

NGILU SHOULD SEEK ADVICE ON LAND REFORMS-EXPERTS

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Ngilu should seek advice on land reforms: Experts

In Summary

- The gist of her criticism was that the commission spent too much time planning and too little action on land reforms which the Jubilee administration considers a key issue.
- Mr Lumumba suggests that the commission should seek the opinion of the Supreme Court, which would effectively stop Mrs Ngilu from ignoring and even patronising it.

By JOHN NGIRACHU

Charity Ngilu is not famous for mincing her words. And neither is she coy, especially when handling a political hot potato as dicey as land — in a system where cabinet secretaries like her are supposed to keep out of politics.

When she appeared before the Lands Committee of the National Assembly last week, her opening remarks were a diatribe against the National Land Commission (NLC).

“The National Land Commission has been around for the last eight months, and they are still educating people, they are creating awareness and holding meetings, seminars and what have you,” said the Lands Secretary.

The tough-talking Mrs Ngilu added: “I suppose they can continue but now I must do what I have got to do as a cabinet secretary, and I want to say I don’t disrespect them. I want to say I would love to work with them, but if they are not going to do what has got to be done, then they can do their work and I’ll do my work and we’ll be judged by the nation.”

The gist of her criticism was that the commission spent too much time planning and too little action on land reforms which the Jubilee administration considers a key issue.

That the minister and NLC are not reading from the same script is no longer a secret.

But Mr Odenda Lumumba, a longtime agitator for land reform, told the Sunday Nation that the cabinet secretary’s role should be technical and she should learn to strike a balance between that and the need to implement the manifesto of the Jubilee government.

“The cabinet secretary is a technical officer, and we had always had reservations about the

appointment of Mrs Ngilu because she is purely a politician. She is playing politics in a highly technical area,” said Mr Lumumba.

“The Constitution removed land governance from the agents of the government to a land governance institution, which means that neither the President nor his appointee ought to be involved in managing land,” he added.

It emerged last week that the ministry had allocated land to the Kibera Nubian Community without consulting the NLC, which according to the Constitution is the express mandate of the commission.

While either the national or county government can allocate public land, this can only be done on the advice of the NLC.

“The minister is overreaching her mandate,” said Mr Lumumba. “This usurping the powers of the NLC is unacceptable, it is unconstitutional, and it is unlawful.”

He said that while what Mrs Ngilu is doing may be politically attractive, the fact that it could be outside the law smacks of impunity as it contradicts the Constitution and is outside the National Land Policy.

“She needs to do her homework before doing these superficial political operations,” said Mr Wanyiri Kihoro, a land economist and lawyer, who was also counsel for the Ndung’u Land Commission that mainly probed the illegal allocation of public Land.

Mr Kihoro, who insists Mrs Ngilu is his friend, said that since she had little or no experience in law, land economics and the ministry’s operations, she preferred to approach matters the “political way”— a recipe for trouble.

“She should stop and call in the experts. They are ready and willing to help her. She should also

consult the commission because she is taking us back to 1964,” said Mr Kihoro.

Mr Lumumba suggests that the commission should seek the opinion of the Supreme Court, which would effectively stop Mrs Ngilu from ignoring and even patronising it.

Overall, said Ibrahim Mwathane, who heads the Kenya Land Governance Institute, “both the Lands Ministry and the commission must understand the noble nature of their respective mandates under the Constitution and the new land laws”.

“The common denominator in the mandates is service delivery to Kenyans through the equitable land distribution and protection of tenure of all categories of land along with facilitating routine land transactions and dispute resolution. They must avoid turf wars and work together now and in future in the interest of Kenya.

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