and access routes that are located on Livestock Marketing Division land should be formally excised and their titles regularized. iv. The Ministry of Lands and Physical Planning shall be the lead agency in coordinating the planning and survey exercises mentioned above to implement these recommendations.
4.	NLC/HLI/1741/2021	Bonu Dika Wario Vs. County Government of Isiolo and Others	The Ministry of Interior and National Administration provide security and logistical support to facilitate the safe return and reintegration of the original residents of Kom to their ancestral settlement.
5.	NLC/HLI/1738/2021	Joseph Kalapata Vs. County Government of Meru & Others	The Claimants to await the outcome of the ongoing degazettement talks between the County Government of Meru and the Ministry of Defence, as the result will define the framework for any future restitution, compensation or resettlement.
6.	NLC/HLI/1739/2021	Erupe Lobuni Vs County Government of Isiolo and Others	i. That the Kenya Wildlife Service (KWS), in collaboration with Isiolo County Government, grant the community limited, access guided by conservation protocols to the Ewaso Nyiro River for livestock watering. ii. That stakeholder engagement be encouraged, exploring avenues for the community's inclusion in conservation benefit-sharing frameworks as provided under the Wildlife Conservation and Management Act, 2013.

No.	Case No & County	Parties	Recommendation
			iii. All tourist establishments within the Reserve must implement a Community Partnership Policy ensuring preferential hiring of locals, local sourcing of goods and services, and support for community development projects (i.e. education bursaries, access roads, water projects as part of CSR)
7.	NLC/HLI/1737/2021	Zacharia Sileta Vs. County Government of Isiolo & Others	i. The Commission recommends that the Turkana Ngaremar community be granted access to the Ewaso Nyiro River and designated grazing areas near the Reserve for purposes of watering livestock and seasonal grazing. ii. The community should be included in benefit-sharing, employment, and eco-tourism activities associated with Shaba National Reserve under the Wildlife Conservation and Management Act, 2013. iii. All tourist establishments within the Reserve must implement a Community Partnership Policy ensuring preferential hiring of locals, local sourcing of goods and services, and support for community development projects (i.e education bursaries, access roads, water projects as part of CSR)
8.	NLC/HLI/1746/2021	Mohamed Guyo Golicha Vs. County Government of Isiolo	i. The claim is dismissed. ii. However, to foster sustainable development and community benefit, and in the public interest, the community shall, in conjunction with the County Government of Isiolo, operationalize and co-manage the Bisan Adhi Game Reserve.
KILIFI COUNTY			
1.	NLC/HLI/3339/2021	David Karisa Vs. County Government of Kilifi and Others	1. The claimants' case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
2.	NLC/HLI/3349/2021	Douglas Manyeso Ngumbao Vs. County Government of Kilifi	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
3.	NLC/HLI/2793/2021	Elijah Katana Winji Vs. County Government of Kilifi	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
4.	NLC/HLI/2742/2021	Felix Kahindi Kambi Vs. County Government of Kilifi	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
5.	NLC/HLI/2758/2021	Gabriel Thoya Baya Vs. County Government of Kilifi	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
6.	NLC/HLI/2743/2021	Jonathan Ndurya Thoya Vs County Government of Kilifi	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
7.	NLC/HLI/2520/2021	Justus Ndoro Kalama Vs. County Government of Kilifi	1. The claimant's case is hereby dismissed.

No.	Case No & County	Parties	Recommendation
			2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
8.	NLC/HLI/2303/2021 and NLC/HLI/2770/2021	Sabaki Kikombe Tele & Alex Kitsao Sulubu Vs. County Government of Kilifi and Others	1. The claimant's case is hereby dismissed. 2. However, in the public interest, the Ministry of Lands, through the Settlement Fund Trustees, in collaboration with the County Government of Kilifi, should acquire the occupied land from the registered owners and regularize the squatters within the stipulated statutory period of 3 years.
9.	NLC/HLI/1015/2021	Shahame Khamis Ali Vs. County Government of Kilifi and Others	The claim cannot be sustained because of the sub judice rule.
10.	NLC/HLI/3436/2021	Wilfred Mwamure Thoya Vs. County Government of Kilifi and Others	i. That the claimants' case is hereby dismissed, and no redress is merited under the HLI framework. ii. That the five-acre portion identified as unalienated government land be subjected to further investigation to determine its suitability for settlement regularization or allocation under appropriate government frameworks with engagement with the Ministry of Lands and Kilifi County Government within the stipulated statutory period of 3 years.
11.	NLC/HLI/3613/2021	M1 Residents Welfare Association Vs. County Government of Kilifi and Others	In the interest of justice, equity, and sustainable peace, the Commission makes the following recommendations to break the current stalemate: i. The Ministry of Lands in conjunction with the County Government of Kilifi shall, assist the parties arrive at an amicable solution by providing planning, survey, valuation and eventual issuance of individual title deeds to the qualifying residents within the stipulated statutory period of 3 years. ii. The commission recommends demarcating the public institutions and utilities and issuing separate title deeds for them.
12.	NLC/HLI/602/2019	Funahaki Youth Farmers vs. County Government of Kilifi and Others	1. The Preliminary Objection raised by the 4th Respondent is hereby upheld. The Petition is not sustainable for being; a. Res Judicata, the matter having been substantially and finally determined courts. b) An abuse of the Commission's process, constituting issues being litigated in courts.
13.	NLC/HLI/1313/2021	Bavinga Community Vs. County Government of Kilifi and Others	i. The claim is hereby dismissed. ii. An Alternative Dispute Resolution (ADR) Committee comprising of the County Government of Kilifi, a representative from the Ministry of Lands, the Estate of the Late Eliud Timothy Mwamunga and the Bavinga Community be established to; (a) Facilitate a negotiated final purchase price for the residual 97.44 acres (or a mutually agreed portion thereof) that is fair and takes into account the socio-economic circumstances of the residents and the registered owner's right to compensation. (b) Explore and propose a funding mechanism for the purchase. This should include active exploration of financial assistance from the County Government of Kilifi and the Ministry of Lands through its Settlement Fund Trustee (SFT) or any other appropriate fund, as previously suggested by the 4th Respondent. (c) Develop a clear and time-bound framework for the transfer of the land, including survey, formalization of tenure for the residents, and the eventual vacation of the land by the 4th Respondent upon completion of the purchase. iii. The ADR Committee is mandated to provide a preliminary progress report to the Commission's Kilifi County Coordinator within 120 days from the date of this determination.

No.	Case No & County	Parties	Recommendation
14.	NLC/HLI/1808/2021 NLC/HLI/1804/2021 NLC/HLI/1853/2021 NLC/HLI/1854/2021	Flowrin Furaha Kazungu, Felix Safari Kazungu, Thomas Mwachiro Kazungu and Shaka Wanje Zilo Vs- County of Kilifi and Peter Koenecke	The claimants have not demonstrated ancestral claim; the claim is hereby dismissed.
15.	NLC/HLI/1013/2021 and NLC/HLI/2101/2021 (consolidated)	Mferejini Community C/O Selina Begonja Vs Hedge Farm Limited Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development, Registered Owners	The claim before the Commission is not sustainable due to the principle of res-judicata.
16.	NLC/HLI/1373/2021	Saha Mukoma Tsama Vs KETRACO	The claimants' claim herein fails and is dismissed.
17.	NLC/HLI/472/2018	Harry Emmanuel Ngade Vs Simba Colt Motors, Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development, Registered Owners	The Claimant's claim fails and is hereby dismissed
18.	NLC/HLI/2604/2018	Kahindi Charo Kirimo Vs Kibaoni Primary School, Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development, Ministry of Education	The Claimant's claim herein fails and is hereby dismissed.
19.	NLC/HLI/1349/2021	Chrispas Chengo Masha Vs Ngala Memorial Girls Sec, Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development, Ministry of Education	The Claimants' claims herein fails and is hereby dismissed
20.	NLC/HLI/495/2018, NLC/HLI/670/2019, NLC/HLI/1057/2021, NLC/HLI/1363/2021, NLC/HLI/2134/2021, NLC/HLI/2452/2021, NLC/HLI/2574/2021, NLC/HLI/2584/2021, NLC/HLI/2596/2021, NLC/HLI/2604/2021, NLC/HLI/2606/2021, NLC/HLI/2712/2021, NLC/HLI/3073/2021, NLC/HLI/3405/2021, and NLC/HLI/3604/2021 (consolidated)	Vipingo TC Land Committee/ Kilifi South/North Constituencies (Bambani C.B.O)/ The Indeginous People of Vipingo Community/ Raphael Charo Fondo/ The Late Fundi Nasibu-Zena M Kheir/ Mwarasi Bindo/ Gongoni Mwembe Difiri Residents/ Peru Kolokohe Mwaringa Chai Families/ Mwamkweha Community/ Family of Ahmed Stambuli/ Vipingo Land Committee/ Mulango Washe/ George Nyale Mrima/ Edison Majaliwa Mbura Vs Vipingo Sisal Estate, Rea Vipingo Kilifi Century Co, Kibaoni Primary School, Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development	The Claimants' claims herein fail and are hereby dismissed.
21.	NLC/HLI/1700/2021, NLC/HLI/1701/2021, NLC/HLI/1702/2021 and HLI/2439/2021 (consolidated)	Makaburini Residents/ Jakaba Residents/ Misufini Residents Vs Mabati Rolling Mills Attorney General, County Government of Kilifi, Ministry of Lands, Public Works, Housing and Urban Development	(a) The 1st respondent Mabati Rolling Mills be allocated an equivalent land by the County Government of Kilifi, prior to the surrender of any of their claimed land parcels herein to the same County Government of Kilifi. (b) In the alternative the County Government of Kilifi to hereby compensate the 1st Respondent in monetary form within the stipulated statutory period of 3 years
22.	NLC/HLI/3530/2021	Safari Kazungu versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi

