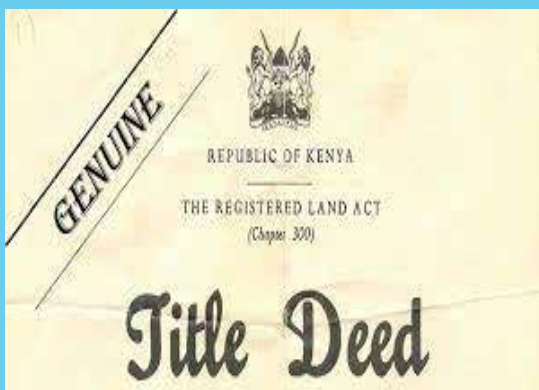


NATIONAL CRIME RESEARCH CENTRE
Fighting Crime through Research



BASELINE STUDY ON LAND-RELATED CRIMES AND OFFENCES IN KENYA



INFOGRAPHICS VERSION

Socio-Demographic Characteristics of Respondents



1580
Respondents were interviewed



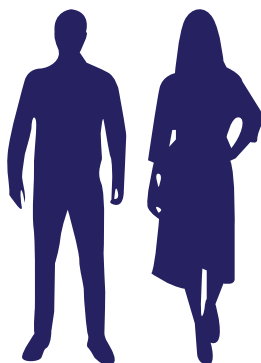
1028 (65.1%)
Male



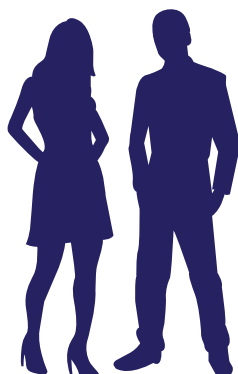
552 (34.9%)
Female



64.4 %
Aged above 44 years



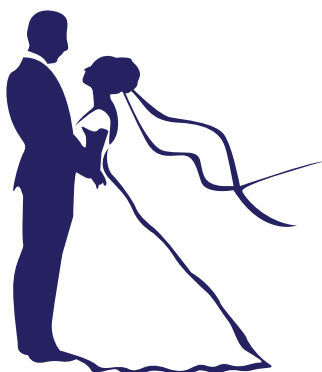
21.2%
Aged between
35 and 43 years



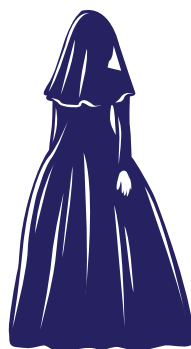
11.6 %
Aged between
26 and 34 years



2.8%
Aged between
18 and 25 years



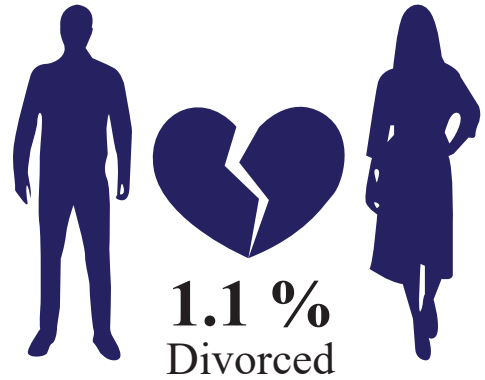
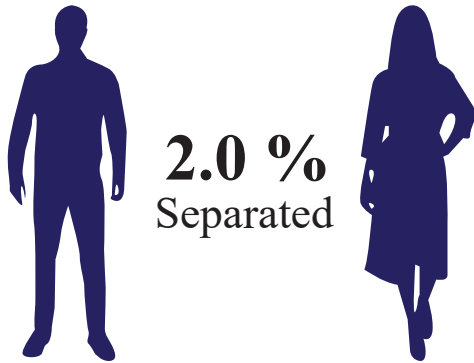
(83.5%)
Married



