



**In re the National Land Commission (Advisory Opinions Application
2 of 2014) [2014] KESC 46 (KLR) (26 June 2014) (Ruling)**

In Re National Land Commission [2014] eKLR

Neutral citation: [2014] KESC 46 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
ADVISORY OPINIONS APPLICATION 2 OF 2014
JB OJWANG, SCJ
JUNE 26, 2014
BY THE NATIONAL LAND COMMISSION
UNDER ARTICLE 16(6) OF THE CONSTITUTION**

RULING

1. The matter before the Court is a request for an Advisory Opinion on a matter that is important, in terms of the due conduct of the processes of governance under the *Constitution*, and in terms of the fundamental rights guarantees of the *Constitution* which have a bearing on the property rights in general, and land rights in particular.
2. From this background, it is clear that contested issues in this case are for urgent resolution by this Court. Moreover, as the relevant issues touch on essentials of good governance, good sense dictates that no public agency should proceed to crystallize normative positions in respect of the relevant land issues, until the matter has been duly considered by the Judicial Authority of the State, and proper guidance, founded on proper hearings and evaluations, has been solemnly given by the Judiciary.
3. Firstly, I give the direction that counsel serving agencies of the public sector should endeavour to secure the principles stated herein above.
4. Secondly, it will make the following specific orders:
 1. All parties are at liberty to file and serve their documents of submission within fifteen (15) days of the date hereof.
 2. Katiba Institute is hereby admitted to the status of *amicus curiae*, and the Institute may also file and serve any submissions within 15 days of the date hereof.
 3. Learned Senior Counsel, Mr. Paul Muite, shall forthwith formalize his representation of the office of the Attorney General and of the Ministry concerned, and shall file and serve any documents of submission or information within 15 days of the date hereof.



4. This matter shall be listed for hearing before a full Bench of the Supreme Court on Wednesday 23/7/2014 as from 10.00 a.m; and Thursday 24.7.2014 as from 10.00 a.m.

Orders accordingly:

J.B. OJWANG

JUDGE OF THE SUPREME COURT

26.6.2014

I certify this is a true copy of the original

REGISTRAR

SUPREME COURT OF KENYA