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			County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
23.	NLC/HLI/3533/2021	Lawrence Charo Wanje versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. (c) The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
24.	NLC/HLI/3537/2021	Kashuru Nzovu Tuva versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. (c) The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
25.	NLC/HLI/3538/2021	Fikiri Kalenga versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
26.	NLC/HLI/3540/2021	Nzingo Kitsao versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the

No.	Case No & County	Parties	Recommendation
		Urban Development, Attorney General and County Government of Kilifi	directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
27.	NLC/HLI/1575/2021	Furaha Ngala versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
28.	NLC/HLI/2921/2021	Jackson Katana versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
29.	NLC/HLI/2922/2021	Magret Charo Mbitha versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the

No.	Case No & County	Parties	Recommendation
			protection and maintenance of designated road reserves in accordance with its mandate.
30.	NLC/HLI/1607/2021	William Katana Masha versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
31.	NLC/HLI/1608/2021	Dama Changawa Kalama versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
32.	NLC/HLI/3516/2021	Muyu Wake Community versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
33.	NLC/HLI/2398/2021	William Katana Masha versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KENYA FOREST SERVICE), through the County Ecosystem Conservator Kilifi, should

<i>No.</i>	<i>Case No & County</i>	<i>Parties</i>	<i>Recommendation</i>
			take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
34.	NLC/HLI/2462/2021	Thomas Kalume Kazungu versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
35.	NLC/HLI/2925/2021	Kazungu Karisa versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KENYA FOREST SERVICE), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
36.	NLC/HLI/2927/2021	Maitha Mweni Tsofwa versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KENYA FOREST SERVICE), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
37.	NLC/HLI/3411/2021	Nyevu Ivumage Waiya versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize

No.	Case No & County	Parties	Recommendation
			the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KFS), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
38.	NLC/HLI/3116/2021	Kavumbi Kitsao Menza versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KENYA FOREST SERVICE), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
39.	NLC/HLI/3528/2021	Bendera Masha versus Krystalline Salt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission recommends that the Claimants engage with the relevant government agencies for the implementation of the directives contained in Gazette Notice No. 11714 of 2018, particularly; (a) The County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, Kilifi County, should coordinate with the National Land Commission and the Survey of Kenya to operationalize the exclusion of 34 hectares for the Giriama Village registered as Community land. (b) The Kenya Forest Service (KENYA FOREST SERVICE), through the County Ecosystem Conservator Kilifi, should take up the conservation and management of the mangrove forest as designated. The Kenya Rural Roads Authority (KeRRA), through the Regional Director / County Roads Engineer (Kilifi), should ensure the protection and maintenance of designated road reserves in accordance with its mandate.
40.	NLC/HLI/2845/2021, NLC/HLI/2847/2021, NLC/HLI/2848/2021, NLC/HLI/2850/2021, NLC/HLI/2923/2021, NLC/HLI/3059/2021, NLC/HLI/3062/2021, NLC/HLI/3117/2021, NLC/HLI/3118/2021, NLC/HLI/3484/2021, NLC/HLI/3523/2021, NLC/HLI/3527/2021, NLC/HLI/3541/2021, AND NLC/HLI/3673 (ALL CONSOLIDATED)	Ngumbao Fondo Kalama, Esha Omari Kisua, Tabu Kenga Menza, Family of Mzee Kashuru Nzovu Tuva, Sidi Kilumo Tsuma, Kadii Charo Katana Katana Kombo Wanje, Kitsao Nyegere, Stephen Kithi, Mashaka Changia Mwakale, Katana Karisa Kazuri, Kazungu Rimbah Mukamba, Francis Tunje Karisa Nguzo Shanga versus Malindi Salt Works Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	(a) The Commission recommends that the 1st Respondent, Malindi Salt Works Limited, in collaboration with the County Government of Kilifi, establish a structured community engagement forum to address non-land grievances raised by the community, including environmental concerns, access to water, and infrastructure needs. (b) The Commission recommends that National Environmental Management Authority (NEMA), in collaboration with the Ministry of East African Community, Arid and Semi-Arid Lands and Regional Development through the National Drought Management Authority (NDMA), conduct an environmental and livelihood audit of the salt harvesting areas to ensure compliance with environmental standards, restore degraded land, and support communities affected by saline contamination and loss of agricultural land. (c) The County Executive Committee Member (CECM) for Transport, Infrastructure and Public Works, County Government of Kilifi, in consultation with the Managing Director Kenya Rural Roads Authority (KERRA), should urgently address the issue of destroyed or blocked access roads, particularly those leading to community centers

