

Beyond Privatised Land Tenure Per se for Sustainable Management of Agricultural Land in a Semi-arid Environment in Kenya

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Abstract

Although private land tenure has been largely people driven and possession of legal title deeds the main determinant of security of land tenure, there was no evidence that directly linked land titling per-se to land improvement. In spite of their apparent inability to adjust to rapid changes in the farming systems commensurate with population growth, indigenous land and water management (ILWM) technologies are still more popular than structural conservation technologies, more than 10 years after Ndome and Ghazi were adjudicated. Although land titling is a critical initial requirement for sustainable land management in Kenya, success will depend on it being attuned to improvements in the productive value of land, and of the quality and quantity of social and human capitals. This will necessitate decisive reforms in the land tenure system.

Keywords: Privatised land tenure reform, sustainability, management, Kenya

1 Introduction

1.1 Relative Importance of Land Tenure Types in Kenya

Three main designations for land and hence land tenure systems are distinguished in Kenya: government land, trust land, and private land and hence government (public) land tenure, customary (communal, traditional) land tenure, and private land tenure (titling) respectively (Pander, 1995). By 1990, small holder private tenure comprised 6% of Kenya's land area, public tenure 20% and trust land (traditional/customary) tenure 64% (Ondiege, 1996). Whereas the high potential areas have been completely adjudicated and land registered, the bulk of the semi-arid areas still operate under communal tenure.

Suffice is to note that under government land tenure, inequity in distribution, destruction of natural forests and catchment areas, and loss of prime land to infrastructure development have reached alarming heights (IEA, 1998).

Traditional (communal/customary) land tenure has been associated with ecological collapse in the absence of regulatory mechanisms regarding the resource, when scarcity drives competition and the struggle to survive among the resource users (SIDA, 1993). As an aspect of agrarian law, granting of titles vests legal ownership and tapping of all benefits accrued from the land to individuals and at the absolute discretion of the legal owner. Owners and land often have no ecological links. Land ownership is a sign of wealth and power, which makes land titling a major determinant of socio-economic and political development in Kenya.

1.2 Non-sustainability of current land titling

The relationship between land and land users, particularly ownership, access and use of the land resource determine the degree and extent of tapping on the products and/or benefits from it, as well as the peoples' propensity to invest in land improvement on a sustainable basis (Juma

and Ojwang, 1996; Wachter, 1996, GTZ, 1998 and Liniger et al., 1998). However, recent evidence from Ndome and Ghazi in Kenya suggest that privatisation alone falls short of good land stewardship, and is perhaps one explanation to persistent physical land degradation in many adjudicated parts of Kenya.

The legal interpretation of land tenure in Kenya puts emphasis on ownership (Ochieng and Ominde, 1993), which presents a major problem because of the difficulties to identify the "legal owner". By ascribing ownership based on control and political influence, access rights that would be enjoyed by many other potentially productive people are disregarded (Okoth-Ogendo, 1998). This in part explains the widespread skewed land distribution, land idleness, landlessness, land conflicts and artificial land shortages, which together undermine agricultural productivity, environmental conservation and overall economic development of the country (Institute of Economic Affairs, 1998).

Under the legal protection of private rights, large land owners often leave much of their land, which is often the most fertile lands in the country, under utilised and idle for speculative purposes (Wachter, 1996). Okoth-Ogendo, (1998) noted that less than 10 % of large farms in Kenya were productive, while the rest remained idle. The Zimbabwe case, where 1% of farmers own nearly 50 % of available agricultural land and the bulk of the fertile land (Adams et al. 1999), is a typical current example of the long term socio-economic and political implications of non-sustainable land tenure systems. Similarly, land ownership in Kenya is arguably one of the oldest problem in agricultural development and has potential for serious repercussions (Daily Nation, Sunday, 14th May, 2000).

2 Study Site and Methodology

Ndome and Ghazi, are part of Ngolia location of Tausa Division, Taita-Taveta District in Coast Province, Kenya. They are situated about 10 and 15 km respectively from Voi town and lie within 38° 25' and 38° 30' E

and 3° 15' and 3° 20' S. Participatory Rural Appraisals, Questionnaire Surveys and Interviews were employed for data collection from 129 households randomly selected from village development committee records. Additional data was gathered from secondary sources mainly "World Neighbours Kenya"

3 Results and Discussions

Possession of legal title deeds to land was the single most important source of land tenure security in Ndome and Ghazi. However, there was no direct evidence to link land titling per-se to enhanced land improvement (Tables 1 and 2).