(7.1%)
Widowed



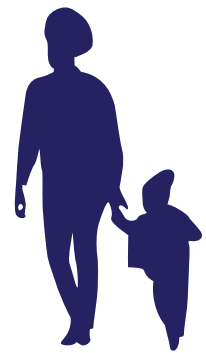
(6.4%)
Single/Never Married



49.8%
Family of 6 and above

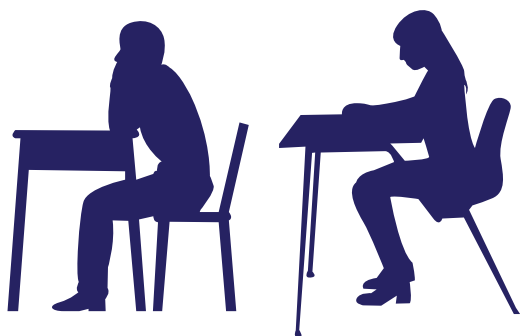


43.5%
Family of 3 and 5

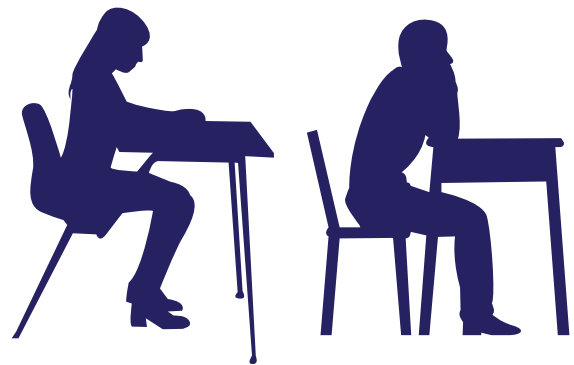


6.6%
Family of 1 and 2

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.