No.	Case No & County	Parties	Recommendation
			and water points, to ensure that the local population enjoys full access to public infrastructure. (d) The Commission urges the County Executive Committee Member (CECM) for Lands, Physical Planning and Urban Development, County Government of Kilifi County Government of Kilifi, and the County Executive Committee Member (CECM) for Culture, Heritage and Tourism to support the documentation and mapping of ancestral settlement patterns, oral histories, and burial sites within the region, as a foundation for future claims that may be supported by verifiable evidence.
41.	NLC/HLI/2610/2021, NLC/HLI/2611/2021, NLC/HLI/3055/2021, NLC/HLI/3067/2021, NLC/HLI/3213/2021 AND NLC/HLI/3214/2021 (All Consolidated)	Charo Mhambi Tatua, Shehe Kazungu Thoya, Samson Katsuwi Masha, Habel Muruu Konde, Dorris Chenda Mitsanze, Damaris Katana Kithi versus Kensalt Limited, Ministry of Lands Public Works, Housing and Urban Development, Attorney General and County Government of Kilifi	The Commission upholds the recommendations made during the review of grant in 2018; that the Property title upheld to Kensalt Limited as Bonafide purchasers of a state corporation and the firm to respect road reserves and public rights of access.
42.	NLC/HLI/1513/2021	Mshongoleni Baguo Muungano C.B.O	The Claimant's claim is hereby dismissed. However, in the public interest, the Ministry of Lands (through the Settlement Fund Trustees) in conjunction with the County Government of Kilifi do settle the squatters.
43.	NLC/HLI/3517/2021	Bundasaga Community versus KEMU Salt Packers Production Ltd, Ministry of Lands, Public Works, Housing And Urban Development, The Attorney General County Government of Kilifi	Pursuant to Section 7 of the Civil Procedure Act, the doctrine of res judicata applies to this case, barring the Commission from re-hearing or reviewing issues already litigated and determined in Malindi ELC No. 172 of 2014. While recognizing the historical context and the ancestral connection of the Claimants to the land, the Commission finds that the matter has been conclusively adjudicated and is therefore precluded from granting the reliefs sought or reopening the claim.
44.	NLC/HLI/3515/2021	Kurawa Kanagoni Community -And- Kurawa Industries Limited, Ministry of Lands, Public Works, Housing And Urban Development, The Attorney General, County Government of Kilifi	Pursuant to Section 6 of the Civil Procedure Act, the doctrine of sub-judice bars any tribunal or quasi-judicial body from entertaining a matter that is directly and substantially in issue before a court of competent jurisdiction between the same parties or their representatives. The Commission therefore finds that the claim is sub-judice and cannot be determined at this stage. The Commission accordingly defers to the jurisdiction of the Environment and Land Court pending the conclusion of Malindi ELC Petition No. 9 of 2016.
45.	NLC/HLI/2593/2021	Hawkins Mdzomba And 18 Others -And- Coast Water Services Board Ministry of Water, Sanitation and Irrigation, County Government of Kilifi, The Attorney General, Ministry of Lands, Public Works, Housing And Urban Development	In accordance with Section 7 of the Civil Procedure Act, the Commission finds that the claim is res judicata, as it involves the same parties, subject matter, and issues that were directly and substantially in dispute in the earlier case, which was determined by a court of competent jurisdiction.
46.	NLC/HLI/1314/2021, NLC/HLI/2672/2021, NLC/HLI/2780/2021, NLC/HLI/2781/2021, NLC/HLI/2782/2021, NLC/HLI/2783/2021, NLC/HLI/2785/2021, NLC/HLI/2786/2021, NLC/HLI/2787/2021, NLC/HLI/2789/2021, NLC/HLI/2794/2021, NLC/HLI/2795/2021, NLC/HLI/2796/2021, NLC/HLI/2797/2021, NLC/HLI/2798/2021, NLC/HLI/2799/2021, NLC/HLI/2800/2021, NLC/HLI/2801/2021, NLC/HLI/2805/2021, NLC/HLI/2806/2021, NLC/HLI/2807/2021, NLC/HLI/2817/2021, NLC/HLI/2819/2021, NLC/HLI/2820/2021,	Kahindi Amani Kashimbo, Mwenda Shede, Karisa Ndundi Kalume, Karisa Ali Kapira, John Makau Kalama, Sidi Nguta Nyamawi, Kavumbi Nzii Ruwa, Kahindi Katana, Rashid Mgao Munyoka, Stephen Charo Musinda, Wayua Kimuyu Ngoi, Kahindi Wanje Mwangandi, Thoya Kalume Thoya, John Kazungu Masha, Halima Mwambegu, Safari Nzai Ruwa, Kenga Ruwa Nzai, Charo Fondo Jilo, Ndokolani Ngari Kombe, Katana Masha Kitavu, Jumaa Katana Ruwa, Kadii Charo Kifaru, Karisa Charo Harry, Patrick Toya Baya, Mwanaisha Khoi Nzedzya, Safari Charo Masha, Robert Charo Karisa, Hassan Karisa Kalama, Charo Karisa Dena, Kitsao Charo, Mangi Yaa Mangi, Mutavali Kadenge Mabaya, Mkutano Charo Jilo, Sidi Charo Kadenge, Shikari Wanje Mwangandi, Phelix Mulewa Kalama, Hamisi Mnyika Mrema, Jumaa Mlai Mnyika, Kazungu Thoya Iha, Elliurs Karisa Shungu, Joseph Biryia Masha, Kahindi Charo Menza, Changawa Fondo Kifalu, Katana Karisa Dena, Khamisi Karisa Dena, Hamisi Kalama, Raphael Chuphi Nguta, Michael Nyamawi Nguta, Kabibi Stuiwi Chai and Joseph	The commission makes a finding that the claimants were compensated. The Commission further gives a recommendation that the Government through verifiable process and a comprehensive audit of the 927 Project Affected Persons (PAPS) through a Resettlement Action Plan (RAP) provide an alternative land to resettle the Project Affected Persons (PAPS).

No.	Case No & County	Parties	Recommendation
	NLC/HLI/2821/2021, NLC/HLI/2822/2021, NLC/HLI/2828/2021, NLC/HLI/2829/2021, NLC/HLI/2830/2021, NLC/HLI/2831/2021, NLC/HLI/2909/2025, NLC/HLI/2911/2021, NLC/HLI/2912/2021, NLC/HLI/2913/2021, NLC/HLI/2914/2021, NLC/HLI/2915/2021, NLC/HLI/2928/2021, NLC/HLI/2929/2021, NLC/HLI/2931/2021, NLC/HLI/2932/2021, NLC/HLI/2933/2021, NLC/HLI/2934/2021, NLC/HLI/2935/2021, NLC/HLI/3102/2021, NLC/HLI/3094/2021, NLC/HLI/3101/2021, NLC/HLI/3092/2021, NLC/HLI/3376/2021 and NLC/HLI/3550/2021 (All consolidated)	Mramba Matemo.	

NYERI COUNTY

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/638/2019	Daniel M. Kirori & Another (Claiming on behalf of the late Mzee Kirori Motoku) Vs The Attorney General & Others	The County Government of Nyeri to compensate the family of the. late Mzee Kirori for the acquired land at the current market value within 3 years of this determination.
2.	NLC/HLI/582/2019	Tucha/Kiandongoro Forest Evictees Va County Government of Nyeri & Another	Ministry of Lands, Public Works & Urban Settlement to screen the claimants and those who have not been settled are settled through the Settlement Fund Trustees.
3.	NLC/HLI/549/2019 Consolidated with NLC/HLI/067/2017	Githuri Hill & Mbari ya Murathimi Vs Min of Lands & Others	The Claim is Subjudice and claimants should await the outcome of the court process.
4.	NLC/ HLI /574/2019	Frank Rimiru Matuto (Claiming on behalf of Rumiru wa Ngumo & Wambugu wa Muigua families) Vs Attorney General & Others	Recommended for further investigation
5.	NLC/ HLI /426/2018	Mau Mau Harambee Jamhuri ya Kenya Vs Attorney General & Others	Claim dismissed.

MBARIS

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/009/2017	Mbari ya Gatonye wa Munene	Either, KALRO to consider ceding off 337 acres of their land in exchange of land for equal value from the National Government or compensation for loss of user rights to be paid by the Ministry in charge of lands subject to confirmation that the claimants were not among those compensated in the Morris Carter report or benefited from any settlement schemes.
2.	NLC/HLI/037/2017	Mbari ya Mburu Njoroge	Claim is dismissed for lack of particularity and for being vague and too amorphous.
3.	NLC/HLI/072/2017	Tigoni Land Claimants	Claimants to pursue the claim before the British courts with the advice and support of the Attorney General and Ministry of Foreign Affairs.
4.	NLC/HLI/079/2017	Acera a Mbari ya Kiahiu Clan	The Commission therefore determined that the claim does not meet the threshold of a historical land injustice under Section 15 of the National Land Commission Act, as the matter constitutes a family dispute that has already been addressed through local tribunals and court processes.
5.	NLC/HLI/096/2017	Aithiegeni A Mbari ya Muramaki	The Commission therefore concludes that the claim cannot be substantively determined at this stage. The matter shall remain suspended pending the outcome of the ongoing court proceedings. Accordingly, the Commission declines to make any further findings or recommendations on compensation or restitution until the conclusion of Nyeri ELC Petition No. 8 of 2017.

