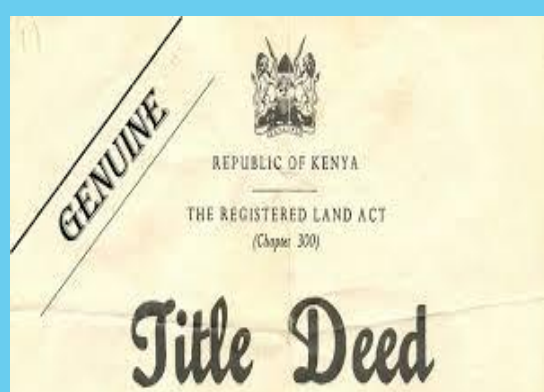




**NATIONAL CRIME RESEARCH CENTRE**  
*Fighting Crime through Research*



## **BASELINE STUDY ON LAND-RELATED CRIMES AND OFFENCES IN KENYA**



**Dickson Gitonga Njiru**  
**Joash Kiprotich Rono**

# **NATIONAL CRIME RESEARCH CENTRE**



## **BASELINE STUDY ON LAND-RELATED CRIMES AND OFFENCES IN KENYA**

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## OPERATIONAL DEFINITION OF TERMS

**Community land:** refers to land lawfully held, managed and used by a given community as defined in the “Article 62 of the Constitution of Kenya ”.

**Customary land rights:** refer to rights conferred by or derived from Kenyan customary law whether formally recognized by legislation or not as defined in Section 2 of Land Act (2012).

**Customary land:** means private land on which one or more members of the family have customary rights of ownership as referred in Section 2 of Land Act (2012).

**Depravity:** According to Merriam-Webster Dictionary: Definition of depravity means; a corrupt act or the quality or state of being corrupt, evil, or perverted self-centeredness.

**Land-related crimes:** Crimes associated with land ownership.

**Land tenure:** used in the same meaning as in Section 2 of Land Act (2012) and refers to the terms and conditions under which rights to land and land-based resources are acquired, retained, used, disposed of, or transmitted.

**Land:** article 260 of the Constitution of Kenya defines land to be; the surface of the earth and the subsurface rock; any body of water on or under the surface; marine waters in the territorial sea and exclusive economic zone; natural resources completely contained on or under the surface; and the air space above the surface.

**“Modus Operandi”:** methods of operation by the perpetrators to commit the offence.

**Private land:** refers to land lawfully held, managed and used by an individual or other entity under statutory tenure as defined in the “Article 62 of the Constitution of Kenya ”.

**Public land:** comprises all land that is not private land or community land and any other land declared to be public land by an Act of Parliament as defined in the “Article 62 of the Constitution of Kenya ”.

**Rights of ownership:** refer to the quantity of rights that different tenure systems confer on individuals, groups of individuals and other entities. The principal rights of ownership are the right to use, the right to dispose of, and the right to exclude others from the land owned.

**Victimization:** is the process of being victimized, either from a physical or a psychological or a moral or a sexual point of view or the action of singling someone out for cruel or unjust treatment.



## **ABBREVIATIONS AND ACRONYMS**

ACC:	Assistant County Commissioner
ADC:	Agricultural Development Corporation
ADR:	Alternative Dispute Resolution
CC:	County Commissioner
DCC:	Deputy County Commissioner
DFID:	Department for International Development (UK)
FGDs:	Focus Group Discussions
FIAN:	Food First Information and Action Network
IDP:	Internally Displaced Person
ILC:	International Land Coalition
KII:	Key Informant Interview
KLA:	Kenya Land Alliance
KNBS:	Kenya National Bureau of Statistics
KPHC:	Kenya Population and Housing Census
LAPSSET:	Lamu Port-South Sudan-Ethiopia-Transport Corridor
LICADHO:	League for the Promotion and Defense of Human rights
MoLPP	Ministry of Lands and Physical Planning
NCRC:	National Crime Research Centre
NGAO:	National Government Administrative Officers
NLC:	National Land Commission
NLIMS:	National Land Information Management System
ODPP:	Office of the Director of Public Prosecutions
PPS:	Probability Proportional to Size
TJRC:	Truth, Justice and Reconciliation Commission
SPPS:	Statistical Package for Social Sciences

## FOREWORD

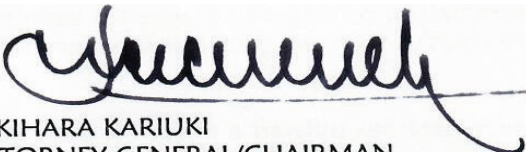
Land is an important means of economic livelihood for majority of Kenyans. Land ownership, access and use have been at the centre of socio-economic, cultural and political transformation in the country. The Constitution envisages that land in Kenya should be held, used and managed in a manner that is equitable, efficient, productive and sustainable.

Reforms in the land sector have been a priority for the Government of Kenya over the years. The establishment of the National Land Commission (NLC), the review and harmonization of Kenya's land legal regime through the enactment of the Land Act (2012) and several other laws governing Physical Planning, Land Administration and Registration, the National Land Policy, 2009 and the establishment of the Truth, Justice and Reconciliation Commission (TJRC) to investigate illegal acquisition of public land are some of the initiatives undertaken by the Government that have significantly improved land governance in Kenya. However, the land question remains an emotive subject that sometimes threatens national security. Specifically, land-related crimes and offences are prevalent in Kenya with far-reaching negative socio-economic and political ramifications to families, communities and the country at large.

This study was commissioned to evaluate the prevalence and patterns of land-related crimes and offences in Kenya. This report provides feedback on the key dynamics of land-related crimes and offences from 1,580 households and key informants from 33 counties where the research was undertaken. The study established that the most prevalent land-related crimes and offences were: interfering with land boundaries and beacons, trespass, land fraud and/or exploitation, forcible entry and land-related forgery. Furthermore, the study found out that the main causes of land-related crimes and offences were greed by a section of land owners, depravity, land grabbing, delay in issuance of title deeds, fraudulent double or multiple allocation and sale of land and land succession disputes.

This study recommends among others, the urgent development of a systematic program to georeferenced boundaries across the country; the imperative to improve and upgrade security features and labels of land title deeds; digitization of all land registries across the 47 counties; operationalization of the National Land Information Management System in all counties; making corruption prevention a standing agenda in the lands sector; review of the Estate Agents Act, 1984 Cap 533 Laws of Kenya to ensure stricter regulation and oversight over Estate Agents; and public sensitization on land laws, land rights and due diligence in land transactions.

It is my sincere hope that the findings and recommendations of this report will inform the ongoing reforms agenda in the lands sector.



P. KIHARA KARIUKI  
ATTORNEY GENERAL/CHAIRMAN  
GOVERNING COUNCIL  
NATIONAL CRIME RESEARCH CENTRE

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**GERARD E. WANDERA**  
**DIRECTOR/CEO**  
**NATIONAL CRIME RESEARCH CENTRE**

## **EXECUTIVE SUMMARY**

Land is an emotive issue in Kenya because it is perceived to bear significant political, economic, socio-cultural and development value to the lives of the people. This study was aimed at assessing the prevalence of land-related crimes and offences in different parts of the country as a baseline study.

The general objective of this study was to explore the dynamics of the problem of land-related crimes and offences which have persisted overtime in Kenya. The study's specific objectives were to: ascertain the forms of land-related crimes and offences in Kenya and explore the extent of victimization on land-related crimes and offences, establish the causes of land-related crimes and offences, identify the perpetrators of land-related crimes and offences and their mode of operation, determine the consequences and impact of land-related crimes and offences, evaluate the existing interventions for addressing land-related crimes and offences and explore the challenges encountered in the implementation of land reforms in Kenya.

This study applied crime opportunity theory and social conflict theory. These theories provided a fundamental theoretical framework upon which this study's overall methodology was based. The study adopted mixed method research design which involved integration of qualitative and quantitative approaches.

The study interviewed 1580 sample respondents who were systematically and randomly selected in 33 counties. In addition, 13 focus group discussions were held as well as key informant interviews. A standard structured closed and opened-ended interview schedule was used to collect primary data. The study also utilized key informant guide which was administered to key government agencies as well as non-state actors in the lands sector. The questions in the tools were reviewed after a pilot study in a few selected counties. This was to ensure that the study questions addressed the research objectives.

## **Key Findings**

### **i. Status of land Ownership**

The study established that majority of the respondents owned land in the study areas. The study also showed that the majority of land owners were locals whereas a few were non-locals who had acquired land in the locality. A cross-tabulation was also done to find out how land ownership was related to being a victim/witnessing land-related crimes in the sampled areas and the findings pointed out that a majority of the respondents who owned land had either been victims or witnessed land-related crimes in their areas.

### **ii. Forms of Land-related Crimes and Offences**

The study established that there were estimated 40 types of land-related crimes across the sampled counties. The most prevalent types of land-related crimes were: interfering with land boundaries and beacons, trespass, land fraud and or exploitation, forcible entry and land-related forgery.

### **iii. Land-related Crimes Victimization**

The study established that majority of the respondents had been victims of interfering with boundary marks/beacon, forcible entry/ land grabbing, trespass and land fraud. The study also established that majority of the respondents after experiencing land-related crimes reported to national government administration officers, reported to the elders for mediation. Others institutions of reporting the cases included: court arbitration, the police the land registry and preference for family mediation.

### **iv. Causes of Land-related Crimes and Offences**

The major causes of land-related crimes cited were: greed by some land owners, depravity of mankind, land grabbing and delay in issuance of title deeds, fraudulent double/multiple land sales and land succession disputes.

### **v. Perpetrators of Land-related Crimes and Offences**

This study found out the perpetrators of land-related crimes as: land brokers or cartels, conceited family members, neighbours were the leading perpetrators of land-related crimes in the country. Also, National Government Administrative Officers, corrupt land buying companies officials, department of land and National Land Commission, unemployed youth, land developers and non-locals were considered as perpetrators of land-related crimes. Other perpetrators stated included: self-serving political leaders,

corrupt advocates, herdsmen/women, land owners, surveyors, county government officials, officials of welfare groups/Sacco/Chamas, Ministry of Energy officials, business community, squatters and land caretakers. The study also found out that the “*modus operandi*” of the perpetrators involved: double allocation, removal of land beacons, trespass on private land, collusion with public officials, forging of land documents, alteration of lands maps/boundaries and conspiracy to defraud.

**vi. Consequences of Land-related Crimes and Offences**

The finding on social consequences of land-related crimes included: increased poverty, family disharmony, loss of life, infliction of injuries, evictions/displacement of people, animosity between communities, food insecurity and land-related domestic violence issues.

The economic consequences reported included: loss of livelihoods, damage to property, prolonged cases in courts and time wastage, destruction of crops, land idleness (unutilized land), and depreciation of land value. The political consequences on land-related crimes included: communal/family disharmony, politically instigated eviction/displacements, politically instigated squatting, land-related electoral violence and conflicts, and nepotism/tribalism. In terms of environmental consequences of land-related crimes, the prominent one was land degradation and environmental pollution.

**vii. Existing Interventions for Addressing Land-Related Crimes and Offences**

The findings of the study showed that Alternative Dispute Resolution (ADR) and land dispute arbitration/mediation/negotiation was preferred by a majority of the respondents. Also, court/penal processes (instituting civil suits) was another preferred method.

Further, victims of land-related crimes reported to: National Government Administration offices (Sub chief, Chief, ACC, DCC, CC etc.), State Department of land offices, Land Control Board(s), private land buying companies and private surveyors’ offices.

**viii. Challenges in Addressing Land-related Crimes and Offences**

The study established a number of challenges in addressing land-related crimes. These included: culture of corruption, high cost of processing land documents, lack of awareness on land rights, delays in conclusion of land ownership cases in courts and lack of transparency in land related matters which were considered as the leading

challenges. In addition, corrupt land dealers/cartels/companies, extreme poverty in some communities, difficulties in accessing land-related services, illiteracy and unregistered land/ lack of proper documents were also notable challenges.

### **Policy Recommendations**

1. The Ministry of Lands and Physical Planning (MoLPP) should initiate a process of boundary alignments and develop a systematic program to geo-reference boundaries across the country. This can be achieved through the allocation of more resources to Surveys of Kenya. From the study, boundaries and beacon alteration was the most prevalent type of land-related crime.
2. The Ministry of Lands and Physical Planning to expedite the process of digitization of all land registries in the 47 counties and also the operationalization of the National Land Information Management System (NLIMS) in all counties in Kenya. Additionally, NLIMS platform should be customer friendly and transparent for ease in tracking all processes of land conveyancing that involve land administration and registration, land surveying, valuation, and physical and land use planning. The system should also be integrated with other government systems available on the e-citizen platform.
3. The Ministry of Lands and Physical Planning should review the Estate Agents Act, 1984 Cap 533 Laws of Kenya to ensure that there is strict regulation and punishment of Estate Agents who arrange to defraud through the sale, renting, or management of homes, lands, and buildings. Such regulations will ensure vetting and an investment guarantee fund is deposited with the Estate Agents Registration Board as a regulator before such firms are allowed to go public with land and or property sales, including advertising.
4. The government through the Ministry of Lands and Physical Planning should fast-track the issuance of title deeds to all public land in the country and where the application of renewal of lease has been made, thorough vetting of the applicants should be done to avoid swindling the original beneficiary. The MoLPP should also roll out land adjudication for non-demarcated land throughout the Republic of Kenya.
5. The Ministry of Lands and Physical Planning should initiate mechanisms to upgrade and improve security features and labels of land title deeds. Upgrading and improving



the security features and security labels on title deeds by the Ministry of Lands and Physical Planning will make it difficult to forge/counterfeit land title deeds.

6. The Ministry of Interior and Co-ordination of National Government and the Ministry of Lands and Physical Planning should consider conducting public sensitization on land-related succession laws, land rights, and land transaction due diligence. This will help minimize cases of forgery of land documents, and swindling of land owners or buyers while improving community awareness of land rights.
7. The Environment and Land Court should expedite conclusion of land-related cases in courts within a set time frame, to address delays on land matters. This study found out that one of the causes of land related crimes and offences were delays in conclusion of land matters in courts. In addition, the government should encourage the public to utilize Alternative Dispute Resolution Mechanisms (ADR) such as community elders, court arbitration, and NGAO which the study established to have a good level of success in the handling of the land disputes. There should be capacity building of these ADR institutions with regard to land laws, land rights, and conflict resolution to enable them deliver this service effectively and efficiently.
8. The Ministry of Lands and Physical Planning should adopt multi-agency/sector collaboration of land stakeholders in addressing land-related corruption. In particular, the government should come up with necessary measures to deal comprehensively with corruption in the land sector and colluding public officials in land transactions. There is need for corruption prevention as a strategy to form a standing agenda in the Ministry of Lands and Physical Planning. Ethics and Anti-Corruption Commission in conjunction with the Ministry of Lands and Physical Planning needs to put in place anti-corruption strategies that seeks to seal loopholes in the ministry's service delivery points prone to corruption like the land registries.

# **CHAPTER ONE: INTRODUCTION**

## **1.1 Background to the Study**

Land resource is still regarded as critical factor in global human development by a sizeable segment of world population. In Kenya, it is an important means for the economic livelihood of a majority of people. The land question remains high on Kenya's social, economic and political agendas (Deininger et al., 2012). Economists define land as a necessary factor of production upon which other constructive processes take place. It refers to the water body, forests, mineral resources under earth thrust (surface) and the atmosphere. The way people handle and use land resource is decisive for their social and economic well-being as well as its sustained quality of use. However, land use is not only a realm of those directly using it, but it is exposed to part of the wider reality of social and economic development and change (National Land Use Policy, 2017).

Land distribution for use has brought to the fore, a historical-structural problem in today's century world. In many countries, the emotive land issue has led to many wars or internal conflicts, population displacements, hunger and economic inequality than any other cause. Studies have revealed that territorial control continues to be a source of economic and political power that is often exercised through repression and violence. It points out that inequalities in the world cannot be reduced without addressing the challenge of land rights, tenure and distribution and its relationship with political power and democracy; land and conflict; land and development, land related crimes and offences and other organized crimes. The adverse effects of land inequality include: it limits employment; increases urban poverty belts as people are expelled from rural areas; it also undermines social cohesion, the quality of democracy, environmental health; and destabilizes local, national and global food systems. Another unfortunate land matter is the lack of transparency in land transactions, and numerous obstacles to accessing land information, which makes it difficult to know who the real landowners are all over the world (Oxfam International, November 2016).

In a study by Wehrmann (2008) land use conflicts and violence produce negative consequences for individuals as well as for the entire society. These conflicts build up and result into commission of crimes within the communities. Many families across the world have seen their shelters and their homes being bulldozed out of existence. Ownership

wrangles during sale of land have been witnessed in many parts of Africa. Whenever there is a land conflict, someone suffers economic consequences. Moreover, in extreme but not rare situations, people find themselves landless and/or without shelter. In the case of a farmer, this often includes the loss of his/her production base (Wehrmann, 2008).

Further, where there are many land conflicts, the social stability is affected since land conflicts undermine trust and increase fear and suspicion between formerly close persons such as neighbors and family members. The fear of becoming a victim of conflict or land-related crime can also have a traumatizing effect on those who are or feel at risk. In addition, whenever state land is allocated illegally, it generally affects the nation's budget negatively and often results in ecological destruction or social exclusion. Other consequences of land use conflicts and consequential related crimes and offences are emergent of organized criminal gangs, murder of one of the contesting parties in land ownership conflicts, physical assaults causing bodily harm, displacement and evictions of families among others. Also, it may result to economic losses when developmental projects such as housing structures are demolished during forced evictions. These costs have to be borne in the entire parts of the society. So, all over the world, people struggle for land, many of them struggle with land conflicts and some of them struggle to solve them peacefully (Wehrmann, 2008).

### **1.1.1 Global Perspective of Land -related Crimes and Offences**

Globally, land use conflicts and related crimes and offences in various communities occur in many forms. These include conflicts that occur between single parties in the society, for example boundary conflicts between neighbors; inheritance conflicts between siblings and disputes over the use of a given piece of land which could be comparably easy to solve; and those more complex conflicts that involve several parties such as group invasions or evictions of entire settlements which are rather difficult to deal with. In many countries, indigenous people have had their land dispossessed or are at risk of being dispossessed due to either failure to recognize their rights to land or invalidation of those rights by the state, or through expropriation or privatization of their lands by the state putting their lives at risk. But by far, the most complex land conflicts are those that include corrupt land administration and state capture (Adenyinka, 2017).

The land struggle is at the core of many social conflicts and civil wars in many countries globally. Land is considered as the main asset by millions of rural households in most of

developing countries. It can define the difference between subsistence and extreme poverty. When people lose land, they are forced to rent plots or depend on waged work, which is largely temporary and unreliable, in order to provide food and other basic essentials for their households. Secure access to and control over land is believed to determine development opportunities. Countries in which land has been more evenly distributed have managed to reduce hunger and poverty much more quickly, and have maintained growth rates two to three times higher than countries where the initial distribution of land was more unequal (Deininger, 2003). This is no surprise as the new United Nations Sustainable Development Goals agenda includes equal access to land as a key target for three of its goals: ending poverty (Goal 1), zero hunger (Goal 2) and gender equality (Goal 5).<sup>1</sup> To achieve all these, land is viewed as critical and the very reason individuals and nation (s) strive to defend and protect invasion.

The relation of land with conflict and other crimes has equally been evident in Latin America. Cantor, (2014) in his study *The new wave: forced displacement caused by organized crime in Central America and Mexico* found out that control of territory in the Latin America region was related to various forms of criminal activity, including the production and trafficking of drugs in the so-called Northern Triangle of Central America-formed by Guatemala, Honduras and El Salvador. The study noted that criminal groups had caused displacement by forcing small and medium landowners to sell their land to make way for the trafficking of cocaine and other illicit goods. In Mexico, drug cartels had violently expelled whole communities from lands rich in natural resources and/or suitable for the production of crops. In Columbia, drug traffickers and paramilitary groups had channeled part of the profits obtained from cocaine trafficking into purchasing land to extend areas for cocaine farming (Cantor, 2014).

East Asia has also witnessed increased land disputes due to economic and demographic growth that has intensified the demand for farmland and urban settlement spaces. Nowhere is this more evident than in China and Vietnam. Reforms that brought socialist Asia into the globalized economy and led to the return of private property ownership, also sparked intense competition between farmers and residents with outsiders for example private developers

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<sup>1</sup> See. Sustainable Development Goals website: <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

and government agencies. In China and Vietnam, industrial parks, transport infrastructure, and new residential developments are encroaching on farmland, causing increasingly violent clashes with farmers. China alone has been experiencing more than 500 daily land disputes and protests since 2011 (Gillespie & Fu, 2014).

Marks et. al (2014) study on assessing the situation of land grabbing and its impacts on small-scale farmers in 5 countries in South East Asia, namely Thailand, Myanmar, Laos, Cambodia and Vietnam found out that land grab has caused a number of people in these countries to become landless. This is because they do not have legal security over the land they live on, some of them living on state-owned land, others having been evicted by the state or companies and their land seized. The study found out that millions of hectares of land had been grabbed and handed over to either foreign or domestic investors.

### **1.1.2 Land Tenure and Contestation in Africa**

The Berlin conference of 1885 on the scramble and partition of Africa is regarded as the genesis of the African land problem. The resolutions of this conference had remarkable influence on land, governance, trade, and social cultural fulcrum of the continent to date. Western countries engaged in territorial expansionism, introduced new system of government, trade preference, farming, settlements, and their languages in the running of territories (protectorates) which attracted resistance from indigenous communities. The seed of land conflict was sown at this point in time with the larger Africa block divided according to the interests of European powers-French, Portuguese, Italian, British, Arabs, Belgians and German protectorates. The aftermath was displacement of indigenous people and resistance due to discontent (Cotula et al., 2004; van Donge, 1999, as cited in Yamano & Deininger 2005). The settlers dominated the fertile land and Africans were pushed into the periphery and semi-arid areas.

