

Kwasasi Community
Lamu
Tel: 0719336170

14 November 2015

The Secretary
Lamu County Land Management Board
P.O. Box 27
Mokowe, Lamu



Dear Sir/Madam:

RE: Comments to the Notice of Action Pursuant of Notice 14 (1) of the Land Act in Kwasasi, Lamu County

We the farmers of Kwasasi, humbly submit our comments to the above application of the intention to title 869 acres of land situated at Kwasasi to Amu Power for the construction of a coal power plant through allocation by the National Land Commission.

We *adamantly object* to the intended allocation for four reasons:

1. The land has been occupied for generations under traditional land tenure system;
2. The land should rightfully be classified as "Community" Land, and not Public Land as is currently the case;
3. Amu Power has not received the legal licences for construction of the Coal Power Station, including an Environmental Impact Assessment License; and,
4. AMU Power has not provided information as to the exact location of the Coal Plant in their Environment Project Report submitted to NEMA.

We, the undersigned, are recognized as rightful owners of Kwasasi. This land has been passed on to us from our ancestors, long before Kenya's independence. We have grown cashew nuts, simsim, maize and other seasonal crops on this land. We are occupants in good faith¹, which the Kenyan Constitution recognizes. We call on the Lamu County Land Management Board and The National Land Commission to be recognized and our rights respected. This can only be achieved if the land is reclassified as Community Land.

The responsibility to title lands is given to the Government. Unfortunately we have been ignored since independence. It was during the Shifta menace in the 1960s and 1970s that we left our lands to go to safer places in Lamu, Mombasa and Tanzania. However, when security was restored, we came back to our land and continued to farm and derive our livelihoods from it. We do not accept to be called squatters in Kwasasi as we have buried our ancestors there for many generations.

We are members of the Kwasasi Community who are suffering as a direct result of the lack of recognition of our land ownership. We humbly pray that the National Land Commission recognizes us to be the true owners of the said land.

We therefore demand the following:

1. That our land be reclassified as **Community Land**, a land classification provided by the Kenya Constitutionⁱⁱ despite the lack of enabling legislation.
2. That the Commission to recognize us as occupants in good faith as provided by the Kenya Constitution.ⁱⁱⁱ

We, the undersigned, are the farmers of Kwasasi and the true owners of the said land.

Please do not fail us as our children and families look to us as their only hope.

Yours sincerely,

CC

1. Chief justice
2. The National Land Commission
3. The Governor of Lamu
4. County Commissioner, Lamu County
5. Ombudsman
6. National Environmental Management Authority
7. Amu Power Limited
8. Ministry of Energy and Petroleum

ⁱ Refer to Article 40 (4) of the Constitution of Kenya 2010.

ⁱⁱ Refer to Article 63 of the constitution of Kenya 2010

ⁱⁱⁱ Refer to Article 40 (4) of the constitution of Kenya 2010