37.9%
Were of primary level
of education



30.5%
Attained secondary
education level



16.4%

Had college education



8.8%

Had university education



5.8%

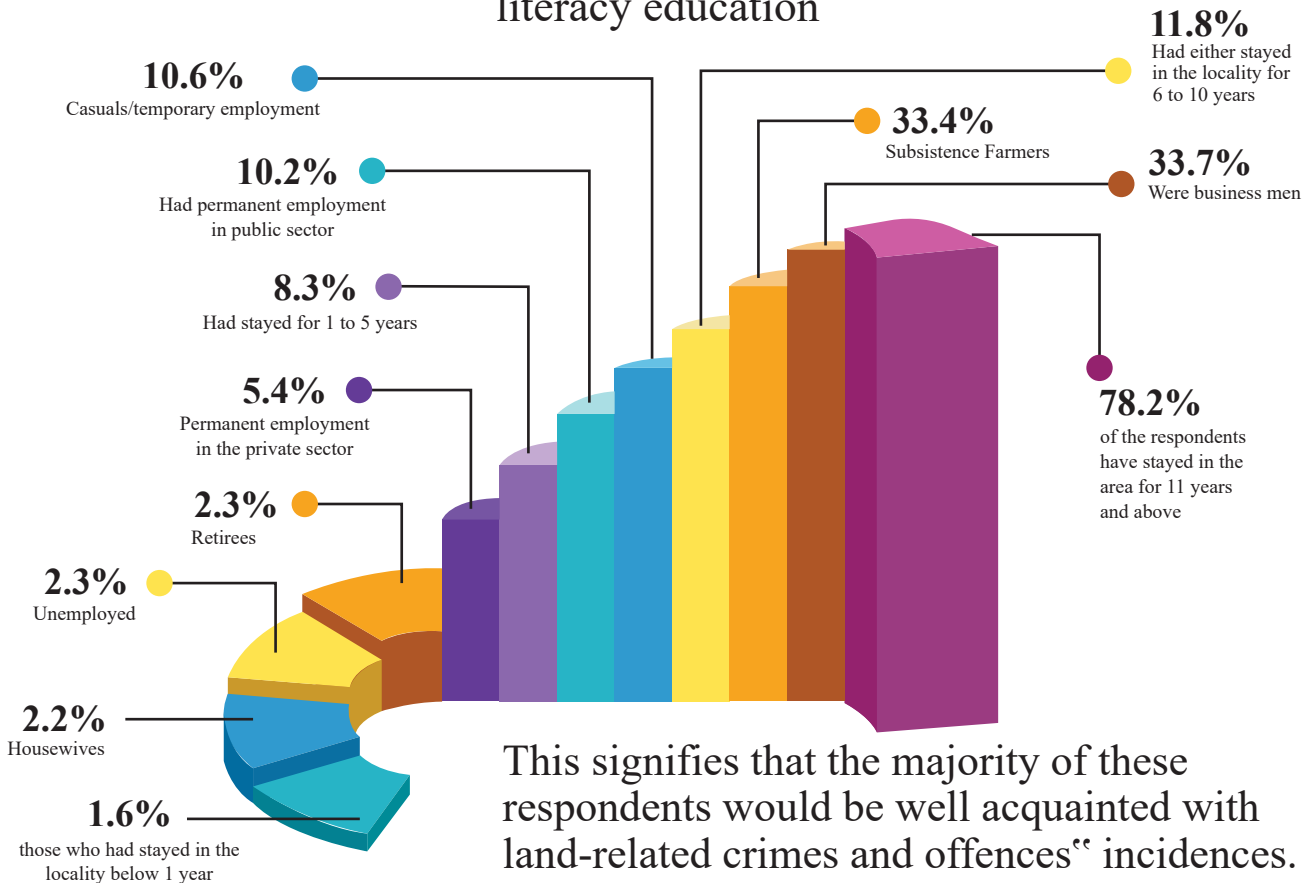
Had not gone to school



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.



Status of Land Acquisition and Ownership



90.2%

Owned land in the area of the study



9.8%

Did not own land.