The current land systems and governance in Africa as constituted in most countries, are not well equipped to resolve related conflicts. A study by Bob (2010) has also indicated that for a long time Africa has had a history of land dispute trajectories and contestations partially based on land use and administration, which have contributed to inequalities in distribution and instigated land-related conflicts. These conflicts have rendered the use of land almost impossible and affected many families' livelihoods. According to Yamano and Deininger, 2005 in their report to World Bank, they argued that, more than half of Africa's usable land is

currently uncultivable. Millions of people in the continent have been displaced from one region to another due to land conflicts, examples of such cases are in the Central Africa Republic and Great lakes region. In spite of its abundant resources, the African continent experienced a disconnect between the resource potential and real level of social development where more than half of its population languishes in poverty, living below one dollar per day (ibid).

The East African region also has its share of land-related crimes and offences incidences and conflicts largely associated with the different land tenure systems ranging from freehold or private, communal or traditional systems, public land and squatting. From the pre-colonial period, a number of factors come into play in land-related crimes and offences witnessed in the region. These include but not limited to community, family, individual and government interests in access and use of land through established land management and administration policies. Different regimes have attempted to resolve land-related crimes and offences in the past and present without much success. Therefore, whether land is at the heart of a conflict or gets dragged into it, it requires a careful approach by policy makers because it is a central element in the evolution of societies (Yamano & Deininger, 2005).

### **1.1.3 Kenyan Perspective**

#### **1.1.3.1 Prevalence, Patterns and Impact of Land Related Crimes and Offences in Kenya**

Kenya has a catalogue and long history of land-related crimes and offences as well. This can be traced back during its colonial rule period when the Germans, Arabs, and the British promulgated a raft of policies and practices that alienated people from their customary land and pitted one ethnic group against another (Veit, 2011). A review of numerous existing literature indicates that from the early period of Kenya's independence, conflicts associated with land ownership have been experienced in almost every part of the country. The colonial regime led displacement of indigenous people, creation of new land settlement schemes, hiving of productive land "white highlands" causing local evictions. There is also heightened land grabbing, fighting among communities, land clashes, incidences of increased violence, fraud, corruption in land deals, fake titling, deaths, assaults, family disagreements and unfair land distribution (Okowa, 2012).

Interests of the colonial regime coupled with population growth (pressure), agricultural commercialization, urbanization and demand for new land use patterns and practices have

heightened land-related crimes and offences contributing to violence and disruption of societal systems. Reforms which were hitherto introduced only served short-term political solutions, which have further escalated to the current prevalence of land conflicts and crimes which always become an emotive issue every cycle of the electioneering period in Kenya (Okowa, 2012; NCRC 2016).

Kenya's land question is culturally, ethnically and economically charged resource affair. This calls for urgent and effective land use and administration redress since there is increasingly a lot of pressure piled on the available land due to the exponentially growing population. Moreover, 85.0% of the Kenyan population rely on agriculture as their primary livelihood source. Interestingly, 88.4% of the population just have access to less than three hectares of land which creates a simmering land tension. This is particularly noted for minority ethnic groups, who have been systematically excluded from land ownership according to a study by International Land Coalition in 2011. In attempt to solve the problem, the government has in the past constituted different Commissions of Inquiry to investigate land grabbing and historical land injustices in Kenya. In these reports land factor was singled out as a major factor triggering conflicts in the country (Akiwumi, 1998; Ndung'u, 2004; TJRC, 2013).

International Land Coalition (ILC) in 2011 presented a report that analyzed the illegal/irregular acquisition of land by Kenya's elites. The study sought to ascertain the types of land affected, the processes used to acquire land, and the profiles of the perpetrators, as well as to identify the victims and the impacts of land grabbing in the country. The report was drawn largely from the Kenya Land Alliance (KLA, 2006a, 2006b)'s series "*Unjust Enrichment: The Making of Land Grabbing Millionaires*", which focused on the illegal and/or irregular allocation of protected (forest) land, and land held by public corporations and parastatals and the report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land (2004), known as the Ndung'u Commission Report. The Ndung'u report (2004) revealed that illegal allocation of public land was one of the most prevalent land related crimes and offences perpetrated by the political class. On a conservative estimate, some 200,000 illegal titles were created between 1962 and 2002. Of these, 98.0% were issued between 1986 and 2002. The categories of public land affected included: forests, settlement schemes, national parks and game reserves, civil service houses, government offices, roads and road reserves, wetlands, research farms, state corporation land and trust lands.



The report made it clear that the illegal allocations took place either on the direct orders of the president or on the orders of prominent senior public officials and well-connected business people and politicians. Those who benefited from the illegal or irregular allocations of grabbed land included ministers, senior civil servants, politicians, business people, churches, temples and mosques. The impacts of land grabbing by Kenya's elites have yet to be fully quantified; however, to put the problem into financial context, the KLA estimates the public losses incurred due to illegal acquisition of parastatal land and protected forestland to be at Ksh. 53 billion and these figures could be much higher. However, the effects are long-term and include degradation of (protected) national resources, speculation on land prices, increased rents, landlessness, and missed development opportunities (Kenya Land Alliance (2006a,2006b)).

Akiwumi (1998) and Ndung'u (2004) reports clearly outline that perpetrators of land conflicts ranges from public officials, politicians and connected members of the public. The land conflicts in general indicates individuals, members of the community or organized groups, business people or land buying companies, clandestine groups, government agencies and officers, and members of the political class. The widespread 2007/2008 post-election violence, which drew international attention and resulted in the death of about 1,300 people and the displacement of many people's estimated 600,000 individuals (Waki, 2009) is largely linked to long-standing land disputes. In another report on gender based violence published by NCRC, 2018 land factor was noted to be at the core of family/domestic violence with men being the perpetrators and women the victims at the family unit; men seeking to wrestle control or dominate use of this resource at the domestic level.

This is also affirmed by numerous media highlights, in recent times reporting several cases of land-related crimes and offences. These include but not limited to the following cases; a case in Kagumoini village in Kandara, where a man was killed by a family member in a land-related feud. The Daily Nation newspaper of August 5, 2018 reported a story of grabbing of Kenya Railways land in Mombasa and an emerging dispute on northern collector tunnel, another case of land ownership conflicts in Kirieni, Gatanga and also similar cases of land ownership disputes in Ruaka. A case of squatters on Agricultural Development Corporation (ADC) farm, Ruai public sewage land, East African Portland Cement land in Mavoko and demolitions of illegal structures on these places to mention but a few. These are just a few cases associated with individual greed and disagreements within members of the family, fraud, poor land registration system, high value attached to land, territorial expansion linked

to politics, corruption and commercialization of farming activities (Daily Nation Newspaper August 5, 2018).

The immediate and long-term impacts of these conflicts are disastrous and cannot be overstated. They have contributed to injuries, loss of lives and property, displacement of people, demolitions of illegal structures, led to informal settlements, encroachment of private and government land reserves, ethnic animosity, increase in incidences of fake title deeds and land cases in courts and derailed development overtime and thereby hindering of the smooth implementation of activities necessary to support the economic development of the country in the Big Four Agenda.

Equally of concern is the increasing rise of land-related crimes and offences incidences as land becomes competitive and scarce. The country has also experienced international land conflicts and disputes leading to deteriorated relations between Kenya and her neighbors for example Migingo Island on Kenya-Uganda boundary and Somalia claim of a section of Kenya's coastal strip (Okowa, 2012).

#### **1.1.3.2 Policy and Legal Framework**

In the past, there have been efforts to streamline management and governance of land use and environment management, but these were largely uncoordinated as Kenya lacked a national land use policy. Notable government of Kenya initiatives to address land use planning and facilitate efficient use of land and other natural resources as the foundation for economic development in Kenya included: the Sessional Paper No. 10 of 1965, on African Socialism and its application to planning in Kenya, which emphasized the need for land use planning as the basis for development and growth; Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth that focused on the need for rural urban balance as a way of addressing social economic development challenges facing the country. Others include Poverty Reduction Strategy Paper, 2003-2007; Economic Recovery Strategy for Wealth and Employment Creation 2003-2007 and the Kenya Vision 2030 (National Land Use Policy, 2017).

There are also a number of Acts of Parliament which have been enacted with specific provisions touching on matters of land use and management of land-based resources. These include: the Physical Planning Act Cap 286, Land Control Act Cap 302, Agriculture Fisheries

and Food Authority Act No. 13 2013, Water Act 2002, Wildlife Conservation and Management Act Cap 376, Environmental Management and Coordination Act (Amendments) 2015, Forest Act Cap 385, 2005. However, these initiatives did not provide the much needed policy reforms in land management and administration. Hence, a National Land Use Policy, Sessional Paper No. 3 of 2009 was formulated (National Land Use Policy, 2017).

Following the promulgation of the new constitution of Kenya in 2010, more statutes with specific reference on land use, have been enacted in line with the provisions of the Constitution as provided in:

Article 61 of the Constitution of Kenya 2010 which states that “all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals”. The constitution provides that the principles of land shall be implemented through a National Land Policy developed and reviewed regularly by the national government and through legislation. Also, Article 40 of Constitution of Kenya provides that every Kenyan has the right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya. The Constitution makes further provision for the protection of all interests in land, including protection against arbitrary deprivation of property, save as is laid down in the law (Constitution of Kenya, 2010).

Moreover, in the spirit of the Constitution of Kenya 2010 and in order to reduce contradiction between various government sectors and agencies as it was indicated in National Land Use Policy, Sessional Paper No. 3 of 2009, all sectoral laws and policy frameworks, the Ministry of Lands and Physical Planning came up with Sessional Paper, No. 1 of 2017 on National Land Use Policy in October, 2017 that revised and harmonized rules and regulations in land management to promote and develop more opportunities for investments and wealth creation in the land sector. In order to fully realize the objectives of the Policy and bring them into accord with the recommendations of the policy, the following legislation informed the whole process of enactment and policy formulation (National Land Use Policy, 2017).

a) Survey Act (Cap 299).

The Survey Act provides for surveys, geographical names and the licensing of land surveyors, and for connected purposes. The Survey Act gives authority to carry out any survey by the Director of Survey and the licensed surveyor.

b) Physical Planning Act (Cap 286).

The Physical Planning Act provides for planning and development control of land in the interest of public order, safety, efficiency and economy.

c) The Law of Contract Act (Cap 23).

The law that regulates the making of contracts between parties in Kenya is the Law of Contract Act.

d) Stamp Duty Act (Cap 480).

The Stamp Duty Act provides for the procedure of payment of revenue and requirements for stamping instruments.

e) Environment and Land Court Act, (ELC) 2011.

Article 162 (2)(b) of the Constitution provides for the establishment of a superior court to hear and determine disputes relating to environment and use and occupation of, title to, land.

f) Urban Areas and Cities Act, 2011 & Urban Areas and Cities Act(Amendment, 2019).

The Act provides for classification and establishment of urban areas and cities, governance and management of urban areas and cities.

g) County Governments Act, 2012.

The Act provides for the County Planning to be in harmony with National, County and Sub-County spatial planning requirements; facilitates the development of a well-balanced system of settlement and ensure productive use of scarce land.

h) Land Registration Act, 2012.

The Land Registration Act applies to registration of interests in all public land as declared by Article 62 of the Constitution; registration of interests in all private land as declared by Article 64 of the Constitution and registration and recording of community interests in land. The Land Registration Act, 2012 has revised, consolidated and rationalized the registration of titles to land by repealing the Indian Transfer of Property Act, 1882; the Government Lands Act (Cap 280); the Registration of Titles Act (Cap 281); the Land Titles Act (Cap 282); and the Registered Land Act (Cap 300).

i) National Land Commission (NLC) Act, 2012.

The National Land Commission is established under Article 67 of the Constitution. The Commission manages public land on behalf of the National and County Governments. It is also mandated to initiate investigations on its

own initiative or on a complaint into present or historical land injustices and recommend appropriate redress. The Commission encourages the application of Alternative Dispute Resolution (ADR) mechanisms in land disputes and conflicts. The Commission has established offices at the County level.

j) The Land Act, 2012 and Land (Amendment) Act, 2016.

This statute gives effect to Article 68 of the Constitution that provides for revision, consolidation and rationalization of land laws, and sustainable administration and management of land in Kenya.

k) Community Land Act, 2015.

It is an Act of Parliament to give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes.

l) The Land Registration (General) Regulations, 2017.

It provides for the organization and administration of land registries throughout the county. It provides for electronic registration and conveyancing as well as the standard schedules used in and registration.

In general, the focus of all these reforms were to mitigate land problems in Kenya. Since previously, the government had established different commissions aforementioned to investigate on certain crime incidences related to land e.g., Akiwumi Commission on Land and ethnic clashes, 1998; Ndungu Commission on corruption in land grabbing of 2004 and TJRC on historical injustices in 2013 with their measure of successes and failures in addressing land use challenges. However, up to now the land question remains and the lack of institutional coordination and harmony within the various statutes has posed a challenge in the overall management of land use in the country (Okowa, 2012).

## **1.2 Problem Statement**

Land-related crimes and offences have become prevalent occurrences in Kenya today with far-reaching negative socio-economic (including emotional and psychological) and political ramifications to families, the community and the country at large. Illustratively, according to the Internal Displacement Monitoring Centre's data, the total number of internally displaced

people due to conflicts in Kenya rose from 159000 in 2017 to 190000 in 2020. On the other hand, the land question in Kenya remains to be a politically sensitive and culturally complex issue. Furthermore, police statistics from Kisii County reveal that averagely 7 people are killed in the county as a result of land-related conflicts. The climax of all these was the violence that followed the 2007/2008 disputed political general elections in the country which had many roots on the land issues. Evidently, these land-related crimes and offences are a serious threat to the realization of the country's Vision 2030 in general and in particular, the "Big Four" Agenda.

There are numerous interventions that have been put in place by various stakeholders to address land-related crimes and offenses in the country. For example, the Constitution of Kenya established the National Land Commission to manage public land on behalf of the National and County Governments including addressing any conflicts with regards to the usage of public land; the Ministry of Lands and Physical Planning established the National Land Titling Programme aimed at resolving the long-standing land-ownership disputes and also adopted the National Land Information Management System which seeks to enhance the security of land records among other initiatives. Nevertheless and in spite of these interventions, the incidence of land-related crimes and offences in the country seem unmitigated. Consequently, it remains unclear whether the existing interventions are truly adequate and effective. This study, therefore, seeks to understand the dynamics of the problem of land-related crimes and offences in the country with a view of coming up with cogent recommendations to inform policies and programmes by the relevant government agencies and stakeholders towards addressing this menace.

### **1.3 Objectives of the Study**

#### **1.3.1 General Objectives**

The general objective of this study aimed at assessing the dynamics of land-related crimes and offences in Kenya.

#### **1.3.2 Specific Objectives**

The specific objectives of the study were to:

- i. Establish the status of land ownership as an ingredient to land-related crimes and offences.
- ii. Ascertain the forms of land-related crimes and offences in Kenya.

- iii. Find out the extent of victimization on land-related crimes and offences in Kenya.
- iv. Establish the causes of land-related crimes and offences in Kenya.
- v. Identify the perpetrators of land-related crimes and offences and their mode of operation in Kenya.
- vi. Determine the consequences and impact of land-related crimes and offences in Kenya.
- vii. Evaluate the existing interventions for addressing land-related crimes and offences in Kenya.
- viii. Identify the challenges encountered in the implementation of land reforms in Kenya.

## **1.4 Justification of the Study**

The study is justified for the following reasons. Firstly, the Constitution of Kenya 2010 envisages that land in Kenya should be held, used and managed in a manner that is equitable, efficient, productive and sustainable. It also spells out the principles that should be followed which are: equitable access to land, security of land rights, sustainable and productive management of land resources, transparent and cost effective administration of land, sound conservation and protection of ecological sensitive areas, elimination of gender discrimination from customs practices related to land and property inheritance as well as encouragement of communities to settle land through recognized local community initiatives consistent with the constitution. Despite the presence of the constitution and the formation of land commission to execute the intends of the constitution with regard to land matters as well laws and regulations dealing with land matters, land-related crimes and offences continue to upsurge with detrimental effects. It therefore necessitated the need for this study to establish the status and nature of land-related crimes and offences with a view of recommending remedial measures.

Secondly, land-related crimes and offences are a serious threat to the “Big Four” agenda, national security and the general development of the country. Therefore, addressing the problem using evidence-based interventions remains paramount. Land remains an indispensable resource in human life and it is highly coveted by all communities. Limited studies have been done on land-related crimes and offences in the country, however, previous research have concentrated more on conflicts between communities on land ownership and how land is a factor of production in the economy. The findings of this study will help to fill the knowledge gaps in the field of land economics and crime.



Lastly, the study was done within the legal mandate of National Crime Research Centre which is to carry out research into the causes of crime and its prevention with a view to assisting agencies in the administration of criminal arena in their policy planning and formulation. Therefore, the findings of this study will be very instrumental in informing relevant Government agencies and stakeholders on the various aspects of land-related crime in Kenya.

## **1.5 Assumptions of the Study**

The study made the following assumptions.

- i. That the subject of the study was emotive and will generate public discourses.
- ii. That the respondents would answer the interview questions in an honest and candid manner.
- iii. That respondents had knowledge and/or experience of land-related crimes and offences.
- iv. That respondents would have sincere interest in participating in this research.

## **1.6 Scope of the Study**

This study was confined to: prevalence and patterns of land-related crimes and offences in Kenya; causes of land-related crimes and offences in Kenya; perpetrators of land-related crimes and offences and their mode of operation in Kenya; impact of land-related crimes and offences in Kenya; existing interventions for addressing land-related crimes and offences in Kenya; and challenges encountered in the implementation of land reforms in Kenya.

## **1.7 Theoretical Framework**

Two sociological theories were applied in the study to understand factors that perpetuate perennial land-related crimes and offences in Kenya. These are social conflict theory and crime opportunity theory. These theories have been primarily used in the analysis of conflict, crime and deviant behavior in the society.

### **1.7.1 Social Conflict Theory**

Social conflict theory is a macro-oriented paradigm theory in sociology that views society as an arena of inequality that generates conflict and social change. This theory is attributed to Karl Marx (1818-1883) a German philosopher, sociologist, economist, and revolutionary socialist (Moffitt & Perry, 2015).

The key perspective in this theory is that society is structured in ways to benefit a few at the expense of the majority, and factors such as race, sex, class, and age are linked to social

inequality. To a social conflict theorist, it is all about dominant group versus minority group relations. In his work, Karl Marx (1818-1883 as cited in Moffitt & Perry, 2015) offered a capitalism-based theory, emphasizing that human beings are basically productive, and in order to survive, people have to work. Marx also believed that people have two relationships to the means of production i.e. you either own the production property or you work for someone who does. He argued that the clash between the owners and the workers brought about relationship conflicts due to the struggle between groups in the society over scarce resources. At the heart of Marx's thinking during that time, is that in an industrial, wealthy society, there should not be so many people who are poor. Marx's primary concern was about class conflict, which arose from the way society produced material goods (Moffitt & Perry, 2015).

This theory explains causes and consequences of conflicts and class struggle. It best explains dominion by modern capitalist (*bourgeoisie*) who strives to accumulate more wealth and resources at the expense of the poor or *proletariats*, where the poor find a justification to revolt against such unfair advances manifested in gender inequality, power, cultural and social injustice. At the end of such struggles according to Karl Marx a new society would be born from the dead ashes of unfair systems.

This study on land-related crimes and offences seeks to examine the current trends of land grabbing, land-related fraud, corruption, land boundary conflicts, encroachment on public land, failure to honor lease terms/agreements; eviction by fake court orders; land sale without involving family members among others found the adaptation of this theory very suitable. The choice for this theory in this study is that there is resource competition interplay, impunity in land system and appetite for encroachment on public and private land which breeds systemic conflicts in the words of Karl Marx.

### **1.7.2 Opportunity Structure Theory**

Opportunity structure is a term and theoretical concept developed by American sociologists Richard A. Cloward and Lloyd B. Ohlin, and presented in their book *Delinquency and Opportunity*, (1960). Their work was inspired by and built upon sociologist Robert Merton's theory of deviance, and in particular, his structural strain theory. According to Merton (1938) a person experiences strain when the conditions of society do not allow one to attain the goals that the society socializes them to desire and work towards. For example, everyone aspires to achieve economic success in Kenya society, and the expectation normally would be to pursue

education, and then work hard in one's job or career in order to attain the success. However, this is proving not to be in the present-day Kenyan society due to myriads of factors. This has led to many individuals to try to create alternate paths of illegitimate means to achieve this desired "success".

This theory can be used to explain how individuals in the society are able to circumvent existing traditional and legitimate means blocking their considered path to "success" and use other means perceived as non-traditional and illegitimate, such as getting involved in a network of land fraudsters and cartels in order to make money, or illegally and forcibly encroachment on land and property belonging to others, co-existence among different people and their interests on issues of land ownership and use.

## CHAPTER TWO: METHODOLOGY OF STUDY

### 2.1 Introduction

This section discusses the research design, methods and tools for data collection, data management procedures, data analysis approaches and ethical considerations that were applied in this study.

### 2.2 Research Design

The study adopted mixed method research design that involved combining and integration of qualitative and quantitative research data (Bryman, 2012). Qualitative data was collected from the open-ended questions that lacks predetermined answers in the semi structured interview and focus groups discussion. Quantitative data was generated from closed-ended responses in the questionnaires.

#### 2.2.1 Sampling and Sample Size Determination

Researchers adopted Kenya Population and Housing Census (KPHC) households sampling list from Kenya National Bureau of Statistics (KNBS). The study utilized probability proportional to size (PPS) techniques with a calculation formula;  $N_1/N$  (n) arrived at county household sample. Purposive sampling technique was used to select Key Informants (KIs) and Focus Group Discussions (FGDs) participants. To this end, NCRC wrote to government agencies with regulatory role or enforcement mandate on matters of land to submit their case load summaries on cases of land-related crimes and offences that had been recorded as at December 2018. This was because the study was largely purposive and police are the entry points for most of criminal cases. The Kenya Police Service submitted case load summary from 32 Counties which revealed a number of counties had a high prevalent cases of land-related crimes and offences.

Using Slovin's formula (1972) shown below, a total sample size of 1599 was obtained.

$$n = N / (1 + Ne^2) \dots\dots\dots \text{equation 1}$$

Where:

**n**: is sample size to be determined,

**N**: total population size of households ( $N_1 + N_2 + \dots\dots$ )

**e**: significance level, where in this study the researchers intended to use a confidence level of 98 percent for better accuracy with a margin error of 2 percent (0.02).

