

PARLIAMENT ENDORSES NOMINEES TO THE NATIONAL LAND COMMISSION

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The Lands and Natural Resources Parliamentary Committee tabled its report to Parliament on Tuesday 14th August 2012 after vetting each of the members. In their report, they had recommended that Parliament approves the one nominee for Chair and the eight nominees for member to the national land commission. Yesterday, Tuesday 21st August 2012, one week after tabling the report, the committee chairman, Hon Mutava Musyimi, moved debate on the nominees on the floor of the house. Following debate, the 9 nominees to the commission were approved and will now await formal appointment by the President.

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According to the First Schedule of the National Land Commission Act 2012, once the National Assembly approves the nominees, the Speaker shall forward the names of the approved nominees to the President for appointment. The President shall, within seven days of receipt of the approved nominees from the National Assembly, by notice in the Gazette, appoint the chairperson and members of the Commission approved by the National Assembly, the Schedule provides. This therefore means that if the President received the names yesterday, he has until 27th August 2012 to appoint the chair and members.

Constitutional Petition No 266 of 2012

This may however have to await a determination of the Constitutional Judicial Review Division Petition No 266 of 2012 filed by a Dr Kimpei Munei & 59 others which requires that the no formal appointment is done before the issues they raise are dispensed with. The appointment on 27th may therefore be or not be depending on how the matter of this Petition is navigated by the respective offices within the next one week.

Names of prospective members of the national land commission

Those approved yesterday are:-

- 1. Dr Mohammad Abdalla Swazuri, OGW - Chairperson*
- 2. Dr Tomiik Mboya Konyimbih - Member*
- 3. Mr Silas Kinoti Muriithi - Member*
- 4. Dr Rose Mumbua Musyoka - Member*
- 5. Dr Samuel Kipng'etich Tororei - Member*
- 6. Mrs Abigail Mbagaya - Member*

7. Mrs Emma Muthoni Njogu - Member

8. Mr Clement Isaiah Lananchuru - Member

9. Mr Abdulkadir Adan Khalif - Member

Initial Challenges

Once in office, this Commission will have to embark on the arduous journey of taking over the duly mandated aspects of land administration from the existing Ministry of Lands. Their first challenge will include obtaining suitable office space. However, sheer logic given budget constraints and the fact that the Ministry of Lands will continue to run and maintain land registries may militate that the commission sits in Ardhi House. The downside to this though is that the Commission may take quite long to assert itself in an environment where the Minister for Lands and his Permanent Secretary hold sway. The Ministry of Lands' officers and systems may also overwhelm the nascent commission with business-as-usual routines.

But these are minor challenges that should be easily overcome with time. The Commission comes into place in an environment of high public expectations on matters relating to the administration of public land, the resolution of historical land injustices and the recovery of irregularly grabbed public land among others. These roles are quite humbling. Given that the Commission assumes office at the eve of a general election when the misrepresentation of land related injustices and the allocation or denial of public land for political gain become commonplace, it must hit the ground literally running. We all need to provide it with good support and be patient with it as it tries to recruit its support staff, establish internal systems and take over its specific functions from the Ministry of Lands.

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