70.8%

Majority of land owners were locals



29.2%

Were non-locals who acquired land in the locality



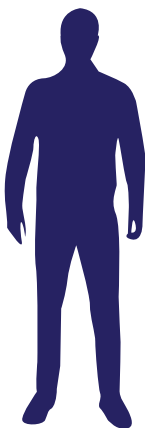
54.2%

Acquired land through purchase



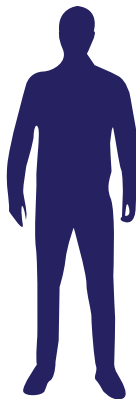
42.9%

Inheritance



4.9%

Acquired land through government or self-allocation



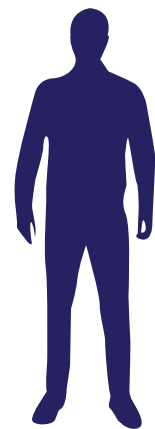
1.5%

Lease



0.7%

Gift



0.3%

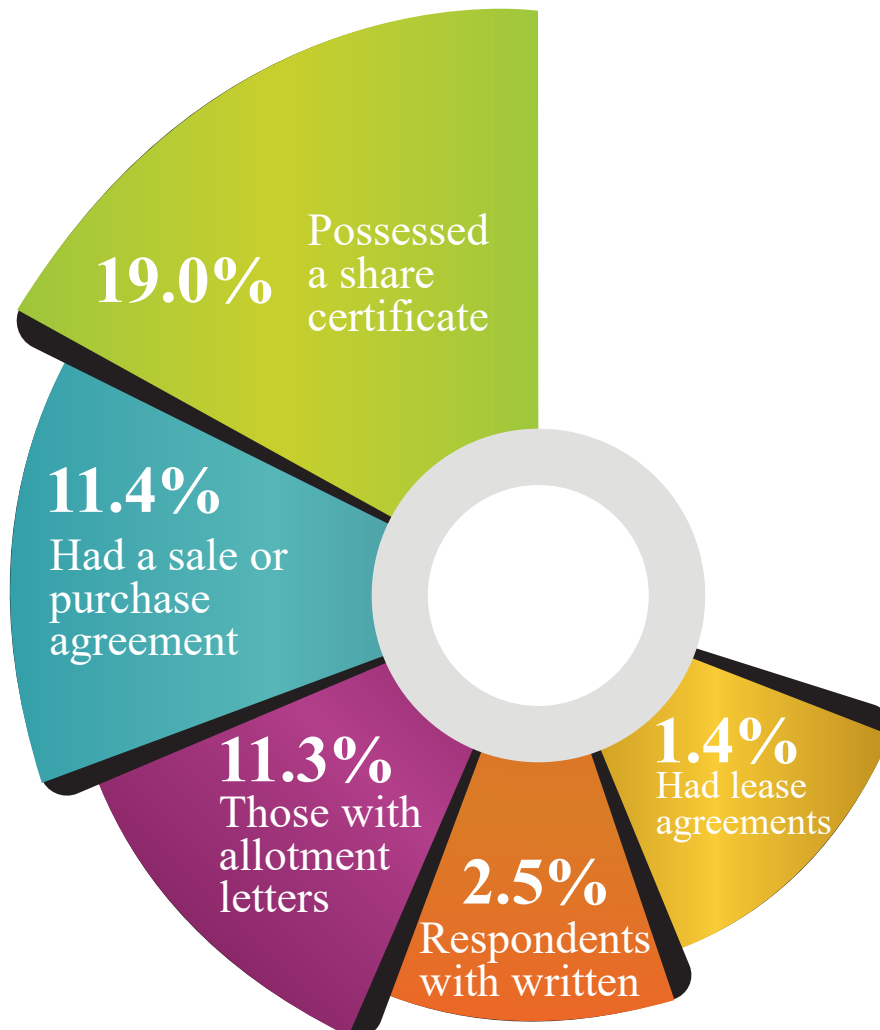
Received land as payment

Legal Documents Possessed by the Respondents as a Proof of Ownership



37.9%

Had title deeds as proof of ownership,



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.

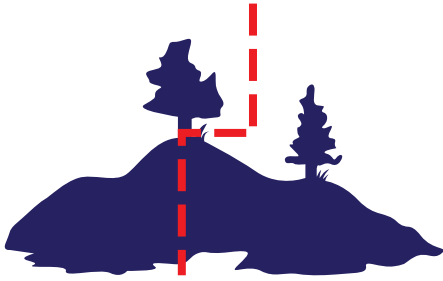


33.5%

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.

Forms of Land-related Crimes and Offences



63.3%

Interfering with land boundaries and beacons



31.1%

Trespass



30.7%

Land fraud and or exploitation



29.5%

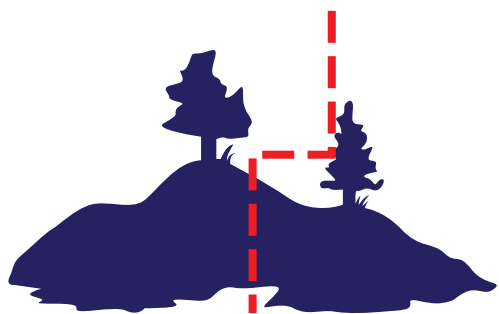
Forcible Entry



24.3%

Land-related forgery

Land-related Crimes and Offences Victimization



57.5%

Victims of interfering with boundary marks/beacon



22.7%

Forcible Entry/ Land grabbing



20.7%

Trespass



17.5%

Land fraud



59.3%

Of the respondents after experiencing landrelated crimes reported to national government administration officers



27.1%

Reported to the elders for mediation.