However, during the actual data collection two sampled sub-counties in 1 County of the initial 32 counties sampled before were substituted due to security challenges and terrains. This led to additional 1 county giving a total of 33 counties visited during data collection with sample size distribution as shown in Table 2.1 below.

**Table 2.1: Distribution of Sample Respondents by County and Gender**

County of Residence	Gender	Percent Case Sub-Total	Gender	Percent Case Sub-Total	Total Count	Percent Total
	Male		Female			
Uasin Gishu	6	0.4%	4	0.3%	10	0.6%
Kilifi	31	2.0%	17	1.1%	48	3.0%
Mombasa	31	2.0%	32	2.0%	63	4.0%
Lamu	5	0.3%	1	0.1%	6	0.4%
Kwale	27	1.7%	2	0.1%	29	1.8%
Taita taveta	10	0.6%	6	0.4%	16	1.0%
Bomet	26	1.6%	3	0.2%	29	1.8%
Nyamira	23	1.5%	2	0.1%	25	1.6%
Siaya	29	1.8%	13	0.8%	42	2.7%
Kisii	36	2.3%	15	0.9%	51	3.2%
Migori	25	1.6%	6	0.4%	31	2.0%
Kisumu	50	3.2%	6	0.4%	56	3.5%
Kajiado	33	2.1%	20	1.3%	53	3.4%
Kiambu	67	4.2%	63	4.0%	130	8.2%
Nairobi	131	8.3%	120	7.6%	251	15.9%
Vihiga	13	0.8%	11	0.7%	24	1.5%
Kakamega	53	3.4%	20	1.3%	73	4.6%
Bungoma	38	2.4%	21	1.3%	59	3.7%
Busia	28	1.8%	6	0.4%	34	2.2%
Kitui	19	1.2%	23	1.5%	42	2.7%
Murang'a	19	1.2%	34	2.2%	53	3.4%
Machakos	35	2.2%	30	1.9%	65	4.1%
Meru	60	3.8%	11	0.7%	71	4.5%
Embu	21	1.3%	9	0.6%	30	1.9%
Isiolo	5	0.3%	3	0.2%	8	0.5%
Elgeyo Marakwet	6	0.4%	1	0.1%	7	0.4%
Nandi	29	1.8%	4	0.3%	33	2.1%
Nakuru	85	5.4%	17	1.1%	102	6.5%
Transzoia	21	1.3%	18	1.1%	39	2.5%
Garissa	16	1.0%	8	0.5%	24	1.5%
Wajir	19	1.2%	3	0.2%	22	1.4%

County of Residence	Gender	Percent Case Sub-Total	Gender	Percent Case Sub-Total	Total Count	Percent Total
	Male		Female			
Laikipia	12	0.8%	13	0.8%	25	1.6%
Nyandarua	19	1.2%	10	0.6%	29	1.8%
<b>Total</b>	<b>1028</b>	<b>65.1%</b>	<b>552</b>	<b>34.9%</b>	<b>1580</b>	<b>100.0%</b>

## 2.3 Methods and Tools of Data Collection

### 2.3.1 Data Collection Methods and Tools

The study used both primary and secondary data collection methods. Data collection was done using qualitative and quantitative techniques of data collection.

### 2.3.2 Tools of Data Collection

Primary data was collected from the sampled respondents using closed ended questionnaires, FGD guides and Key Informant Interview (KII) guides. Secondary data materials were used to reinforce the primary data generated and was collected by reviewing reports, journals, articles from land governing agencies, government authorities on the subject.

## 2.4 Data Collection and Management Procedures

The National Crime Research Centre (NCRC) worked closely with other relevant institutions to realize the objectives of the study. This included obtaining authority for the study and consent of relevant institutions and key informants to participate in the study and general co-ordination within participating counties.

Interview schedules, questionnaires, Key Informant Guides and Focus Group Discussion were prepared and pre-tested (to anticipate possible response). Voice recorders were used in aiding data collection during Focus Group Discussion. The questionnaire for administration were finally generated after the pilot study in the identified pre-test sites which did not form part of study sites during actual data collection. The pilot study was undertaken to ensure reliability and validity of the tools; eliminate any bias or ambiguities and establish if the questions would be able to measure the key issues of the study objectives.

Communication was done to all participating institutions requesting for their cooperation, participation and furnishing the researchers with relevant data during the interviews. Qualified research assistants were identified and trained. They were then facilitated with

required resources for the study and deployed for actual data collection. Quality control of the exercise was done by NCRC's researchers. Once the time schedule for data collection from the field was completed, the interviews were stopped and all collected data received at NCRC offices. The collected data was organized and analysed at the NCRC's offices, after which a draft report of the study was prepared. The draft report was then subjected to review by the Centre's Research and Development Committee of the Governing Council, the full Governing Council and later for stakeholders and peer reviewers validation. The findings and recommendations in the final report were then disseminated to relevant agencies and the public.

## **2.5 Methods of Data Analysis**

This study applied both qualitative and quantitative data analysis methods. Quantitative data from questionnaires was coded and analyzed using the Statistical Package for Social Sciences (SPSS) data analysis software version 16.0. The quantitative data was subjected to cleaning up process, then analyzed in descriptive and thematic forms. Qualitative raw data was drawn from key informant interview and focus group discussions was analyzed through content analysis according to the research objectives.

## **2.6 Ethical Considerations**

- i. Authority to collect data was sought from the relevant institutions before commencement of interviews.
- ii. Informed consent of all the respondents was sought before the start of interviews.
- iii. Respect for all participants' dignity and abilities was observed throughout the research. For example, no coercion to respond to questions a participant is uncomfortable with, respect for diversity in regard to socio-cultural, economic and political views was upheld.
- iv. Confidentiality and observance of integrity in regards to respondents' identity, voluntary participation in the study and non-disclosure of shared information to unauthorized persons or institutions was observed.
- v. Training of researchers and their assistants on professional ethical conduct was done to maximize value from respondents.



## **CHAPTER THREE: RESULTS AND DISCUSSIONS**

### **3.1 Introduction**

This chapter presents the results and discussion of the data collected from questionnaires, key informant interviews and focus group discussions. The actual sample respondents achieved for this study were 1580 respondents.

### **3.2 Socio-Demographic Characteristics of Respondents**

In this study a total of 1580 respondents were interviewed. In terms of gender 1028 (65.1%) were male and 552 (34.9%) were female. In regard to age, 64.4 % of the total respondents were aged above 44 years, 21.2% were aged between 35 and 43 years, 11.6 % were aged between 26 and 34 years and 2.8% of the respondents were aged between 18 and 25 years. This denotes that most people interviewed were within the productive years.

Majority of the respondents were married (83.5%), the rest were: widowed (7.1%), single/never married (6.4%), separated (2.0%) and divorced (1.1%). With respect to family size, most of the respondent's family size was 6 and above (49.8%), between 3 and 5 was 43.5% whereas those who were between 1 and 2 was a dismal 6.6%. The survey established that majority of the respondents were literate which showed that they were aware of the various crimes related to land in their locality. Also, 37.9% were of primary level of education, 30.5% attained secondary education level, 16.4% had college education, 8.8% had university education and 5.8% had not gone to school whereas 0.7% had attained adult literacy education. It can therefore be generally concluded that majority of the respondents were knowledgeable in the area of study.

The findings of this study also indicated that 33.7% and 33.4% of the respondents were business men and subsistence farmers respectively. Others, 10.2% had permanent employment in public sector, casuals/temporary employment (10.6%), and permanent employment in the private sector (5.4%), retirees (2.3%), unemployed (2.3%) and housewives (2.2%). Another, 78.2% of the respondents have stayed in the area for 11 years and above. Others, 11.8% had either stayed in the locality for 6 to 10 years, 8.3% had stayed for 1 to 5 years and those who had stayed in the locality below 1 year was 1.6%. This signifies that the majority of these respondents would be well acquainted with land-related

crimes and offences' incidences. Table 3.1 provides the distribution of the social demographics of the sample respondents for this study.

**Table 3.1: Social Demographic Characteristics of Respondents**

Demographic Characteristics		Frequency	Percent
<b>Gender</b>	Male	1028	65.1
	Female	552	34.9
<b>Age Category</b>	18-25	44	2.8
	26-34	184	11.6
	35-43	336	21.2
	44 and above	1019	64.4
<b>Marital Status</b>	Single/Never Married	101	6.4
	Married	1322	83.5
	Separated	31	2.0
	Divorced	18	1.1
	Widowed	112	7.1
<b>Size of Family</b>	1-2	104	6.6
	3 -5	681	43.5
	6 and above	780	49.8
<b>Highest Level of Education</b>	None	92	5.8
	Primary	600	37.9
	Secondary	483	30.5
	College	259	16.4
	University	139	8.8
	Adult Literacy	11	0.7
<b>Main Occupation</b>	Permanent employment – Private Sector	85	5.4
	Permanent employment – Public Sector	161	10.2
	Casual, temporary employment	168	10.6
	Business person	532	33.7
	Subsistence Farming	527	33.4
	House wife	34	2.2
	Retiree	36	2.3
	Unemployed	37	2.3

<b>Length of Stay in the Locality</b>	Below 1 Year	26	1.6
	1-5 Years	132	8.3
	6-10 Years	187	11.8
	11 Years and above	1241	78.2

### 3.3 Status of land Ownership

The study sought to find out from the respondents whether they owned land in the locality, if local or non-local, how they acquired the land, if they had any form of legal documentations and whether men and women have equal rights of land ownership. The study findings were as follows;

#### 3.3.1 Land Acquisition and Ownership

The study established that 90.2% of the respondents owned land in the area of the study, while 9.8% did not own land. Also, the study established that the majority of land owners were locals (70.8%), whereas 29.2% were non-locals who acquired land in the locality. From the study, majority (54.2%) of the respondents acquired land through purchase while 42.9% through inheritance. The rest acquired land through government or self-allocation (4.9%), through lease (1.5%), as a gift (0.7%) and a few received land as payment (0.3%) as illustrated in Table 3.2.

**Table 3.2: How Land was Acquired by the Respondent**

How the Land was Acquired by the Respondent	Frequency	Percent of Cases
Bought it	767	54.2%
Inherited it	606	42.9%
Given by the government/self-allocation	69	4.9%
Lease	21	1.5%
Got it as a gift	10	0.7%
Received it as payment	4	0.3%

The study findings showed that some of the respondents had acquired land in different parts of the country as (29.2%) of the land owners were non-locals in the study areas. It can be argued that, Kenyans are aware of their right as enshrined in Article 40 of the Constitution of Kenya 2010, which states that everyone has the right to own property of any description, including land, in any part of Kenya.

### 3.3.2 Legal Documents Possessed by the Respondents as a Proof of Ownership

Results in Table 3.3 show that 37.9% of the respondents had title deeds as proof of ownership, 19.0% possessed a share certificate, and 11.4% had a sale or purchase agreement. Those with allotment letters were 11.3%, whereas respondents with written will constituted 2.5% and those with lease agreements were 1.4%.

**Table 3.3: Legal Documents Possessed by the Respondents as a Proof of Ownership**

<b>Legal documents possessed by the Respondent as a Proof of land Ownership</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Title deed	535	37.9%
Share Certificate	268	19.0%
Sale/Purchase agreement	161	11.4%
Allotment letter	159	11.3%
Written will	36	2.5%
Lease	20	1.4%

From these findings, it is plausible that many Kenyans do not have title deeds to their lands. The lack of proper legal documents may not entirely be blamed on an individual because registration of title in land throughout Kenya as per article 67 (2) (c) of the Constitution of Kenya is an obligation of the government. The study findings are supported by the National Land Commission draft advisory <sup>2</sup> report of 2018, which indicated that less than 30% of Kenya's total area of 582,650 km<sup>2</sup> is registered. Approximately 4.06 million title deeds were registered countrywide accounting for 8,346,081.99 hectares of land registered.

Also, in terms of land ownership in Kenya 2,055 adjudication sections had been registered which comprises of registered 3,185,211 land parcels and 494 settlement schemes providing ownership to 288,183 families/households. This is excluding first and second registration campaign from all categories of land being undertaken by ministry of lands. In light of these findings, the relevant state departments and agencies should expedite the process of land registration and issuance of land ownership documents.

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<sup>2</sup> See

[http://landcommission.go.ke/media/erp/upload/draft\\_advisory\\_comprehensive\\_program\\_booklet\\_for\\_registration\\_of\\_title\\_in\\_land..pdf](http://landcommission.go.ke/media/erp/upload/draft_advisory_comprehensive_program_booklet_for_registration_of_title_in_land..pdf)

### **3.3.3 Right of Land Ownership between men and women**

On the question of the right of land ownership between men and women, (56.5%) of the respondents consented to men and women having an equal right to land ownership. However, a significant proportion (33.5%) of the respondents did not support equal rights of land ownership across the two genders. This finding could be indicative of the achievement on gender mainstreaming initiatives in land ownership in the 2010 Constitutional dispensation and other measures. This could also be attributed to how land succession cases are being adjudicated in our current courts. Hitherto, gender imbalance in the control of productive assets such as land is highly favoring men in a developing country like Kenya.

### **3.4 Forms of Land-related Crimes and Offences**

All the sample respondents were asked to mention the land-related crimes and offences which are committed in their locality. The study established forty (40) different types of land-related crimes and offences across the sample counties of study. These include amongst others: interfering with land boundaries and beacons (63.3%), trespass (31.1%), land fraud and/or exploitation (30.7%), forcible entry (29.5%), land-related forgery (24.3%) which were the most prevalent types of land-related crimes and offences in the community.

The least prevalent form of land-related crimes and offences as shown in Table 3.4 are corruption (0.1%), failure to honor lease terms/agreements (0.3%), eviction by fake court orders (0.3%), practice of witchcraft on land matters (0.6%), giving false information contrary to environmental management and coordination act (1.2%), contravening a measure contrary to environmental management act (1.5%), encroachment on public land (1.7%) and offences under wildlife management (2.1%) in that order as shown in Table 3.4.

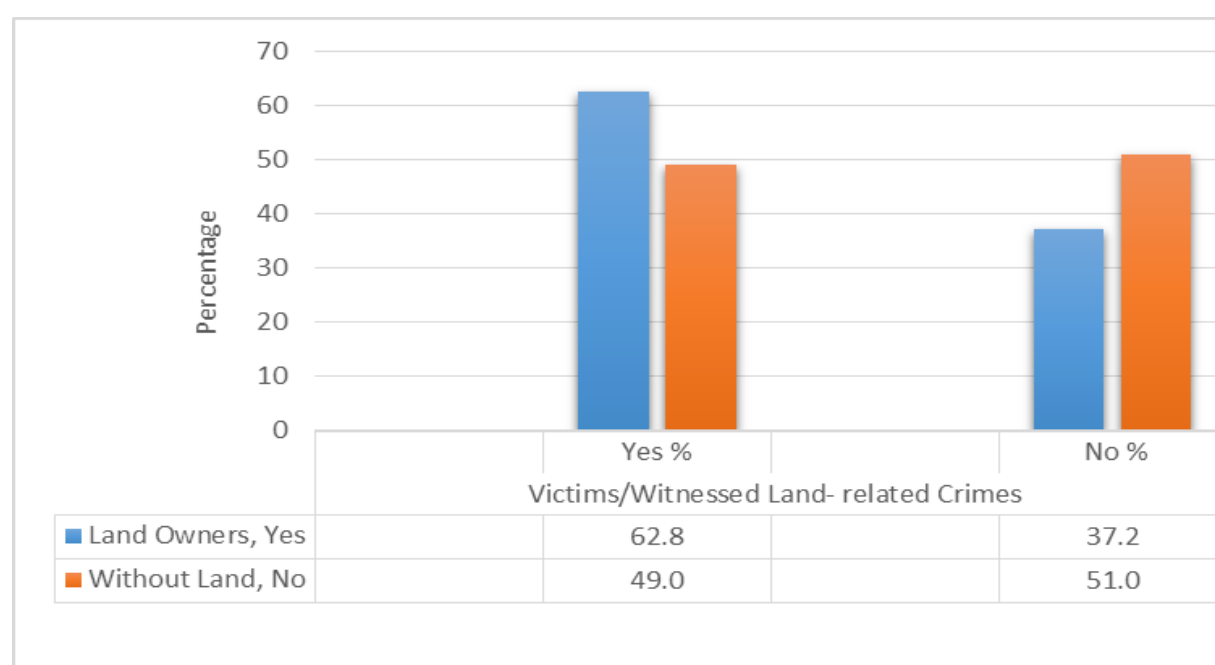
**Table 3.4: Forms of Land-related Crimes and Offences**

Forms of Land-related Crimes and Offences as Reported by the Respondents	Frequency	Percent of Cases
Interfering with boundary and beacon	984	63.3%
Trespass	484	31.1%
Land fraud/ exploitation	477	30.7%
Forcible entry	459	29.5%
Land-related forgery	377	24.3%
Assault causing actual bodily harm	329	21.2%
Threat to kill	304	19.6%
Murder	284	18.3%
Obtaining by false pretense	265	17.1%
Malicious damage to property	266	17.1%
Assault	258	16.6%
Theft of farm produce	257	16.5%
Stealing	247	15.9%
Illegal grazing on private land	225	14.5%
Creating disturbance	218	14.0%
Forcible detainer	199	12.8%
Destroying trees	190	12.2%
Cheating	188	12.1%
Affray	186	12.0%
Intermeddling with deceased property	153	9.8%
Incitement to violence	124	8.0%
Arson	112	7.2%
Attempted murder	104	6.7%
Defamation	100	6.4%
Illegal dumping	95	6.1%
Offensive conduct conducive to breach of peace	88	5.7%
Contempt of court	80	5.1%
Commencing a project without Environmental Impact Assessment	66	4.2%
Attempted arson	64	4.1%
Illegal grazing in forest	59	3.8%
Illegal removal of forest produce	52	3.3%
Carrying out sand harvesting without license	48	3.1%
Offences under wildlife management	32	2.1%
Encroachment on public land	26	1.7%
Contravening a measure contrary to Environmental Management and Coordination Act	24	1.5%
Giving false information contrary to Environmental Management and Coordination Act	18	1.2%
Practice of witchcraft on land matters	9	0.6%
Eviction by fake court orders	4	0.3%
Conspiracy to defraud through lease terms/agreements	5	0.3%
Corruption	2	0.1%

In terms of county analysis of land-related crimes and offences as indicated in Appendix (I), it was established that the most prevalent land-related crime committed in all counties were: interfering with boundary (39.4%); trespass (31.1%) and land fraud (30.7%). Vihiga County

was leading with incidences of interfering with boundaries with 91.3%, Bungoma with 83.9% and Nyamira 80.0%. Offences of trespass were most cited in Laikipa 72.0%), Uasin Gishu (70.0%) and Garissa 58.3%.

In addition, a cross-tabulation was also done to find out how land ownership was related to being a victim/witnessing land related crimes and offences in the sampled areas. The findings as shown on Figure 1, indicated that 62.8% of the respondent who owned land had been victims or witnessed land-related crimes and offences in their areas while 37.2% of the respondents who did not own land had not been victims. The results showed that 49.0% of the respondents who did not own land had either been victims or witnessed land related crimes and offences.



**Figure 1: Respondents who had been Victim/Witnessed Land-related Crimes and Offences**

From the above findings it is plausible that land owners are likely to be victims of land-related crimes and offences in Kenya.

In concurrence with the finding on forms of land-related crimes and offences, the findings from the FGDs analysis from 13 counties, also indicated that murder, and assault were the leading forms of land related crimes and offences in most counties. Other forms of land-related crimes and offences mentioned were; land grabbing, fraud, trespass, forgery, double allocation as shown in Table 3.5.



**Table 3.5: Forms of Land-related Crimes and offences as highlighted by participants during the Focus Group Discussion**

Forms of Land-related Crimes and Offences	Forms of Land -related Crimes and Offences in the Counties (marked by a tick (√))													Total Tally in 13 Counties
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Nakuru	Migori	Nyamira	Garissa	
<b>Murder</b>	√	√	√		√	√	√	√	√	√	√	√	√	13
<b>Assault</b>	√						√	√	√	√	√	√	√	8
<b>Land grabbing</b>		√	√	√	√		√	√		√			√	8
<b>Fraud</b>			√		√	√		√		√	√		√	7
<b>Trespass</b>			√	√	√	√	√		√	√				7
<b>Forgery</b>						√	√	√		√	√	√	√	7
<b>Malicious damage</b>						√		√	√	√	√	√		6
<b>Arson</b>	√		√			√				√		√		5
<b>Eviction/ forcible entry</b>	√		√				√			√	√			5
<b>Intermeddling with property</b>	√		√		√						√	√		5
<b>Corruption</b>					√	√		√	√				√	5
<b>Obtaining money through false pretenses</b>						√				√		√	√	4
<b>Encroachment on reserved parcels of land</b>							√	√		√		√		4
<b>Causing actual bodily harm</b>	√							√			√			3
<b>Theft of farm produce/ Livestock</b>							√			√	√			3
<b>Displacement of persons</b>	√						√							2
<b>Witchcraft</b>					√		√							2
<b>Creating disturbance</b>						√				√				2
<b>Contempt of court</b>									√	√				2
<b>Pollution</b>									√	√				2
<b>Causing disturbance</b>											√	√		2
<b>Altering documents</b>											√	√		2
<b>Logging trees</b>										√				1
<b>Being in possession of forest produce/harvesting forest produce without permit</b>										√				1
<b>Illegal mining</b>											√			1

This finding from the focus group discussion was also corroborated by a key informant who noted that;-

*“..... in this locality we have had cases of forgery of land documents, fraud is also rampant, impersonation of both family members and public officials. I have also noted that private surveyors demarcate land which does not exist....”* A Representative from Land Office in Bungoma County.