No	Case No & County	Parties	Recommendation
6.	NLC/HLI/139/2017	Tutua Clan Self Help Group	The Commission notes that two other persons claiming the same parcel of land were compensated in 1958 and therefore the claim is dismissed.
7.	NLC/HLI/162/2017 and NLC/HLI/616/2019)	Mbari ya Ngotho (Anjiru) Association	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Mugochoku and Mbari ya Nyamu Association) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
8.	NLC/HLI/208/2018	Family of Njoroge Karanja	The Commission notes that the claim is too broad and the claimed parcels not well defined. The claim is therefore dismissed.
9.	NLC/HLI/218/2018	Mbari ya Githua Mutonga Association	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya manguru Association, Mbari ya Ngotho (Anjiru) Association, Mbari ya Nyamu Association and Mbari ya Kabui Association) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
10.	NLC/HLI/268/2018	Mbari ya Gicheru and Munjuga	The Commission notes that the claim is not clear. Therefore the claim is dismissed.
11.	NLC/HLI/405/2018	Mbari ya Waothi Social Welfare Group	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
12.	NLC/HLI/413/2018	Mbari ya Kabocha Association	The claimed land is private land which is protected under Article 40 of the Constitution. However, the Commission recommends compensation for loss of user rights to be paid by the Ministry in charge of Lands subject to confirmation that the claimants were not among those compensated in the Morris Carter Report or benefited from the settlement schemes.
13.	NLC/HLI/432/2018	George Gichuru Kibe- Githaka Forest of Muchiri Kianduma	The Commission recommends that the Ministry of Lands resettle the claimants subjected to confirmation that they have not benefitted from any settlement scheme.
14.	NLC/HLI/433/2018	Mbari ya Gathiru Welfare Association	The Commission notes that the claim overlaps with other Mbari claims (Tigoni Land Claimants and Mbari ya Gikaru, Gikuni and Others Family) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
15.	NLC/HLI/438/2018	Gatitu Nyarugumu Farmers and 2 others	The Commission recommends ADR between the registered owners and the claimants to be facilitated by the Ministry of Lands.
16.	NLC/HLI/446/2018 Merged with NLC/HLI/696/2020	Mbari ya Ngecha Family Association	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
17.	NLC/HLI/456/2018	Mbari ya Gichamba Association	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
18.	NLC/HLI/500/2018	Mbari ya Muthemba	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
19.	NLC/HLI/504/2018	Mbari ya Hinga Society	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Gicheru and Munjuga, and Mbari ya Waothi Social Welfare Group) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
20.	NLC/HLI/527/2018	Mbari ya Gikaru, Gikuni and Others Family	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Wathiarara, Mbari ya Takinya and Mbari ya Ndinguri) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations.
21.	NLC/HLI/533/2018	Mbari ya Ndemengo	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.

No	Case No & County	Parties	Recommendation
22.	NLC/HLI/534/2018	Mbari ya Mugochoku	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Ngotho Association, Mbari ya Githu Agathigia Association, and Mbari ya Nyamu Association) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
23.	NLC/HLI/544/2018)	Mbari ya Githu Agathigia Association	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Mugochoku and Mbari ya Kuria Welfare Group) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
24.	NLC/HLI/548/2018 as merged with NLC/HLI/607/2019	Mbari ya Nyamu	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Mugochoku, Mbari ya Ngotho Association, Mbari ya Kabui Association, Mbari ya Githu Mutonga Association and Mbari ya Munyaka Family) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
25.	NLC/HLI/569/2019	Mbari ya Wathiarara Gituiki Self Help Group	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Takinya and Mbari ya Gikuni and others Family Welfare) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
26.	NLC/HLI/572/2019	Mbari ya Mathini Family Welfare	The Commission recommends compensation for loss of user rights to be paid by the Ministry in charge of Lands subject to confirmation that the claimants were not among those compensated in the Morris Carter Report or benefited from the settlement schemes.
27.	NLC/HLI/583/2019	Mbari ya Mbuu	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
28.	NLC/HLI/609/2019 as merged with NLC/HLI/682/2020	Mbari ya Manguru Association and Mbari ya Mage (Bama Self Help Group)	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
29.	NLC/HLI/610/2019	Mbari ya Gitu Welfare Association	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
30.	NLC/HLI/612/2019	Mbari ya Muinami (Korio Residents Association)	The Commission recommends that the Ministry of Lands resettle the claimants subjected to confirmation that they have not benefitted from any settlement scheme.
31.	NLC/HLI/703/2021, NLC HLI/768/2021 (Merged claiming the same land).	Mbari Ya Njunu Farmers Cooperative Society	The commission establishes that the claimant has a claim, and since the claimants are in occupancy of the claimed land, the Commission recommends for ADR with all the stakeholders.
32.	NLC/HLI/707/2021	Mbari Ya Kuria	Claim is dismissed for lack of particularity and for being vague and too amorphous.
33.	NLC/ HLI/708/2021	Mbari Ya Mega	Claim is dismissed for lack of particularity and for being vague and too amorphous.
34.	NLC/HLI/711/2021	Mbari Ya Kiambu Hli Group	The claim is hereby dismissed, the claim has been addressed by individual Mbari claims.
35.	NLC/HLI/713/2021	Mbari Ya Kabui Association Overlapping With Mbari Ya Mage, Mbari Ya Manguru.	The Commission notes that the claim is too broad and the claimed parcels not well defined. The claim is therefore dismissed.
36.	NLC/HLI/741/2021	Mbari Ya Maina And Karonjo Welfare Group	The claimant claim is hereby dismissed; the claimant has not stated clearly the specific land/area they are claiming.
37.	NLC/ HLI/749/2021	Mbari Ya Murugami(Ethaga) Family Welfare Association	The claim is hereby dismissed; the claimant is not specific on the parcel number they are claiming.

No	Case No & County	Parties	Recommendation
38.	NLC/HLI/753/2021	Mbari Ya Kioi Nagi Self-Help Group	The Commission recommends compensation for loss of user rights to be paid by the Ministry in charge of Lands subject to confirmation that the claimants were not among those compensated in the Morris Carter Report or benefited from the settlement schemes.
39.	NLC/HLI/754/2021	Mbari Ya Kagoti	The Commission recommends ADR between the registered owners and the claimants to be facilitated by the Ministry of Lands, Public Works, Housing and Urban Development.
40.	NLC/HLI/783/2021	Mbari Ya Michuki	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
41.	NLC/HLI/789/2021	Mbari Ya Wakahihia (Overlap With Mbari Ya Tigoni 72/2017 And Mbari Ya Gathiru 433/2018 On The Lo No 143)	The Commission notes that the claim overlaps with other Mbari claims (Mbari ya Tigoni and Mbari ya Gathiru) and therefore concludes that the claim cannot be substantively determined at this stage. Therefore, the Commission recommends further investigations within 6 months from the coming in of the next commission.
42.	NLC/HLI/941/2021	Mbari Ya Kihiko	The Commission recommends compensation for loss of user rights to be paid by the Ministry in charge of Lands subject to confirmation that the claimants were not among those compensated in the Morris Carter Report or benefited from the settlement schemes.
43.	NLC/HLI/944/2021	Mbari Ya Mote Gathenge Self-Help Group	The Commission notes that the claim is too broad and the claimed parcels not well defined. The claim is therefore dismissed.
44.	NLC/HLI/1016/2021	Mbari Ya Muratha Njuguna	The Commission notes that the claim is too broad and the claimed parcels not well defined. The claim is therefore dismissed.
45.	NLC/HLI/1022/2021 and NLC/HLI/1714/2021	Mbari Ya Wamutitu Family (Mt Margaret Estate Merged With Mbari Ya Wamutitu Wa Thananga Family)	The Commission recommends that the Ministry of Lands, Public Works, Housing and Urban Development resettle the claimants subjected to confirmation that they have not benefitted from any settlement scheme.
46.	NLC/HLI/1427/2021	Mbari Ya Njuguna Wa Ng'ang'a	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
47.	NLC/HLI/1482/2021	Mbari Ya Ngatho Wa Kibuthui	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
48.	NLC/HLI/1498/2021	Mbari Ya Thairu Mbuu	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
49.	NLC/HLI/1712/2021	Mbari Ya Gitau/Gathenge	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
50.	NLC/HLI/3303/2021	Mbari Ya Thairu Self Help Group	The Commission notes that the claim is too broad and not well defined. The claim is therefore dismissed.
51..	NLC/HLI/3305/2021	Mbari Ya Mbuu Association	The Commission notes that the claim is not clear. Therefore the claim is dismissed.
52.	NLC/HLI/3307/2021	Mbari Ya Takinya	Claim is dismissed for lack of particularity and for being vague and too amorphous. Further Takinya sold land to Kioi making it clear that he had plenty land. Claim is hereby dismissed.
53.	NLC/HLI/3519/2021	Mbari Ya Ndinguru Kabaka And Gatuma	There is need to investigate the claim further to determine if Kenya Forest Service (KFS) degazetted the land for settlement, including the land currently occupied by Farmers Choice and Nairobi Water.
54.	NLC/HLI/3665/2021	Mbari Ya Thiru Welfare Group	The Commission recommends that the Ministry of Lands, Public Works, Housing and Urban Development resettle the claimants subjected to confirmation that they have not benefitted from any settlement scheme.
55.	NLC/HLI/3667/2021	Mbari Ya Maina Self Help Group	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
56.	NLC/HLI/3681/2021	Mbari Ya Gicheha	The Commission recommends that the Ministry of Lands, Public Works, Housing and Urban Development resettle the claimants subjected to confirmation that they have not benefitted from any settlement scheme, and as well give an apology to the claimants.

