



Management of Public Land : Issues and challenges

Elijah Letangule
National Land Commission

Background

- Land is an emotive matter in Kenya and is the reason for the war for independence
- Land reforms have been ongoing since independence in 1963
- The key issue was dealing with settling of the many landless Africans in the white highlands equitably
- The key milestone on land reforms is seen through the enactment of the National Land Policy in 2009 and the Constitution of Kenya 2010
- The two entrenched the envisaged reforms into the legal framework of the country
- The National Land Commission is a creation of the Constitution 2010 with the mandate of spearheading land reforms in the country

Mandate and achievements of the Commission

- Management of public land
 - Developed rules and regulations to guide management of public land – Land Administration and management guidelines
 - Developed and inventory of public land – land bank, government programs
 - School titling programme
 - Vesting of land
- Recommend a National Land Policy to Government
 - Recommendations developed and submitted to the government (MoLPP).
 - Heavily supported by the EU/FAO Land Programme

- Research on land and natural resources
 - Done research publications – securing public land, land conflict, gender and land
 - Development of land sector gender policy and curriculum (ongoing) (NLC, MoLPP, NGOs, Development partners)- supported by the EU/FAO Land Programme
- Advice Government on Comprehensive Programme for Registration of Land in title throughout Kenya
 - Advisory developed and presented to the government - CS MoLPP
 - Supported heavily by the EU/FAO Land Programme

- Management of Natural Resources (MNR)
 - Developing a Natural Resource Atlas for Kenya
 - Mapping ecologically sensitive ecosystems
 - Developing rules and guidelines for management of natural resources
-
- Address to Historical Land Injustices – Receipt of cases, investigations, hearings, and recommendations
 - The legal framework established through the amendments to the NLC Act (the omnibus laws)
 - Rules and regulations developed
 - Received 550 case. 170 cases underwent hearing and recommendations made

- Alternative Dispute Resolution(ADR)/Traditional Dispute Resolution
 - ADR Policy developed
 - Alternative Justice System (AJS) process ongoing - collaboration with FAO, Judiciary land stakeholders
 - Training county coordinators on mediation
- Land Use Planning – Monitoring and Oversight responsibility
 - Developed County Spatial Planning Guidelines, rangeland annexe and Toolkits
 - Capacity building of counties on CSP formulation and LUP generally
 - Guidance and supervision of counties as they undertake their County Spatial Plans

- **Assessment (Administration and Management)**
 - Review of grants and disposition on public land – investigations and hearings
 - 1,136 grants reviewed
 - 154 grants upheld
 - 90 grants Regularised
 - 554 grants revoked
-
- Advocacy and civic education on land laws and land issues
 - Training on land laws, rules and regulations
 - Providing of IEC and visibility materials
 - Printing of documents - NLIMs guidelines, hand book on Land Laws, Gender and Land Rights, FAQs on Land, etc.
-

- Land acquisition for public entities (compulsory acquisition and compensation)
 - Land acquisition guidelines developed
 - Commission compulsorily acquired and compensated land for major government projects – SGR phase 1 and 2, LAPSET Corridor, KETRACO, KERRA, KURA, Mui Coal mines, Dams (Kimwarer, Aror), etc
 - Large scale Land Acquisition guidelines development

Challenges

- Wide mandate
- Funding – low budgetary allocation
-

Asanteni