



RECONCILE

Resource Conflict Institute

LAIKIPIA COUNTY FORUM LAND DEBATE

1.0 Introduction

RECONCILE together with Land Sector Non State Actors (LSNSA) on the 22nd February, 2015 implemented a joint Civil Society Organization (CSO)-Media engagement “Taking the Land Debate to the Masses” as part of a wider media strategy that seeks to increase the policy and advocacy space for citizens to engage with the land policy debates in Laikipia County. It ought to be noted that Land law reform and debates are mostly centered in Nairobi with little or no participation of the wider public, mostly in the grassroots. Yet, most land hotspots are found in rural areas and Kenya’s frontier districts.

Taking this debate to the masses is therefore extremely crucial at this time because autonomous rural and urban organizations, smallholder farmers and large scale land-based investors, secure tenure holders and landless communities must make their case if the transformative land reforms envisaged in Chapter Five of the Constitution of Kenya, 2010 and the Sessional Paper No.3 of 2009 on the National Land Policy will be of any value. The land and agrarian reform proposals contained in the Land Act, 2012; Land Registration Act, 2012; the National Land Commission Act, 2012 and the Environment and Land Court Act, 2011 may not have captured the voices of communities and their considered answers to the land questions due to inadequate and lack of meaningful public participation.

Yet as communities struggle to understand the new Land Acts, there are new proposals before Parliament—Land Laws (Amendment) Bill, 2015 and other pending legislations, for example, Community Land Bill, 2015—whose implications on land administration and management at the local level are not fully understood. Communities need to be prepared to engage with their elected leaders on the inadequacies of the Land Acts of 2012 but also the efficacy (or lack of it thereof) of the proposed amendment bill.

The land forums will mobilize communities in the select counties;

- ❖ To push for a people centered land reforms, provide communities with the opportunities
- ❖ To assess the extent to which the proposed provisions in the land bills address their concerns or land questions,
- ❖ Present local based evidence on the need to change certain provisions and consider amendments to the land bills and mobilize national and local media for detailed coverage of land issues in the Counties.

There is need to ensure that land and agrarian reforms are comprehensive and progressive with land tenure tools and land management frameworks that are pro-poor.

Specific Objectives;

- ❖ Provide communities with the opportunity to highlight the critical land issues they are grappling with and how the unresolved land issues are impacting on their livelihoods.
- ❖ Collate and hear communities illustrate and share locally based evidence on the need to change how the country is approaching and implementing land and land policy reforms.
- ❖ Mobilize national and local media/journalists for detailed coverage of land issues in the selected counties Create awareness on the provisions of land laws, bills and what they portend for the communities and respond to the critical questions raised by the community.

2.0 Laikipia County

Laikipia County comprises of three administrative sub-counties namely Laikipia East, Laikipia North and Laikipia West. The sub county headquarters are at Nanyuki, Doldol, Rumuruti and Nayhururu respectively. The county is further sub-divided into 15 divisions, 51 locations and 96 sub-location. The competing claims on land in Laikipia are;

- ❖ Local government which would ostensibly like to see the land returned to productive use so that the new county government can derive economic gain/fiscal returns from the land, and also finally put to rest a history of recurring violence and insecurity often associated with pastoralist-driven conflict and unplanned mobility.
- ❖ Large scale ranch properties many of which pursue mixed livestock and wildlife production systems dependent on good range condition and security: the presence of poorly managed abandoned land increases the cost of security and detracts from the overall value of their properties.
- ❖ Wildlife conservation and development organization both local and international with varied interests in working with local property owners and communities to enhance the overall functioning and conservation value of the Laikipia and larger Ewaso ecosystem. Organization working with communities also often has a dual mission of supporting sustainable ecosystem and local livelihood development.
- ❖ Long distance migrant pastoralist communities repeatedly rely on the abandoned and other lands of Laikipia for seasonal grazing and sometimes for improved security, particularly during years of drought or heightened insecurity elsewhere, for example in Baringo District to the west: their arrival often causes increased competition for grazing resources and there have been deterioration in security.
- ❖ Central government with potentially competing/conflicting interests for example between the Ministry of Livestock and its continued interest in developing an export-led livestock trade and associated feedlots in Laikipia and the Kenya Wildlife Service, with its interest in securing and further enhancing the conservation of the wildlife of Laikipia.
- ❖ Community land.

3.0 Collected Issues from the Communities and their proposals in Laikipia

	Issues	Proposals
1)	Lack of awareness/sensitization in operationalization and implementation of the Land Laws.	<ul style="list-style-type: none"> ❖ Awareness creation of the Community Land Management Board and other land related institutions within Laikipia. ❖ Public awareness on the new Bills/ Act. ❖ Proper registration of the all members. ❖ Subdivision into individual holdings under group ranches. ❖ Clarity in sharing of resources. ❖ Land audit to define the different categories of tenure system.
2)	Lack of individual ownership of land.	
3)	Discrimination on women and/or children on being included in the register and being part of management, administration and decision making within the group ranches.	
4)	Lack on mediation mechanisms on solving conflicts in the old act.	
5)	Poor governance and leadership skills on administration and management of land both at community, county and national levels.	
6)	Poor natural resource management both at the policy and institutional level.	
7)	The community and leaders having conflicted interest during election.	
8)	Historical injustices due to the big commercial ranches wanting to take over.	

9)	Increased population in group ranches making ownership hazardous. Made people look for land elsewhere.	<ul style="list-style-type: none"> ❖ Amendment and review of by-laws ❖ All stakeholders to discuss and find solution to the land issues Laikipia. ❖ Public participation enhanced. ❖ Consideration of those living in government land. ❖ People living in forest-government forest need to give community ownership. ❖ Squatters consideration for the poor. ❖ Proper mechanisms to manage political interests. ❖ Accountability mechanisms social, economical and political. ❖ Sustainable land utilization. ❖ All community land should be managed by the local management communities and they should have oversight bodies. ❖ Enhance women empowerment.
10)	Lack/inadequate action on resolutions by government on land issues: instead making it worse such as the Land laws.	
11)	Communities do not take initiative and responsibilities but in some occasions it is due to lack of funds.	
12)	Conflict on members vs. non-members usage and benefit sharing of natural resources or other resources.	
13)	Lack of by-laws being formulated to guide the community.	
14)	Establish and efficient and effective mode of how the communities register will be taken and updated.	
15)	Individual members registering as group ranch members thus invasion of group ranch.	
16)	Multiple registrations.	
17)	Lack of zoning of natural resources.	
18)	Absentee landlords.	
19)	Have clear guidelines on the process of conversion of land to avoid illegality.	
20)	Stagnant development in ranches due to lack of an ownership regime.	
21)	Illegal evictions.	
22)	Lack of knowledge on the leasing process.	
23)	Individual holdings within group ranches interfere with community livelihoods.	
24)	Holding ground	
25)	Group ranches border review.	

4.0 Recommendation

- ❖ Close attention should be paid to reduce the potential for further outbreaks of conflict.
- ❖ Research on a mode of expanding the corridors.
- ❖ Providing a methodology for enabling land-occupying communities to improve their economic development and the productivity of the land.
- ❖ Improve communities' legal access to land.
- ❖ Mobilized dispersed landowners of each ranch to reach a collective consensus on ownership.
- ❖ Create more awareness on Land laws.
- ❖ Create more awareness on the Land reform process.
- ❖ Work on other modes of resettlement such as settlement schemes and
- ❖ Effectively and efficiently work out a mode on how to help the community transition from the Old laws to the New Land laws.