22.2%

Court arbitration



21.9%

The Police



19.1%

Land registry



14.8%

Family Mediation



12.3%

Land buying companies

Causes of Land-related Crimes and Offences



47.4%

Greed by some land owners



42.5%

Depravity of mankind



33.3%

Land grabbing



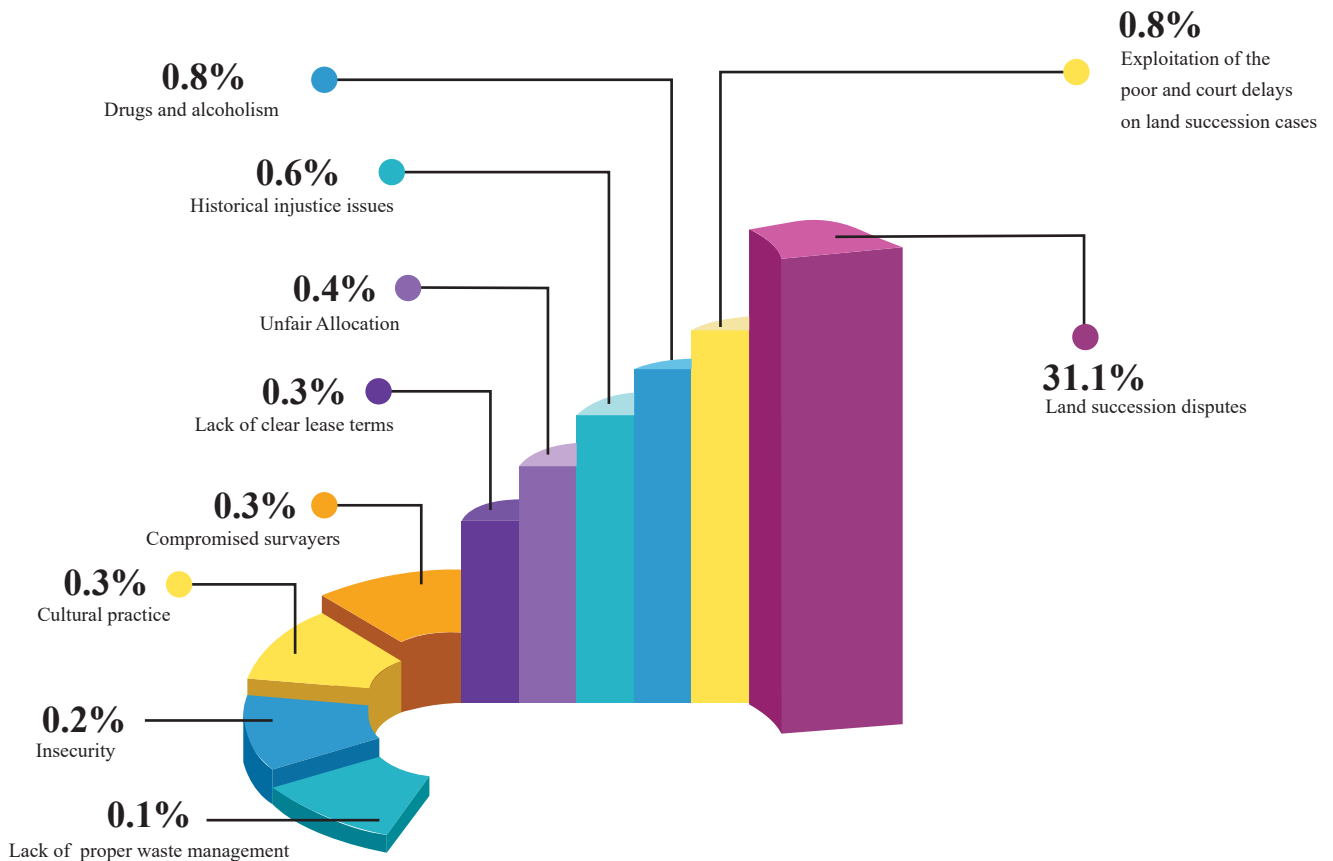
33.0%

Delay in issuance Of title deeds



31.1%

Fraudulent double/multiple land sales



