



## **GOVERNMENT SHOULD EXPEDITE ISSUANCE OF TITLE DEEDS IN MERU AND THARAKA-NITHI**

---

The Land Development and Governance Institute has been on an initiative to improve the capacity of land sector stakeholders and leaders in Meru and Tharaka-Nithi Counties on county-specific land issues based on the current policy, constitutional and legal frameworks in Kenya. This is being done through multi-stakeholder forums held in Meru and Tharaka-Nithi. It is expected that the initiative will improve the capacity of stakeholders to engage county and national governments in the implementation of land sector programmes and the delivery of services by land institutions, including land registries and the national land commission, within the two Counties.

Forums have so far been held at Nkubu, Chuka and Maua. During the forums, stakeholders and leaders have been taken through key issues relating to:-

- The general progress made in land reforms in Kenya so far.
- The new land laws (the Land Act, the Land Registration Act, the National Land Commission Act, the Urban Areas and Cities Act, the Environment and Land Court Act) and the key highlights necessary for doing business/land transactions at county level
- The rights of women under the constitution and the new land laws
- How to engage the county land management boards, the county organs of the national land commission, in the allocation and management of public land
- How to engage the Town management committees in the management of urban areas
- How to control excessive fragmentation of land through the Land Control Act and the Physical Planning Act.
- The importance of maintaining good boundaries to minimize boundary disputes
- The resolution of boundary disputes and penalties for the wilful destruction of boundaries
- Planning requirements under the new land laws and devolved governance
- The management of natural resources, with specific emphasis on forests.

During the forums, stakeholders have pointed out their key concerns. These include:-

- Poor information dissemination at county level
- Corruption in land offices
- Deeply rooted corruption in land adjudication/consolidation processes
- Grabbing of public land
- Lack of public participation during the establishment of county land institutions like the county land management boards and the Town management committees
- Lack of public participation during the establishment of Nyambene National Reserve
- Incomplete/stalled land adjudication schemes in Meru and Tharaka-Nithi Counties. Large sections of these Counties have gone without title deeds since independence, including high potential areas like Maua Town, parts of the LAPSET Corridor and environs of Isiolo Airport, something that has grossly undermined development.



- Sale of land by men land owners without pre-consultation with their spouses and children leading to preventable dispossession and poverty
- An increasing volume of land disputes especially in areas with incomplete adjudication/consolidation schemes
- Limited access to Environment and Land Courts to resolve the pending case load of land disputes at the local level.
- Non-payment of allowances to members of land control boards.

The Institute particularly notes that the matter of incomplete/stalled adjudication/consolidation schemes has contributed greatly to the frustrations land owners recount but also observes that there has been evident loss of economic opportunity by land owners in the affected zones. Maua in particular provides a good lesson where several businesses in the town stand on land without title deeds while many farmers continue to live and work on land without title deeds. All such land owners cannot use land as collateral for business growth. Moreover, the lack of title deeds to land on which businesses, homes and farms stand gets extremely compounded when original land owners die, leaving beneficiaries with no clear ownership evidence on which to base their inheritance claims. Besides the obvious gaps in our registration records, this cycle of legitimate beneficiaries without a good basis on which to lodge inheritance claims fuels the backlog of land cases.

The Institute therefore wishes to call upon the County and National governments to give the matter of corruption in service delivery, incomplete/stalled adjudication/consolidation process and the establishment of Environment and Land Courts closer to litigants, priority attention. It is most unjust for a large section of hardworking Kenyans to live without title deeds for land bequeathed them by their community for close to half a century. The absence of land courts closer to the people makes the pursuit of justice on land disputes unnecessarily long and expensive. Once these key concerns are addressed, the other noted concerns can be systematically resolved through the new land institutions at County level.

***Issued by the Land Development and Governance Institute (LDGI) from Meru on Wednesday 10<sup>th</sup> September 2014.***