



The Contribution of Land to the Recent Violence in Kenya : Implications for the Ongoing Land Policy Dialogue.

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KENYA: WHERE?



Kenya

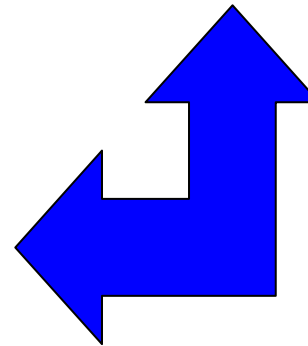


Background: Kenya: What facts?

KENYA: WHAT FACTS?	
Population (2009)	38.3 M (Prov : Economic Survey)
Population (1999)	30.4M (Census)
Female	51%
Below 18	60%
Size	582, 646 sq km
20% : High Potential Land	75% of Population
80% :Arid & Semi Arid Land	Carries 25% of Population

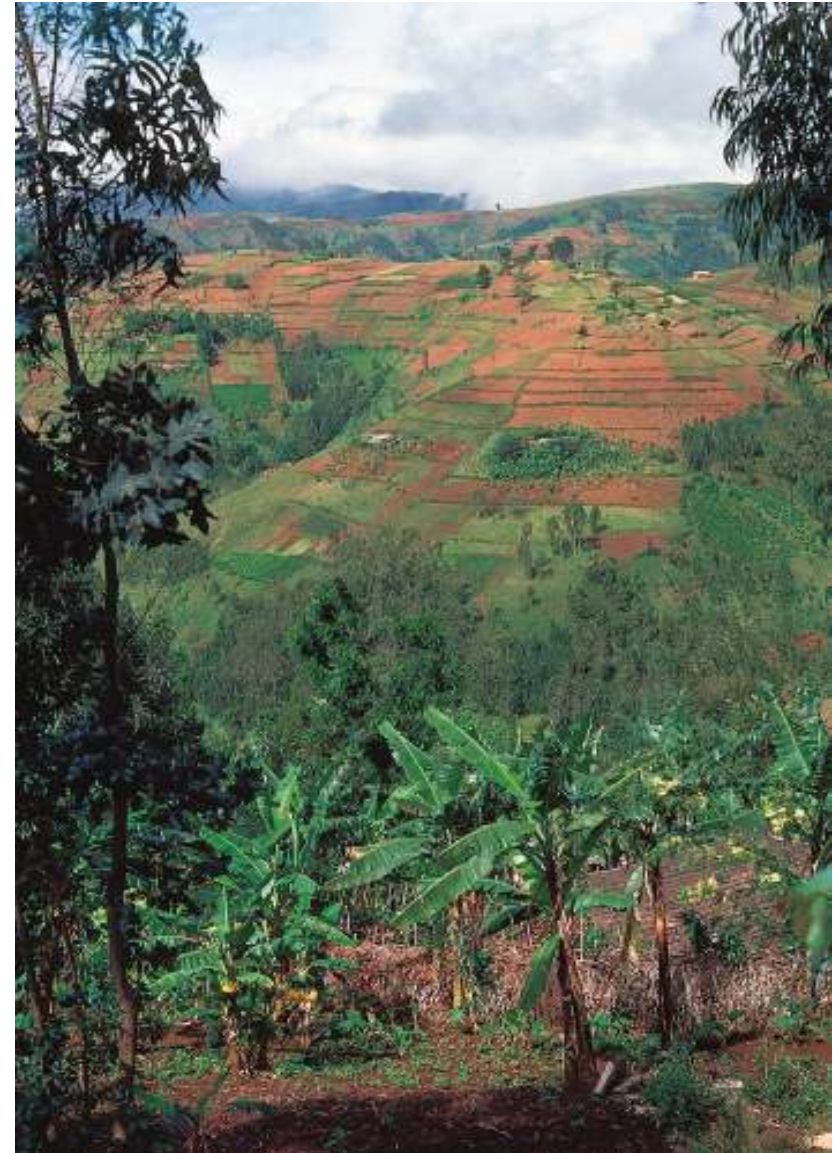
What Defines the land question? Coastal issues

