

# A REVIEW OF SPECIAL LAND TENURE ISSUES IN KENYA

By  
Gordon Wayumba  
Department of Surveying  
University of Nairobi  
P.O.Box 30197, Nairobi



# ARID AND SEMI-ARID LANDS

- n Occupy 80% of the total land surface of Kenya
- n Two main models
  - ∅ Group Ranches
  - ∅ Trust lands



# GROUP RANCHES

- n Communal land tenure under land (Group Representative Act) cap 287 of 1968
- n There are 401 group ranches in Kenya
- n Each group has 10 members registered as trustees by the government
- n Provided free dispersal area and migration corridor for wildlife



# Problems of Group Ranches

## n Sub-division of Group ranches

- ∅ Has blocked wildlife migration routes
- ∅ Has created individual land tenure type
- ∅ Diminished grazing area for pastoralists
- ∅ Increased human-wildlife conflict
- ∅ Data needed to solve conflict scattered in different organisations



# Proposed solutions for Group Ranches

- n New land tenure should be holistic, taking care of cultural values, different user rights and environment
- n Use GPS to fix boundaries of ranches to reduce boundary disputes
- n Register user rights such as, grazing, water, cultivation, cultural, migration routes etc.
- n Use GIS technology to integrate different



# TRUST LANDS

- n Created by three commissions under the British Government
  - o Ormsby-Gore commission (1924-25)
  - o Hilton Young commission (1927-29)
  - o Cater commission (1930-1934)

Trust land Act, cap 288 of 1939 made provision for land consolidation, adjudication and registration



# Existing Tenure in Trust Lands

## n Communal land tenure

- ∅ Land rights held by county council
- ∅ A big part of Trust lands has not been formally surveyed
- ∅ The few surveys done are by tracing boundaries on aerial photographs



# Proposed model for Trust lands

- n Maintain communal land tenure system, but improve on boundary definition using GPS, GIS and Remote sensing



# 10-Mile Coastal strip

- n This area covers a strip of land 1900km stretching from Vanga in the south coast of Kenya to the Lamu Archipelago in the North
- n Land has changed hands between The Sultan of Zanzibar, The British Government and The Kenya Government



# Tenure at the coast

- n Adjudication done to determine individual land rights in 1908, individual tenure
- n Adjudication for indigenous Kenyans not done yet, still communal/customary tenure
- n In Swahili Towns (Lamu) ladies inherit the family property
- n Land under the Wakf Commissioners Act, Cap. 109, need to be addressed.
- n Marine Land not properly mapped.



- n In Swahili Towns e.g.( Lamu old town) properties are developed vertically hence sectional property Act needed
- n Fly-overs (wikios) should be mapped in 3-D using laser scanner or Close range Photogrammetry



Wikio in lamu



# CONCLUSION

- n Accurate boundary demarcation is important to tenure registration
- n Encourage use of 3-D Cadastre and Integrated GIS Cadastre.
- n Efforts towards Cadastre 2014 are stimulating and very encouraging for developing countries



THANKYOU FOR THE INVITATION

ASHANTE SANA