No	Case No & County	Parties	Recommendation
57.	NLC/HLI/3731/2021	Mbari Ya Muriithi	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
58.	NLC/HLI/3735/2021	Mbari Ya Chege And Muturi	The Commission notes that the claim has scanty information and not well defined. The claim is therefore dismissed.
59.	NLC/HLI/3739/2021	Mbari Ya Gathirimu Wa Mathenge	The Commission recommends compensation for loss of user rights to be paid by the Ministry in charge of Lands subject to confirmation that the claimants were not among those compensated in the Morris Carter Report or benefited from the settlement schemes.

KAKUZI POS :- RULINGS ON CLAIMS AGAINST KAKUZI PLC

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/176/2018, NLC/HLI/054/2017, NLC/HLI/069/2017, NLC/HLI/223/2018, NLC/HLI/170/2018, NLC/HLI/049/2017, NLC/HLI/052/2017, NLC/HLI/530/2018, NLC/HLI/1285/2021 & NLC/HLI/063/2017 Muranga County	Kakuzi Plc (Applicant/Respondent) Vs Kitito Community Idps (1 st Respondent/Claimant) Gathungururu Self Help Group/Village (2 nd Respondent/Claimant) Gaichanjiru Self Help Group (Mwambu) (3 rd Respondent/Claimant) Kangangu Gikono Community/Self Help Group (4 th Respondent/Claimant) Kinyangi Squatters (5 th Respondent/Claimant) Kihinganda Self Help Group (6 th Respondent/Claimant) Makuyu Sisal Idps (7 th Respondent/Claimant) Gachangi Makuyu Idps & Gachagi Self Help Group (8 th Respondent/Claimant) John Rugano Nthuraku (Respondent/Claimant) And Hon Attorney General (Interested Party)	In conclusion, the Commission in regards to the 9 complaints, Kakuzi Plc Vs Kitito Community IDPs (NLC/HLI/176/2018), Kakuzi PLC vs Gathungururu Self Help Group/Village (NLC/HLI/054/2017), Kakuzi Plc vs Gaichanjiru Self-Help Group (NLC/HLI/069/2017), Kakuzi Plc vs Kangangu Gikono Community/Self Help Group (NLC/HLI/223/2018), Kakuzi PLC Vs Kinyangi Squatters (NLC/HLI/170/2018), Kakuzi Plc Vs Kihinganda Self Help Group (NLC/HLI/049/2017), Kakuzi PLC Vs Makuyu Sisal IDPS (NLC/HLI/052/2017), Kakuzi PLC Vs Gachagi Makuyu IDPS & Gachagi Self Help Group (NLC/HLI/530/2018 and/or NLC/HLI/1285/2021) & Kakuzi PLC Vs John Rugano Nthuraku (NLC/HLI/063/2017) parties better described hereinbefore makes the following orders: i. The preliminary objections dated 30th January, 2024 be and are hereby allowed; ii. The complaints by the Respondent/Claimants be and are hereby dismissed; iii. Each party to bear its own costs.

RECOMMENDATIONS ON CLAIMS AGAINST KAKUZI PLC

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/006/2017 (1 st Claimant) NLC/HLI/168/2018 (2 nd Claimant) NLC/HLI/580/2019 ((3 rd Claimant) & NLC/HLI/3718/2021 (4 th Claimant)	Kakuzi Division Development Association (1 st Claimant) Kituamba Kaloleni Idps (2 nd Claimant) Milimani Community (3 rd Claimant) Hannah Njoki Mwangi (4 th Claimant) VS Kakuzi Plc (1 st Respondent) Hon Attorney General (2 nd Respondent) County Govtment of Muranga (Interested Party)	(a) That Kakuzi Plc surrenders 3200 acres of appropriate land to settle the most vulnerable members of the claimants as a final settlement on any claims against Kakuzi Plc. (b) That the Ministry of Lands, Public Works, Housing and Urban Development (Directorate of Land Adjudication and Settlement) in consultation with the Ministry of Interior and National Administration to vet and profile to vet, profile and settle the vulnerable members accordingly. (c) The Director Land Adjudication and Settlement in consultation with Kakuzi PLC and any other Relevant Government Institution to regularize the Settlement schemes within Kakuzi Land by enabling titling where pending and conclude the settlement in Phase V and any other of the settlement schemes within Kakuzi land. (d) In consultation with the relevant Government Institutions and Departments document and regularize public utilities to the relevant Institutions and departments. (e) The Respondent Kakuzi PLC to relocate schools and public utilities with challengers in access closer to the people and in the alternative provide proper access roads. This to be done in consultation with the public/users as well as other relevant Government Institutions & Departments.

No	Case No & County	Parties	Recommendation
			(f) That Kakuzi PLC to regularize and/or document all surrendered land to the County Government of Muranga ie market centers and any other public utilities and amenities (g) That further and in consultation with the County Government of Murang'a, Kakuzi PLC surrenders at least 50 acres of land in an appropriate location solely for public purpose, for the development of an urban centers for any other public utilities and amenities in exchange of the 5 acres which had been identified.

MOMBASA COUNTY

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/1255/2021	Abdalla Mwakaga VS. County Government of Mombasa and Others	The historical land injustice claim is therefore dismissed.
2.	NLC/HLI/861/2021	Fredrick Nicholas Onyango VS. Seif Ahmed and Others	The HLI Claim is hereby dismissed.
3.	NLC/HLI/1253/2021	Likoni Community for Development VS. County Government of Mombasa and Others	The claim is hereby dismissed.
4.	NLC/HLI/1205/2021	Mwanamaurid Omar Mzee Vs. Kenya Airports Authority	The Claim is hereby dismissed.
5.	NLC/HLI/1252/2021	Salim Mwabahale Vs. Kariuki Enterprise and George Thuo and Others	The Commission finds that the claim presently before it is unsustainable for being sub judice
6.	NLC/HLI/565/2019	Wajomvu Community Vs. County Government of Mombasa and Others	The HLI claim is hereby dismissed. However, in the public interest, the Mombasa County Government should facilitate a lawful dialogue between the Methodist Church and the community to resolve the occupation issue.
7.	NLC/HLI/2080/2021 & NLC/HLI/2082/2021	Ziro Mwangeki and James Boma (Ujeri Uhumika CBO) Vs. County Government of Mombasa and Others	The claim is hereby dismissed.

MACHAKOS COUNTY

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/33668/2021	Samson Muinde Munyao (on behalf of 48 others Vs. County Government of Machakos and Others	(i) A historical land injustice is hereby declared to have been occasioned upon the Kiima Kimwe community concerning their dispossession from portions of L.R. No. 1491/R. (ii) The settlement of 240 (Two Hundred and Forty) Acres from L.R. No. 1491/R to the Kiima Kimwe community, as conceptualized by the 2013 Task Force, is hereby ratified as a full, fair, and final settlement of this historical land injustice claim. (iii) The County Government of Machakos, to survey the 240 acres as per the PDP of 2013 and request the National Land Commission to allocate to Kiima Kimwe community. (iv) The registered title of the Catholic Diocese of Machakos over L.R. No. 11619 is absolute and indefeasible and shall remain undisturbed. (v) The claims of the 2nd Interested Party (Ex-LDM Allotees) shall be subjected to a fresh, case-by-case verification process by the County Government within twelve (12) months. Only allottees with verifiable documentation shall be considered for alternative allocation within the county's land reserve. Existing titles shall be respected. Allotments that did not proceed to titles shall be prioritized in fresh allocations and regularization. (vi) The Machakos new City plan should be implemented with appropriate adjustments to accommodate plans that support existing titles particularly those arising from Ex-LMD Claimants with titles. (vii) Letters of allotment approved by the Commission be processed in the context of the interests identified herein. (viii) Parcel Number 1491/2 be re-planned to take into account the existing commitments, the interest of the Veterinary Department and developing needs of the urban development. Any deficiency that will arise from the settlement of the claimants in the 240 acres initially identified after review of the plans on 1491/R be accommodated in the re-planning of 1491/2.