Perpetrators of Land-related Crimes and Offences



35.1%

Neighbors



21.9%

Corrupt land buying
company officials



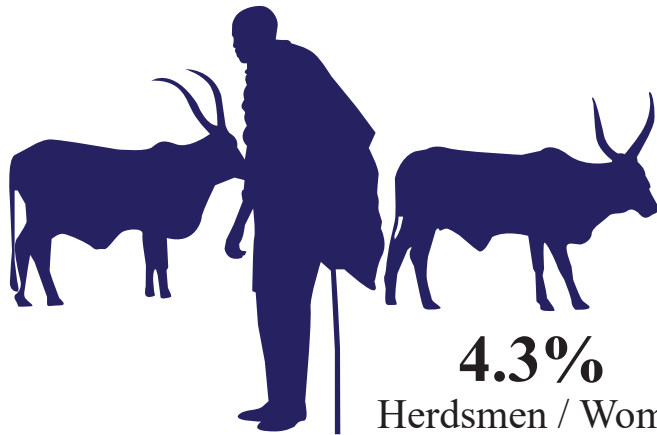
10.2%

Self serving political
leaders



10.1%

Corrupt advocates



4.3%

Herdsman / Women



3.8%

Land Owners



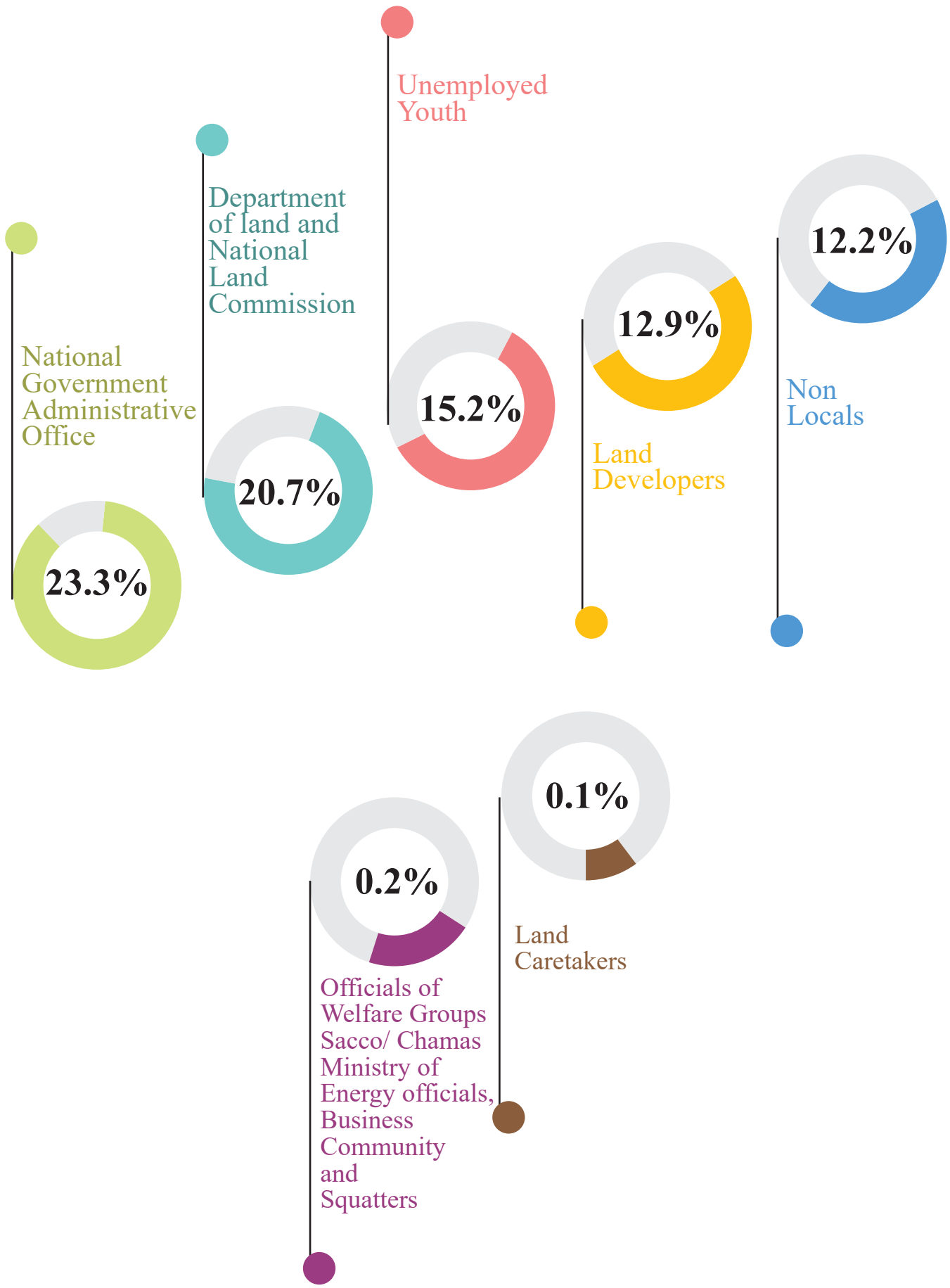
3.2%

Surveyors

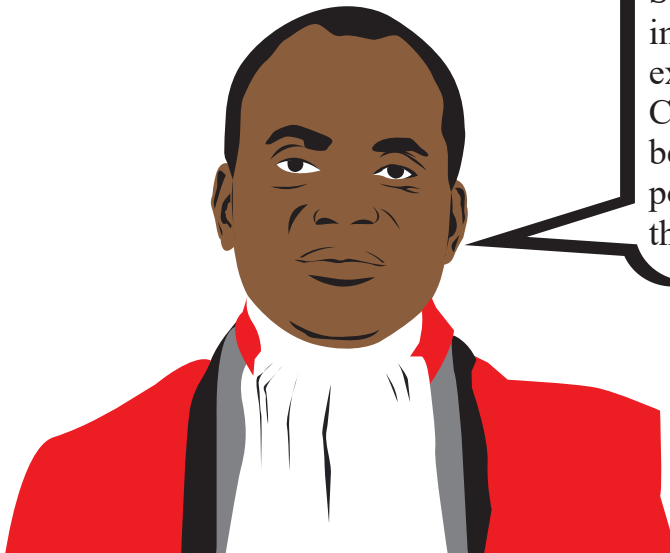


1.0%

County government officials



