

# Promoting Greater Community Benefit and Accountability in Large Scale Land Acquisitions in Kenya

## The challenge

The effective development of land lies at the core of Kenya's national planning strategy, Vision 2030. Agriculture, natural resource exploitation, and infrastructure development are key to achieving the plan's objective. To deliver on Vision 2030's promise, the government will need to implement transparent and accountable processes for large-scale land acquisitions that safeguard and do not disadvantage local communities. There are concerns that the rural population might be vulnerable to inequitable treatment during land acquisitions due to high levels of poverty and unclear or insecure land tenure rights in Kenya. Inadequate social and environmental safeguards may result in negative impacts.

## The research

This research is exploring the most effective ways to ensure the accountability of government-managed processes to protect the interests of vulnerable communities during large-scale land acquisitions. It is:

- Reviewing current policy and legislative criteria related to acquiring and granting lands for investment purposes
- Developing a community-based scorecard to track the impact and implementation of laws
- Conducting interviews with public officials, investors, and other stakeholders
- Undertaking field observation research through transect walks and photography to record the contemporary context of research sites.

## The Partners

Land Development and Governance Institute (LDGI), Kenya

## Country-level interventions

**Siaya County:** Siaya County has granted a 25-year lease to a private company over the expansive Yala Swamp to undertake large-scale irrigation farming. This

large scale land acquisition provides an opportunity for the research to review ongoing investments on leased public land in order to examine the efficacy of public engagement before, and during the project implementation. It also provides an opportunity to discuss some of the measures undertaken to mitigate environmental impacts and community perceptions/impressions of how this has played out during implementation.

**LAPPSET- Lamu County & Isiolo County:** Lamu and Isiolo counties are central to a planned new port at Lamu, and the transportation corridor which runs through Kenya to Ethiopia and South Sudan. The government of Kenya intends to use these infrastructure projects (Port of Lamu, Oil refinery in Lamu, Resort City in Isiolo, Abattoir in Isiolo) to open up socio-economic opportunities in the mainly arid and semi-arid northern Kenya, running through to Ethiopia and South Sudan.



Participants in a focus group discussion share their experiences of LSLA in Siaya County. Photo: LDGI

## The expected outcomes

The researchers will

- Review the current criteria for acquisition and granting of land for investment purposes in Kenya, including formal and procedural guarantees of accountability.
- Propose mechanisms of implementing social, economic and environmental safeguards for communi-

- ties during acquisition of land investment purposes, including those related to specifically women.
- Propose substantive and procedural elements for more responsive and transparent land laws and policies, that promote better engagement with communities.
  - Propose interventions for local-level civic education on land rights through a community level curriculum on the substance of land administration rights, procedures, and access to justice mechanisms.
  - Explore possibility of further build up of community capacity through a community based paralegal rights system to disseminate land rights knowledge to the community.
  - Propose a learning system through which community and government can formally share information, and knowledge in order to mitigate the dysfunctions of the land rights system, and preempt or avoid conflict.

## The findings and achievements so far

- ⇒ The research has implemented Year 1 & 2 objectives, including undertaking field research in all three research sites.
- ⇒ Partnerships have been developed at local level with investors, local provincial administration, and residents, that would allow implementing a training curriculum and paralegal system on land rights.
- ⇒ Preliminary findings at **Siaya County** show that despite having close geographical proximity with neighbouring land boundaries, a deep sense of mistrust and misunderstanding exists between residents in villages neighboring the Yala Swamp.
- ⇒ Although the lease agreement did not bind the investor to undertake extensive agriculture and community economic support, the investor did promise the same at the outset. The investor has not delivered, arguing that business reality makes it challenging to do so. The community views this as a broken promise and is unable to pursue this further.

- ⇒ At **Lamu County**, it is evident that the system of national land administration (rights adjudication, allocation, registration) was not working well, or at all. There was extensive evidence of residents allocating themselves what is technically public land, at will.
- ⇒ There is increasing levels of tension between communities that consider themselves 'ethnically native' to Lamu versus those considered 'immigrants'.
- ⇒ Despite the fact that much of the land is not adjudicated and/or registered, there has developed a thriving informal land market where a successful sale is marked by the 'endorsement of local elders' some of them including government chiefs.
- ⇒ **Isiolo County** is facing multi-faceted challenges, all arising from poor implementation of land administration rules. Along the Isiolo-Moyale highway, residents are worried about government attempts to further acquire land for expansion of the road, and building of a railway line. Locals claimed that survey beacons have been installed deep into their compounds – without any consultations.
- ⇒ In Isiolo town, there are claims (validated by local leaders and administrators) of double, triple and quadruple allocation of the same parcel of land to various people – creating possibilities for conflict but also undermining the value of the land as collateral for business financing.

## The time-line

2013-2016

---

A key part of Canada's aid program, IDRC supports research in developing countries to promote growth and development.

### International Development Research Centre

150 Kent • PO Box 8500 • Ottawa ON Canada K1G 3H9

Phone: +1 613 236 6163 • idrc.ca