

THE POVERTY IMPACTS OF LAND TITLING IN KENYA

Source: Julian Quan, 'Land Tenure, Economic Growth and Poverty in sub-Saharan Africa', in Camilla Toulmin and Julian Quan (Eds), *Evolving Land Rights, Policy and Tenure in Africa* (IIED and NRI, March 2000).

Land tenure reform in Kenya was originally introduced by the Swynnerton Plan of 1954 with the political objective of counter-insurgency, in order to create an emergent class of "yeoman farmers" amongst the Kikuyu, to help foster political stability. The Plan aimed to provide individualised tenure security and to stimulate farm investment, agricultural growth, and the emergence of a land market. The programme was maintained following independence, and expanded nation-wide. Kenyan nationals were granted individual titles to portions of former colonial settler estates and fragmented customary holdings were subject to compulsory consolidation. Further consolidation was expected as a result of market transactions in land while administrative benefits were anticipated from the creation of an organised record of property rights. The titling and registration process remains incomplete and, in principle, still continues. The programme has had a wide variety of unanticipated effects, now widely recognised as a result of extensive documentation and analysis of the results of micro-level studies in various parts of the country. These include sub-division of holdings and customary patterns of land allocation and inheritance have in fact persisted, despite registration, with the results that:

- the expected free market in land has not materialised,
- the availability of agricultural credit has not significantly increased, and
- land registers are becoming outdated, as heirs or lessees fail to renew registration.

In addition land registration has been accompanied by:

- increased concentration of land ownership, especially the recipients of former settler land, and those influential enough to manipulate the registration process in the interests of themselves, their lineage or clan
- the extinction of prior customary rights, within households, and reciprocal rights to resource use between different social groups, resulting in diminished security of tenure for non-title holders, notably wives, children and landless farmers who can no longer rely on established secondary rights or kinship ties to guarantee land access
- increased insecurity amongst women, especially widows, those without off-farm incomes, and without male heirs
- resulting heightened inequalities in land ownership and agricultural incomes, leading to some increases in landlessness through land transactions, tenancy rates, and rural-urban migration
- landlessness and unemployment, caused by reduced opportunities for share-cropping and tenancy opportunities provided by widespread fragmented land holdings
- diminished food security and increased vulnerability to drought amongst groups whose access to land has been diminished by the titling process
- increased level of disputes as a result of the superimposition of systems of individual rights onto pre-existing systems of multiple rights
- the costs of obtaining title are greater than the benefits for many farmers.

For the direct beneficiaries, land titling provided very secure tenurial rights, and the early phases of the programme were indeed accompanied by increases in beneficiary farm income. However, it is impossible to disaggregate the impacts of tenure reform from those of other programmes in the post independence period to promote agricultural growth. Academic debate about the impacts of land registration and titling continues, but the policy implications of Kenya's long experience of tenure individualisation are relatively clear.

- the results of the enormously costly process of registration, in terms of agricultural productivity and incomes are ambiguous, to say the least
- tenure reform alone is not likely to succeed in enhancing smallholder production
- land titling risks a negative impact on the poor.

The civil service has identified the need to reform the tenure system further to accommodate some of the persistent realities of customary land transactions, and the President has now appointed a land commission to review the whole system of Kenyan land policy and law.