

Garissa County Government Leads the Way in Kamuthe's Transition from Trust Land to Community Ownership

County:	Garissa		
Sector/s:	Lands	Sub-sector/Theme:	Community Land Rights, Sustainable Resource Management, Wildlife Conservation
Keywords: (for search in the online platform)	Community Land Act 2016, Trust Land, Land Registration, Wildlife Conservation, Pastoralist Communities, Land Rights, Sustainable Development		
Target Audience:	County Governments, Community Leaders, Land Administrators, Conservation Organizations, Development Partners		
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Introduction:

Located approximately 40 kilometres southeast of Garissa town along the Garissa-Lamu Road, Kamuthe is a thriving community of pastoralists and farmers, with a population of 8,661. Situated within Garissa County, this community has, for generations, resided on land that, legally, was not recognized as their own. Under the colonial-era trust land arrangement, the local government held the land on their behalf, which significantly limited their authority over their ancestral territory and hindered their development opportunities.

The Constitution of Kenya 2010, specifically Article 63, which recognizes community land as a distinct form of ownership, defines community land to include land held under customary law, ancestral lands, land lawfully registered in the name of group representatives, and any other land identified as community land by legislation.



In 2021, the community embarked on a transformative journey to secure their land rights under the Community Land Act of 2016. Their vision was to transition from trust land to community land, giving them true ownership and control over their heritage. The Community land Act provides a legal framework for community participation in decision-making processes regarding land use, ensuring that the land is used sustainably for agriculture, grazing, conservation, and other development purposes, while also safeguarding the interests of current and future generations.

Before embarking on the registration process, Kamuthe residents faced a series of interconnected challenges that threatened their way of life and relationship with their ancestral lands. Uncontrolled migration and encroachment steadily eroded their territorial boundaries, while valuable natural resources, including medicinal plants with deep cultural significance, suffered from inadequate preservation efforts. The absence of formal land security left the community vulnerable, creating an environment where external actors could exploit their resources with impunity.

The community existed in a state of information asymmetry regarding potential compensation for resource extraction, effectively excluding them from economic benefits derived from their own land. Meanwhile, outsiders conducted illegal mining operations that damaged the landscape, and private investors from distant regions engaged in systematic land grabbing that diminished the community's holdings. These pressures were exacerbated by recurring conflicts over increasingly scarce water and pasture resources, creating cycles of tension that threatened community cohesion and sustainability.

Implementation of the practice (**Solution Path**):



Figure 1: A photo of rare Zebras located at Kamuthe Wildlife Conservancy

The journey toward land security began with community organization. Kamuthe established the Kamuthe Wildlife Conservancy as a Community-Based Organization (CBO), gaining recognition from the Kenya Wildlife Conservancies Association (KWCA). This provided them access to technical expertise in conservation and connected them to a nationwide network of similar communities. They also formed a Community Land Management Committee (CMLC) encompassing 15 members including 4 women, 2 youths, 1 PWDs, 1 religious leader, to lead the registration process.



In July 2022, the interim Community Management Committee formally requested the Garissa Land



Figure 2: Kamuthe Community Land Management Committee members during the issuance of the Certificate of Registration



Figure 3: Certificate of registration of Kamuthe Community

Registrar to recognize Kamuthe residents as a community. This was followed by a request to register their land in March 2023.

On March 14, 2023, the Community Land Registrar awarded the elected committee with a certificate of registration, making history as Kenya's first trust land to transition under the new Act.

The registration process was comprehensive but structured:

- The community created a complete register of all members
- They compiled a detailed inventory of community land
- A sixty-day notice was issued for surveying, demarcation, and registration
- They conducted thorough adjudication to resolve any potential disputes
- Cadastral maps were forwarded to the registrar in July 2023

Throughout this process, community unity proved essential. Where relationships were unclear or disputed, community elders drew upon generations of knowledge to trace family lineages and resolve uncertainties. This shared history and mutual recognition strengthened their application.

The County Government of Garissa provided technical support and coordination, while the Frontier Counties Development Council (FCDC) and the Drylands Learning and Capacity Building Initiative (DLCI) offered both financial and technical assistance during the registration of Kamuthe Community Land. The National Government, through the Ministry of Lands and the National Land Commission, ensured legal compliance. International partners, including FAO, KWCA (with USAID support), and Community Land Action Now, contributed crucial expertise, advocacy, and resources.