One of the immediate effects of land privatisation was proliferation of conflicts ($r=0.2$; 95% CI) due to emerging restrictions on open access tendencies to communal land and its products (grazing fields, trees/wood, water points). A key consequence was decline in social capital, which undermined total catchment management (TCM), particularly runoff management. That 80% of households continued to use disputed land, while only 33% continued with conservation measures at the same time, signalled potentially severe degradation.

The significant relationship between enjoyment of private property rights and use of grass strips ($r=0.24$, 99% CI), planting of trees ($r=0.26$, 99% CI) and application of farm yard manure ($r=0.23$, 99% CI) was indicative of the potential multiple benefits to be accrued in the long run. Under enforced private property rights, both trees and grass barriers would be protected from the routine destruction to be expected during off season grazing.

Although titling policy allowed land users to register as many undisputed plots as one had, only land parcels in the proximity of the homestead were used for routine cropping. The remaining scattered plots were normally left idle and lend themselves to vegetative and physical degradation through

communal open grazing. That the local administration and the extension service were unable to enforce the expected tenure policy and law, points to the need for effective environmental management institutions and inclusion of community basic needs in conservation planning.

Table 1 Land Tenure - Land Management Dynamics in Ndome, 1998

No.	Variable	Household responses	Weighted % responses
1	PPR	129	100
2	Tenure security	36 (93)	28 (72)
3	No Title Deed	91	65
4	Ecological	32	23
5	Cultural	17	12
6	Land conflict	72 (57)	56 (44)
7	SWC continues	43 (86)	33 (67)
8	Land use continues	103 (26)	80 (20)

PPR: Private property rights; (): Opposite responses; N=129

Table 2 Correlation Coefficients for Selected Tenure Variables

	PPR	Tenure insecurity	No title deed
PPR	1		
Tenure-insecurity	-0.26**	1	
No title-deed	-0.27**	0.94**	1
Cultural reasons	0.03	0.25**	0.14
Structural	0.04	-0.19*	-0.2*
Grass strips	0.24**	-0.05	-0.05
ILWM	-0.06	0.02	0.02
Tress	0.26**	-0.06	-0.03
Farm Yard Manure	0.23**	0.04	0.04
Fertilisers	0.13	-0.18*	-0.14

** : Correlation is significant at 99% C.I; * : Correlation is significant at 95% C I; PPR: private property rights;

Contrary to conventional expectation, land titling did not attract any loans for land improvement from credit institutions because of the inherently low quality of land, as mediated by persistent soil moisture deficits. Land users themselves lacked interest for the same due to fears of losing their land in case of default. Further, land titling did not bring about increasing adoption of potentially high out conservation technology, especially structural measures either singly or in combinations. The apparent independence of indigenous land and water management practices from titling and their relative popularity was based on them being economic risk management strategies against household low capital endowment amidst adverse climatic and physical conditions (Figures 1-4).