OGIEK OF MT ELGON, KONY, AND ELGON MASAI

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/198/2018 consolidated with NLC/HLI/346/2018, NLC/HLI/361/2018, NLC/HLI/362/2018, NLC/HLI/1075/2021, NLC/HLI/279/2018, NLC/HLI/388/2018, NLC/HLI/593/2017, NLC/HLI/133/2017, NLC/HLI/939/2021, NLC/HLI/760/2021, NLC/HLI/489/2021 & NLC/HLI/042/2017	Ogiek/Dorobo Community of Mount Elgon, Kony (Sabaot)Community, Kony Indigenous Farm Company Ltd, Sabaot Community, The Sabiny Community (Under the Sabaot Umbrella), Elgon Masai Community, The Association of Elgon Masai (Kony), Kiboroo Squatters, Kiboroo Self Help Group, Kiboroo Amani Mbele Self Help Group Vs- Kenya Forest Service, Kenya Wildlife Services, Kenya Seed Company Limited, County Government of Bungoma, County Government of Trans Nzoia, Ministry of Lands, Urban Development and Housing, Privatization Authority, Agricultural Development Corporation, Attorney General	(a) The claim by the Claimants touching on Mt. Elgon Forest and Chepkitala National Reserve are res judicata by dint of the court decisions in Bungoma Environment and Land Court Petition No.1 of 2017 and Bungoma Environment and Land Court Petition No.10 of 2022 and the Commission will therefore down its tools and not proceed to make any determination. (b) The Ministry in charge of Lands and the Ministry in charge of Forestry to regularize and complete the settlement process with respect to Chepyuk II and Chepyuk III Settlement Schemes in Bungoma County and settle anyone earmarked for settlement including the Claimants. (c) The Ministry in charge of Lands and the Ministry in charge of Forestry to cause the degazettement of Kitalale Forest by the National Assembly and regularize and complete the settlement process with respect to Kitalale Settlement Scheme and settle those earmarked for resettlement from the membership of the claimants. In addition, 10% of the ADC zea farm land be surrendered by ADC and surveyed to settle some of the landless claimants. (d) The Ministry in charge of lands to ensure only those who are landless or squatters or those who have not benefitted from any settlement scheme are settled in terms of recommendation (b) and (c). (e) In consultation with the National Land Commission, the County and the National Government through the Ministry in charge of Wildlife to work out a benefit sharing formula with the local communities from the income generated out of Mt Elgon National Park. (f) The Kenya Forest Service to consider giving licenses to communities around Mt Elgon Forest for communities or user rights for purposes of extracting medicinal properties, bee keeping and religious activities within the framework of the Forest Conservation and Management Act of 2016 and in compliance of the decision of the court in Bungoma Environment and Land Court Petition No.1 of 2017.
2.	NLC/HLI/360/2018	Bong'omek Community Vs The National Government of Kenya, Attorney General	The claim by the Claimants be and is hereby dismissed.

MAKUENI COUNTY

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/031/2017	Joshua Ng'ang'a on behalf of Ngukakika Community (Claimant) -v- DWA Sisal Ltd & others (Respondents)	(a) The land held by DWA Sisal Estate Limited to be resurveyed by the Director of Survey, in the presence of Surveyors from the parties, to determine the actual acreage. If the survey reveals any excess land beyond the portion lawfully owned by the company, such excess shall be surrendered to the community. (b) The 1996 assessment conducted by the Ministry of Agriculture, Livestock Development and Marketing shall be investigated jointly by the Ministry of Lands, Public Works, Housing & Urban Development and the Ministry of Agriculture & Livestock Development to establish whether the community was compensated. If it is found that no compensation was made, DWA Sisal Estate Limited shall be required to pay compensation for the damages accordingly.
2.	NLC/HLI/262/2018	Kwitu Kinyoo Community (Claimant) v- Ukambani Agricultural Institute (UKAI), South Eastern Kenya University (SEKU) & others (Respondents)	The Ministry of Lands, Public Works, Housing and Urban Development, in collaboration with the Ministry of Interior and National Administration, should identify any displaced persons and resettle them through the Settlement Fund Trustee (SFT). SEKU should formalize its ownership of the land, prepare a comprehensive Land Use and Management Plan, and forward the same to the Commission for review and approval, in line with sustainable land utilization and governance principles.

No	Case No & County	Parties	Recommendation
3.	NLC/HLI/415/2018	Katende Forest Squatters (Claimant) -v- Kenya Forest Services & others (Respondents)	The Commission shall prepare a Ground Status Report to ascertain the current status and occupation of the land, including confirmation as to whether any squatters remain in residence thereon. The Report shall further verify the identities of persons who previously occupied the land and who were displaced at the time of gazettelement.
4.	NLC/HLI/1723/2021	Samuel Musaa Ndolo on behalf of occupiers of Kenze Forest (Claimant) -v- Kenya Forest Services & others (Respondents)	The Commission shall prepare a Ground Status Report to ascertain the current status and occupation of the land, including confirmation as to whether any squatters remain in residence thereon. The Report shall further verify the identities of persons who previously occupied the land and who were displaced at the time of gazettelement.
5.	NLC/HLI/463/2018	Kalimani Forest Squatters (Claimant) -v- Kenya Forest Services & others (Respondents)	The Commission shall prepare a Ground Status Report to ascertain the current status and occupation of the land, including confirmation as to whether any squatters remain in residence thereon. The Report shall further verify the identities of persons who previously occupied the land and who were displaced at the time of gazettelement.
6.	NLC/HLI/683/2020	Muooni Community (Claimant) -v- Family of Reuben Nzioka Mutua & others (Respondents)	The parties to proceed with the appeal that is pending hearing and determination.
7.	NLC/HLI/558/2019	Chyulu Hills Squatters (Claimant) -v- Kenya Wildlife Service & others (Respondents)	The Commission shall prepare a Ground Status Report to ascertain the current status and occupation of the land, including confirmation as to whether any squatters remain in residence thereon. The Report shall further verify the identities of persons who previously occupied the land and who were displaced at the time of gazettelement.
8.	NLC/HLI/659/2020	Chyulu Hills/ Mikululo Evictees (Claimant) -v- Kenya Wildlife Service & others (Respondents)	The parties to proceed with Court of Appeal Civil Appeal No. E548 of 2021 Kenya Wildlife Service (KWS) -vs- Mikululo Ranching Co. Ltd & 3 others that is pending hearing and determination.
MARSABIT COUNTY			
1.	NLC/HLI/837/2021	Borana Council of Elders (BCE) Saku Chapter (Claimant) -v- Kenya Wildlife Service & others (Respondents)	(a) The parties to proceed with Nyeri COA Civil Application No. E032 of 2025 that is pending hearing and determination. (b) Marsabit County has experienced long-standing conflicts among the communities residing therein, driven by competition over resources, historical grievances, and political differences. To address these deep-rooted challenges, the Commission encourages the use of traditional dispute resolution mechanisms (TDRMs) as a culturally grounded and effective approach to peacebuilding. (c) It is noted that not all the communities residing within Marsabit County had an opportunity to present their claims. Therefore, in the interest of fair administration of justice, all interested parties should be afforded the opportunity to be heard and to make submissions prior to making final recommendations.
2.	NLC/HLI/1463/2021	Rendille Community (Claimant) -v- Kenya Wildlife Service & others (Respondents)	(a) The parties to proceed with Nyeri COA Civil Application No. E032 of 2025 that is pending hearing and determination. (b) The ongoing process concerning the excision of a portion of Karare Reserve is currently under consideration. The Commission will allow the completion of this process, which shall be handled by the Kenya Wildlife Service (KWS) in accordance with existing laws and conservation policies. (c) The community and KWS are encouraged to engage in benefit-sharing arrangements within the Losai National Reserve to promote mutual understanding, equitable resource utilization, and community support for conservation initiatives. (d) Marsabit County has experienced long-standing conflicts among the communities residing therein, driven by competition over resources, historical grievances, and political differences. To address these deep-rooted challenges, the Commission encourages the use of

