

Land Tenure and Land Reform

Land Tenure

Definition

Land tenure is defined as the possession of the legal rights to the use of land. Various kinds of rights to the use of land give rise to different tenure systems.

Land Tenure Systems

All land tenure systems fall into two major classes, namely:

Collective Tenure Systems

This includes:

(a) Communal Tenure System

This involves the possession of rights over land by the whole community. It works quite well under conditions of unlimited land resources.

Disadvantages of Communal Tenure

- (i) No incentive among the users to conserve the land resources.
- (ii) Everybody strives to maximise returns from land without the drive to invest e.g. in terms of soil conservation and maintenance of soil fertility.
- (iii) There is a tendency of overstocking and continuous cropping; which leads to soil erosion and loss of land productivity.
- (iv) As a result of communal grazing of livestock, it is impossible to improve livestock through controlled breeding, proper feeding, disease and parasite control.

- (v) Since there is no title deed, it is virtually impossible to secure loans to develop the land.

(b) Co-operative Tenure System

This category includes various collective arrangements under the government or other authorities. Farmers voluntarily group together and buy land which they subsequently operate on co-operative basis. Examples are co-operative ranches. Under good management, this system can achieve good economic returns. Problems may however, arise due to:

- (i) high demands for managerial skills which may be difficult to secure,
- (ii) low levels of education and spirit on the part of the co-operators.

Individual Tenure Systems

The various forms of individual land tenure include the following:

(a) Owner Operator

This category includes all persons who operate on land to which they have absolute individual rights. Examples are the majority of individual land-owners in areas where demarcation and registration of land has taken place and title deeds (certificates of ownership) issued.

Advantages

- (i) The owner is free to make permanent production plans.
- (ii) The owner can pledge his land title deed to secure loans (credit)

from lending agencies for further development.

- (iii) He is motivated to work harder than when under communal arrangements.
- (iv) Managerial failures usually affect small units of production and are therefore negligible.
- (v) It is easy for the owner to get agricultural advice.

Disadvantages:

- (i) Costs, e.g. machinery for processing may be too high for individual owner.
 - (ii) Innovation may be inadequate due to low levels of education.
 - (iii) Lack of capital to invest.
- (b) **Plantation and Concessions**
In this form of land tenure, the individual is usually a company or a corporation. Most of them engage in the production of only one commodity. They are rigid in their production plans and in most cases labour is hired on wage basis. Examples are coffee, tea, sugar cane and sisal estates in Kenya. This kind of arrangement usually achieve very high economic results; but can suffer poor management and other social economic evils e.g. corruption within the system. The most overriding factor in this system is efficient and disciplined personnel and other resources.

(c) **Landlordism/Tenancy**

The arrangement here involves the ownership of land by one individual or group of individuals (landlord) who leases it to another individual (tenant). A legal lease specifies the length of time during which the tenure is operative; and that serves as a security of tenure to the tenant.

The efficiency of production in this arrangement is greatly affected by the length of lease, its legal backing and rent payable.

Advantages

- (i) One without land can get a chance to use land.
- (ii) A landlord who cannot operate his land, for any reason, can still earn income by leasing it to a needy tenant.
- (iii) It is a flexible arrangement i.e. it allows room for change of production plans should need arise.
- (iv) Security of tenure gives the tenant incentive to invest.

Land Reform

Definition

Land reform is any organised action designed to improve the structure of land tenure and land use.

Forms of Land Reform

(a) **Land Consolidation**

This means bringing or putting together, into one piece, fragmented parcels or pieces of land scattered over a large area.

The objectives of land consolidation are:

- (i) To save on time spent while moving from one piece of land to another.
- (ii) To facilitate effective and efficient farm planning.
- (iii) To create an incentive among land operators to invest on and develop land.
- (iv) To facilitate mechanisation and improve production through efficiency.
- (v) To improve level of production through effective supervision of the labour force and sound farming methods.

(b) **Land Fragmentation and Sub-division**

This is the subdividing of a (large) piece of land into smaller portions. Sometimes it becomes necessary to

sub-divide land for the following reasons:

- (i) To sell part of the land.
- (ii) The parent may wish to subdivide and distribute his land among his sons, daughters and other dependants.
- (iii) The government may decide to subdivide large farms in order to settle landless citizens.

(c) *Land Adjudication and Registration*

Land adjudication involves establishing the legitimate ownership, measurements (to make permanent boundaries) and recording of land details. Once land has been adjudicated, and any disputes concerning the same land are settled, it is then registered in the "Register of Titles" and the owner is issued with a land title deed or certificate of legal ownership.

Advantages

- (i) The legal owner of the land has security of tenure and hence an incentive to invest and improve productivity.
- (ii) A farmer can mortgage his land by offering land title certificate as a security to loaning agencies to secure capital to finance his development projects.
- (iii) If a farmer cannot operate his farm, he can still earn income from it by leasing it.
- (iv) Disputes concerning land boundaries and/or land ownership no longer arise.

(d) *Land Settlement and Resettlement*

Definitions

Land settlement means the occupation of land which was previously uninhabited. Land resettlement, on the other hand, is the transfer of people from an already densely populated area to a sparsely populated one.

Objectives

- (i) To settle landless citizens.
- (ii) To relieve population pressure in densely populated areas.
- (iii) To increase or promote agricultural productivity by farming on land that was previously unused or lying idle.
- (iv) To improve people's standards of living through creation of self-employment and salaried employment in new settlements and related projects in such areas.

Settlement and resettlement in Kenya have taken two phases:

- Early settlement was undertaken before 1960, and was aimed at transferring people from densely populated areas to sparsely or previously unoccupied land.
- The million-acre settlement scheme was initiated at the advent of Kenya's political independence. Its main objective was to resettle landless Africans on the former European farms. This was the biggest resettlement programme ever undertaken in the country.

WORK TO DO

1. Define the term, "land tenure."
2. What are the disadvantages associated with communal land tenure system?
3. Name the advantages of owner-operator over landlordism.
4. In what ways is landlordism/tenancy beneficial to the tenant?
5. Define the term "land reform".
6. Write short notes on:
 - (a) Land consolidation.
 - (b) Land adjudication and registration.
7. What are the advantages of acquiring a land title deed or certificate of ownership?
8. Distinguish between land settlement and land resettlement.
9. List the main objectives of the land settlement in Kenya.
10. What problems have been encountered in the administration of settlement programmes in Kenya?