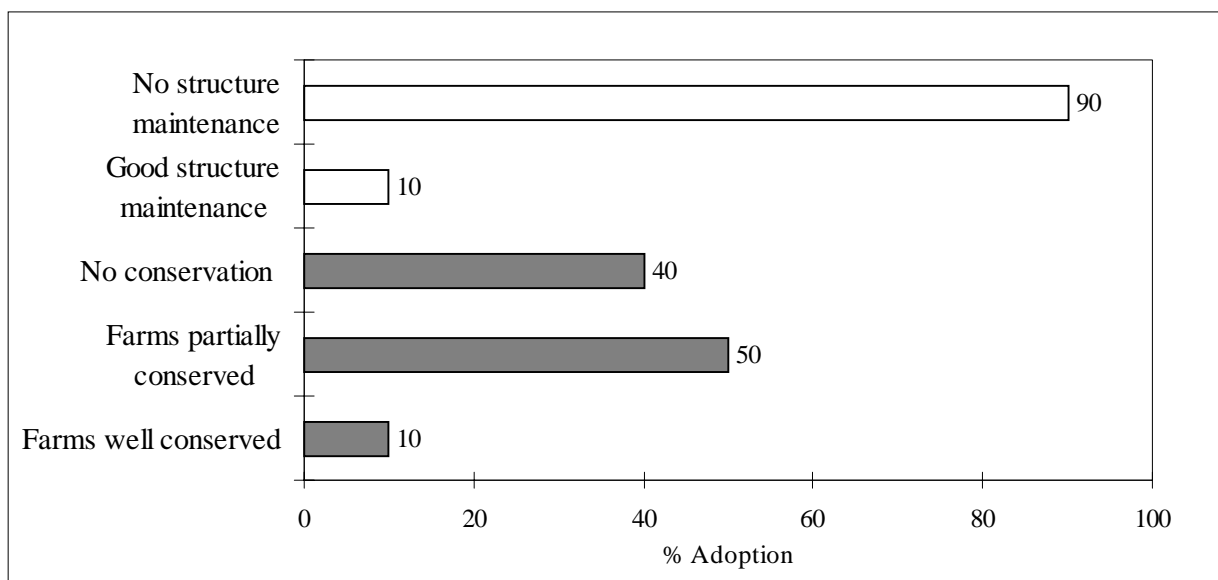


Figure 1 Estimated overall SWC impact in Taita-Taveta District (Adapted from: PRA team, 1998, TTAP, pg.10)

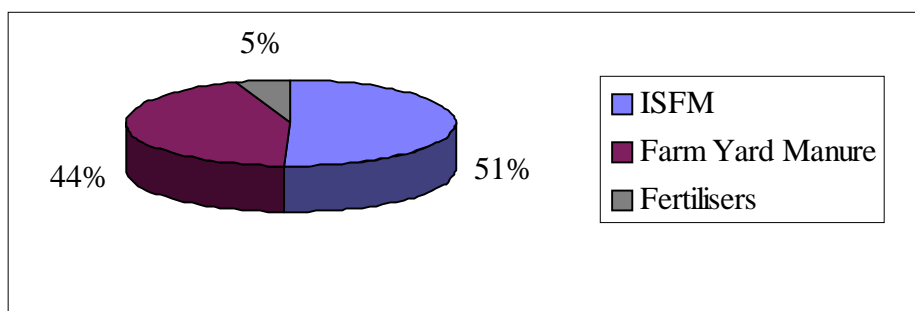


Figure 2 Relative importance of soil fertility maintenance methods in Ghazi-Ndome; N=129

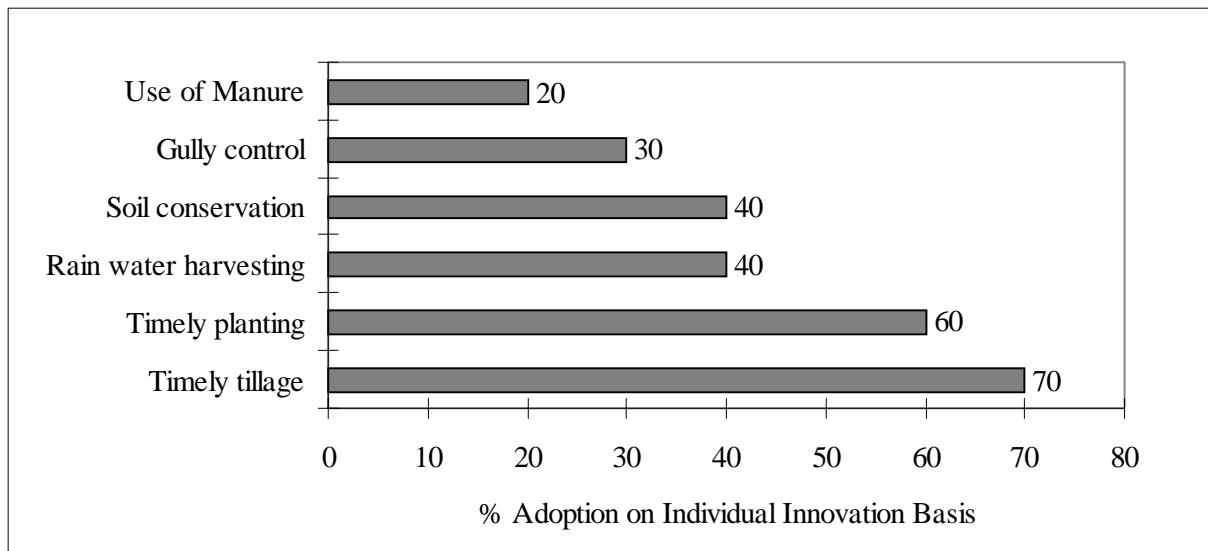


Figure 3 Estimated adoption rates of specific SWC innovations in Taita-Taveta District (Adapted from: Republic of Kenya, 1997, pp 57).