No	Case No & County	Parties	Recommendation
			traditional dispute resolution mechanisms (TDRMs) as a culturally grounded and effective approach to peacebuilding. (e) It is noted that not all the communities residing within Marsabit County had an opportunity to present their claims. Therefore, in the interest of fair administration of justice, all interested parties should be afforded the opportunity to be heard and to make submissions prior to making final recommendations.
ELGEYO MARAKWET COUNTY			
1.	NLC/HLI/379/2018 and NLC/HLI/830/2018	Sengwer Community & Occupants of Sinen Glade -v- Kenya Forest Service, the Attorney General & Others	a) The claims by the Claimants touching on Embobut Forest and Kabolet Forest are sub judice and res judicata by dint of the court decisions in Eldoret ELC No.15 of 2013 –David Kiptum Yator Vs. Kenya Forest Service & Others as consolidated with Eldoret ELC No.3 of 2018, Eldoret Court of Appeal Case No.150 of 2020 – David Kiptum Yator Vs. Kenya Forest Service & Others and Kitale Constitutional Petition No.6 of 2012 –James Kaptipin & 43 Others Vs. the Attorney General & Others and the commission will therefore down its tools and not proceed to make any determination on the two public forests. b) The Kenya Forest Service to consider giving licenses to communities living around the public forests that are not subject to any court proceedings or have not been subject to any court proceedings such as for the communities to enjoy user rights for purposes of extracting medicinal properties, bee keeping and religious activities within the framework of the Forest Conservation and Management Act of 2016. c) In consultation with the National Land Commission, the County and the National Government through the Ministry in charge of Wildlife to work out a benefit sharing formula with the local communities from the income generated out of Siwa Swamp National Park.
KWALE COUNTY			
1.	NLC/HLI/738/2021	County Government of Kwale on behalf of Residents of Pongwe Kikoneni Ward -V- Min of Lands Others	(a) Registrar to cancel the four titles (b) Settlement should be completed on the Pongwe Kikoneni settlement scheme.
2.	NLC/HLI/883/2021	Christopher Ligogo –v- AG & Others	Ministry of Lands, Public Works, Housing and Urban Development to lead mediation between the Lugogo family and the Mwavumbo Group Ranch Committee before the commencement of subdivision on the disputed land.
3.	NLC/HLI/884/2021 consolidated with NLC/HLI/577/2019	Salim Bwana Changoma -V- AG & Others	The 17 families to be settled by the ministry of lands in conjunction with the County government through the settlement fund.
4.	NLC/HLI/890/2021	Busho farmers -V- Taru Ranch & Others	Ranch to revert back to its original intended purpose. The 101 members to be included in the membership The claim on subdivision is dismissed.
5.	NLC/HLI/899/2021	Changoti Lungwe families –v- Dakota Ranch & Others	Claim is sub judice following an active Case in Kwale ELC E001 of 2025; Changoti Lungwe & Others Vs Dakota Ranching Co.& Others
6.	NLC/HLI/973/2021	Denyenye Maweni Vs Bamburi & Others	County Government of Kwale in collaboration with KERRA to create public access to the beach through the Bamburi cement land.
7.	NLC/HLI/1008/2021 consolidated with NLC/HLI/1105/2021	Joseph Dzuya Lipuka& Stephen Aronie – V- Methodist Church Mazeras & Others	Methodist Church to subdivide and transfer land to its members and to public institutions
8.	NLC/HLI/1047/2021	Abdalla Juma Mwanganzi on behalf of Diani Settlement Scheme.	(a) Ministry of lands to resettle the claimants under the Settlement Fund. (b) Ministry of Lands to audit the Diani settlement scheme.
9.	NLC/HLI/1139/2021 consolidated with NLC/HLI/1140/2021, NLC/HLI/1142/2021& NLC/HLI/1143/2021	County Govt of Kwale on behalf of Tiwi, Waa, Gombato & Tiwa Communities. -V- Bixa Company, Min of Lands & Others	The County Government is conflicted. Claim dismissed.

No	Case No & County	Parties	Recommendation
10.	NLC/HLI/119/2017	Funzi Bodo Vs Min of Lands & Others	The Claim on ancestral land succeeds. Registrar to cancel all the private titles registered on the islands and revert back to public land. The claim to register the land as community land is dismissed.
11.	NLC/HLI/1007/2021	Julani Welfare Association Vs Min of Lands & Others	The Commission noted that the matter had been heard before the court of Law.
12.	NLC/HLI/1121/2021	Mrima Bwiti Settlement Scheme Phase 2 Vs Min of Lands & Others	The Ministry of lands, Public Works, Housing and Urban Development to regularize the Adjudication and Settlement of the Mrima Bwiti Settlement Scheme in accordance with the original Map. Registrar to address the discrepancies
13.	NLC/HLI/966/2021	Mwafitini Juma Bakari Vs Min of Lands & Others	Claims on squatter dismissed. Documentation of all public utilities as by the law Min of Lands to Regularize allocations of WAA II Settlement Scheme.
GARISSA COUNTY			
1.	NLC/HLI/1026/2021 and NLC/HLI/1435/2021 (consolidated)	Family Of the Late Haji Mohamed Abdi Harage Maramtu Farm No. 3/ Abdullahi Haji Mohamed /Zainab Mohamed Abdi Vs G. K Prisons Service, Garissa, Attorney General, County Government of Garissa County, Ministry of Lands, Public Works, Housing and Urban Development Ministry Of Interior and National Administration	The Claimants' claims succeed and the County Government of Garissa is to monetary compensate the claimants in the value of land so claimed upon failure to allocate the claimants an alternative land of equivalent acreage and value, within the stipulated statutory time of 3 years.
BUSIA COUNTY			
1.	NLC/HLI/993/2021	Bunyala North Community Vs Ministry of Environment and Forestry & Others	(a) The claim in respect of Sisenye Hills (Mumbaka Forest) is hereby dismissed. (b) In accordance with the Forest Conservation and Management Act, 2016, the parties are encouraged to engage in benefit-sharing arrangements to promote mutual understanding, equitable resource utilization, and community support for conservation initiatives. Additionally, The Kenya Forest Service (KFS) is advised to consider issuing licences or permits to members of the community. (c) The Director of Survey conducts a joint cadastral survey of the forest area in the presence of surveyor from the Commission and community ascertain the boundary between the forest and the private parcels of land. (d) If the Claimants wish to pursue conversion of the land to community land, the same should be done following the due legal process specifically under the provisions of the Land Act and the Forest Conservation and Management Act.
2.	NLC/HLI/1004/2021	Kennedy Ochieng Vs Ministry of Interior and National Administration	(a) Parcel Bunvala Bulemia 2074 (now Busia/Bulemia 7410) be compensated by the Ministry of Interior and Coordination of National Government (b) It is strongly recommended that a final survey and formal vesting of the Bundalangi Divisional Headquarters be undertaken in accordance with the relevant provisions of the law within twelve (12) months of this recommendation.
3.	NLC/HLI/1699/2021	Abanyala Community of Busia County C/O Center for Minority Rights Development	(a) The Claim is upheld. (b) The Commission recommends that the County Government of Busia Plans and Surveys the Portion of the Delta within their administrative boundaries guided by The Yala Delta Land Use Plan and provide for setting aside land for Community, Investment/Development and Conservation. (c) The Land for the Community be registered in the name of the Abanyala Community in accordance with the Community Land Act.

