

Land invasions bad for our economy and national stability

Posted on Apr 14, Posted by [Mwathane](#) Category [Land Governance](#)

Recent land invasions

Legitimate landowners should be able to enjoy the use of their land without fear of encroachment, invasion or eviction. This order can only be subverted where government is absent, or dysfunctional. Kenya must therefore protect the right to property at all times if it has to maintain its place among the civilized nations of this century. Stealing or destroying property, unauthorized entry into private land and the use of force to evict people from their land is callous and criminal.

The above was part of a contribution I made for this column on 17th July, 2021 while urging government to step in and stop land invasions by cattle herders in Laikipia County. It remains relevant. It is even more so as we contemplate the repercussions that would visit us if the recent invasions of the Kenyatta family Northlands farm near Nairobi and the Vipingo sisal farm in Kilifi escalate. There would be a complete flare up of land conflicts and many Kenyans, within and outside government, would be caught up. This scenario would be worst in coast Kenya, the Rift Valley and in Central Kenya. These are the hotspots to historical land injustice claims in Kenya. The economy would collapse. It would take long for Kenya to recover as a nation since land-based grievances would enmesh it. This scenario must be avoided by whatever means. On this matter, there must be no lapse in judgement and vigilance by government; now and in future!

Historical land injustices and resolution mechanisms

Communities have previously stated the case for historical land injustices. This is contained in our land policy. It is well documented in several reports. Subsequently, the key concerns were used to inform provisions in our 2010 constitution, and the new land laws. A legal mechanism was provided for the National Land Commission to receive and listen to historical land injustice claims, and to make commensurate recommendations. There are enabling provisions in our statutes to challenge and revoke any grants of land deemed illegitimate through our environment and land courts. However, we have issues with some laws, and some challenges

in the administration of justice, that beg attention. I have argued elsewhere that these are the issues that our political leaders, together with the executive, should identify and fix.

Invasions not the solution

While we embrace the legal mechanisms provided to address any illegitimate land grants, we must intensify public sensitization on the need to respect legitimate private and community land rights. This underpins our social-economic and political stability. We must swiftly censure narratives aimed at inciting Kenyans to rise up against the landed, regardless of who they are, citizens or non-citizens. But we must at the same time provide opportunity and hope to the current and future generations. Let's be innovative about this. Embracing sectional titles for vertical developments is a good example. This escalates access to land for shelter and business. Let us incentivize land productivity and create alternative options of livelihood in other sectors. Not everyone can own land forwards.

Dated: 13th April, 2023

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