

PRESS RELEASE

***CAMPAIGN TO MAKE THE REPORT OF
THE COMMISSION OF INQUIRY INTO
LAND LAW SYSTEMS OF KENYA PUBLIC
IN TIME FOR THE FORTHCOMING
ELECTION AND TO ENHANCE THE ON-
GOING LAND REFORM AGENDA***

The Kenya Land Alliance takes this opportunity to congratulate the Commission of Inquiry into the Land Law Systems of Kenya ('Njonjo Commission') for completing their task, which has painstakingly taken them three years. The KLA fraternity was pleased to hear the president's remarks that the Njonjo report was a blueprint that would guide the future government in handling the delicate land issues efficiently and justly. Equally delighting was the Mr. Njonjo's remark that wherever they went the wananchi expressed appreciation of their appointment to look into the land question. The two main issues put to the commission for redress were the total failure by the relevant land administrative authorities to observe and enforce the existing land laws, leading to massive grabbing of public utility lands.

Equally important Kenya Land Alliance wish to remind the public that the 'Njonjo Commission among other terms of reference had the broad mandate to undertake a review of land issues in Kenya and recommend the main principles of a land policy framework which would foster an economically efficient, socially equitable and environmentally sustainable land tenure and use system. For that matter it is prudent the report of the 'Njonjo Commission' should be made public as a procedural matter of utmost good faith.

Otherwise, the Kenya Land Alliance (KLA), which actively participated and facilitated a number of land-based communities to present their views and demands to the 'Njonjo Commission' demand that as matter of land policy development procedure the president make public the report of the Commission of Inquiry into the Land Law Systems of Kenya public. The KLA demand is justified on the premise that policy development is always a deliberate process that involves a number of steps, not necessarily in sequential order. But the first of these is usually public enquiry guided by clear terms set by the state. This is exactly what the 'Njonjo Commission' has accomplished by handing in their report. The second is public debate on the conclusions arrived at through public enquiry; the third is the formulation of principles reflecting consensus resulting from that public debate and the fourth is authoritative determination of policy which can then be used as a basis for legislation. It is in the interest of conforming to this renown process of policy development pathways that KLA demand and do hope that before the president declares the 'Njonjo' report a blueprint/guide, the Kenya citizens and those referred

to as representing investors interest group are given a chance or the right of perusing and debating the report.

KLA's demand for publicizing the 'Njonjo Commission' report is further imbued by the fact that since independence, Kenyans have put up with obsolete land laws which have not enhanced and promoted enjoyment of land rights. It is only prudent that since the 'Njonjo Commission' report is a synthesis of conclusions arrived at through public enquiry the very public that provided their views must debate and endorse those conclusions before they are declared a blueprint to guide the future government.

The Kenya Land Alliance hopes that the report presented to the president at this timely moment of electioneering and transitional reform addressed the major areas of land policy reforms that we proposed, including among others,

1. Land distribution problematized as inequitable and unjust access to land, limited rights/access for majority coupled with costly and cumbersome transfers of land.
2. Land utilization problematized as discriminatory regulations against customary tenures, speculative under utilization of freeholds, unsustainable use in crowded areas and coercive regulations in some tenures.
3. Land tenure, problematized as insecurity of some tenures, a discriminatory protection system and over-centralized regulations.
4. Land administration, problematized as coercive and centralized approach, dispersed institutions, lack of capacity and weak institutional support, poor representation of majority and weak transparency.
5. Land adjudication, problematized as biased towards market and state sectors, no restitution/victim compensation, merged powers of local courts and traditional authorities and inaccessible courts/mediation.

KLA will detest any efforts to go to the forthcoming elections before making the Commission of Inquiry into the Land Law Systems of Kenya report public, because that will be endangering the aroused expectation that at long last we are on the road to sorting out land problems we have lived with since independence.

KLA opposes the holding of the whole country and its natural resource heritage to ransom by not making the report public now.

KLA appeals to the people of Kenya and the government to ensure that the 'Njonjo Commission' report is made public before holding the forthcoming elections, as this will enable the nation to discuss the land issue as an election issue before debating it as a national land policy issue next year. In this connection, we make an appeal to the government and the people of Kenya in the following terms:

1. That the 'Njonjo Commission' report is made public before being pronounced as blueprint to guide the future government.
2. That like other past Presidential Commissions of Inquiry reports, this report should not be treated as a private and confidential document only meant for the eyes of the president.
3. That given the ongoing rethinking of our national constitutional and governance framework in the context of the constitutional review, as well as the transition envisaged by the scheduled retirement of President Moi, the government publicize the 'Njonjo Commission report as a good will gesture.
4. That all stakeholders commit themselves to working together in pursuit of having the report recommendations and conclusions public.

For our part, KLA promise to do all in our powers, within the mandates of our umbrella network and associate institutions to mobilize the people of Kenya for the realization of land reform ideals, which we consider to be indispensable to the realization of land and environmental security and the survival of our nation.

Dated at Nakuru this 26th day of November, 2002

Signed by:

**Odenda Lumumba,
National Co-ordinator, Kenya Land Alliance (KLA)**