- Appropriation of indigenous land rights
- Ethnic clashes (IDPs)
- Squatters
- Absentee Land Owners
- Idle Land
- Inaccessible beaches & coastline



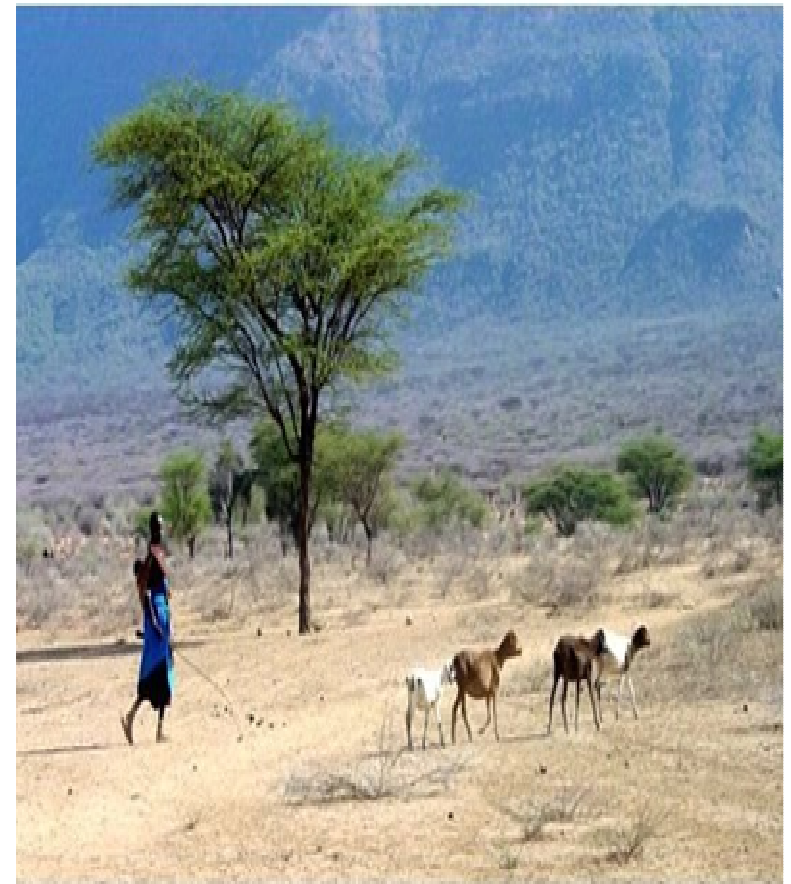
What defines the land question? Highlands/Agricultural Zones

- Historical Displacements and Resettlements
- Ethnic Clashes (IDPs)
- Irregular allocation of land
- Underutilized land
- Disparities in ownership
- Non-viable sizes of parcels



What defines the land question? Arid and Semi Arid Lands

- Desertification
- Human Wildlife conflict (Near National Parks)
- Pastoralism



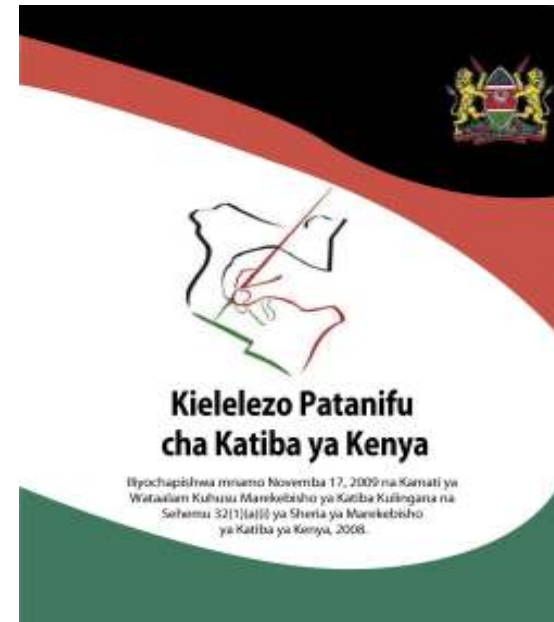
What defines the land question? Urban Issues

- Land Degradation through industrial Pollution
- Unplanned Informal Settlements
- Irregular allocation of public land



What policy interventions so far?