Another key informant from the National Police Service in Nyandarua County had this to say in relation to forms of land-related crimes and offences:-

*“.....this is a settlement area, we cover Nyandarua, Laikipia and Subukia in Nakuru County. In my line of duty in this locality, double allocation is very rampant; companies acquire large chunks of land illegally then subdivide this land into small plots and thereafter sell to innocent Kenyans. During allotment, they do double allocation where you find two members with two title deeds but only one piece of land. Boundary disputes is also very common. There are survey issues especially when one is a buyer, we have had cases of forceful detainers. There are civil-related crimes - most rampant is of selling land to more than one person- which has been brought about by appreciation of land value in this area.....”*



**Figure 2: A victim in hospital and a house burning in the troubled Nkararo and Enosaen border in Transmara Narok County following clashes between two Maasai clans (Source: Daily Nation Digital 2019, September 26)**

These findings concur with Daily Nation Newspaper 2019, May 23 report titled *“How Kenyans lose land to tricksters”* which found out that cartels and brokers were conniving with rogue officials in lands registries across the country to falsify archived records, process title deeds and rob thousands of Kenyans of their land.

A comparative study by Transparency International in India established that, fraudulent dealing and corruption in land transaction was the most prevalent land-related crime. The estimated cost and extent of administrative corruption in the land sector was indicated to be about US\$ 700 million worth of bribes paid annually by users of the country's land administration services (Transparency International India, 2005).

According to the Land Registration Act 2012, it is an offence to interfere with legal land boundaries. Section 21 of the Act provides imprisonment for a term not exceeding two years, a fine of up to KSh. 200,000 or both for anyone who defaces or removes a boundary without instructions of the registrar. As per the Act, anyone found guilty of interfering with a property boundary shall also be liable to pay the costs of restoring it.



**Figure 3: Residents protest eviction from a farm in Kambi Nandi, Uasin Gishu County, which they claim to have bought in 2001 but was grabbed and fenced off (Source: Daily Nation 2017, November 1)**

Land Development and Governance Institute in 2014 conducted a study which appeared on the Standard Newspaper (2015, October 22). In the study it was established that boundary problems are among the most disputes heard by the Environment and Land Court in Kenya. The report titled '*An Assessment of the Performance of the Environment and Land Court*', indicated that 15.0% of cases heard during the study period touched on boundaries disputes. The other land cases found as being filed at the Environment and Land Court were land

disputes that included family disagreements over land and fraud related cases accounting for 29.0% of the total sample, succession cases 20.0% while double registration and double allocation were 10.0% and 9.0% of the cases respectively.

From the finding of the study, it is evident that a significant number of Kenyans have suffered from land-related crimes and offences. To address this, there will be a need for a reasoned consistent and distinct mechanism for land management as it was recommended in the report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land” popularly referred as the “Ndung’u Commission” Report of 2004<sup>3</sup> and the Truth, Justice, and Reconciliation Commission of 2013.<sup>4</sup>

### 3.5 Land-related Crimes and Offences Victimization

This study established that the study respondents had been either victims and or witnesses of: interfering with boundary marks/beacon (57.5%), forcible entry/ land grabbing (22.7%), trespass (20.7%) and land fraud (17.5%). The least reported land-related crimes and offences were: practice of witchcraft on land matters (0.3%), offences under wildlife management (0.6%), contravening a measure contrary to Environmental Management Act (0.8%), giving false information contrary to Environmental Management and Coordination Act, illegal removal of forest produce, commencing a project without Environmental Impact Assessment and illegal grazing in forest as illustrated in Table 3.6.

**Table 3.6: Victimization by type of Land-related crime and Offences**

<b>Land-related Crimes and Offences Respondents Reported to have been Victim and or Witnessed</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Interfering with boundary marks/beacon	409	57.5%
Forcible entry/ land grabbing	219	22.7%
Trespass	200	20.7%
Land fraud/ exploitation	169	17.5%
Malicious damage	126	13.0%
Land-related forgery	123	12.7%
Obtaining by false pretense	114	11.8%

<sup>3</sup> See Government of Kenya (2004). “Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land” (referred as the “Ndung’u Commission Report”).

<sup>4</sup> See Truth Justice and Reconciliation Commission, (2013), *Report of The Truth Justice and Reconciliation Commission*, Volume 1, 3<sup>rd</sup> May 2013, Truth Justice and Reconciliation Commission.

<b>Land-related Crimes and Offences Respondents Reported to have been Victim and or Witnessed</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Threat to kill	114	11.8%
Assault causing actual bodily harm	104	10.8%
Creating disturbance	102	10.6%
Theft of farm produce	100	10.4%
Cheating	99	10.2%
Assault	96	9.9%
Stealing	90	9.3%
Forcible detainer	74	7.7%
Intermeddling with deceased property	73	7.6%
Destroying trees	64	6.6%
Murder	63	6.5%
Illegal grazing on private land	55	5.7%
Affray	51	5.3%
Incitement to violence	47	4.9%
Arson	45	4.7%
Defamation	35	3.6%
Offensive conduct conducive to breach of peace	34	3.5%
Attempted murder	32	3.3%
Attempted arson	29	3.0%
Illegal dumping	21	2.2%
Contempt of court	19	2.0%
Carrying out sand harvesting without license	16	1.7%
Illegal grazing in forest	14	1.4%
Commencing a project without Environmental Impact Assessment	10	1.0%
Illegal removal of forest produce	10	1.0%
Giving false information contrary to Environmental Management and Coordination Act	9	0.9%
Contravening a measure contrary to Environmental Management Act	8	0.8%
Offences under wildlife management	6	0.6%
Practice of witchcraft on land matters	3	0.3%



A Police Officer in Embu who was a key informant in the study affirmed the findings and had this to say:

*“.....records at the county criminal registry show there have been several cases of land fraud in Embu since January, almost double the number for each of the past four years. Although the registry data does not distinguish which land fraud cases involve elderly widows, there has been a noticeable increase in “homeless grannies”, who say their land was stolen by family members. Usually, the familial fraud is committed by young, jobless relatives pretending to be visiting, only to trick widows into giving up their land title deeds, they use the original documents to forge new ones and give (the fakes) back to the widows. Then they sell the land secretly and disappear.....”*

The findings on the victimization by type of land-related crime clearly reveal that boundary alteration, land grabbing and fraud in land transactions in Kenya are the leading cause of land crimes. It is incumbent upon State Department for Lands, duty-bearer agencies and other stakeholders to take necessary action to deal with these land-related crimes and offences in Kenya.

### 3.5.1 Action taken by Victims of Land-related Crimes and Offences

Table 3.7 shows the various actions that were taken by the victims of land-related crimes and offences. In terms of reporting land related crimes and offences, the respondents reported to local administration (NGAO) at 59.3%, reporting to council of elders mediation (27.1%), preferring the cases to court for arbitration (22.2%), reporting to the police (21.9%), reporting to the land registry (19.1%) and preferring family mediation (14.8%). Other respondents did not report (12.3 %), while others (4.5 %) placed a caveat of land or caution.

**Table 3.7: Action Taken by Victims after Experiencing Land-related Crimes and Offences**

Action taken by Respondents after Experiencing Land-related Crimes and Offences	Frequency	Percent of Cases
Reported to National Government Administration Officers	565	59.3%
Council of elders mediation	258	27.1%
Court arbitration	212	22.2%
Reported to police	209	21.9%
Reported to land registrar	182	19.1%
Family mediation	141	14.8%
Did not report	117	12.3%
Placing of land caution	43	4.5%
Reported to land buying companies	23	2.4%

Findings from a survey report conducted by Justice and Needs Satisfaction in Kenya (2017) that also looked into what was the most helpful mechanism for resolving land problems- the report indicated that Chiefs (32.0%) and courts (23.0%) were the most relied on in resolving land problems. Other mechanisms used were: aggrieved individuals independently contacting third parties (8.0%), lawyers (5.0%), family members (4.0%), clan members (4.0%), administrative tribunals (3.0%), police (3.0%) and other (15.0%). From the two surveys it is evident that members of public have some level of trust with National Government Administrative Officers. However, same public officials in NGAO have been mentioned as perpetrators of land-related crimes and offences.

### 3.5.2 Unresolved Land Issues

The study established that majority of the respondents (65.5%) had unresolved land issues. The rest (34.5%) did not report any unresolved land issues within their locality. Of the reported cases: those with pending land ownership dispute were (41.4%), pending land succession (27.3%), land transfers (25.7%), with pending land matters in court/council of elders (22.2%), delayed issuance of title deeds (8.0%), forged land documents issues (5.2%), interference with boundaries (3.4%), pending land demarcation/subdivision (3.2%), lost land titles (1.5%), pending compensation (0.7%) and illegal dumping (0.6%) as shown in Table 3.8.

**Table 3.8: Unresolved Pending Land Issues**

Unresolved Pending Land Issue	Frequency	Percent of Cases
Pending land ownership dispute	294	41.4%
Pending land succession	194	27.3%
Pending land transfers	183	25.7%
Pending land matter in court/council of elders	158	22.2%
Delayed issuance of title deeds	57	8.0%
Forged land document	37	5.2%
Interference with boundaries	24	3.4%
Pending land demarcation/subdivision	23	3.2%
Lost land title	11	1.5%
Pending compensation	5	0.7%
Illegal dumping	4	0.6%

These findings require that the National Land Commission should undertake comprehensive documentation all the pending land issues and violations of land rights as per requirements in the National Land Policy and section 5 of the NLC Act, 2012. Further, the commission



should expedite investigations into rising fraud, illegal acquisition and/or irregular acquisition of land.

The results of this study showed that Nairobi County was the leading County with unresolved land issues in the country out of the 33 sampled counties as indicated in Table 3.9. Respondents in Nairobi County reported: delayed issuance of title deeds (44.4%), pending land ownership dispute (28.9%) and pending land matters in court (22.2%). To address delayed issuance of title deeds, the digitization of land process will undoubtedly expedite land registration, acquisition and transfer process among other statutory processes.

Other unresolved land issues in all the 33 Counties of sample study reported (as shown in Table 3.9) were: the issue of pending land ownership dispute noted as prevalent in Elgeyo Marakwet (83.3%), Meru (78.9%) and Kilifi County (78.8%); pending land transfer matters with all respondents in Uasin Gishu County. For unresolved land succession issues, counties with high prevalence were: Vihiga (81.2%) Nyamira (70.6%) Busia (63.2%) Nandi (60.0%) and Laikipia 36.8%.

**Table 3.9: Percentage of Unresolved Land Issues Per County**

County		Pending land transfers	Pending land succession	Pending land ownership dispute	Pending land matter in court/council of elders	Forged land document	Lost land title	Delayed issuance of title deeds	Pending land demarcation/su bdivision	Interference with boundaries	Illegal dumping	Pending compensation	National Total
Nairobi		6.7%	6.7%	28.9%	22.2%	3.3%	0.0%	44.4 %	1.1%	2.2%	0.0%	0.0%	12.7 %
Kakamega		31.1%	48.9%	13.3%	17.8%	0.0%	0.0%	2.2%	0.0%	0.0%	0.0%	2.2%	6.3%
Nakuru		30.8%	7.7%	59.0%	33.3%	5.1%	0.0%	0.0%	0.0%	2.6%	0.0%	2.6%	5.5%
Meru		21.1%	26.3%	78.9%	36.8%	7.9%	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	5.3%
Kisii		45.9%	24.3%	27.0%	8.1%	13.5 %	2.7%	5.4%	8.1%	5.4%	0.0%	0.0%	5.2%
Bungoma		22.2%	47.2%	22.2%	8.3%	0.0%	0.0%	0.0%	16.7%		0.0%	8.3%	5.1%
Kilifi		3.0%	15.2%	78.8%	51.5%	0.0%	0.0%	0.0%	3.0%	3.0%	0.0%	0.0%	4.6%
Kisumu		25.0%	31.2%	34.4%	9.4%	0.0%	0.0%	6.2%	9.4%	0.0%	0.0%	0.0%	4.5%
Kiambu		24.1%	27.6%	34.5%	6.9%	0.0%	0.0%	24.1 %	3.4%	0.0%	0.0%	0.0%	4.1%
Siaya		25.0%	35.7%	42.9%	17.9%	3.6%	0.0%	0.0%	3.6%	3.6%	0.0%	0.0%	3.9%
Mombasa		25.9%	7.4%	55.6%	14.8%	14.8 %	0.0%	0.0%	0.0%	25.9 %	3.7%	0.0%	3.8%
Migori		52.2%	39.1%	30.4%	8.7%	4.3%	0.0%	0.0%	13.0%	4.3%	0.0%	0.0%	3.2%
Embu		36.4%	18.2%	45.5%	68.2%	13.6 %	4.5%	0.0%	0.0%	0.0%	0.0%	0.0%	3.1%
Laikipia		26.3%	36.8%	52.6%	36.8%	15.8 %	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%
Machakos		42.1%	5.3%	21.1%	15.8%	10.5 %	5.3%	21.1 %	0.0%	15.8 %	10.5 %	0.0%	2.7%
Busia		31.6%	63.2%	42.1%	26.3%	0.0%	10.5 %	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%

County		Pending land transfers	Pending land succession	Pending land ownership dispute	Pending land matter in court/council of elders	Forged land document	Lost land title	Delayed issuance of title deeds	Pending land demarcation/su bdivision	Interference with boundaries	Illegal dumping	Pending compensation	National Total
<b>Kwale</b>		21.1%	21.1%	68.4%	21.1%	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%
<b>Garissa</b>		11.8%	29.4%	47.1%	17.6%	0.0%	5.9%	0.0%	0.0%	5.9%	0.0%	0.0%	2.4%
<b>Nyamira</b>		35.3%	70.6%	23.5%	5.9%	0.0%	0.0%	0.0%	5.9%	0.0%	5.9%	0.0%	2.4%
<b>Bomet</b>		41.2%	35.3%	29.4%	17.6%	0.0%	0.0%	0.0%	0.0%	5.9%	0.0%	0.0%	2.4%
<b>Vihiga</b>		37.5%	81.2%	18.8%	0.0%	0.0%	0.0%	0.0%	12.5%	12.5 %	0.0%	0.0%	2.3%
<b>Nyandarua</b>		30.8%	23.1%	38.5%	30.8%	15.4 %	0.0%	0.0%	0.0%	7.7%	0.0%	0.0%	1.8%
<b>Kitui</b>		15.4%	15.4%	61.5%	0.0%	0.0%	7.7%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%
<b>Wajir</b>		0.0%	18.2%	72.7%	18.2%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.5%
<b>Transzoia</b>		54.5%	18.2%	9.1%	18.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.5%
<b>Murang'a</b>		36.4%	18.2%	63.6%	9.1%	0.0%	0.0%	9.1%	0.0%	0.0%	0.0%	0.0%	1.5%
<b>Isiolo</b>		25.0%	12.5%	50.0%	75.0%	12.5 %	12.5 %	0.0%	0.0%	0.0%	0.0%	0.0%	1.1%
<b>Elgeyo Marakwet</b>		0.0%	0.0%	83.3%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.8%
<b>Kajiado</b>		16.7%	33.3%	66.7%	66.7%	50.0 %	0.0%	0.0%	16.7%	0.0%	0.0%	0.0%	0.8%
<b>Nandi</b>		40.0%	60.0%	20.0%	0.0%	20.0 %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%
<b>Taita taveta</b>		33.3%	33.3%	33.3%	33.3%	33.3 %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%
<b>Lamu</b>		100.0%	100.0 %	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
<b>Uasin Gishu</b>		100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%

Noticeably, in Lamu County only three major cross cutting pending land issues were reported by all the respondents. These were pending land transfers (100%), pending land succession (100%) and pending land ownership disputes (100%). The finding with regard to Lamu County would lend credence to perceptions around historical land injustices in the coastal region that need urgent redress.



**Figure 4: Land demolition scene in Nairobi (Source: Nation Digital 2020, May 6)**

It is important to note that a report from the National Land Commission has indicated that since 2016, the commission has continued to resolve several long standing land disputes in various parts of the Country, which includes: Oljorai land dispute in Nakuru; Kiboko B Settlement Scheme in Makueni County; Chembe Kibabamshe Settlement Scheme in Kilifi County; Kilifi Salt Works land; recovered Kakamega Primary School land from a private developer; resolved disputes between Wanjala Mining Company and the locals of Kishushe, Taita Taveta County; resolved disputes in Mwea Settlement Scheme and facilitated issuance of titles among others.

### **3.6 Causes of Land-related Crimes and Offences**

This study sought to establish the factors causing land-related crimes and offences in Kenya. The respondents based on their experience and/or knowledge as shown in Table 3.10, indicated that the most prominent causes were: greed by some land owners (47.4%), depravity of mankind (42.5%), land grabbing (33.3%), and delay in issuance of title deeds (33.0%), fraudulent double/multiple land sales (31.1%) and land succession disputes (31.1%). The other causes or factors least reported by the respondents included: lack of proper waste management (0.1%), insecurity (0.2%), lack of clear lease terms (0.3%), compromised surveyors (0.3%), cultural practices (0.3%), unfair allocation (0.4%), historical injustice issues (0.6%), drugs and alcoholism (0.8%), exploitation of the poor and court delays on land succession cases each at (0.8%) respectively.

**Table 3.10: Causes of Land-related Crimes and Offences**

<b>Causes of Land-related Crimes and Offences</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Greed by some land owners	738	47.4%
Depravity of mankind <sup>5</sup>	661	42.5%
Land grabbing	518	33.3%
Delay in issuance of title deeds	514	33.0%
Fraudulent double/multiple land sales	484	31.1%
Land ownership succession dispute	483	31.0%
Family land disputes/neighbor disputes	443	28.5%
Corrupt land officials	395	25.4%
Forgery of land titles/ land registration documents	395	25.4%
Lack of proper documentation	392	25.2%
Ignorance of law	330	21.2%
Lack of clear boundaries	328	21.1%
Illiteracy	320	20.6%
Corrupt Land buying companies	318	20.4%
Economic hardship	300	19.3%
Unemployment	297	19.1%
Absentee land ownership	252	16.2%
Impunity	220	14.1%
Lack of trust in families/ neighbors	214	13.8%
Population pressure on land	212	13.6%
Diminishing sizes of arable land	165	10.6%
Pending land adjudication process	159	10.2%
Political incitement	136	8.7%
Land price speculative transactions	111	7.1%
Limited natural resources(pasture, water)	103	6.6%
Clandestine relationship	74	4.8%
Drought	68	4.4%
Tribalism/nepotism/favoritism	31	2.0%
Court delays on land succession cases	13	0.8%
Exploitation of the poor	12	0.8%

<sup>5</sup> According to Merriam-Webster Dictionary: Definition of depravity means; a corrupt act or the quality or state of being corrupt, evil, or perverted.

Drugs and alcoholism	13	0.8%
Historical injustice issues	9	0.6%
Unfair allocation	6	0.4%
Cultural practices	5	0.3%
Compromised surveyors	5	0.3%
Lack of clear lease terms	4	0.3%
Insecurity	3	0.2%
Lack of proper waste management	2	0.1%

A cross tabulation on causes of land-related crimes and offences by counties was done as indicated in Appendix (II) the results indicated variations in major causes of land-related crimes and offences in different counties. Three counties namely: Nyandarua, Kajiado and Lamu reported greed (66.7%) as the cause of land-related crimes and offences. All the respondents in Lamu (100%), Isiolo (90.0%), and Embu (86.7%) said that depravity of mankind was the cause of land-related crimes and offences. Also, 83.3% of respondents in Lamu and Embu Counties reported on land grabbing as a cause, while Isiolo (70.0%) and Lamu (66.7%) indicated delay in issuance of title deeds as the cause of land-related crimes and offences. In Isiolo and Embu inter-ethnic conflicts was cited as a major cause of land-related crimes and offences. From the findings, high cases of land grabbing in Lamu could be amongst others due to speculative buying because of the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor project being undertaken in Lamu.

Ndung'u report (2004), established that political incitements and court delays were contributory factors in fraudulent acquisition of public land. Additionally, Ndung'u found out that corruption at the land registry was a significant cause of land-related crimes and offences. This is also validated by the findings of Transparency International (TI) survey (2009) and National Crime Research Centre (2018) study on Perception and Experiences of Corruption in the Public Service which found out that land registry in Kenya was among the public offices highly plagued by service-level bribery. From the TI report (2009), more than one out of every 10 people who contacted a land authority reported paying a bribe. This figure exceeds reported rates of bribery for schools, health services, tax authorities and public utilities.





**Figure 5: A file Photo of Pupils from Lang’ata Primary School in Nairobi Protesting Grabbing of their School land (Source: <https://shuleyangu.co.ke/print-media/>)**

An expose by Standard Newspaper, September 21, 2019 showed how cartels scheme to dispossess foreigners of their vast property from Kenya’s capital to highest mountains, to the bottom of valleys and the sun-kissed beaches. Foreign millionaires are being cleaned off their assets in elaborate but suspect schemes. The report established that there was an alliance of crooked lawyers’, police officers’, Nairobi County Government officials’, Ministry of Lands officials’ and immigration officers’ who were reportedly reigning terror on lonely foreigners and Kenyans of foreign descent in their sunset years.

This expose further alleged to the existence of an elaborate scheme involving fictitious wills, forged signatures and recruitment of false witnesses who are then used to extract court orders for taking over the property as having emerged in a conspiracy effort to defeat justice in pursuit land ownership dispute.

### **3.7 Perpetrators of Land-related Crimes and Offences**

The findings of this survey, as shown in Table 3.11, in relation to the perpetrators of land-related crimes and offences indicate- that most of the respondents (41.4%) implicated land brokers or cartels, conceited family members (39.7%), neighbor’s (35.1%), National Government Administrative Office (23.3%), corrupt land buying companies officials (21.9%), department of land and National Land Commission (20.7%), unemployed youth (15.2%), land developers (12.9%) and Non Locals (12.5%) as perpetrators of land-related

crimes and offences. Other perpetrators reported included: self-serving political leaders (10.2%), corrupt advocates (10.1%), herdsmen/women (4.3%), land owners (3.8%), surveyors (3.2%), county government officials (1.0%), officials of welfare groups/Sacco/Chamas, Ministry of energy officials, business community and squatters at 0.2% respectively and finally land caretakers at 0.1%.

