




The Land Reform Agenda for Kenya

A Webinar Report



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The webinar on the Land Reform Agenda for Kenya took place on 10 October, 2018. The webinar reviewed the land reform process in Kenya and addressed a range of challenges, with a view to defining a path forward that will lead to equity and justice in land reforms.

The webinar addressed the following questions:

- Where are we at in the land reform process in Kenya?
- What are the main challenges that need to be addressed in policy frameworks on land reform and use?
- How can the gender imperatives of land reform be actualised?
- What are the implications of community land dispensation?
- How is digitization addressing underlying inconsistencies in land registries?

The webinar was co-hosted by the Kenya Land Alliance (KLA), the Government of Kenya, the Land Portal Foundation, the Food and Agriculture Organization of the United Nations and the European Union

Moderator: Michael Ochieng Odhiambo, Director of People, Land and Rural Development (PLRD)

Panelists:

- Dr. Collins Odote Oloo, Senior Lecturer at the University of Nairobi
- Odenda Lumumba, CEO, Kenya Land Alliance
- Husna Mbarak, Food and Agriculture Organization of the United Nations (FAO)

132 people registered for the webinar, with 58 people ultimately participating.

A complete recording of the webinar is available on YouTube:

<https://youtu.be/IDGEpHrK95U>



Key Takeaways

- There are seemingly robust policies and laws when it comes to land reform in Kenya, yet there isn't much progress in realising the vision of the land reform process in practice. Implementation systems are still sluggish.
- When it comes to policy frameworks on land reform in the country, coordination amongst and between key institutions is essential. The focus needs to be increasingly on energizing civil society, the private sector and community development groups to work together.
- When it comes to gender imperatives of land reform, we have seen women numerically getting land, but we need to see the implementation of constitutional provisions that promote gender equity and equality.
- In terms of community land rights in Kenya, one of the challenges remains political will in terms of following the existing regulations.
- The country and ministry is trying to digitize land processes. It is already termed as a secure way of keeping records and will also uphold efficiency. The greater problem though is ensuring that this digitization ensures security.

Webinar Summary

1) WHERE ARE WE AT IN THE LAND REFORM PROCESS IN KENYA?

- The reform process from the policy legislation has **stalled** at the level of implementation. Policy, legislative and institutional frameworks are in place, but **implementation attempts are sluggish**.
- Stakeholders are looking into how get implementation of land reforms to take place, which has been a **major struggle**.
- Kenya has “beautiful” policies and laws, yet not much progress is being made in realising the vision of the land reform process.

2) WHAT ARE THE MAIN CHALLENGES THAT NEED TO BE ADDRESSED IN POLICY FRAMEWORKS ON LAND REFORM AND USE?

- Nowadays, one can count the number of organisations speaking on land issues. There should be more focus on **energizing civil society**, the private sector and community development groups to work together.

- The major challenges include **disjointed organizations and institutions** charged with land and natural resources sector governance.
- New institutions are being developed. The main challenge is a **lack of coordination among institutions**.
- Increasingly the **budgets of the commissions are very limited**. Speaking about land reform without budget allocations does not make sense.

3) HOW CAN THE GENDER IMPERATIVES OF LAND REFORM BE ACTUALIZED?

- Provisions that support **gender affirmative action** in terms of land and resources must be implemented. For example, we have seen emphasis on titling programs, but when you look at women, we are still at a far cry in terms of empowering them to turn around the economy.
- The numbers of women getting land has grown, but **constitutional provisions that promote gender equity and equality** must also be implemented
- The **role of women** and the imperative of gender actualization have been **belittled in favor of men**.

4) WHAT ARE THE IMPLICATIONS OF COMMUNITY LAND DISPENSATION?

- The implication of recognition, protection and registration of community land as property of communities is facing resistance since community land is targeted for mega-projects under vision 2030. Compensation laws throughout East Africa are under review to circumvent the new community land regime dispensations.
- One of the challenges is still the **political will** in terms of following the regulations for community land rights.

5) HOW IS DIGITIZATION ADDRESSING UNDERLYING INCONSISTENCIES IN LAND REGISTRIES?

- The country and ministry is trying to digitize land processes. It is already termed as a secure way of keeping records, but will also uphold efficiency, as well as reduce the burden of doing things manually. Digitization is an excellent initiative because it should help eliminate corruption and improve efficiency.
- The greater problem is ensuring that this digitization ensures security.
- Furthermore, while there is optimism about digitization, we must ensure that digitization efforts are not simply taking place for collection of tax. Especially, when the large parcels of land under community land tenure regime are not registered.

Notable Quotes from the Panelists



“ADOPTION OF THE NATIONAL LAND POLICY AND THE CONSTITUTION OF KENYA 2010 WERE SINGULAR ACHIEVEMENTS FOR LAND REFORM, BUT EIGHT YEARS DOWN THE CHALLENGES OF GENDER DISPARITY, INSECURITY OF COMMUNITY LAND TENURE AND POOR LAND ADMINISTRATION PERSIST.”
-MICHAEL OCHIENG ODHIAMBO, DIRECTOR OF PEOPLE, LAND AND RURAL DEVELOPMENT (PLRD)



“WE HAVE GOOD POLICIES, BUT WE HAVE SYSTEMS IN PLACE THAT CONTRADICT EACH OTHER. THE ADMINISTRATION OF LAND IN THIS COUNTRY HAS FAILED TO STABILIZE THIS WHOLE PROCESS. WE NEED TO REALLY PUSH FOR INSTITUTIONAL REFORMS.”
- HUSNA MBARAK, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)



“THE MAJOR CHALLENGE IS DISJOINTED ORGANIZATIONS AND INSTITUTIONS CHARGED WITH LAND AND NATURAL RESOURCES SECTOR GOVERNANCE. AND MUCH SO THE FAILURE OF THE NATIONAL LAND COMMISSION TO CARRY OUT ITS MANDATE OF COORDINATION, MONITORING AND OVERSIGHT OF AGENCIES.”
- ODENDA LUMUMBA, CEO, KENYA LAND ALLIANCE



DIGITIZATION IS AN EXCELLENT INITIATIVE BECAUSE IT SHOULD HELP ELIMINATE CORRUPTION AND IMPROVE EFFICIENCY. SO LONG AS LAND REFORMS CONTINUE FULL STREAM WITH DIGITIZATION WE MUST REALIZE THAT UNFORTUNATELY OUR PSYCHE AS A COUNTRY IS MANUAL.
- DR. COLLINS ODOTE OLOO, SENIOR LECTURER AT THE UNIVERSITY OF NAIROBI



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