Results of the practice (outputs and outcomes)-

With formal registration complete, Kamuthe now enjoys full rights to manage approximately 153,494 hectares of land. This transformation has yielded numerous tangible benefits:



- The community now has secure land rights with recognized ownership and clear boundaries. This enhanced stability has encouraged long-term investments and prevented land disputes, fostering both economic and social development.
- A stronger sense of cohesion has emerged among community members. They share information more freely and collaborate in decision-making. The 15-member committee includes representation from women, youth, persons with disabilities, and religious leaders, ensuring diverse perspectives inform governance.
- The community developed a land use plan with support from USAID through KWCA. They have divided their territory with purpose, creating separate areas for grazing, settlement, and conservation, each with its own title deed. This integrated approach balances farming, conservation, and pastoralism needs.
- New pathways for sustainable livelihoods have emerged, including potential carbon credit programs and mining projects. The community has hired and trained 12 local rangers who receive stipends for protecting the land and its resources.
- A wildlife conservancy management plan is being developed with support from FAO, awaiting validation from Kenya Wildlife Service. This plan will guide conservation efforts while supporting eco-tourism initiatives that benefit the community.
- The community has initiated follow-up with the National Land Commission (NLC) to ensure compensation for land acquired by the LAPPSET infrastructure project, demonstrating how formal registration strengthens their negotiating position.

Lessons learnt:

- The County Government's support proved crucial in ensuring the success of Community Land by providing interventions and support at various stages of the process, including sensitization, awareness creation, and dispute resolution.
- Fast-tracking community land registration effectively addresses land disputes, insecurity, and inter-community conflicts by clarifying boundaries and ownership.
- Registration enables better planning for a County in matters of social services and infrastructure development in communities.
- Intergovernmental collaboration is critical in fast-tracking the registration of community land in Kenya. This includes the County Government and the Ministries and Agencies of the National Government.
- Ensuring all community members are aware and represented makes the process smoother. Kamuthe achieved this by including representatives from two sub-locations within Kamuthe Location in their management committee.
- Including women in the CLMC has empowered women generally, helping bridge cultural practices and gender divides while promoting inclusive decision-making.

Recommendations:

- Inter-county coordination is essential in planning and registering community land that spans multiple counties to prevent partial registration. Collaboration ensures comprehensive land registration, avoids boundary disputes, and secures the community's land rights across all counties involved, while enabling consistent land management and legal protection.



- County Governments should fast-track the approval of community land use plans to ensure timely implementation of sustainable management practices, allowing communities to address urgent needs and prevent conflicts.
- Continued training and support for Community Land Management Committees is crucial for effective governance and sustainable resource management.
- Communities should establish clear procedures for resolving internal conflicts and boundary disputes with neighbouring communities.
- Given the challenges posed by climate change, communities need support to develop adaptive strategies that protect both livelihoods and conservation efforts.
- There is need to establish platforms for registered communities to share experiences and best practices in order to accelerate the learning curve for communities still in the registration process.

Further Reading:

- Community Land Act (2016), Government of Kenya
- Land Use Planning Guidelines for Community Lands, Ministry of Lands and Physical Planning

Photos taken during community sensitization forums





COUNCIL OF GOVERNORS



Sharing Kenya's Devolution Solutions



Registration of Kamuthe residents



Registration of Kamuthe residents



A photo of Tana River



COUNCIL OF GOVERNORS

REPUBLIC OF KENYA



MINISTRY OF LANDS, PUBLIC WORKS
HOUSING & URBAN DEVELOPMENT

NOTICE OF A MEETING

TO ALL MEMBERS OF
KAMUTHE COMMUNITY

In exercise of the powers conferred to me by section 7(2) of the Community Land Act, 2016. NOTICE is hereby given that there shall be a public meeting of **ALL KAMUTHE COMMUNITY** members to elect the Community Land Management Committee members in accordance with the Act.

The above meeting will be held on **7th March 2023 from 11:00 a.m. at Kamuthe Trading centre.**

Dated at Garissa Lands Office this **15th day of Feb, 2023**

PHILIP M. MENGI
LAND REGISTRAR
GARISSA COUNTY/COMMUNITY LAND REGISTRATION UNIT

Funded by Frontier Counties Development Council (FCDC)

Notice of a meeting to Kamuthe Community to elect committee leadership



Maarifa Centre

Sharing Kenya's Devolution Solutions

FORM CLA 1

(r. 3(1))



REPUBLIC OF KENYA
MINISTRY OF LANDS AND PHYSICAL PLANNING

APPLICATION FOR RECOGNITION OF INTEREST/ CLAIM ON COMMUNITY LAND

To: The Registrar of **GARISSA**

We the **KAMUTHE** community, hereby apply for recognition of our interest/claim in the community land referred to herein.

Our interest/ claim are as shown in the attached sketch diagrams /maps/plans and described in the Schedule

Schedule

S/No.	Locality	Approx. Area (Ha)	Current Use of the land.
	KAMUTHE		CONSERVATION
			GRAZING LAND
			Agriculture and C

Details of the Applicant(s)

Name of Persons/Group/Community: **KAMUTHE**

Registration No.: **P.O. BOX 304 - 70100**

Postal/E-mail Address: **P.O. BOX 3123**

Tel. No.: **0727773123**

Dated at **KAMUTHE 20th** day of **JULY 2022**

Signature of Chairperson

For Official Use Only:-

Signed
Registrar.....

Application of recognition of interest/claim on community land by Kamuthe community