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



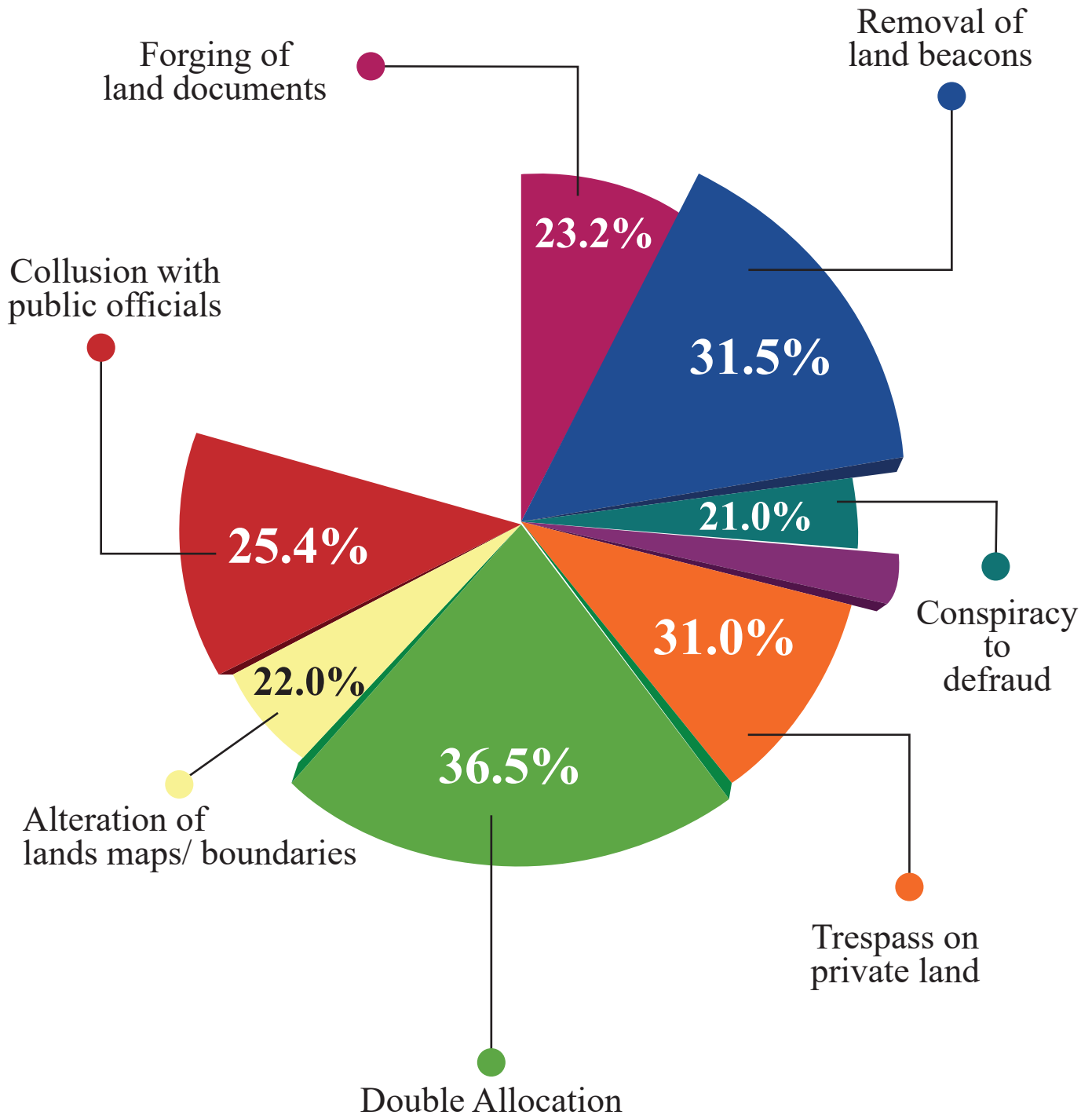
Some government officials have been implicated in land cases and I can give example of Agricultural Development Corporation (ADC). There have also been cases of land brokers, land officials, politicians and family members, especially those who are dissatisfied with subdivision.

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.