- Constitutional Review Process: New Chapter on Land (Ongoing: For the last two decades)
- Njonjo Commission (Nov 2002): Legal, Land Policy, Constitutional, Institutional Frameworks
- National Land Policy Formulation (2004-2009)
- Ndung'u Commission: Irregular Allocation of Public Land (June 2004)
- Kenya Vision 2030 (2007): Long Term National Planning Strategy



What policy interventions so far?

- 2007: Post Election Violence
- National Accord and Reconciliation Act (NARA) (Feb 2008)
- Agenda 4: Land Reforms



National Land Policy Process: What Status & Milestones?

- **Feb 2004:** **Process commenced**
- August 2005: Issues & Recs Rept
- **Dec 2005:** **1st Draft**
- April 2007: Peer Review (FGLPA)
- **April 2007:** **Adoption by stakeholders**
- May 2007: Final Draft
- **June 2009:** **Cabinet Approval**
- Aug 2009: Sessional Paper
- **Dec 2009:** **Approval by Parliament**



NLP: What are some of the key provisions?

- Constitutional: Radical title, Classification., Property rights, compulsory acquisition, National Land Commission (NLC)
- Review, Harmonize & Enact Legislation
- Inventory of Public Land/Repossession
- Limit Leases to 99 Years
- Provide Access to Lakes, Rivers, Beaches
- Develop a land use policy
- Develop a Land Information Management System & National Spatial Data Infrastructure
- Resolve Historical Injustices and address special issues
- Establish a NLC & devolve governance
- Establish a Trust Fund and Land Bank



NLP: What are some of the contentious issues?

- Conversion: 999 to 99 years
- Resolution of Hist. Injustices
- Removal of sanctity to 1st Reg titles under RLA
- Repossession of public land
- Prohibition of freehold ownership by non citizens
- Establishment of a NLC
- Recognition of squatter rights (Coast)
- Communal ownership/Community land boards
- Recognition of Secondary rights (spouses/children)



NLP: What implementation challenges? Key Actors?

Land Reform Transf. Unit: Transition Vehicle

- 5 TWGs : Legal, Land Manag, LIMS, Inst. Trans, PE & Awareness

Challenges:

- Implementation Framework
- Political goodwill
- Funding
- Institutional transformation
- Technical Capacity (Legal drafting, LIMS)
- Constitutional Support

Key Actors:

- Government
- Development Partners Group on Land (DPGL)

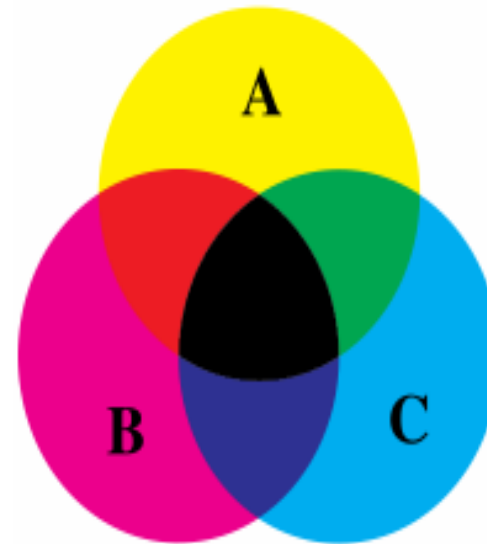
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- Land Sector Non State Actors (LSNSA)



Land Reforms: Do the various interventions converge?

- All converge around the national land policy
- Systematic implementation of NLP will usher reforms
- Other measures such as: **punishing impunity, hate speech, resettling IDPs, inter-ethnic tolerance, retraining land staff**, to complement
- Stakeholder should be involved in decision making.
- Process to remain consultative and participatory.



A = Njonjo Commission
B = Ndungu Commission
C = Vision 2030

Welcome to Kenya!!!!

