

MONITORING LAND RIGHTS

KENFAP has not developed indicators for use in monitoring land tenure security and access to land. However, KENFAP is currently involved in lobby for implementation of the Draft National Land Policy in Kenya. The policy was developed through consultative process and the final draft was at the cabinet memo stage to be presented to the parliament in 2007. Unfortunately, the parliament was dissolved before the document was presented and the country went for general election which culminated to dispute in Presidential vote's tallies hence resulted to post election violence paralyzing all governance and economic activities for a period 2-3 months. Fortunately, after intervention of eminent African leaders and International community mediators, the country is back on track.

Therefore, in an effort to fast track the activities, KENFAP is closely working with other stakeholders sharing the same objectives to trigger activities necessary in briefing the New Minister and preparation of a fresh cabinet memo to forward the Draft policy document to the new Cabinet for onward transmission to the parliament for discussion and debate respectively.

Furthermore, KENFAP supports the Draft Land policy because it designates all land in Kenya as Public, Community or Private. It recognizes and protects customary rights to land and provides for special interventions to address persistent issues such as historical injustices, land rights of minority communities (such as hunter-gathers, forest dwellers, slum dwellers, squatters, landless and pastoralists) and other vulnerable groups. The policy proposes institutional framework that ensure devolution of power and authority, participation and representation, justice, equity and sustainability. The policy also proposes automated land information system that ensures efficient and effective land administration and management free from corruption.

The Ministry of lands has formed a transition land reform transformation unit (LRTU) to be in operation for 2 years to kick start land policy implementation. In this light, KENFAP is represented in the steering committee and technical working groups of the newly formed LRTU which is envisaged to drive land reform agenda in Kenya. KENFAP strategically will represent the interests of (livestock and crops) farmers in the land reform agenda since farmers are the stewards of land and occupy 95 % of Kenyan land mass and derive their livelihood from land. Farmers need an enabling environment to realize full benefits of the effort to supply enough and safe food for Kenyan people. Access to land is a prerequisite and land is the sole factor of production where other factors revolve around it.

However, despite the consultative nature and the proposed transformation in the Draft National Land Policy, the process is presently facing a big challenge from large scale & private land owners' resistance to maintain the **status quo** arguing that:

- a. The sanctity and security of property rights are severely compromised by the proposal to convert some private tenure to lease holds
 - Mainly along the 10 mile coastal strip
 - All islands and lake shores
 - Restrict renewal of leaseholds to 99 years
 - Convert the existing long leases holds to 99 years
 - Restrict renewal of leaseholds
 - Restrict ownership of land by foreigners
- b. Proposal of placing encumbrances on the transfer of property rights by allowing entitlements from the other parties
 - Undermine the accumulation of wealth by its citizenry
 - Lead to capital flight and disinvestment
 - Create, accentuate & perpetuate both rural & urban poverty
 - Difficult to obtain mortgages of any term on leases with 35 years or less to run
 - using agricultural land title as security for short term loans or overdrafts is already being refused by banks

This group has the money and resources, strong networks and enjoys support from corrupt government Ministers who have accumulated wealth through land and other major scandals in Kenya. They are currently strategizing to shot down the policy at parliamentary debate. Consequently, KENFAP as the farmers' voice in Kenya together with the Institution of Surveyors of Kenya (ISK) and Kenya Land Alliance (KLA) among other key stakeholders have launch Media and Public campaign to ensure the draft land policy is among the first agenda to be discussed in the Kenyan Tenth parliament.

KENFAP request International Land coalition (ILC) to add weight and join in the effort to lobby at international level and at the same time support local lobby and advocacy initiatives to create public awareness and have the policy passed in parliament and implemented.