**Table 3.11: Perpetrators of Land-related Crimes and Offences**

Perpetrators of Land-related Crimes and Offences	Frequency	Percent of Cases
Land brokers/cartels	638	41.4%
Conceited family member	612	39.7%
Neighbors'	542	35.1%
NGAO	359	23.3%
Corrupt land buying companies officials	337	21.9%
Department of land and NLC	319	20.7%
Unemployed youth	234	15.2%
Land developers	199	12.9%
Non locals	193	12.5%
Self-serving political leaders	157	10.2%
Corrupt advocates	155	10.1%
Herdsmen/women	67	4.3%
Land owners	59	3.8%
Surveyors	50	3.2%
County government officials	15	1.0%
Officials of welfare groups/Sacco/Chamas	3	0.2%
Ministry of energy officials	3	0.2%
Business community	3	0.2%
Squatters	3	0.2%
Land care takers	1	0.1%

Further, during the focus group discussion from 13 counties as indicated in Table 3.12, it emerged that corrupt government officials (NGAOs, land officials, judiciary, ministry of land etc.), land brokers, conceited family members, private surveyors, corrupt advocates, some politicians, conmen and women, non-locals, clan elders, the eldest sons, community leaders, corrupt land buying company officials, rich ranch owners, clan members and polygamous family members formed part of the perpetrators of land related crimes and offences as shown in the summary in table 3.12 below. The findings of this report mirror those of Truth, Justice and Reconciliation Commission (2013) that found out that public officials committed land-related injustices, including forced evictions.



**Table 3.12: Summary of Perpetrators of Land-related Crimes and Offences as indicated during the Focus Group Discussion by participants**

Perpetrators	Occurrence of perpetrators of Land-related Crimes and Offences in the Counties (marked by a tick)													
	Bungoma	Meru	Kilifi	Machakos	Murang’a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Migori	Nyamira	Garrisa	Nakuru	Total tally
Corrupt government officials (NGAO) Land, Officials, Judiciary, Ministry of Land etc	✓	✓	✓	✓	✓	✓		✓		✓		✓	✓	10
Land brokers	✓	✓	✓	✓	✓	✓				✓	✓	✓	✓	10
Family members		✓			✓	✓	✓		✓	✓	✓	✓	✓	9
Private surveyor’s	✓		✓	✓	✓		✓		✓	✓	✓		✓	9
Corrupt advocates		✓	✓			✓		✓	✓	✓	✓	✓	✓	9
Politicians	✓	✓		✓	✓	✓			✓	✓	✓			8
Conmen and Women	✓				✓		✓	✓	✓			✓	✓	7
Neighbors’		✓	✓	✓		✓				✓	✓	✓		7
Non-locals	✓	✓			✓		✓	✓		✓			✓	7
Clan elders		✓	✓	✓					✓		✓	✓		6
Men			✓		✓	✓						✓		4
Elder sons	✓			✓								✓	✓	4
Community leaders				✓		✓	✓			✓				4
Corrupt land buying company officials		✓							✓	✓	✓			4
Clan		✓				✓	✓	✓						4
Rich land owners	✓	✓	✓											3
Polygamous families	✓					✓							✓	3
Women				✓				✓		✓				3
Tribal gangs		✓			✓				✓					3

A key informant from the Judiciary in Nakuru County had the following to say regarding graft in land buying and selling;-

*“...some government officials have been implicated in land cases and I can give example of Agricultural Development Corporation (ADC). There have also been cases of land brokers, land officials, politicians and family members, especially those who are dissatisfied with subdivision...”*

This views from FGD was equally shared by another key informant representative from Office of Director of Public Prosecution in Nandi County who noted that;-

*“...the perpetrators are first born sons and daughters in the family, cartels in land matters, local administrators, members of land boards, police investigators on land fraud issues and the courts officers, including some politicians ....”*

The above findings on the perpetrators of land-related crimes and offences are consistent with a report on land grabbing and impacts to small-scale farmers in Cambodia highlighted by the Cambodian League for the Promotion and Defense of Human rights (LICADHO, 2014). In their report key actors who get involved in land-grabbing include government officials (local authorities, police, military police and soldiers), both domestic and foreign investors, wealthy elites and the powerful individuals (LICADHO, 2014).

### **3.7.1 Mode of Operation of Perpetrators of Land-related Crimes and Offences**

The findings with regard to the *modus operandi* of the perpetrators revealed that they were involved in: double allocation (36.5%), removal of land beacons (31.5%), trespass on private land (31.0%), collusion with public officials (25.4%), forging of land documents (23.2%), alteration of land maps/boundaries (22.0%) and conspiracy to defraud (21.0%) were the methods used by perpetrators. The least reported mode of operation of perpetrators of land-related crimes and offences included: discrimination, murder and failing to honor lease terms both at (0.2%), incitement to violence (0.6%), assault/malicious damage and discharging untreated waste/poor drainage at (0.7%) each and finally delayed issuance of title deeds (0.8%) as indicated in Table 3.13.

**Table 3.13: Mode of Operation of Perpetrators of Land-related Crimes and Offences**

<b>Perpetrators <i>Modus Operandi</i></b>	<b>Frequency</b>	<b>Percent of Cases</b>
Double allocation	484	36.5%
Removal of land beacons	418	31.5%
Trespass on private land	411	31.0%
Collusion with public officials	337	25.4%
Forging of land documents	307	23.2%
Alteration of lands maps/boundaries	292	22.0%
Conspiracy to defraud	278	21.0%

<b>Perpetrators <i>Modus Operandi</i></b>	<b>Frequency</b>	<b>Percent of Cases</b>
Issuance of fake titles	229	17.3%
Occupying and selling of land without authority	228	17.2%
Fraudulent transfers of title deeds	226	17.1%
Stealing of farm produce/livestock	174	13.1%
Impersonation of family members	172	13.0%
Collusion with private surveyors during demarcation	161	12.2%
Partiality in land decision	160	12.1%
Squatting/illegal occupation of land	144	10.9%
Conspiracy to conceal vital documents	140	10.6%
Impersonation of public officials	124	9.4%
Fake court orders for eviction	93	7.0%
Threats/intimidation	15	1.1%
Delayed issuance of title deeds	10	0.8%
Discharging untreated waste/poor drainage	9	0.7%
Assault/malicious damage	9	0.7%
Incitement to violence	8	0.6%
Failing to honor lease terms	2	0.2%
Murder	2	0.2%
Discrimination	3	0.2%
Double sale of land	1	0.1%
Delaying/mishandling of pending compensation	1	0.1%
Illegal logging	1	0.1%

The findings from the households sample respondents were corroborated by a key informant from the National Government Administration in Kisii County who had the following to say;-

*“... in this county there have been cases where land owners went abroad and the care taker(s) poses as the land owner thus oversees fraudulent sale of the land.....*

*Influential people collude with brokers and land officials to transfer land illegally ...”*

From the finding of this study, it is highly likely that the issue of absentee landlords could be in part, the opportunity to the would-be criminals of land-related crimes and offences. It is imperative that land owners be sensitized on routine inspections of their parcel of land for purposes of ascertaining the condition of ownership and also the boundaries beacons.

## 3.8 Consequences of Land-related Crimes and Offences

The consequences of land-related crimes and offences questions were divided into: social consequences, general economic consequences, political consequences and environmental consequences.

### 3.8.1 Social Consequences

The social consequences of land-related crimes and offences largely reported on by at least 2 out of ten of the sample respondents in the study were: increased poverty (48.0%), family disharmony (47.2%), loss of life (44.3%), and infliction of injuries (31.9%), evictions/displacement of people (30.6%), animosity between communities (22.3%), food insecurity (20.2%) and land-related domestic violence issues (20.0%).

The least reported social consequences of land-related crimes and offences were: divorce and separation, disruption of learning, practice of witchcraft in land matters, lack of public facilities, issuance of threats, insecurity and imprisonment as indicated in Table 3.14.

**Table 3.14: Social Consequences of Land-related Crimes and Offences**

<b>Social Consequences</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Increased poverty	705	48.0%
Family disharmony	693	47.2%
Loss of life	650	44.3%
Infliction of injuries	468	31.9%
Evictions/displacement of people	449	30.6%
Animosity between communities	328	22.3%
Food insecurity	297	20.2%
Land-related domestic violence issues	294	20.0%
Health problems	289	19.7%
Inequality in land distribution	272	18.5%
Squatting/illegal occupation of land	265	18.1%
Divorce and separation	200	13.6%
Disruption of learning	161	11.0%
Practice of witchcraft in land matters	160	10.9%

<b>Social Consequences</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Lack of public facilities	17	1.2%
Issuance of threats	15	1.0%
Insecurity	12	0.8%
Imprisonment	5	0.3%

United Nation Office for Human Rights (2012), Centre for Child and Adolescent and Mental Health, conducted an assessment of mental health of families evicted from Dey Krahorm, Phnom Penh in Cambodia and found out that they suffered from severe mental problems after the eviction. They exhibited depression, difficulty in sleeping due to anxiety about food, shelter, livelihood and fear of further displacement (UNHR, 2012).

### **3.8.2 General Economic Consequences**

In regards to the general economic consequences, the respondents cited the following as major ones: loss of livelihoods (51.2%), damage of property (45.2%), prolonged cases in courts and time wastage (40.4%), destruction of crops (33.9%), unutilized land (idle lands) (20.4%), depreciation of land value (5.6%) and under development as depicted in Table 3.15.

**Table 3.15: General Economic Consequences of Land-related Crimes and Offences**

<b>General Economic Consequences</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Loss of livelihoods	518	51.2%
Damaging of property	457	45.2%
Prolonged cases in courts and time wastage	408	40.4%
Destruction of crops	343	33.9%
Unutilized land (idle lands)	206	20.4%
Depreciation of land value	57	5.6%
Under development	9	0.9%

The economic consequences of land-related crimes and offences were also measured in terms of monetary income lost by the respondents as shown in Table 3.16. The results of the findings were as follows: below Kshs. 100,000 (26.2%); between Kshs 100,001 – 500,000 (33.6%); between Kshs. 500,001-1,000,000 (16.3%) and above Kshs. 1 million (24.5%).

**Table 3.16: Economic Consequences of Land-related Crimes and Offences in terms of Lost Income**

Income	Frequency	Percent of Cases
Below 100,000	130	26.2%
100,001- 500,000	167	33.6%
500,001- 1,000,000	81	16.3%
Above 1 million	122	24.5%

### 3.8.3 Political Consequences of Land-related crimes and Offences

The following political consequences of land-related crimes and offences were reported: communal disharmony/family (58.1%), politically instigated eviction/displacements (44.7%), politically instigated squatting (28.5%), land-related electoral violence & conflicts (18.8%) and nepotism/tribalism (0.9%). See Table 3.17.

**Table 3.17: Political Consequences of Land-related Crimes and Offences**

Political Consequences	Frequency	Percent of Cases
Communal disharmony/family	247	58.1%
Politically instigated eviction/displacements	190	44.7%
Politically instigated squatting	121	28.5%
Land-related electoral violence & conflicts	80	18.8%
Nepotism/tribalism	4	0.9%

### 3.8.4 Environmental consequences of land-related crimes and Offences

In regards to environmental consequences of land-related crimes and offences, the following featured prominently: land degradation (77.2%) and environmental pollution (46.4%) as shown in Table 3.18.

**Table 3.18: Environmental Consequences of Land-related Crimes and Offences**

Environmental Consequences	Frequency	Percent of Cases
Land degradation	213	77.2%
Environmental pollution	128	46.4%

The findings of this study on the consequences of land-related crimes and offences in Kenya were largely supported by the findings from focus group discussion as shown in Table 3.19.

The FGD participants generally reported the following: loss of property; food shortage/starvation; family disharmony; economic loss; poverty; increase in many cases of land-related crimes filed in court leading to backlog; emotional trauma; insecurity; assault/aggravated assault; increase in crime; lack of land productivity; wrongful conviction; violence both at community and domestic level; drug and alcohol abuse; divorce; economic loss; emergence of militia groups; malicious damage to properties; causing disturbances; unemployment; arson; and environmental degradation among others were outcome of land-related crimes and offences.

**Table 3.19: Summary of Impact of Land-related Crimes as highlighted in the Focus Group Discussions by participants**

Impact of land related crimes and Offences	Occurrence of the impact in the counties (marked by a tick (✓))													Total tally
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Nakuru	Migori	Nyamira	Garissa	
Deaths/ Murder	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	12
Hostility among the communities/ tribalism	✓	✓	✓			✓	✓			✓	✓	✓	✓	9
Eviction of people from their homes	✓	✓		✓					✓	✓	✓	✓		7
Displacement of persons	✓			✓		✓	✓	✓	✓	✓				7
Food shortage/ starvation				✓	✓	✓		✓			✓	✓		6
Loss of property			✓	✓		✓	✓	✓						5
Family disharmony			✓		✓			✓		✓		✓		5
Economic loss			✓		✓	✓						✓	✓	5
Poverty			✓	✓			✓				✓	✓		5
Increase of more cases being filed in court leading to backlog	✓					✓		✓		✓				4
Emotional	✓				✓	✓				✓				4

Impact of land related crimes and Offences	Occurrence of the impact in the counties (marked by a tick (√))													Total tally
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Nakuru	Migori	Nyamira	Garissa	
trauma														
Insecurity	√					√			√				√	4
Assault/aggravated assault			√		√		√	√						4
Increase in crime				√			√	√		√				4
Lack of land productivity					√	√		√					√	4
Wrongful conviction					√	√	√	√						4
Leads to violence both at community and domestic level	√				√					√				3
Drug and alcohol abuse	√			√						√				3
Divorce		√	√								√			3
Economic disparity (the rich getting richer and the poor getting poorer)							√	√		√				3
Emergence of Militia group	√									√				2
Malicious damage to properties	√									√				2
Causes disturbances	√								√					2
Unemployment					√	√								2
Arson						√				√				2
Environmental degradation							√			√				2
Destruction of crops	√													1
Cutting trees belonging to neighbors at the boundary	√													1



Impact of land related crimes and Offences	Occurrence of the impact in the counties (marked by a tick (√))													Total tally
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Nakuru	Migori	Nyamira	Garissa	
Leads to witchcraft	✓													1
Theft of the farm produce	✓													1
Depletion of forest						✓								1
Political interference						✓								1
Mistrust of police/courts							✓							1
Suicide											✓			1
Imprisonment											✓			1
Disabilities											✓			1
School drop-out												✓		1
Terminal illness												✓		1
High government expenditure												✓		1

From the key informant interviews on consequences of land related crimes and offences, a key informant from Kitui Livestock Office expressed the following:-

*“...the consequences range from animosity, fighting hence referrals to police and courts thus a lot of money is wasted on lawyers and court processes and of course community disharmony creeps in. All this drains resources from the owners, community disharmony and family disunity, also no place to do farming... ”*

A probation officer during interview in Kilifi County said land-related crimes and offences led to:-

*“...hatred among community members, farmers-herders conflicts especially of Somali origin and farmers in Kilifi County who are locals, this has led to assaults, deaths - especially killing of the old people. The young boys are killing the old to buy motorbikes, displacements of communities, underdevelopment and perpetual conflicts, also environmental degradation and increased poverty in this area... ”*

The findings on the consequences of land-related crimes and offences can be confirmed by the findings in an earlier investigative report by Food First Information and Action Network (FIAN) in May and August/September 2009 of land grabbing in Kenya and Mozambique. The Kenyan investigation focused on the Yala Swamp and Tana River Delta. In all the cases, the FIAN (2019) report noted that land grabbing denies local communities access to land ownership, destroys livelihoods, reduces the political space for peasant oriented agricultural policies and distorts markets towards increasingly concentrated agribusiness interests and global trade, rather than promoting sustainable peasant agriculture for local and national markets and for future generations (FIAN,2019).

The implications of these findings are that the consequences of land-related crimes and offences cut across social, economic and political dimensions. Therefore, it requires a multi-dimensional approach to mitigate these consequences.



**Figure 6: A file image of a building being demolished in Nairobi (Source: Kenyans.co.ke. digital, 2018, April 22)**

### **3.9 Existing interventions for Addressing Land-related Crimes and Offences in Kenya**

This study also sought to probe mechanisms that are available to address land-related crimes and offences. On this, respondents were asked to give methods that they use to resolve the problem as well the institution that they report the cases to and gauge their effectiveness.

### 3.9.1 How Land-related Crimes and Offences are Resolved

The survey sought to understand how land-related crimes were resolved. The findings established that land crimes were majorly resolved through; Alternative Dispute Resolution - land dispute arbitration/mediation/negotiation by a majority (80.1%), and (51.3%) court/penal processes (instituting civil suits), while the least mentioned methods were: land demarcation & titling (23.5%), compensation/resettlement (12.8%), prosecution of offenders (12.4%), instituting criminal investigations (12.0%), convening of land clinics (10.3%), land petitions (10.3%), reporting to other relevant authorities (1.4%), and repossession of public utility land (0.5%) as illustrated in Table 3.20.

**Table 3.20: How Land-related Crimes and Offences are Resolved in Kenya**

<b>How Land-related Crimes and Offences are Resolved in Kenya</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Use Alternative Disputes Resolution Mechanisms	1229	80.1%
Instituting civil suits in Court of Law	787	51.3%
Clear land demarcation and titling	360	23.5%
Compensation/resettlement	196	12.8%
Prosecution of offenders	191	12.4%
Instituting criminal investigations	184	12.0%
Convening of land clinics to sensitize communities	158	10.3%
Filing land objection petitions with authorities	158	10.3%
Reporting to other relevant authorities for action	22	1.4%
Repossession of public land by government	7	0.5%

From the above findings ADR still remains the preferred method in land-related cases as reported by respondents in the country.

### 3.9.2 Institutions where Land-related Crime and Offences were reported

This study established that 48.6% of the respondents reported land-related crimes to: National Government Administrative Offices (Sub chief, Chief, ACC, DCC, and CC). Other institutions of reporting included: state department of land offices (45.0%), land control board(s) 28.0%, private land buying companies (26.9%) and private surveyor's offices (24.6%). The least reported to institutions indicated were: family(s), religious institution, financial institutions, political offices, ADC (Agricultural Development Corporation Offices) and Kenya Power & Lighting Company Offices. See Table 3.21.

It is worrying to note that respondents reported to a lesser extent to the national police service (13.2%), yet this is the institution charged with the responsibility of investigation crimes in the country, including land-related criminal matters.

**Table 3.21: Institutions where Land-related Crimes and Offences were Reported**

Institution Where Land-related Crime are Reported	Frequency	Percent of Cases
National Government Administrative offices (Sub chief, Chief, ACC, DCC, CC etc)	689	48.6%
State department of land offices	638	45.0%
Land control board(s)	398	28.0%
Private land buying companies	382	26.9%
Private surveyor's offices	349	24.6%
Law courts	235	16.6%
Police Stations	187	13.2%
County Government offices	179	12.6%
Lawyers/Advocates' offices	170	12.0%
Family(s)	32	2.3%
Religious institution	23	1.6%
Financial institutions	10	0.7%
Political offices	10	0.7%
ADC (Agricultural Development Corporation Offices)	5	0.4%
Kenya Power & Lighting Company Offices	1	0.1%

The above findings on institutions where land-related crimes and offences are reported was also pin-pointed during focus group discussion by a representative from Ministry of Lands in Meru who said that:-

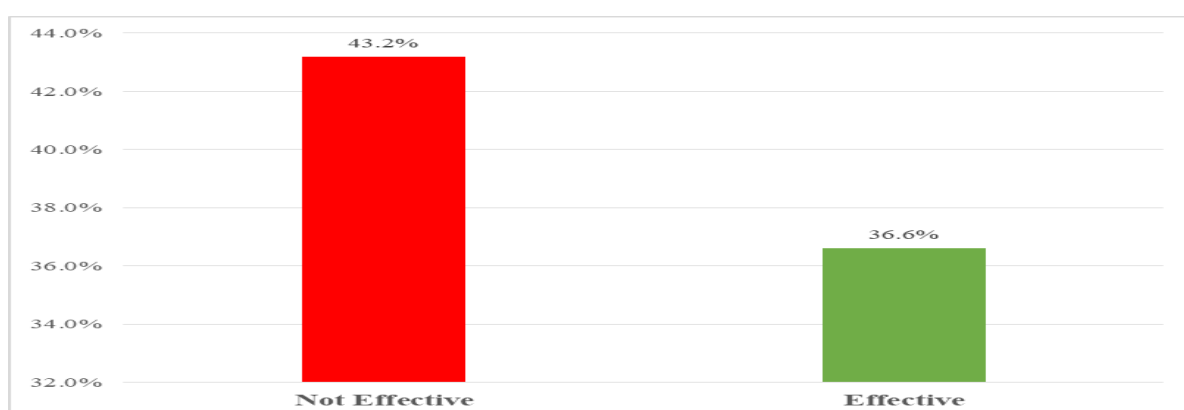
*“...in Meru County the most cases are handled through involvement of council of elder (njuri ncheke) then progress to the office of chief and Assistant County Commissioner before normal judicial process (Court process). The ministry of lands and county government have been conducting Land Legal clinics campaign by members of county assembly also popularly known as land clinics. In some areas the njuri ncheke summons the parties involved and mediates between them to reach an amicable solution. During family mediation, the members of the family meet to*

*discuss the land issue and resolve it. If it fails, they then refer to the court.....Court processes involves the parties in the dispute going through the normal court process though it sometimes takes too long to conclude...”*

In the study most of the respondents had some level of trust in NGAO officials in reporting their issues related to land. This finding call for the need to sensitize the NGAO officers on complaints handling mechanisms and integrity for effective service delivery.

### **3.9.3 Effectiveness of the Duty-bearer Institution in the Prevention of Land-related Crimes and Offences**

The study also sought to find out the general effectiveness of all duty-bearer institutions in terms of prevention of land-related crimes and offences. As Figure 7 shows, many respondents (43.2%) indicated that most of the institutions were not effective, whereas 36.6% of the respondents maintained that the institutions were effective.



**Figure 7: Overall Percentage of Effectiveness of all Duty Bearer Institutions**

This finding that most of the household sample respondents had perceptions that duty bearer institutions were not effective in handling land-related crimes and offences. This could be explained by earlier findings which showed that 80.1 % of the household respondents preferred to have their cases handled through Alternatives Disputes Resolution Mechanisms and maybe the reasons why they felt duty bearer institutions were not effective. Therefore, the agencies concerned with land matters need to take serious action in ending land-related crimes and offences in their areas of jurisdictions in order to gain public support, trust and confidence.

