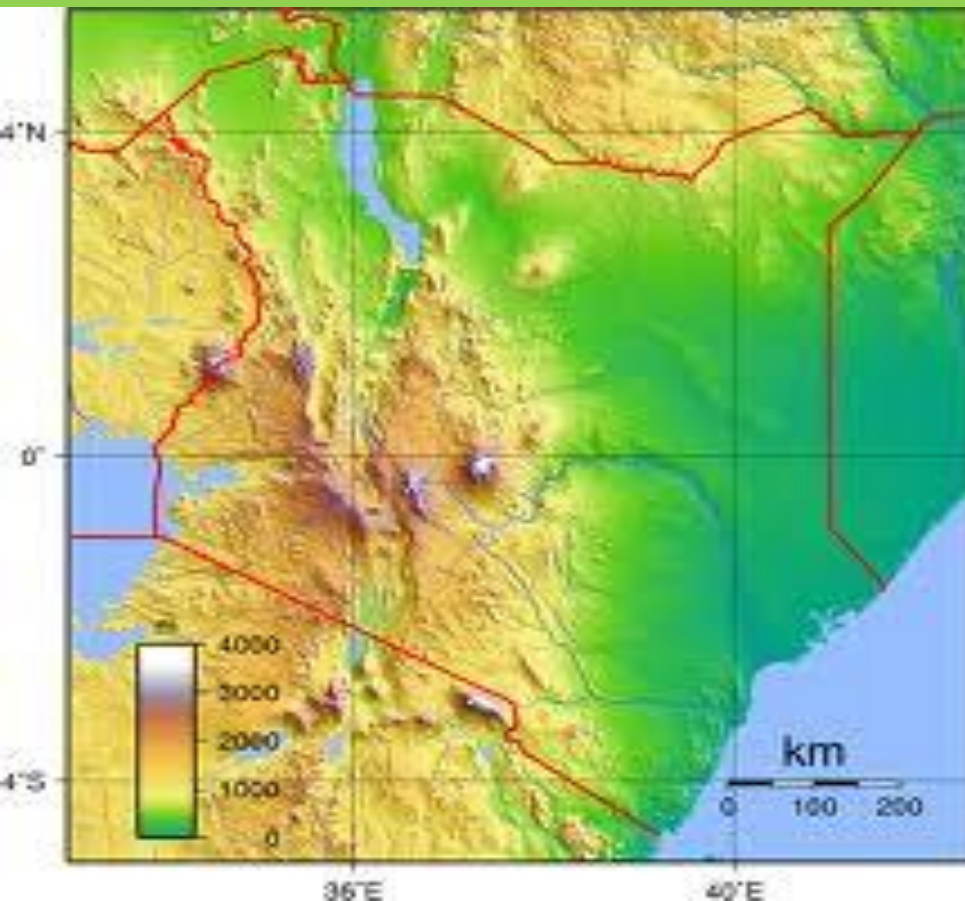




Land Reform in Kenya: A Blessing or a Curse?



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LAND REFORM?



1. Historically: meant reform of the tenure system or redistribution of the land ownership rights.
2. In recent decades the concept has been broadened in recognition of the strategic role of land and agriculture in development.
3. Land reform: synonymous with agrarian reform; e.g. land tenure system, pattern of cultivation/farm organization; scale of farm operation; terms of tenancy; institutions of rural credit; marketing, and education.



Objectives of the Land Reform?

1. Reform: introduced by government initiative or in response to internal and external pressures, to resolve or prevent an **economic, social, or political** crisis.

- **Implications:**
- **Reform:** considered a problem-solving mechanism (NLP-2009; Constitution, 2010)
- **True motives :** can differ from those announced by the reformer.
- **Real and proclaimed objectives :** significant if the proclaimed objectives have been forced upon reformers who do not support those objectives.
- **Reformers:** may proclaim certain objectives to appease the peasants; undermine opposition; win international backing; or safeguard their own positions.

FIVE MAIN TYPES OF LAND REFORM

- a. Title to land and terms of holding;
- b. Land distribution;
- c. Scale of operation;
- d. Pattern of cultivation; and
- e. Supplementary measures such as credit, marketing, and extension services.



Factors that the success of land reform are likely to affect productivity and poverty

Kenya: midst of land reform, far-reaching implications for securing the land rights of rural people, upward of 32 million, for promoting political stability and economic development.

MEASURES OF LAND REFORM-

- Reform: based on a National Land Policy (NLP), adopted in 2009.
- Adopted: Constitution (2010), which includes a chapter on Land and Environment, anchoring many of the NLP's key provisions in law
- The National Land Commission Act (2012)
- The Land Act (2012)
- The Land Registration Act (2012)
- Creation of the National Land Commission (2013)
- Community Land Bill (2014)

National Land Policy (2009)

Articulates contemporary manifestations and impacts of the land question in Kenya, namely:

- Impact of rapid population growth in the small farm sector;
- Systematic breakdown in land administration and land delivery procedures;
- Inadequate participation of communities in the governance and management of land and natural resources;
- Disregard of land use planning regulations in a context of rapid urbanization;
- Gender and generational discrimination in succession and transfer of land rights and the exclusion of women in land decision making processes;
- Deterioration of productivity in the large farm sector;
- Inadequate environmental management; and
- Conflicts over land and land-based resources

National Land Policy (2009)

Seven principles related to land reform namely: Constitution Article 60(1)



- 1) Equitable access to land;**
- 2) Security of land rights;**
- 3) Sustainable and productive management of land resources;**
- 4) Transparent and cost effective administration of land;**
- 5) Sound conservation and protection of ecologically sensitive areas;**
- 6) Elimination of gender discrimination in law, customs, and practices and practises related to land and property in land; and**
- 7) Encouragement of communities to settle land disputes through the recognised local community initiatives with the Constitution.**

Challenges ahead

- Restricted access to land and farming inputs by million of small producers are main source of persistent food insecurity and rural poverty;
- Increasing conflicts on land;
- The lack of political will to promote equitable access to land through redistributive reforms or progressive land tenure reforms (Historical Land Injustices Bill);
- Land concentration has increased;
- Protection of interests of those with disproportionately larger land rights; including property rights derived from colonial expropriation; (LSLA)
- Slow expansion of the productive capacities of the poor;
- African customary law and customary land rights manipulated to advance land concentration;
- Emerging land organizations have yet to realise their potential in influencing land reform towards greater redistribution and land tenure security;
- Neglecting poor, smallholder farmers ; landless – whose labour is critical for sustained agricultural production;

National Land Commission Kenya

THANK YOU