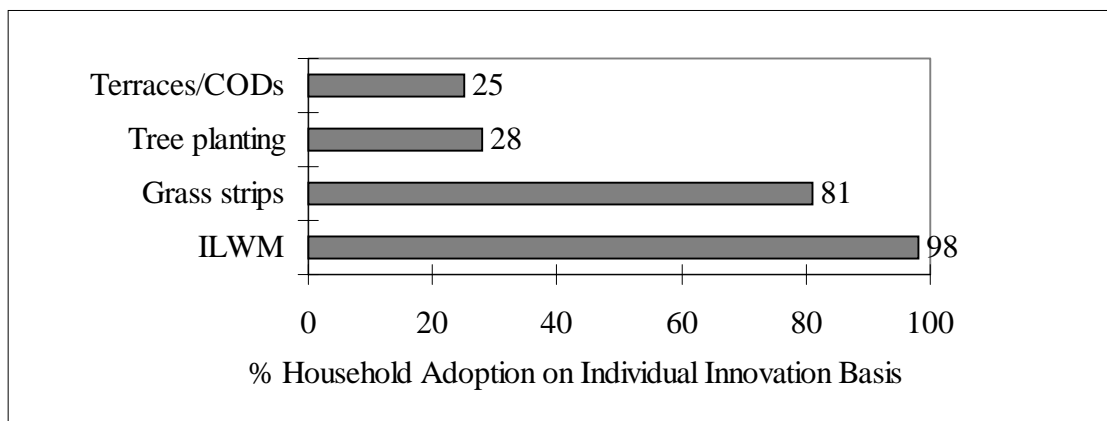


Figure 4 Relative importance of SWC practises in Ndome-Ghazi; N=129

4 Conclusions

Land titling can be regarded as the initial critical requirement for land management in Kenya. However, titling alone can not bring about sustainable land management particularly in semi-arid agro-ecosystems like Ndome and Ghazi. Success in this endeavour would require improvements in the inherent quality of land through sustainable water supplies to counter crop failure and hence act as an incentive for credit and adoption of high out conservation farming technologies. Similarly,

land users accountability to the resource will require persistent improvements in the human and social capitals.

Since poverty, farming and land tenure are closely related in Kenya (Republic of Kenya, 1999), a land tenure reform policy that addresses the problem of poverty, is the same tenure reform policy that would contribute to sustainable land management. Privatisation of Land tenure will have to be followed by the following reform policies among others:

- As a rule of thumb, all prime land should be used for food production, given the importance of food security in economic and ecological development of the country. Any other alternative use of such land, must be pegged on its relative contribution to the above objective,
- Regional and countrywide routine land inventories and quality monitoring to facilitate timely conservation interventions,
- Use of different lands based on suitability classifications. This would enhance conservation farming and protect agricultural land from non sustainable alternative uses,
- Countrywide mechanisms for fair land distribution and effective taxation policies against misuse and idleness of land. This would necessitate establishment of ownership and sub-division ceilings. Apart from annulling the ecological, socio-economic and political consequences of artificial land shortages, increased production possibilities would be steps towards food security,
- Mechanisms to regulate the excesses of private property rights, particularly when profit motives undermine the common good. Controlled land transactions would for instance help protect family land from unilateral sales by the legal owner, guarantee access to land and its products by all family members, minimise land conflicts and hence boost conservation farming,
- Regulation of rural land settlement patterns in favour of cluster-linear systems to ease catchment based runoff management, facilitate rural infrastructure development and also preserve land for agricultural purposes,

- Establishment of effective institutions and structures for overall land policy implementation,
- Mechanisms for organisational and institutional, integration and team work in pursuit of common objectives. The ministries that deal with land, water, environment, agriculture and wildlife conservation should for instance have some common policy meeting point to facilitate holistic environmental decision making.

A comprehensive land tenure reform policy of this kind often has winners and losers. Both must be taken into account in its implementation. Although certainly expensive in the short run, the socio-economic, political and environmental benefits in the long run should encourage the mastering of the required political will for its implementation.

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