### 3.9.3.1 Effectiveness of the Specific Duty Bearer Institution in the Prevention of Land-related Crimes and Offences

The study further sought to find out the effectiveness of each duty bearer institution in tackling land-related matters in their respective jurisdictions as shown in Table 3.22. The most effective institutions as considered by the majority of the respondents were the council of elders (65.8%), the family (56.4%), National Government Administrative Offices (51.2%) the judiciary (39.9%), the church (29.9%), State Department for Lands (29.7%), the National Police Service (25.2%), National Lands Commission (24.2%), Office of the Director of Public Prosecutions (20.4%), Community Based Organization (15.4%), office of the member of the National Assembly (11.7%) and land buying companies (7.1%).

**Table 3.22: Effectiveness of the Specific Duty-bearer Institutions in the Prevention of Land-related Crimes and Offences**

Institution	Rating	Frequency	Percent
National Government Administrative office	Effective	684	51.2
	Not Effective	583	43.6
	Do not Know	70	5.2
Courts	Effective	461	39.9
	Not effective	540	46.8
	Do not Know	154	13.3
Office of Member of National Assembly	Effective	93	11.7
	Not effective	376	47.4
	Do not Know	324	40.9
National Police Service	Effective	250	25.2
	Not effective	576	58.1
	Do not Know	165	16.6
Office of Director of Public Prosecutions	Effective	166	20.4
	Not effective	327	40.2
	Do not Know	321	39.4
State Department for Lands	Effective	281	29.7
	Not effective	527	55.7
	Do not Know	138	14.6
Council of Elders	Effective	622	65.8
	Not effective	228	24.1
	Do not Know	96	10.1
Family	Effective	487	56.4
	Not effective	266	30.8
	Do not Know	110	12.7

Church	Effective	241	29.9
	Not effective	328	40.6
	Do not Know	238	29.5
National Land Commission	Effective	215	24.2
	Not effective	364	41.0
	Do not Know	309	34.8
Community Based Organization	Effective	2	15.4
	Not effective	7	53.8
	Do not Know	4	30.8
Land Buying Companies	Effective	1	7.1
	Not effective	13	92.9

From the results in Table 3.22, it is quite clear that majority of the respondents consider most of the duty-bearer institutions as not effective in relation to their performance in resolving land-related crimes and offences.

The findings from the focus group discussion as shown in Table 3.23 indicate possible interventions that aggrieved parties use to address land-related crimes and offences. These interventions include; reporting to relevant offices e.g. NGAO offices, police, church, clan elders, agriculture extension officers. The parties are encouraged to use dialogue to divert land matters getting into formal criminal justice system.

Public officials indicated that they encourage out of court settlement of land matters (ADR) during Public barazas and Peace committee meetings. The NGAO officials emphasized that they undertake close and continuous monitoring of land matters in their respective areas of jurisdictions. It was noted that land surveyors do address boundary conflicts



**Table 3.23: Possible interventions to address land related crimes and Offences as highlighted by Focus group Discussion participants**

Interventions	Existing interventions for addressing of land related crimes and offences in the counties (marked by a tick (√))													
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita	Vihiga	Elgeyo Marakwet	Migori	Nakuru	Nyamira	Garisa	Total tally of occurrence out of 13 counties
Reported to relevant offices e.g NGAO, police, Church, Clan elders, agriculture extension	√	√	√	√	√	√	√	√	√	√	√	√	√	13
Dialogue is encouraged and embraced	√				√	√	√		√				√	6
Filing cases in court for arbitration	√		√	√		√	√		√		√	√	√	9
Encouraging the ADR	√	√	√	√	√	√			√	√	√			9
Public barazas						√				√		√		3
Peace committee put in place						√								1
Close and continuous monitoring of land matters						√				√				2
Land surveyor address boundaries			√			√	√							3
All families involved in selling of land								√						1
Refer matter to tribunal e.g environmental tribunal, public participation barazas, Police arrests, repossession of property, destruction of illegal structures			√							√	√	√		4
Ministry of land intervention e.g. resettlement of people, NLC		√	√				√			√	√			5
Criminal investigations officer (DCI)		√								√				2
Land petition			√				√							2

The findings from FGD were further corroborated by a key informant in Elgeyo Marakwet county from land & settlement office in the ministry of lands who said that, the council of elders have been useful in addressing land-related dispute matters in the county.

*“...dialogues and working with the relevant agencies have helped resolve land-related issues in this county. The process involves creating a forum for dialogues with the NGAO, family members, clan elders, religious leaders and village elders as a way of community sensitization. The meetings highlight importance of co-existence, succession procedures and importance of sub division of land before it is too late. However, where a consensus is not reached then the matter is forwarded to the courts...”*



**Figure 8: Public officials holding Public Peace Baraza to reconcile two fighting communities over land disputes in Narok County (Source: <https://www.k24tv.co.ke/news> 2019, August 19)**

### **3.10 Challenges in Addressing Land-related Crimes and Offences**

The respondents were also asked to indicate challenges in addressing land-related crimes and offences. The major challenges reported by the respondents were: culture of corruption (67.1%), high cost of processing land documents (37.6%), lack of awareness on land rights (33.8%), delay of land ownership matters in courts (33.2%), lack of transparency in land-related matters (32.3%), corrupt land dealers/cartels/companies (27.4%), extreme poverty in

some communities (25.1%), difficulties in accessing land-related services (25.0%), illiteracy (24.6%) and unregistered land/ lack of proper documents (20.6%).

The least reported challenges (by less than 1% of the respondents) were: lack of clear boundaries, laxity by public officials, enmity among community members, population pressure, failure to report cases to authorities, lack of witness protection, nepotism/tribalism, unemployment, double allocation and scarcity of pasture for grazing as illustrated in Table 3.24.

**Table 3.24: Challenges in Addressing Land-related Crimes and Offences**

<b>Challenges in Addressing Land-related Crimes and Offences</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Culture of corruption	1022	67.1%
High cost of processing land documents	573	37.6%
Lack of awareness on land rights	515	33.8%
Delay of land ownership matters in courts	506	33.2%
Lack of transparency in land related matters	491	32.3%
Corrupt Land dealers/cartels/companies	417	27.4%
Extreme poverty in some communities	382	25.1%
Difficulties in accessing land-related services	380	25.0%
Illiteracy	374	24.6%
Unregistered land/ lack of proper documents	313	20.6%
Discriminatory cultural practices	257	16.9%
Inadequate enforcement of land laws	230	15.1%
Un-procedural land succession	217	14.3%
Inadequate resources in state agencies	144	9.5%
Abuse of courts orders	123	8.1%
Greed	22	1.4%
Insecurity	20	1.3%
Lack of clear boundaries	13	0.9%
Laxity by public officials	12	0.8%
Enmity among community members	12	0.8%

Challenges in Addressing Land-related Crimes and Offences	Frequency	Percent of Cases
Population pressure	7	0.5%
Failure to report cases to authorities	4	0.3%
Lack of witness protection	4	0.3%
Nepotism/tribalism	5	0.3%
Unemployment	3	0.2%
Double allocation	2	0.1%
Scarcity of pasture for grazing	1	0.1%

The findings from the focus group discussions as shown in Table 3.25 highlighted challenges in addressing land-related crimes and offences to include: delay in solving land-related crimes in court, corruption, ignorance of the law, lack of enforcement of ADR, distance in accessing land offices, land-related matters are created by criminal gangs and instill fear if crime is committed, lack of awareness on land rights, illiteracy, understaffing of land office and political interference.

**Table 3.25: Challenges in Addressing Land-related Crimes and Offences as highlighted by Focus Group Discussion participants**

Challenges in Addressing Land-related Crimes	Occurrence of challenges in implementing land related crimes and offences in the counties (marked by a tick (✓))													
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Migori	Nyamira	Garisa	Nakuru	Total tally
Delay in solving land crimes in court	✓		✓		✓	✓		✓	✓				✓	7
Corruption		✓	✓	✓		✓	✓	✓				✓		7
Ignorance of the law			✓			✓	✓	✓	✓				✓	6
Lack of enforcement of ADR	✓						✓	✓	✓				✓	5
Distance in land offices	✓					✓	✓						✓	4
Land related matters are created by gangs and instil fear if crime is committed	✓		✓	✓									✓	4
Lack of awareness on land rights			✓		✓		✓	✓						4
Illiteracy			✓			✓	✓		✓					4
Land office is understaffed	✓					✓							✓	3
Political interference	✓						✓						✓	3
Cultural practices	✓					✓		✓						3
No documentation		✓						✓				✓		3
Concealment of documents		✓				✓		✓						3
Inadequate enforcements in land laws			✓		✓	✓								3
Mistrust between the public and government officials						✓			✓				✓	3
Lack of land demarcation	✓												✓	2

Challenges in Addressing Land-related Crimes	Occurrence of challenges in implementing land related crimes and offences in the counties (marked by a tick (✓))													
	Bungoma	Kilifi	Meru	Machakos	Murang'a	Laikipia	Taita Taveta	Vihiga	Elgeyo Marakwet	Migori	Nyamira	Garisa	Nakuru	Total tally
Ignorance on the process and procedure of succession	✓												✓	2
Inaccessibility of documentation in the land registry		✓				✓								2
Abuse of office						✓		✓						2
Inadequate resources						✓		✓						2
Inaccessibility of courts	✓													1
Lack of exposure to what is happening in other places	✓													1
Lack of local committee	✓													1
Resistance from the defendants community		✓												1
Lack of transparency			✓											1
Un-procedural land procedure			✓											1
Poverty				✓										1
Lack of sensitization on land rights					✓									1
Land staff are unvetted						✓								1
Human-wildlife conflict						✓								1
Inadequate automation						✓								1
Lack of reporting							✓							1
Private brokers and surveyors								✓						1
Conflict between communities									✓					1
Intimidation		✓												
Difficult terrain									✓					1
Unequal land allocation									✓					1

In relation to these findings, a key informant drawn from NPS in Kisumu noted;-

*“... alternative dispute resolution is highly regarded in this locality. Most of success stories on land matters are born out of alternative dispute resolution. The membership of ADR understand the real underlying issues of land-related crimes...”*

Another key informant in Kilifi drawn from NGAO had this to say:-

*“...land related disputes are resolved through the land control board discussion, by also reference to the surveyor. In regards to threats, the cases are referred to police and the courts, another mechanism is through dialogues. We also engage chiefs in the dialogues, clan elders and churches, however where a consensus is not reached then the courts intervene ...”*

The findings from the sample respondents and FGD profiled corruption as a challenge in addressing land-related crimes and offences. Relatedly, Transparency International (2015) study reported that corruption was the major challenge in addressing land-related crimes and offences. This is supported by another Baseline Report on Political Analysis and Risk Mapping on land matters in Nairobi and Kwale by Transparency International (2015) where majority (81.0%) of respondents considered corruption as a major issue in land management (Nairobi 92.3% and Kwale 63.2%).

In order to effectively address the land question in Kenya, corruption must be eradicated by all. Institutions mandated to fight corruption will need to employ corruption prevention methods and also ensure that public officers are sensitized on integrity in service delivery.



## **CHAPTER FOUR: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Introduction**

This section provides summary of findings and conclusions of the study. It further gives recommendations based on the study findings.

### **4.2 Summary of Major Findings**

#### **4.2.1 Status of land Ownership**

The study established that majority of the respondents (90.2%) owned land in the study areas. The findings also showed that the majority of land owners were locals (70.8%) whereas 29.2% were non-locals who had acquired land in the locality. 62.8% of the respondents who owned land had been victims or witnessed land-related crimes in their localities, while 37.2% of the respondents who did not own land had not been victims. It also came out that 49.0% of the respondents who did not own land had been either victims or witnessed land-related crimes.

#### **4.2.2 Forms of Land-related Crimes and Offences**

The study established that there were estimated 40 types of land-related crimes across the sampled counties. The most prevalent types of land-related crimes were: interfering with land boundaries and beacons (63.3%), trespass (31.1%), land fraud and or exploitation (30.7%), forcible entry (29.5%), land-related forgery (24.3%).

#### **4.2.3 Land-related Crimes Victimization**

The study established that majority of the respondents had been victims of interfering with boundary marks/beacon (57.5%), forcible entry/ land grabbing (22.7%), trespass (20.7%) and land fraud (17.5%).

The study also established that majority (59.3%) of the respondents after experiencing land-related crimes reported to national government administration officers, 27.1% reported to the elders for mediation. Others institutions of reporting the cases included: court arbitration (22.2%), the police (21.9%), the land registry (19.1%) and preference for family mediation (14.8%). Also, some would report to land buying companies (12.3%).

#### **4.2.4 Causes of Land-related Crimes and Offences**

The major causes of land-related crimes cited were: greed by some land owners (47.4%), depravity of mankind (42.5%), land grabbing (33.3%), delay in issuance of title deeds (33.0%), fraudulent double/multiple land sales (31.1%) and land succession disputes (31.1%).

#### **4.2.5 Perpetrators of Land-related Crimes and Offences**

The results of this study in relation to the perpetrators of land-related crimes indicated land brokers or cartels (41.4%), conceited family members (39.7%), neighbor's (35.1%) were the leading perpetrators of land-related crimes in the country. Also, National Government Administrative Officers (23.3%), corrupt land buying companies officials (21.9%), department of land and National Land Commission (20.7%), unemployed youth (15.2%), land developers (12.9%) and Non-Locals were considered as perpetrators of land-related crimes. Other perpetrators stated included: self-serving political leaders (10.2%), corrupt advocates (10.1%), herdsmen/women (4.3%), land owners (3.8%), surveyors (3.2%), county government officials (1.0%), officials of welfare groups/Sacco/Chamas, Ministry of Energy officials, business community and squatters each at 0.2% and land caretakers (0.1%).

The study also found out that the "*modus operandi*" of the perpetrators involved; double allocation (36.5%), removal of land beacons (31.5%), trespass on private land (31.0%), collusion with public officials (25.4%), forging of land documents (23.2%), alteration of lands maps/boundaries (22.0%) and conspiracy to defraud (21.0%).

#### **4.2.6 Consequences of Land-related Crimes and Offences**

The finding on social consequences of land-related crimes were that it led to: increased poverty (48.0%), family disharmony (47.2%), loss of life (44.3%), infliction of injuries (31.9%), evictions/displacement of people (30.6%), animosity between communities (22.3%), food insecurity (20.2%) and land-related domestic violence issues (20.0%) as major causes.

The general economic consequences of land-related crimes included: loss of livelihoods (51.2%), damaging of property (45.2%), prolonged cases in courts and time wastage (40.4%), destruction of crops (33.9%), unutilized land (idle lands) at 20.4%, depreciation of land value (5.6%) and under development. The economic consequences of land-related crimes were also measured in terms of monetary income lost by the respondents. The results of the findings were: below Kshs. 100,000 with responses at 26.2%, between Kshs 100,001 – 500,000 (33.6%), Kshs. 500,001-1,000,000 (16.3%) and above Kshs. 1 million at 24.5% of the total

respondents. In terms of the value of the general economic loss, respondents had lost as follows: above Kshs 1 million (37.5%); Kshs. 100,001-500,000 (28.8%), below Kshs. 100,000 (20.4%) and Kshs. 500,001- 1,000,000 (13.3%).

Political consequences of land-related crimes that the study established were: communal disharmony/family (58.1%), politically instigated eviction/displacements (44.7%), politically instigated squatting (28.5%), land-related electoral violence & conflicts (18.8%) and nepotism/tribalism (0.9%). On the environmental consequences of land-related crimes, the major one was land degradation (77.2%) and environmental pollution at (46.4%).

The study also aimed at establishing the unresolved land related issues with the areas of study. A majority of the respondents (65.5%) had unresolved land issues. The rest (34.5%) did not report any unresolved land issues within their locality. Pending land ownership dispute was the most prevalent (41.4 %). Others were: land succession (27.3%); land transfers (25.7%) and land matters in court/council of elders (22.2%). By the counties analysis, Nairobi County was leading with unresolved land issues in the country.

#### **4.2.7 Existing Interventions for Addressing Land-Related Crimes and Offences**

The study established that the existing interventions to address land related crimes by aggrieved parties included: victims of land-related crimes reported to National Government Administrative offices (Sub chief, Chief, ACC, DCC, CC etc.) indicated by 48.6% of the respondents, reporting to State department of land offices (45.0%), Land Control Board(s) 28.0%, private land buying companies (26.9%) and 24.6% private surveyor's offices.

The findings on how to resolve land-related crimes revealed that; alternative dispute resolution -Land dispute arbitration/mediation/negotiation was the most preferred by respondents (80.1%). The other highly preferred method of resolving land-related crimes as indicated by the respondents was court/penal processes (instituting civil suits) at 51.3%.

The results on the findings on the effectiveness of duty bearer institution was that; a significant number (43.2%) of respondents perceived that most of the institutions are ineffective whereas 36.6% maintained that the institutions were effective. – the perception on the effective institutions on dealing with land-related crime by the ratings of the respondents were as follows: the council of elders (65.8%), family (56.4%), National Government Administrative Offices (51.2%), the Judiciary (39.9%), the church (29.9%), State Department for Lands (29.7%), the National Police Service (25.2%), National Land

Commission (24.2%), Office of the Director of Public Prosecutions (20.4%), Community Based Organizations (15.4%), office of the member of the National Assembly (11.7%) and Land Buying Companies (7.1%).

#### **4.2.8 Challenges in Addressing Land-related Crimes and Offences**

The results on the findings of the challenges in addressing land-related crimes were that: culture of corruption (67.1%), high cost of processing land documents (37.6%), lack of awareness on land rights (33.8%), delay of land ownership matters in courts (33.2%) and lack of transparency in land related matters (32.3%) were the major challenges in addressing land-related crimes. The other significant challenges cited were: corrupt land dealers/cartels/companies (27.4%), extreme poverty in some communities (25.1%), difficulties in accessing land-related services (25.0%), illiteracy (24.6%) and unregistered land/ lack of proper documents (20.6%).

### **4.3 Conclusions**

This study has established prevalent of land related crimes which poses challenges to Kenyans to a large extent. The most prevalent land-related crimes were: interfering with land boundaries and beacons, trespass, land fraud and or exploitation, forcible entry and land-related forgery. This calls for the need for duty bearer institutions to ensure that land-related crimes are addressed in the country in order to achieve the envisaged social-economic and political development in Kenya. The study has established that the main drivers of land-related crimes include greed by some land owners, depravity of mankind, land grabbing, delay in issuance of title deeds, fraudulent double/multiple land sales and land succession disputes. The causes of land related crimes from the finding of the study are diverse, this means that to address on the causes, it will require a multi-sectorial approach. There is need for adequate facilitation and empowerment to be able to address land-related crimes. In addition, the study established consequences of land-related crimes which have significant effect on the economic growth and development. These consequences include increased poverty, family disharmony, loss of life, infliction of injuries, evictions/displacement of people, animosity between communities, food insecurity, land-related domestic violence issues, loss of livelihoods, damaging of property, prolonged cases in courts and time wastage, destruction of crops, unutilized land (idle lands), and depreciation of land value. The existing interventions are faced with a number of challenges that need to be addressed to address land-

related crimes in Kenya. This study provides a reference point on the subject on land administration and governance in Kenya.

## **4.4 Recommendations**

From the study findings and conclusions, the report makes the following key policy recommendations.

### **4.4.1 Policy Recommendations**

1. The Ministry of Lands and Physical Planning (MoLPP) should initiate a process of boundary alignments and develop a systematic program to geo-reference boundaries across the country. This can be achieved through the allocation of more resources to Surveys of Kenya. From the study, boundaries and beacon alteration was the most prevalent type of land-related crime.
2. The Ministry of Lands and Physical Planning to expedite the process of digitization of all land registries in the 47 counties and also the operationalization of the National Land Information Management System (NLIMS) in all counties in Kenya. Additionally, NLIMS platform should be customer friendly and transparent for ease in tracking all processes of land conveyancing that involve land administration and registration, land surveying, valuation, and physical and land use planning. The system should also be integrated with other government systems available on the e-citizen platform.
3. The Ministry of Lands and Physical Planning should review the Estate Agents Act, 1984 Cap 533 Laws of Kenya to ensure that there is strict regulation and punishment of Estate Agents who arrange to defraud through the sale, renting, or management of homes, lands, and buildings. Such regulations will ensure vetting and an investment guarantee fund is deposited with the Estate Agents Registration Board as a regulator before such firms are allowed to go public with land and or property sales, including advertising.
4. The government through the Ministry of Lands and Physical Planning should fast-track the issuance of title deeds to all public land in the country and where the application of renewal of lease has been made, thorough vetting of the applicants should be done to avoid swindling the original beneficiary. The MoLPP should also roll out land adjudication for non-demarcated land throughout the Republic of Kenya.

5. The Ministry of Lands and Physical Planning should initiate mechanisms to upgrade and improve security features and labels of land title deeds. Upgrading and improving the security features and security labels on title deeds by the Ministry of Lands and Physical Planning will make it difficult to forge/counterfeit land title deeds.
6. The Ministry of Interior and Co-ordination of National Government and the Ministry of Lands and Physical Planning should consider conducting public sensitization on land-related succession laws, land rights, and land transaction due diligence. This will help minimize cases of forgery of land documents, and swindling of land owners or buyers while improving community awareness of land rights.
7. The Environment and Land Court should expedite conclusion of land-related cases in courts within a set time frame, to address delays on land matters. This study found out that one of the causes of land related crimes and offences were delays in conclusion of land matters in courts. In addition, the government should encourage the public to utilize Alternative Dispute Resolution Mechanisms (ADR) such as community elders, court arbitration, and NGAO which the study established to have a good level of success in the handling of the land disputes. There should be capacity building of these ADR institutions with regard to land laws, land rights, and conflict resolution to enable them deliver this service effectively and efficiently.
8. The Ministry of Lands and Physical Planning should adopt multi-agency/sector collaboration of land stakeholders in addressing land-related corruption. In particular, the government should come up with necessary measures to deal comprehensively with corruption in the land sector and colluding public officials in land transactions. There is need for corruption prevention as a strategy to form a standing agenda in the Ministry of Lands and Physical Planning. Ethics and Anti-Corruption Commission in conjunction with the Ministry of Lands and Physical Planning needs to put in place anti-corruption strategies that seeks to seal loopholes in the ministry's service delivery points prone to corruption like the land registries.

