



Cabinet unveils new land policy

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The Cabinet took a historic and radical step by approving the first post-Independence National Land Policy that has been gathering dust on shelves for the last six years.

If passed the laws would give spouses equal right to land, with their sons and daughters. Also persons with leasehold interests in land would enjoy ownership for 99 years, 900 years less than in some cases now.

Foreigners would also face tough restrictions before acquiring land, unless they secure presidential exemption.

The policy defines mechanisms for resolving historical injustices that led to uneven distribution of land, and also tackles the issue of irregularly and fraudulently acquired land. If made law, absolute ownership of land found to have been fraudulently acquired would be reversed.

Kenya has never had a clearly defined or codified National Land Policy since independence in 1963, but now it has put pen to paper on a sensitive and critical policy that will upset customary land tenure.

It is the blueprint for the eagerly awaited land reforms and completes a journey that started in February 2004. It will require at least Sh6 billion to implement over five years.

Disquiet and protests

For the landless, at least, there is hope as vetting mechanism to determine genuine landless for resettlement would be in the works. This comes at a time the Government is struggling to resettle those displaced in the post-election disturbances.

The Cabinet passed the policy amid disquiet and protests by the country's top political and business elite who own vast tracts of land and fear the implications of restrictions on idle acreages.

The country's top decision-making body beat an about-turn in yesterday's weekly session chaired by President Kibaki on the day Parliament adjourned. The decision stole the thunder from today's public agitation for its fast tracking organised by Land Sector Non-State Actors lobby group at Nakuru Afraha Stadium, Nakuru. Following the approval, a Sessional Paper will now be drawn for presentation before Parliament.

The Cabinet noted there was need for a systematic and institutional framework to deal with land ownership. In what may shock many, men's dominant attitude they are the landowners and hosts of their wives is bound to be upset.

Lands Minister James Orengo said: "Kenya has been grappling with the land question, which subsequent governments have been unable to or are unwilling to resolve ... It is a big achievement and a major step forward in Agenda Four (as defined by Serena Talks) where it was one of the outstanding issues." Orengo said.

Foreigners will have to be vetted to acquire land. Their ownership of agricultural land will be restricted unless via presidential exemption.

The names of both spouses will be on land documents to reduce and eliminate possibilities of unjust disposal. It seeks to stamp the seal of law on recognition of land rights of children and spouses who would ordinarily be dispossessed whenever family land, absolutely vested in the name of one family member, is sold.

Dispute resolution

Women would also be represented in land administration institutions. Three institutions are suggested for land management: The National Lands Commission, The District Lands Board, and Community Land Boards. District Land Disputes Tribunals would be strengthened for dispute resolution.

But as it was cleared, many lauded the bold move but experts challenged the Government to show how it would raise about Sh6 billion required to implement the policy.

The policy seeks to address land ownership, which has caused clashes among communities. It will also address the Land Information System (LIS) from where fraudsters have robbed Kenyans of their property, by printing fake title deeds, which they introduce in Government registry with the help of corrupt officers at the Ministry of Lands.

A dispatch from State House defined the policy as an "integrated and comprehensive framework to effectively deal with current and emerging trends and issues".

It also provides guidelines to the relevant sectoral policies and programmes that deal with and affect land rights.

The policy provides a platform for addressing issues such as access to land; land use and planning, environmental degradation, land conflicts and injustices, among others.

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