No	Case No & County	Parties	Recommendation
			(d) Land for Investment/ development be held in trust by the County Government in Trust for the residents of Busia County and; (e) Land for Conservation be reserved for conservation and be placed under the care control and management of Kenya Wildlife Service.
TAITA TAVETA COUNTY			
1.	NLC/HLI/1709/2021	Zungulukani Community v. Kambanga Ranching (Da) Co. Ltd	(i) The Kambanga Ranching (DA) Co. Ltd. surrenders 1,519 Ha to the claimants and any claimants who might have encroached on the Ranch immediately move out of the said Ranch. (ii) The Kambanga Ranching Ltd make full use of the remaining Ranch.
KISII COUNTY			
1.	NLC/HLI/608/2018	Mwanyabaro Clan Members v. Kenya Agricultural and Livestock Research Organization & County Government of Kisii	The claim succeeds. The Ministry of Agriculture, in collaboration with the Ministry of Lands, Public Works, Housing & and Urban Development, shall facilitate the resettlement of the affected clan members under the Settlement Trust Fund.
KISUMU COUNTY			
1.	NLC/HLI/309/2018	Residents of Kanyakwar and South Kajulu v. Government of Kenya & Kisumu County Government	The County Government of Kisumu, in consultation with the Ministry of Interior and National Administration, shall identify all individuals who were either not compensated or were under-compensated and ensure that appropriate compensation is effected in accordance with the law.
2.	NLC/HLI/3733/2018	Kogony Land Council of Elders Vs Kenya Airports Authority, Attorney General of Kenya, Ministry of Lands, Public Works, Housing and Urban Development, Ministry of Transport & Infrastructure and County Government of Kisumu	The claimants (Kogony Clan) be compensated with alternative land of commensurate value or monetary compensation for the displacement by the Ministry of Roads and Transport through the Kenya Airports Authority.
KEIYAN SELF-HELP GROUP			
1.	NLC/HLI/057/2017	Keiyan Self-Help Group Vs Members of Keiyan, Oloontare, Sikawa and Oldanyati	The hearing of the claim could not be concluded due to time constraints. The next set of commissioners to handle presentation of the claimant's surveyor and further hearing of the claim.

TANA RIVER COUNTY

No	Case No & County	Parties	Recommendation
1.	NLC/HLI/365/2018 & 11 Others	Wardei Council of Elder) & Others -V- Kibusu Ranch & Others	1. Land Surrender and Reallocation 1.1. To redress the state of landlessness and long standing squatter issues among the communities in Tana River, we recommend that Ranches and Private holding companies consider ceding 20% of their land for resettlement of the landless and the squatters. 1.2. All Ranches to open up their membership to local communities as was originally intended. 1.3. Mat International Ltd shall surrender 14,910 ha which is land held beyond the 7,545 ha that is in its original allotment letter. 1.4. All land surrendered under this determination shall vest in the County Government of Tana River as trustee, and allocated in accordance with relevant laws, community needs, and land use planning instruments. 1.5. A 10% land reserve shall be set aside by the County Government for public purposes and land banking.
2.	NLC/HLI/366/2018	Pokomo Council of Elders -V- Mat International	2. Restoration and Support of Cultural Institutions. The National Government, through the Ministry of Culture and Heritage, in collaboration with the County Government of Tana River, shall:

		Ltd & Others	2.1. Fund and institutionalize community-based cultural structures (e.g. elders' councils, spiritual leadership, land councils), 2.2. Facilitate capacity building for these institutions to: 2.2.1. Mediate local disputes, 2.2.2. Promote cultural healing and reintegration, 2.2.3. Support community in inter-generational knowledge transmission, land governance and natural resource management in line with existing law and devolved governance structures. 2.2.4. existing law and devolved governance structures.
3.	NLC/HLI/959/2021	- Tana North Orma & 2 others –V- Hola Irrigation Scheme & Another	3. Empowerment of Hunter-Gatherer Communities 3.1. Hunter-gatherers (e.g., Waata) shall be prioritized in: 3.1.1. Resettlement, 3.1.2. Educational scholarships, 3.1.3. Alternative livelihood support (eco-tourism, conservancies, forest stewardship), 3.1.4. Civic registration and cultural protection. 3.1.5. Civic registration and cultural protection
4.	NLC/HLI/954/2021	Dalu Community -V- Kibusu Ranch & Another	4. Registration of Community Land 4.1. The Ministry of Lands, in partnership with the County Government and NLC, shall: 4.1.1. Expedite community land registration for Bantu, Cushitic, Coastal, and Hunter-Gatherer groups. 4.1.2. Areas with multiple pastoralist or mixed-use claims to be registered as communal land with shared grazing protocols, rotational access, and local mediation councils—without subdividing or issuing exclusive title. 4.1.3. Provide safeguards for communities who did not submit formal claims but were still affected
5.	NLC/HLI/2002/2021	Golbanti Orma Vs Tarda & Others	5. Audit and Redress of Adjudication and Settlement and Schemes 5.1. The Cabinet Secretary Ministry of Land and Physical Planning, Housing and Urban Development Fund shall: 5.1.1. Audit all schemes for irregular allocations/adjudication, 5.1.2. Recover misallocated public utility lands. 5.1.3. Regularize holdings where beneficiaries occupy land in good faith. 5.1.4. Reallocate abandoned/unclaimed parcels to original or indigenous communities. 5.1.5. communities. 6. Protection of Natural Resources and Livelihood Systems 6.1. Kenya Wildlife Service (KWS), Kenya Forest Service (KFS), NMK, and the County Government shall: 6.1.2. Identify, demarcate, and gazette animal corridors, water channels (malkas), grazing lands, and water points (especially along River Tana), 6.1.3. Safeguard burial and sacred sites, forested zones, and floodplains from encroachment. 7. Public Institutions' Land Regularization 7.1. Land held by public institutions shall be: 7.1.1. Planned, Surveyed and Registered, 7.1.2. Protected for continued public use, 7.1.3. Where applicable, provide for non-extractive access by adjacent communities. 7.2. If on survey as provided in 7.1.1, it is established that the that public institutions are occupying more land than was contained in originating instruments, the extra land shall be surrendered to the County Government for restitution. In particular: 7.2.1. Urban Areas: Land currently under NIA and other public institutions and forming part of urban areas and trading centers shall be

			surrendered to the County Government, with land of equivalent size and suitability offered elsewhere in exchange. 7.2.2. equivalent size and suitability offered elsewhere in exchange. 8. Memoranda of Understanding with Host Communities All private landowners, ranches, and public institutions shall enter into MOUs with hosting communities to promote peaceful coexistence and mutual benefit. MOUs must cover: 8.1. Cultural respect and recognition, 8.2. Shared access rights to resources, 8.3. Employment or CSR obligations, 8.4. Dispute resolution and review mechanisms. 9. County Boundaries All claims relating to county boundaries are dismissed for lack of jurisdiction. Claimants are advised to pursue such issues through constitutional processes established under Article 188, the County Governments Act, or the Intergovernmental Relations Framework. Claims of historical land injustice based on community occupation, dispossession, or marginalisation may still be investigated and addressed by the Commission within the existing county boundaries. *These findings and recommendations in this determination do not apply to or affect Idassa Godana Ranch. 11. Insecurity and Weak Infrastructure on Land Use The National Government, in collaboration with the County Government of Tana River, should prioritise improving security, expanding infrastructure, and increasing investment in public services in affected areas to create an enabling environment for productive land use, peaceful co-existence, and community development. This includes improving road access, enhancing policing, and establishing service delivery centres. 12. Integrating National Values in Implementation The Commission recommends that all settlement, restitution, and land regularization efforts pursuant to this determination: 12.1. Uphold national unity and non-discrimination by ensuring that land rights and settlement programs do not exclude other Kenyans from settling or investing in Tana River County, provided such actions are lawful and respectful of community rights. 12.2. Incorporate civic education to sensitize communities on the distinction between community land rights and ethnic-based exclusion, and to promote inter-community dialogue and mutual respect. 12.3. Adopt inclusive planning frameworks that balance communal land protection with opportunities for shared infrastructure, public utilities, inter-county cooperation, and national investment. 12.4. Discourage communal isolationism by reinforcing that community land registration under the Community Land Act is a tool for development and stewardship, not for restricting lawful access, trade, or investment. 12.5. Affirm the constitutional rights of all Kenyans to acquire property and reside in any part of the country, while ensuring such rights are exercised with due regard to cultural sensitivity and sustainability. 12.6. with due regard to cultural sensitivity and sustainability. 13. Institutional Accountability and Monitoring 13.1. The County Government of Tana River and NLC shall jointly oversee implementation of this roadmap. 13.2. NLC shall integrate these recommendations into its broader public land administration work in the County. 13.3. Annual reports on implementation progress shall be submitted to the Senate and County Assembly of Tana River.
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GERSHOM OTACHI,
Chairman, National Land Commission.