#### **4.5: Recommendations for further research**

A follow up study should be undertaken after the implementation of the interventions from this study to ascertain the effectiveness of Alternative Dispute Resolution Mechanisms (ADR) in addressing land-related crimes and offences in Kenya.

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**Appendix I: Table on Forms of Land-related Crimes per County**

Assault causing actual bodily harm	Interfering with land beacon	Forgery	Forcible entry	Land fraud/ exploitation	Trespass	Interfering with boundary	Land-related crimes in the counties
3.3	3.3	20.0	36.7	46.7	50.0	16.7	Nyandarua
12.0	16.0	24.0	68.0	36.0	72.0	40.0	Laikipia
68.2	54.5	4.5	36.4	4.5	36.4	40.9	Wajir
83.3	37.5	0.0	62.5	12.5	58.3	45.8	Garissa
8.3	16.7	19.4	16.7	30.6	25.0	36.1	Transzoia
7.9	11.9	9.9	12.9	23.8	30.7	21.8	Nakuru
12.5	9.4	9.4	6.3	28.1	18.8	56.3	Nandi
28.6	0.0	0.0	71.4	0.0	0.0	57.1	Elgeyo Marakwet
40.0	20.0	40.0	100.0	50.0	30.0	50.0	Isiolo
23.3	26.7	40.0	86.7	30.0	46.7	33.3	Embu
38.0	38.0	45.1	80.3	46.5	56.3	77.5	Meru
1.6	6.3	36.5	38.1	41.3	38.1	23.8	Machakos
9.6	32.7	26.9	13.5	32.7	38.5	40.4	Murang'a
2.4	19.0	4.8	19.0	9.5	28.6	35.7	Kitui
47.1	41.2	38.2	20.6	47.1	41.2	55.9	Busia
93.1	37.9	32.8	34.5	25.9	39.7	84.5	Bungona
54.8	30.1	16.4	11.0	23.3	50.7	74.0	Kakamega
43.5	21.7	0.0	0.0	0.0	26.1	91.3	Vihiga
3.6	11.6	20.5	16.9	34.5	14.5	11.6	Nairobi
0.0	12.2	28.2	34.4	35.1	18.3	10.7	Kiambu
2.5	25.0	35.0	25.0	37.5	15.0	30.0	Kajiado
41.1	55.4	25.0	39.3	32.1	53.6	62.5	Kisumu
45.2	61.3	19.4	35.5	19.4	38.7	83.9	Migori
28.6	53.1	32.7	12.2	28.6	44.9	53.1	Kisii
15.4	30.8	17.9	23.1	20.5	41.0	59.0	Siaya
32.0	76.0	20.0	20.0	20.0	32.0	80.0	Nyamira
29.0	45.2	12.9	3.2	16.1	32.3	64.5	Bomet
6.3	0.0	31.3	37.5	37.5	6.3	31.3	Taita taveta
31.0	6.9	10.3	37.9	20.7	3.4	37.9	Kwale
16.7	0.0	50.0	50.0	66.7	0.0	16.7	Lamu
4.8	12.9	35.5	37.1	27.4	12.9	30.6	Mombasa
19.1	19.1	55.3	42.6	57.4	19.1	29.8	Kilifi
10.0	10.0	0.0	10.0	10.0	70.0	10.0	Uasin Gishu
21.2	23.9	24.3	29.5	30.7	31.1	39.4	National Total

Illegal grazing on private land	Stealing farm produce	Theft of farm produce	Assault	Malicious damage	Obtaining by false pretence	Murder	Threat to kill	Land-related crimes in the counties
43.3	10.0	23.3	23.3	10.0	3.3	16.7	10.0	Nyandarua
0.0	20.0	4.0	20.0	24.0	20.0	16.0	24.0	Laikipia
13.6	4.5	0.0	63.6	68.2	27.3	45.5	63.6	Wajir
12.5	37.5	0.0	83.3	33.3	25.0	41.7	58.3	Garissa
13.9	16.7	19.4	2.8	13.9	19.4	11.1	11.1	Transzoia
20.8	17.8	27.7	6.9	21.8	10.9	16.8	9.9	Nakuru
3.1	9.4	9.4	6.3	0.0	6.3	9.4	6.3	Nandi
14.3	0.0	0.0	14.3	0.0	0.0	28.6	57.1	Elgeyo Marakwet
30.0	30.0	20.0	20.0	30.0	20.0	40.0	30.0	Isiolo
10.0	10.0	6.7	16.7	13.3	16.7	16.7	33.3	Embu
11.3	19.7	22.5	25.4	46.5	38.0	31.0	35.2	Meru
0.0	23.8	1.6	6.3	4.8	22.2	1.6	1.6	Machakos
5.8	25.0	5.8	21.2	3.8	19.2	3.8	7.7	Murang'a
16.7	11.9	26.2	2.4	9.5	16.7	0.0	2.4	Kitui
29.4	29.4	26.5	50.0	35.3	32.4	47.1	44.1	Busia
32.8	22.4	36.2	63.8	48.3	32.8	77.6	53.4	Bungoma
32.9	16.4	34.2	43.8	27.4	17.8	43.8	42.5	Kakamega
8.7	0.0	34.8	26.1	13.0	0.0	21.7	13.0	Vihiga
2.4	12.9	0.8	0.8	4.4	8.4	2.8	9.2	Nairobi
3.8	19.8	9.2	3.1	0.0	13.0	5.3	9.2	Kiambu
7.5	2.5	0.0	5.0	5.0	20.0	5.0	2.5	Kajiado
51.8	21.4	46.4	26.8	51.8	19.6	46.4	32.1	Kisumu
29.0	19.4	29.0	12.9	22.6	9.7	32.3	35.5	Migori
32.7	22.4	38.8	24.5	24.5	26.5	20.4	40.8	Kisii
33.3	15.4	28.2	17.9	15.4	7.7	17.9	20.5	Siaya
32.0	28.0	64.0	12.0	12.0	4.0	48.0	40.0	Nyamira
25.8	19.4	48.4	9.7	19.4	9.7	12.9	38.7	Bomet
0.0	12.5	0.0	12.5	6.3	31.3	0.0	6.3	Taita taveta
3.4	6.9	0.0	20.7	20.7	6.9	20.7	13.8	Kwale
0.0	0.0	0.0	0.0	0.0	33.3	16.7	0.0	Lamu
0.0	0.0	0.0	1.6	4.8	19.4	1.6	3.2	Mombasa
0.0	0.0	0.0	14.9	17.0	36.2	6.4	2.1	Kilifi
10.0	30.0	30.0	0.0	10.0	10.0	10.0	0.0	Uasin Gishu
14.5	15.9	16.5	16.6	17.1	17.1	18.3	19.6	National Total

Arson	Incitement to violence	Intermeddling with deceased property	Affray	Cheating	Destroying trees	Forcible detainer	Creating disturbance	Land-related crimes in the counties
0.0	6.7	3.3	3.3	6.7	3.3	16.7	13.3	Nyandarua
0.0	12.0	8.0	8.0	24.0	4.0	16.0	20.0	Laikipia
13.6	22.7	0.0	31.8	27.3	13.6	22.7	50.0	Wajir
25.0	29.2	0.0	16.7	45.8	12.5	16.7	29.2	Garissa
8.3	5.6	8.3	25.0	19.4	5.6	5.6	5.6	Transzoia
7.9	5.9	2.0	13.9	6.9	4.0	5.9	5.9	Nakuru
6.3	6.3	9.4	15.6	0.0	0.0	3.1	3.1	Nandi
28.6	14.3	0.0	28.6	0.0	57.1	0.0	0.0	Elgeyo Marakwet
20.0	30.0	0.0	20.0	30.0	20.0	20.0	20.0	Isiolo
6.7	10.0	3.3	13.3	20.0	13.3	56.7	20.0	Embu
15.5	22.5	19.7	2.8	31.0	35.2	15.5	40.8	Meru
0.0	0.0	12.7	3.2	33.3	4.8	3.2	7.9	Machakos
0.0	0.0	17.3	9.6	23.1	3.8	1.9	3.8	Murang'a
0.0	2.4	4.8	0.0	0.0	4.8	2.4	0.0	Kitui
20.6	26.5	38.2	55.9	41.2	35.3	29.4	47.1	Busia
43.1	34.5	20.7	43.1	19.0	31.0	37.9	48.3	Bungoma
11.0	20.5	23.3	31.5	12.3	27.4	23.3	31.5	Kakamega
0.0	8.7	0.0	21.7	0.0	13.0	13.0	13.0	Vihiga
0.8	0.4	2.0	2.4	5.6	1.2	2.4	2.4	Nairobi
1.5	0.0	0.8	1.5	2.3	2.3	0.0	0.8	Kiambu
0.0	0.0	7.5	0.0	2.5	0.0	0.0	0.0	Kajiado
32.1	16.1	25.0	23.2	12.5	26.8	28.6	28.6	Kisumu
3.2	3.2	12.9	0.0	12.9	29.0	38.7	25.8	Migori
2.0	10.2	18.4	20.4	12.2	34.7	10.2	18.4	Kisii
0.0	5.1	12.8	10.3	12.8	35.9	10.3	25.6	Siaya
8.0	8.0	36.0	28.0	8.0	24.0	24.0	12.0	Nyamira
6.5	3.2	9.7	22.6	3.2	29.0	3.2	3.2	Bomet
6.3	6.3	0.0	0.0	12.5	0.0	43.8	12.5	Taita taveta
10.3	0.0	6.9	6.9	0.0	6.9	6.9	6.9	Kwale
0.0	33.3	0.0	16.7	0.0	0.0	50.0	16.7	Lamu
0.0	3.2	6.5	1.6	1.6	1.6	32.3	4.8	Mombasa
2.1	2.1	12.8	4.3	10.6	0.0	8.5	12.8	Kilifi
0.0	0.0	10.0	0.0	0.0	20.0	0.0	0.0	Uasin Gishu
7.2	8.0	9.8	12.0	12.1	12.2	12.8	14.0	National Total

Commencing a project without Environmental Impact Assessment	Contempt of court	Offensive conduct conducive to breach of peace	Illegal dumping	Defamation	Attempted murder	Land-related crimes in the counties
0.0	0.0	6.7	0.0	0.0	0.0	Nyandarua
0.0	8.0	0.0	4.0	0.0	12.0	Laikipia
0.0	0.0	4.5	22.7	0.0	0.0	Wajir
4.2	4.2	8.3	12.5	8.3	4.2	Garissa
2.8	5.6	5.6	5.6	8.3	2.8	Transzoia
2.0	3.0	3.0	4.0	5.0	3.0	Nakuru
3.1	0.0	3.1	0.0	3.1	0.0	Nandi
0.0	0.0	0.0	0.0	0.0	14.3	Elgeyo Marakwet
0.0	20.0	20.0	20.0	20.0	0.0	Isiolo
0.0	16.7	3.3	6.7	16.7	26.7	Embu
1.4	4.2	8.5	2.8	14.1	18.3	Meru
7.9	4.8	0.0	12.7	1.6	0.0	Machakos
3.8	1.9	3.8	3.8	7.7	0.0	Murang'a
0.0	0.0	0.0	0.0	4.8	0.0	Kitui
29.4	29.4	35.3	5.9	29.4	20.6	Busia
27.6	15.5	24.1	22.4	27.6	31.0	Bungoma
17.8	19.2	12.3	1.4	24.7	15.1	Kakamega
4.3	0.0	0.0	0.0	8.7	0.0	Vihiga
2.0	2.8	0.0	5.6	1.6	1.6	Nairobi
3.1	0.8	0.0	17.6	0.8	1.5	Kiambu
0.0	2.5	0.0	5.0	0.0	0.0	Kajiado
1.8	8.9	12.5	3.6	3.6	21.4	Kisumu
0.0	3.2	6.5	0.0	6.5	12.9	Migori
4.1	6.1	14.3	4.1	4.1	6.1	Kisii
2.6	7.7	12.8	0.0	2.6	5.1	Siaya
0.0	8.0	4.0	8.0	4.0	28.0	Nyamira
0.0	3.2	0.0	0.0	3.2	3.2	Bomet
0.0	0.0	6.3	0.0	0.0	0.0	Taita taveta
0.0	0.0	0.0	0.0	0.0	3.4	Kwale
0.0	0.0	16.7	0.0	0.0	0.0	Lamu
0.0	0.0	0.0	4.8	3.2	1.6	Mombasa
0.0	2.1	14.9	0.0	6.4	2.1	Kilifi
0.0	0.0	0.0	0.0	0.0	0.0	Uasin Gishu
4.2	5.1	5.7	6.1	6.4	6.7	National Total



Encroachment on public land	Offences under wildlife management	Carrying out sand harvesting without license	Illegal removal of forest produce	Illegal grazing in forest	Attempted arson	Land-related crimes in the counties
0.0	23.3	0.0	6.7	3.3	0.0	Nyandarua
0.0	0.0	0.0	4.0	4.0	4.0	Laikipia
0.0	4.5	4.5	0.0	0.0	0.0	Wajir
4.2	0.0	8.3	0.0	8.3	4.2	Garissa
2.8	0.0	2.8	0.0	2.8	2.8	Transzoia
2.0	0.0	0.0	3.0	3.0	3.0	Nakuru
0.0	0.0	3.1	0.0	3.1	0.0	Nandi
0.0	0.0	0.0	14.3	0.0	14.3	Elgeyo Marakwet
0.0	0.0	0.0	20.0	30.0	20.0	Isiolo
0.0	0.0	3.3	0.0	6.7	16.7	Embu
0.0	7.0	0.0	5.6	7.0	14.1	Meru
0.0	3.2	0.0	0.0	3.2	0.0	Machakos
0.0	0.0	5.8	1.9	0.0	0.0	Murang'a
0.0	0.0	11.9	4.8	4.8	0.0	Kitui
0.0	0.0	14.7	0.0	2.9	14.7	Busia
1.7	19.0	19.0	27.6	25.9	19.0	Bungoma
0.0	1.4	8.2	11.0	12.3	4.1	Kakamega
0.0	0.0	4.3	4.3	4.3	0.0	Vihiga
5.6	0.0	0.0	0.0	0.0	0.0	Nairobi
3.1	2.3	3.1	0.8	2.3	0.0	Kiambu
2.5	0.0	0.0	0.0	0.0	0.0	Kajiado
0.0	1.8	5.4	7.1	3.6	21.4	Kisumu
0.0	0.0	0.0	0.0	0.0	12.9	Migori
0.0	0.0	0.0	2.0	4.1	4.1	Kisii
0.0	0.0	10.3	2.6	0.0	2.6	Siaya
0.0	0.0	0.0	4.0	0.0	8.0	Nyamira
3.2	3.2	0.0	3.2	9.7	0.0	Bomet
0.0	0.0	0.0	0.0	0.0	0.0	Taita taveta
3.4	0.0	0.0	6.9	0.0	0.0	Kwale
0.0	0.0	0.0	0.0	0.0	0.0	Lamu
0.0	0.0	0.0	0.0	0.0	0.0	Mombasa
0.0	0.0	0.0	0.0	0.0	0.0	Kilifi
0.0	0.0	0.0	0.0	0.0	0.0	Uasin Gishu
1.7	2.1	3.1	3.3	3.8	4.1	National Total

Corruption	Failure to honor lease terms/agreements	Eviction by fake court orders	Practice of witchcraft on land matters	Giving false information contrary to Environmental Management and Coordination Act	Contravening a measure contrary to Environmental Management Act	Land-related crimes in the counties
0.0	0.0	0.0	0.0	0.0	0.0	Nyandarua
0.0	0.0	0.0	0.0	4.0	0.0	Laikipia
0.0	0.0	0.0	0.0	0.0	0.0	Wajir
0.0	0.0	0.0	0.0	4.2	0.0	Garissa
0.0	0.0	0.0	0.0	2.8	2.8	Transzoia
2.0	0.0	0.0	0.0	0.0	1.0	Nakuru
0.0	0.0	0.0	0.0	3.1	0.0	Nandi
0.0	0.0	0.0	0.0	0.0	0.0	Elgeyo Marakwet
0.0	0.0	0.0	0.0	0.0	0.0	Isiolo
0.0	0.0	0.0	0.0	0.0	0.0	Embu
0.0	0.0	0.0	0.0	4.2	4.2	Meru
0.0	0.0	0.0	0.0	1.6	3.2	Machakos
0.0	0.0	0.0	0.0	1.9	1.9	Murang'a
0.0	0.0	0.0	0.0	0.0	2.4	Kitui
0.0	0.0	0.0	0.0	2.9	2.9	Busia
0.0	0.0	0.0	1.7	10.3	13.8	Bungoma
0.0	0.0	0.0	1.4	0.0	1.4	Kakamega
0.0	0.0	0.0	8.7	0.0	0.0	Vihiga
0.0	0.0	0.8	0.0	0.0	0.0	Nairobi
0.0	0.0	0.0	0.0	0.0	0.8	Kiambu
0.0	0.0	0.0	0.0	0.0	0.0	Kajiado
0.0	0.0	0.0	3.6	1.8	0.0	Kisumu
0.0	0.0	0.0	0.0	0.0	0.0	Migori
0.0	2.0	0.0	0.0	2.0	4.1	Kisii
0.0	0.0	0.0	0.0	0.0	2.6	Siaya
0.0	0.0	0.0	0.0	0.0	0.0	Nyamira
0.0	0.0	0.0	0.0	0.0	3.2	Bomet
0.0	0.0	0.0	0.0	0.0	0.0	Taita taveta
0.0	3.4	0.0	6.9	0.0	0.0	Kwale
0.0	0.0	0.0	0.0	0.0	0.0	Lamu
0.0	4.8	1.6	0.0	0.0	0.0	Mombasa
0.0	0.0	2.1	2.1	0.0	0.0	Kilifi
0.0	0.0	0.0	0.0	0.0	0.0	Uasin Gishu
0.1	0.3	0.3	0.6	1.2	1.5	National Total

## Appendix II: Table on County Analysis of the Causes of Land-related Crimes

Causes of Land-Related Crimes	Lack of clear boundaries		Ignorance of law		Lack of proper documentation		Forgery of land titles/ land registration documents		Corruption at land registry		Family disputes/neighbour disputes		Land succession dispute		Fraudulent double/multiple land sales		Delay in issuance of title deeds		Land grabbing		Depravity of mankind		Greed by some land owners	
	6.7	3.3	3.3	3.3		6.7	0.0	20.0	40.0							16.7	20.0	33.3	30.0	66.7				
	12.0	24.0	16.0	16.0	36.0	40.0	48.0	56.0	56.0	56.0	56.0	56.0	56.0	56.0	20.0	20.0	68.0	52.0	48.0					
	13.6	54.5	50.0	50.0	4.5	13.6	9.1	27.3	27.3	27.3	27.3	27.3	27.3	27.3	9.1	45.5	72.7	45.5	45.5					
	16.7	45.8	37.5	37.5	4.2	16.7	29.2	16.7	16.7	16.7	16.7	16.7	16.7	16.7	8.3	37.5	75.0	45.8	62.5					
	16.2	18.9	13.5	13.5	13.5	18.9	27.0	10.8	10.8	10.8	10.8	10.8	10.8	10.8	16.2	16.2	18.9	35.1	43.2					
	5.0	5.9	14.9	14.9	7.9	4.0	5.0	5.9	5.9	5.9	5.9	5.9	5.9	5.9	10.9	18.8	17.8	33.7	27.7					
	3.1	6.3	6.3	6.3	6.3	9.4	25.0	34.4	34.4	34.4	34.4	34.4	34.4	34.4	9.4	3.1	12.5	6.3	37.5					
	14.3	42.9	14.3	14.3	0.0	0.0	0.0	14.3	14.3	14.3	14.3	14.3	14.3	14.3	0.0	28.6	42.9	28.6	0.0					
	70.0	30.0	40.0	40.0	50.0	60.0	30.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	20.0	70.0	80.0	90.0	10.0					
	30.0	53.3	70.0	70.0	53.3	73.3	30.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	60.0	83.3	86.7	56.7					
	52.9	61.4	61.4	61.4	67.1	81.4	41.4	71.4	71.4	71.4	71.4	71.4	71.4	71.4	54.3	50.0	60.0	82.9	44.3					
	17.2	14.1	29.7	29.7	28.1	20.3	20.3	10.9	10.9	10.9	10.9	10.9	10.9	10.9	35.9	26.6	42.2	26.6	40.6					
	20.8	28.3	32.1	32.1	39.6	32.1	37.7	47.2	47.2	47.2	47.2	47.2	47.2	47.2	43.4	32.1	43.4	26.4	28.3					
	31.0	4.8	2.4	2.4	2.4	7.1	28.6	4.8	4.8	4.8	4.8	4.8	4.8	4.8	2.4	0.0	16.7	7.1	50.0					

