

# LAND DISCOURSE MUST BE KEPT SOBER AND GUIDED BY THE CONSTITUTION AND NEW LAND LAWS

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## Candidates using land for political mileage

It's campaign time and, as always, land is once again on the spot. Key actors in the major political parties seem to have focused on it for political mileage. Allegations and counter allegations fly from political podiums leaving many Kenyans lost for the truth and relevance. It's been amazing and confusing. The big guns pushing this talk on land are not new to Kenya. They know that in the recent past, Kenya obtained a national land policy and a constitution containing a land chapter with clear constitutional provisions to guide our land management and reforms. The land policy contains a very good statement of Kenya's historical land question but, importantly, the agreed solutions.

The chapter on land provided a good constitutional basis for the implementation of the policy proposals. Subsequently, some new land laws were shaped out of the land policy and the constitution. These laws provide details on the how, when and who will implement land reforms in Kenya. Together, the land policy, the constitution and the new land laws are the national instruments to guide land reforms in Kenya. This is not news to anyone who sits in cabinet or sat through the last parliament.

## Some utterances can polarize

If they've forgotten, politicians need to be reminded that unchecked utterances on land in Kenya

can easily polarize and inflame. We've been there before and need not be taken that route. It's true though that we've key concerns over land distribution, production and land taxation in Kenya. We've key concerns over idle land and excessive fragmentation of land which undermine food security. It is also true that we've concerns over land grabs, landlessness, squatting, informal settlements and historical land injustices in Kenya. These and others have been very well documented in the sessional paper on the national land policy.

What Kenyans would therefore wish to hear from politicians aspiring to various national and county offices is how they'll use the above policy, constitutional and legal documents to resolve land problems in Kenya both peacefully and legally and without undermining our economic growth. We need to hear them commit to the timely establishment of new land institutions as provided for in the constitution and the new land laws. We need to hear them explain how they'll fast track the preparation of the regulations necessary for the effective implementation of the laws. We need to hear them commit to fast tracking the finalization of the critical community land law and its subsequent application given its importance to communities in Kenya. We need to hear them commit to the expeditious enactment of legislation to govern agreements on the exploitation of land based natural resources such as oil, gas and minerals for national benefit as provided for in the constitution.

### **Politicians should commit to implementing the land chapter of constitution**

Politicians need to tell us that they and their parties will support and comply with the results of the review of all previously allocated public land once done. They need to commit to us that they will provide sufficient goodwill and budgetary support for the implementation of land reforms once elected into government at either level. These are the policy and political pronouncements we expect. Let them not lie to us that they will casually repossess people's land. That is against the constitution. They know it won't be possible. The compulsory acquisition of any private or community land can only be done within due process and with full compensation unless the land is proved to have been irregularly acquired.

Let politicians not promise the electorate land either. They have no power to give land. The policy and the new laws clarify the circumstances and how any landless or displaced persons will be allocated land or resettled. This will not be at the whim of an individual politician and the lie should cease. The discourse on land must be kept sober and devoid of hype.

If our politicians were sincere on land reforms, they'd demonstrate so by for instance calling for

the immediate gazettelement of nominees to the national land commission who have remained waiting since they did interviews in and obtained approval from Parliament in June and August last year respectively. Yet gazettelement has remained undone to date even in the absence of a restraining order. Why hasn't this been fodder for political talk?

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