

**TALKING NOTES
FOR H.E. MR. Z.D. MUBURI-MUITA
ON THE OCCASION OF INTERACTIVE
DIALOGUE ON THE THEME:
"TERRITORIES, LANDS AND
NATURAL RESOURCES"**

*Madam Chairperson,
Distinguished Members of the Permanent Forum,
Delegates,
Ladies and Gentlemen,*

Kenya welcomes this opportunity for dialogue
It is with great pleasure that I address this Permanent Forum and I would like to share some of the latest developments that Kenya is undertaking to address the issues relating to territories, lands and natural resources.

There are several land policies that govern the current land tenure that is in place in Kenya today. The Government has always identified land as a very important resource and several initiatives have over the years, been put in place to address and harmonize several pieces of legislation which govern land ownership, use and transfer.

Historical factors have had a profound impact on land ownership in Kenya. Colonialism created disparities and dispossessed ^{all people all} many indigenous ^{of Kenya} people of their ancestral land as a result of which the people revolted, rose up and fought for independence. With the advent of colonialism, every community was affected to varying degrees of land dispossession and thereafter displacement. The fertile and productive lands were especially forcefully taken away from their African owners thereby relegating many of the ^{Kenyan} indigenous peoples into the so-called "native reserves" - which were mostly over-populated and ridiculously small pieces of land.

Upon Kenya attaining independence in 1963, despite having put in place deliberate and elaborate land tenure policies, due to the sheer overwhelming magnitude of the problem, it was not impossible for the young state to address the myriad of problems that faced the numerous peoples who had been displaced and dispossessed of their natural lands by the colonialists. It was not possible immediately to resettle all such people.

Successive Governments have made great efforts to correct these historical injustices to great success but there is still some work to do.

Recent initiatives in this direction have included:-

- (a) The Presidential Commission of Enquiry into ~~the~~ Land Law System in Kenya
Harmonisation of the
- (b) The Constitution of Kenya Review Commission
- (c) Presidential Commission of Enquiry into the Illegal/Irregular Allocation of Public Land.

In the most recent initiative, the Government embarked on ^{the} formulation of a National Land Policy through a widely consultative process with the aim of producing a policy whose mandate is "to guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity". This is an inclusive process that drew participants from the general public, civil society, representative₃ of special interest groups and many others.

This land policy, which is a work in progress, has been formulated in order to address critical issues of land administration, access to land, land use planning, historical injustices, environmental degradation, communal conflicts, informal urban settlements, legal framework and the Government's exercise of compulsory acquisition and development control of land.

It is envisaged that this new policy will encourage a multi-sectoral approach to land use, provide social, economic sustenance and put in place an enabling environment for agriculture, livestock development and exploitation of resources.

It is important to note that this new land policy is targeting to correct the problems that have affected all Kenyans over the years. No distinction is being made as to whom the beneficiary ^{will} be: the guiding principle is to deal with the principal rather than deal with personalities or groups of persons.

The process of formulating this policy has been consultative, participatory, interactive, transparent and inclusive. Groups that identify themselves as indigenous^{''} were involved in the process every step of the way.

Having identified the problems and suggested solutions, a National Symposium involving all stakeholders was held on April 26-27, 2007, inputs and comments by the Symposium are in the process of being incorporated into the draft, and the next step is to prepare a Cabinet Paper in order to develop a legislative instrument to be presented to Parliament after the conclusion of the drafting and consultative status.

Once enacted, a new Land Legal Regime would be in place and the process of interpretation and implementation would commence. It is expected that many of the ^{land and resources} problems being faced ^{by the people of Kenya} today would be a thing of the past. ^{thereafter}

I thank you for your attention

and we shall
continue to do
our bit towards
the global
harmonious
co-existence
between the
human species
and all other
living matter

In reference to the impact of critical development projects in pastoral community lands, it is important to balance public and community interests, the cited projects were crucial in addressing national energy needs and food security, respectively. The Tana Delta project is intended to enhance Agricultural Production to sustain economic growth and development for all people including people living in arid and semi-arid lands, and address issues of poverty reduction.

All such projects are required to undergo environmental impact assessment and in the process, the concerns of the local communities are addressed.

The special interests of communities in whose local areas National parks and Game Reserves are situated have been recognized by the Government with the result that the local communities participate in the management and sustainable utilization of wildlife resources including revenue sharing, e.g., Masai Mara, and recently Amboseli Game Reserve.

The Local Council managing the Masai Mara Game Reserve, i.e., Narok County Council is the richest local authority in the country and the people through their elected representatives are involved in the utilization of the revenue collected.