Causes of Land-Related Crimes												
Illiteracy	6.7	Nyandarua	6.7	10.0	20.0	10.0	20.0	10.0	20.0	10.0	20.0	10.0
Land (/brokers/ cartel) buying companies	16.0	Laikipia	16.0	8.0	12.0	36.0	16.0	8.0	12.0	36.0	16.0	8.0
Economic hardship	54.5	Wajir	54.5	54.5	36.4	0.0	54.5	54.5	36.4	0.0	54.5	54.5
Unemployment	50.0	Garissa	50.0	50.0	20.8	16.7	50.0	50.0	20.8	16.7	50.0	50.0
Absentee land ownership	18.9	Transzoia	18.9	24.3	29.7	16.2	24.3	24.3	29.7	16.2	24.3	24.3
Impunity	5.0	Nakuru	5.0	14.9	14.9	4.0	14.9	14.9	14.9	4.0	14.9	14.9
Lack of trust in families/. neighbours	3.1	Nandi	3.1	9.4	9.4	0.0	9.4	9.4	9.4	0.0	9.4	9.4
Population pressure on land	28.6	Elgeyo Marakwet	28.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Diminishing sizes of arable land	60.0	Isiolo	60.0	10.0	40.0	20.0	10.0	10.0	40.0	20.0	10.0	10.0
Pending land adjudication process	60.0	Embu	60.0	23.3	33.3	26.7	23.3	23.3	33.3	26.7	23.3	23.3
Political incitement	67.1	Meru	67.1	31.4	21.4	45.7	31.4	31.4	21.4	45.7	31.4	31.4
Land price speculative transactions	4.7	Machakos	4.7	7.8	7.8	23.4	7.8	7.8	7.8	23.4	7.8	7.8
Limited natural resources (pasture, water)	13.2	Murang'a	13.2	17.0	11.3	32.1	17.0	17.0	11.3	32.1	17.0	17.0
Clandestine relationship	9.5	Kitui	9.5	11.9	14.3	2.4	11.9	11.9	14.3	2.4	11.9	11.9
	55.9	Busia	55.9	38.2	47.1	11.8	38.2	38.2	47.1	11.8	38.2	38.2
	51.7	Bungoma	51.7	55.2	44.8	19.0	55.2	55.2	44.8	19.0	55.2	55.2
	30.6	Kakamega	30.6	25.0	23.6	6.9	25.0	25.0	23.6	6.9	25.0	25.0
	16.7	Vihiga	16.7	37.5	41.7	0.0	37.5	37.5	41.7	0.0	37.5	37.5
	2.0	Nairobi	2.0	2.4	3.2	35.2	2.4	2.4	3.2	35.2	2.4	2.4
	4.6	Kiambu	4.6	10.7	3.8	39.7	10.7	10.7	3.8	39.7	10.7	10.7
	5.1	Kajiado	5.1	2.6	2.6	20.5	2.6	2.6	2.6	20.5	2.6	2.6
	38.6	Kisumu	38.6	35.1	40.4	12.3	35.1	35.1	40.4	12.3	35.1	35.1
	10.0	Migori	10.0	26.7	26.7	10.0	26.7	26.7	26.7	10.0	26.7	26.7
	41.2	Kisii	41.2	31.4	56.9	21.6	31.4	31.4	56.9	21.6	31.4	31.4
	2.6	Siaya	2.6	34.2	28.9	5.3	34.2	34.2	28.9	5.3	34.2	34.2
	28.0	Nyamira	28.0	44.0	48.0	8.0	44.0	44.0	48.0	8.0	44.0	44.0
	29.0	Bomet	29.0	35.5	38.7	3.2	35.5	35.5	38.7	3.2	35.5	35.5
	18.8	Taita taveta	18.8	25.0	31.3	43.8	25.0	25.0	31.3	43.8	25.0	25.0
	41.4	Kwale	41.4	3.4	20.7	0.0	3.4	3.4	20.7	0.0	3.4	3.4
	50.0	Lamu	50.0	0.0	0.0	33.3	0.0	0.0	0.0	33.3	0.0	0.0
	12.9	Mombasa	12.9	4.8	12.9	14.5	4.8	4.8	12.9	14.5	4.8	4.8
	27.1	Kilifi	27.1	18.8	14.6	4.2	18.8	18.8	14.6	4.2	18.8	18.8
	0.0	Uasin Gishu	0.0	37.5	25.0	0.0	37.5	37.5	25.0	0.0	37.5	37.5
	20.6	National Total	20.6	19.1	19.3	20.4	19.1	19.1	19.3	20.4	19.1	19.1

[illegible]

### Appendix III: Sample Respondent Questionnaire



#### NATIONAL CRIME RESEARCH CENTRE A BASELINE STUDY ON LAND-RELATED CRIMES IN KENYA

County: \_\_\_\_\_  
Sub-County: \_\_\_\_\_  
Division: \_\_\_\_\_  
Location: \_\_\_\_\_  
Ward: \_\_\_\_\_  
Date of the Interview: \_\_\_\_\_  
Start time: \_\_\_\_\_ End Time: \_\_\_\_\_  
Name of the Research Assistant: \_\_\_\_\_

The **National Crime Research Centre (NCRC)** is a State Corporation established by the National Crime Research Centre Act (CAP, 62 LoK). The Centre is conducting '**A Baseline Study on Land-related Crimes in Kenya**'. The findings of the survey are aimed at helping the government to better plan its activities in the future, to respond to and mitigate on land-related crimes, as well as policy makers to put in place better regulations on administration of land.

All the information you give will be treated in utmost confidentiality and your identity will not be revealed. We would highly appreciate if you spared some time to respond to the following questions.

Respondent consent                      Yes    (       )                      No    (       )

## **SECTION 1: Respondent's Social Demographic Information:**

1. Gender:
  1. Male
  2. Female
  3. Intersex
2. Age of Respondent in years\_\_\_\_(**Categories**)
  1. 18-25
  2. 26-34
  3. 35-43
  4. 44 and above
3. Marital Status:
  1. Single/Never Married
  2. Married
  3. Separated
  4. Divorced
  5. Widowed
4. Size of family:
  1. 1-2
  2. 3 -5
  3. 6 and above
5. Highest Level of education:
  1. None
  2. Primary
  3. Secondary
  4. College
  5. University
  6. Adult Literacy
  7. Others (specify)\_\_\_\_\_
6. What is your occupation
  1. Permanent employment – Private Sector
  2. Permanent employment – Public Sector
  3. Casual, temporary employment
  4. Business person
  5. Subsistence Farming
  6. Other (specify) \_\_\_\_\_
7. Length of stay in the locality (**study site**)
  1. Below 1 Year
  2. 1-5 Years
  3. 6-10 Years
  4. 11 Years and above

## SECTION 2: Ownership

8. a. Do you own land(s)?
1. Yes
  2. No **If no skip to section 3**
- b. In terms of land ownership, are you a local or non-local?
1. Local
  2. Non- Local
- c. If you own land how did you acquire it?
1. Bought it
  2. Inherited it
  3. Got it as a gift
  4. Received it as payment
  5. Given by the government
  6. Lease
  7. Other (specify) \_\_\_\_\_
- d. What legal documentation do you have as a proof of ownership?
1. Title deed
  2. Allotment letter
  3. Share Certificate
  4. Lease
  5. Sale/Purchase agreement
  6. Written will
  7. None
  8. Other (specify) \_\_\_\_\_
- e. Do men and women have equal rights to own land in this locality (county)?
1. Yes
  2. No

## SECTION: 3

### I. Objective 1: Land related crimes in the Counties

9. a. What forms of land-related crime(s) and offences are commonly committed in this locality? **(Tick all that applies)**

Codes	Type of Crime (s)/ Offence	Tick all that applies
1.	Forcible entry	
2.	Forcible detainer	
3.	Obtaining by false pretense	
4.	Malicious damage	
5.	Creating disturbance	
6.	Destroying trees	
7.	Assault causing actual bodily harm	
8.	Trespass	
9.	Assault	
10.	Stealing	



11.	Interfering with boundary	
12.	Illegal grazing on private land	
13.	Murder	
14.	Land possessed by two or more people	
15.	Land fraud	
16.	Land-related Forgery	
17.	Arson	
18.	Attempted arson	
19.	Threat to kill	
20.	Attempted murder	
21.	Commencing a project without Environmental Impact Assessment	
22.	Intermeddling with deceased property	
23.	Cheating	
24.	Affray	
25.	Offensive conduct conducive to breach of peace	
26.	Incitement to violence	
27.	Illegal grazing in forest	
28.	Offences under wildlife management	
29.	Illegal dumping	
30.	Illegal removal of forest produce	
31.	Defamation	
32.	Contravening a measure contrary to Environmental Management Act	
33.	Carrying out sand harvesting without license	
34.	Giving false information contrary to Environmental Management and Coordination Act	
35.	Interfering with land beacon	
36.	Theft of farm produce	
37.	Double or multiple land allocation	
38.	land subdivision dispute	
39.	Contempt of court*	
40.	Land succession dispute	
41.	Others (specify) _____ <b>Unclassified</b> _____ _____	

b. Have you or your family member been a victim/witnessed land-related crimes in the last 24 months?

1. Yes
2. No (If NO skip to Qn.10)

c. If yes, what was the crime/Offence?

(Please record appropriately and in summary)

Codes	Type of Crime (s)/ Offence	Tick all that applies
1.	Forcible entry	
2.	Forcible detainer	

3.	Obtaining by false pretence	
4.	Malicious damage	
5.	Creating disturbance	
6.	Destroying trees	
7.	Assault causing actual bodily harm	
8.	Trespass	
9.	Assault	
10.	Stealing	
11.	Interfering with boundary marks	
12.	Illegal grazing on private land	
13.	Murder	
14.	Land possessed by two or more people	
15.	Fraud	
16.	Forgery	
17.	Arson	
18.	Attempted arson	
19.	Threat to kill	
20.	Attempted murder	
21.	Commencing a project without Environmental Impact Assessment	
22.	Intermeddling with deceased property	
23.	Cheating	
24.	Affray	
25.	Offensive conduct conducive to breach of peace	
26.	Incitement to violence	
27.	Illegal grazing in forest	
28.	Offences under wildlife management	
29.	Illegal dumping	
30.	Illegal removal of forest produce	
31.	Defamation	
32.	Contravening a measure contrary to Environmental Management Act	
33.	Carrying out sand harvesting without license	
34.	Giving false information contrary to Environmental Management and Coordination Act	
35.	Interfering with land beacon	
36.	Theft of farm produce	
37.	Double allocation	
38.	land subdivision dispute	
39.	Contempt of court*	
40.	Succession dispute	
41.	Others (specify)_____ <b>Unclassified</b> _____ _____	

d. What action did you/family take after experiencing land-related crimes?

	<b>Responses/Action</b>	<b>Tick all that applies</b>
1	Reported to local administration (NGAOs)	
2	Reported to land registrar	
3	Court arbitration	
4	Reported to Police	
5	Family mediation	
6	Council of elders mediation	
7	Placing of land caution	
8	Did not report	
9	Others_____	

e. Do you have an existing unresolved land issue? 1. Yes 2. No

f. If yes, state the issue (s) **(Please summarize)**

	<b>Unresolved land issue(s)</b>	<b>Tick all that applies</b>
1	Pending land transfers	
2	Pending land succession	
3	Pending land ownership dispute	
4	Pending land matter in court	
5	Forged land document	
6	Lost land title	
7	Others_____	

## **II. Objective 2: Causes of land-related crimes in Counties**

10. What are the causes/ drivers/triggers of land-related crimes in this locality? **(Tick all that applies)**

<b>Codes</b>	<b>Cause (s) /Driver (s) /Trigger(s)</b>	<b>Mark</b>	<b>Codes</b>	<b>Cause (s) /Driver (s) /Trigger(s)</b>	<b>Mark</b>
1	Land succession dispute		17	Ignorance of law	
2	Corruption		18	Illiteracy	
3	Absentee land owners		19	Fraudulent Double/multiple land sales	
4	Corruption at land registry		20	Forgery of land titles/ land registration documents	
5	Land grabbing		21	Population pressure on land	
6	Speculation for value of land		22	Limited natural resources(pasture, water)	
7	Pending land adjudication process		23	Political incitement	

8	Lack of trust in families		24	Lack of proper documentation	
9	Clandestine relationship		25	Lack of clear boundaries	
10	Family disputes		26	Land (/brokers/cartel) buying companies	
11	Delay in issuance of title deeds		27	Others	
12	Drought		28	Greed by some land owners	
13	Diminishing sizes of arable land		29	Others _____	
14	Economic hardship				
15	Unemployment				
16	Impunity				

### III. Objective 3: Perpetrators of Land-related Crimes and their mode of operation in Kenya

11. a. Who are the perpetrators of land-related crimes in this locality?

Codes	Perpetrator (s) pretest responses
1	Family members
2	Land brokers/cartels
3	Non locals
4	Neighbours
5	Land developers
6	Corrupt land buying companies officials
7	National Government Administration officers (NGAO)
8	State Department of Lands Officers
9	Unemployed youths
10	Corrupt advocates
11	Herdsmen/women
12	Political leaders
13	Others _____

### IV. Objective 4. Modus Operandi of land-related criminals

12 a. How are the land-related crimes identified in (Qn.9c above) carried out?

	How land-related crimes are carried out	
1	Impersonation of public officials	
2	Impersonation of family members	
3	Removal of land beacons	
4	Trespass on private land	
5	Issuance of fake titles	
6	Fraudulent transfers of title deeds	

7	Collusion with public officials	
8	Forging of land documents	
9	Alteration of lands maps/boundaries	
10	Occupying and selling land without authority	
11	Stealing of farm produce	
12	Fake court orders for eviction	
13	Double allocation	
14	Conspiracy to defraud	
15	Collusion with private surveyors during demarcation	
16	Conspiracy to conceal vital documents	
17	Partiality in land decision	
18	Squatting/illegal occupation of land	
19	Others__(specify)_____	

b. In which **Institutions/offices** would you say land-related crimes are mostly committed?

	<b>Institutions/Offices</b>	
1	Land control board	
2	State department of land offices	
3	Law courts	
4	National government administration offices(sub chief, chief,ACC, DCC, CC etc)	
5	Land buying companies	
6	Private surveyors offices	
7	Cyber café(s)	
8	Police Station	
9	Religious institution	
10	County Government offices	
11	Lawyers/Advocates' offices	
12	Others (Specify) _____	

## V. Objective 5: Consequences of Land-related Crimes

13. What are the consequences of land-related crimes in this locality? (**Tick all that applies**)

	<b>Consequences</b>	<b>Tick all that applies</b>
	<b>Social consequences</b>	
1	Poverty	
2	Family disharmony	
3	Loss of life	
4	Infliction of injuries	
5	Health problems	
6	Divorce and separation	
7	Land-related domestic violence issues	
8	Food insecurity	
9	Animosity between communities	
10	Evictions/displacement of people	

11	Practice of Witchcraft in land matters	
12	Disruption of learning	
13	Inequality in land distribution	
14	Squatting/illegal occupation of land	
15	Others _____	
<b>Economic consequences (estimate in monetary)</b>		
1	<b>1. Monetary (income)</b> (i) Below 100,000 (ii) 100,001- 500,000 (iii) 500,001- 1,000,000 (iv) Above 1million  <b>2. Losses</b> i) Below 100,000 (ii) 100,001- 500,000 (iii) 500,001- 1,000,000 (iv) Above 1million	
2	Destruction of crops	
3	Loss of livelihoods	
4	Damaging of property	
5	Unutilized land (idle lands)	
6	Prolonged cases in courts and time wastage	
7	Depreciation of land value	
8	Others _____	
<b>Political consequences</b>		
1	Politically instigated squatting	
2	Politically instigated eviction/displacements	
3	Land-related electoral violence & conflicts	
4	Communal disharmony	
5	Others _____	
<b>Environmental Consequences</b>		
1	Land degradation	
2	Environmental pollution	
3	Others _____	

## VI. Objective 6: Resolution of land-related crimes/ disputes

14. a. How are land-related crimes/disputes resolved in this locality, what institutions are involved?

	<b>Resolution mechanism</b>	<b>Institutions</b>
1	ADR-Land dispute arbitration/mediation/negotiation	Family, Elders, NGAO offices, church
2	Court/penal processes (Instituting civil suits)	NPS, Courts, Lawyers, advocates
3	Convening of land clinics	Min of Lands, NLC, Constituency offices
4	Instituting criminal investigations	NPS,EACC
5	Prosecution of offenders	NPS,ODPP
6	Land demarcation & titling	State Department of Land, Survey
7	Compensation	NLC,Council of elders, family
8	Land petitions	Min of Lands, NLC
9	Others_____	

b. Generally, how effective are the above mentioned institution in the prevention of land-related crimes? (Tick that applies)

**1= Effective**

**2= Not effective**

**3= Do not Know**

	<b>Institution</b>	<b>1-Effective</b>	<b>2-Not effective</b>	<b>3-Do not know</b>
1	NGAO offices			
2	Courts			
3	Constituency Office			
4	NPS			
5	ODPP			
6	State Department of Land			
7	Council of Elders			
8	Family			
9	Church			
10	National Land Commission			
11	Others_____			

15. What are the challenges in addressing land-related crimes in this locality **Please DO NOT read aloud to the respondents?**)

	<b>Challenges</b>	
1	Culture of corruption	
2	Lack of awareness on land rights	
3	Cultural practices	
4	Inadequate resources in state agencies	
5	Difficulties in accessing land-related services	
6	Lack of transparency in land related matters	
7	Extreme poverty in some communities	
8	un-procedural land succession	
9	Delay of matters in courts	
10	Corrupt Land dealers/cartels/companies	

11	Unregistered land	
12	Illiteracy	
13	Inadequate enforcement of land laws	
14	High cost of processing land documents	
15	Abuse of courts orders	
16	Others _____	

16. In your opinion what would you recommend to address land-related crimes in this locality? **Please DO NOT read aloud to the respondents)**

	<b>Recommendation</b>	
1	Adopt multi-agency/sector collaboration of land stakeholders in addressing land-related challenges, disputes, crimes and offences	
2	Public sensitization on land-related succession laws	
3	Provide adequate resources for state agencies dealing with lands	
4	Fast-track automation of land registries in Kenya	
5	Register and regulate land buying/brokerage companies	
6	Hire and post more land staff to sub county offices	
7	Vetting of people who handle land matters	
8	Issuance of land title deeds to all demarcated lands	
9	Youth employment	
10	Periodic reshuffle of all Ministry of land officials in the Counties	
11	Periodic reshuffle of police officers	
12	Arrest and prosecute corrupt land officials	
13	Adopt Alternative Dispute Resolution (ADR) in addressing some land-related disputes	
14	Others _____	

**Thanks for your time**



## Appendix IV: Focus Group Discussion Guideline Questions



### NATIONAL CRIME RESEARCH CENTRE A BASELINE STUDY ON LAND-RELATED CRIMES IN KENYA

County: \_\_\_\_\_

Sub-County: \_\_\_\_\_

Division

Location:

Ward

Date of the Interview:

Start time: \_\_\_\_\_ End Time:

Name of the Research Assistant: \_\_\_\_\_

The **National Crime Research Centre** (NCRC) is a State Corporation established by the National Crime Research Centre Act (CAP, 62 LoK). The Centre is conducting a survey on **‘A Baseline Study on Land-related Crimes in Kenya.’** The findings of the survey are aimed at helping the government to better plan its activities in the future to respond to and mitigate land crimes, as well as policy makers to put in place policies for the better regulation and administration of land. All the information you give will be treated in utmost confidentiality and your identity will not be revealed. We would highly appreciate if you spared some time to respond to the following questions.

## **PART: FGD GUIDE**

Questions to the participants and to be used as guide Notes for the team

### **I. Objective 1: Types and patterns of land-related crimes in the county**

- i. What are the common types of land-related crimes in this locality?
- ii. Have you or a member of your family been a victim /witnessed land-related crimes in the last 24 months in this locality?
- iii. What are the outstanding (unresolved) land crime related issues in this locality?
- iv. Have you or your family member been a victim of land crime?
- v. In your opinion, who are targeted in land-related crimes?

### **II. Objective 2: Causes of land-related crimes**

- i. What are the causes/ driver/trigger of land-related crimes in this locality?
- ii. Do men and women have equal rights to own land in this county?

### **III. Objective 3: Perpetrators of land crimes**

- i. Who are the perpetrators of land crimes in this locality?

### **IV. Objective 4: Modus of operandi**

- i. How do the perpetrators of land-related crimes operate in this locality?

### **V. Objective 5: Consequences of land crimes**

- i. What are the consequences of land-related crimes in this locality?

### **VI. Objective 6: Resolution of land-related crimes/ disputes**

- i. How are land-related crimes/disputes resolved in this locality (Probe; Police, NGAO, courts, Religious leaders, ADR etc.?)
- ii. How effective are these methods/institutions (Police, NGAO, Courts, Religious leaders, ADR) in addressing land-related crimes?
- iii. What are the challenges experienced in addressing land-related crimes in this locality?
- iv. What recommendations can you propose to reduce land-related crimes in this locality?

## Appendix V: Key Informant Interview Guideline Questions



### NATIONAL CRIME RESEARCH CENTRE A BASELINE STUDY ON LAND-RELATED CRIMES IN KENYA

County: \_\_\_\_\_  
Sub-County: \_\_\_\_\_  
Division \_\_\_\_\_  
Location \_\_\_\_\_  
Ward \_\_\_\_\_  
Venue: \_\_\_\_\_  
Date of the Interview \_\_\_\_\_  
Start time: \_\_\_\_\_ End Time: \_\_\_\_\_  
Name of the Research Assistant: \_\_\_\_\_

The **National Crime Research Centre (NCRC)** is a State Corporation established by the National Crime Research Centre Act (CAP, 62 LoK). The Centre is conducting a survey on '**A Baseline Study on Land-related Crimes in Kenya.**' The findings of the survey are aimed at helping the government to better plan its activities in the future to respond to and mitigate land crimes, as well as policy makers to put in place policies for the better regulation and administration of land. All the information you give will be treated in utmost confidentiality and your identity will not be revealed. We would highly appreciate if you spared some time to respond to the following questions.

## **PART: KI GUIDE**

### Discussion Questions

1. What type of land-related crimes are in this locality
2. What are the causes of land-related crimes in this locality?
3. Why have lands issues become a source of crimes in your area?
4. Who are the perpetrators of land-related crimes in this locality?
5. How is the mode of operation of the perpetrators of land-related crimes in this locality?
6. What is the status of land ownership and land management in this locality?
7. What are the consequences of land-related crimes in this locality?
8. What are the existing interventions for addressing land-related crimes in this locality?
9. How are land-related crimes/disputes resolved in this locality?
10. How do Alternative Dispute Resolution as a form of justice systems work to solve land problems this locality?
11. What would you recommend for law makers, policy makers and development partners address or legislate on land problem?



**AVOID BEING A VICTIM OF LAND  
FRAUD WHEN BUYING PROPERTY  
IN KENYA**

**NATIONAL CRIME RESEARCH CENTRE**

**ACK Garden Annex - Ground Floor**

**1<sup>st</sup> Ngong Avenue, Off Bishop's Road**

**P.O. Box 21180-00100**

**Nairobi, Kenya**

**Tel: +254-20-2714735**

**Email: [director@crimeresearch.go.ke](mailto:director@crimeresearch.go.ke)**

**Website: [www.crimeresearch.go.ke](http://www.crimeresearch.go.ke)**

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