Mode of Operation of Perpetrators of Land-related Crimes and Offences



Consequences of Land-related Crimes and Offences

The finding on social consequences of land-related crimes were that it led to:



48.0%
Increased poverty



47.2%
Family disharmony



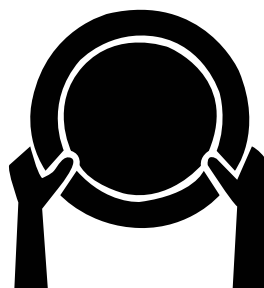
44.3%
Loss of life



30.6%
Evictions/displacement of people



22.3%
Animosity between communities

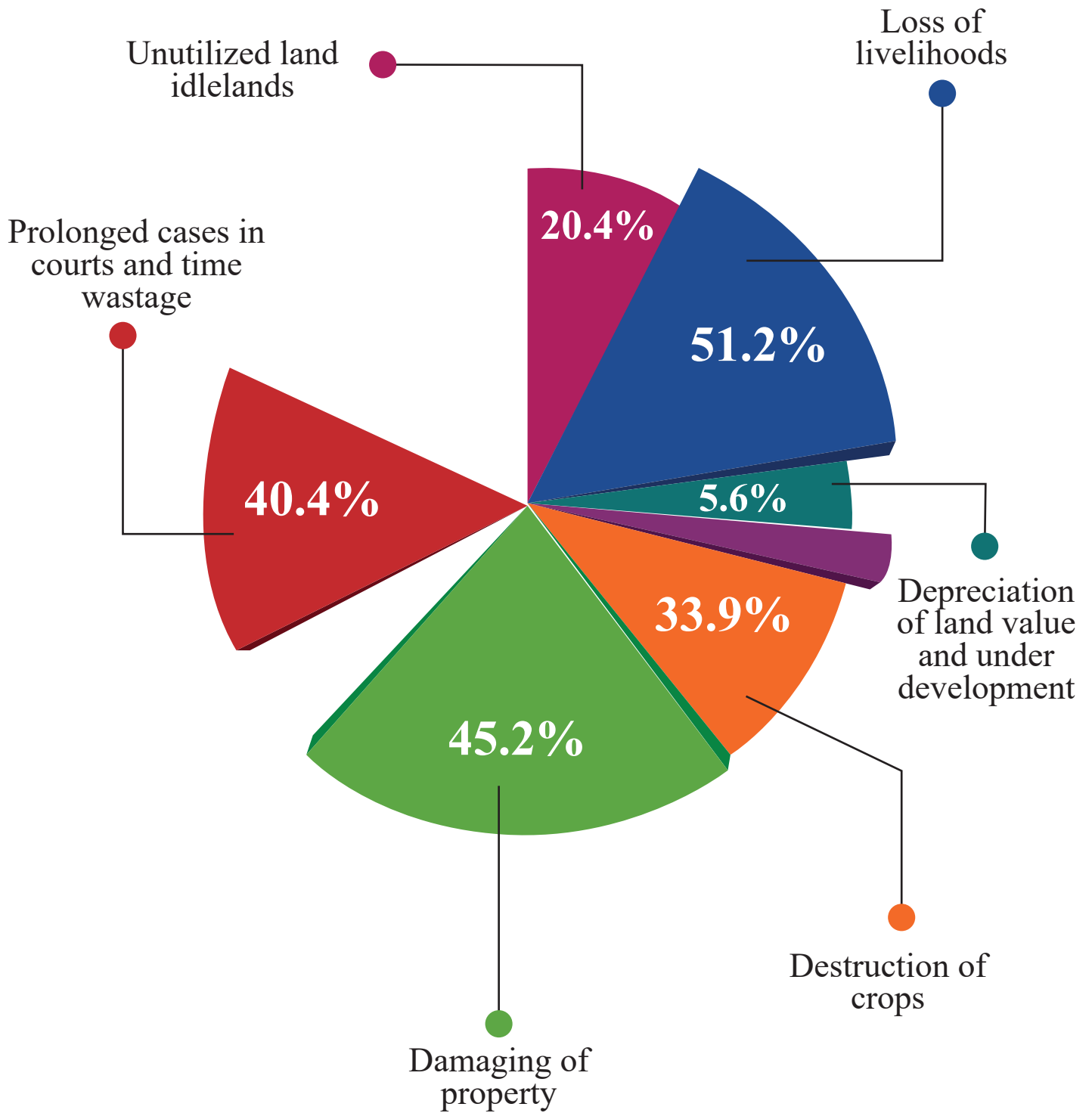


20.2%
Food insecurity

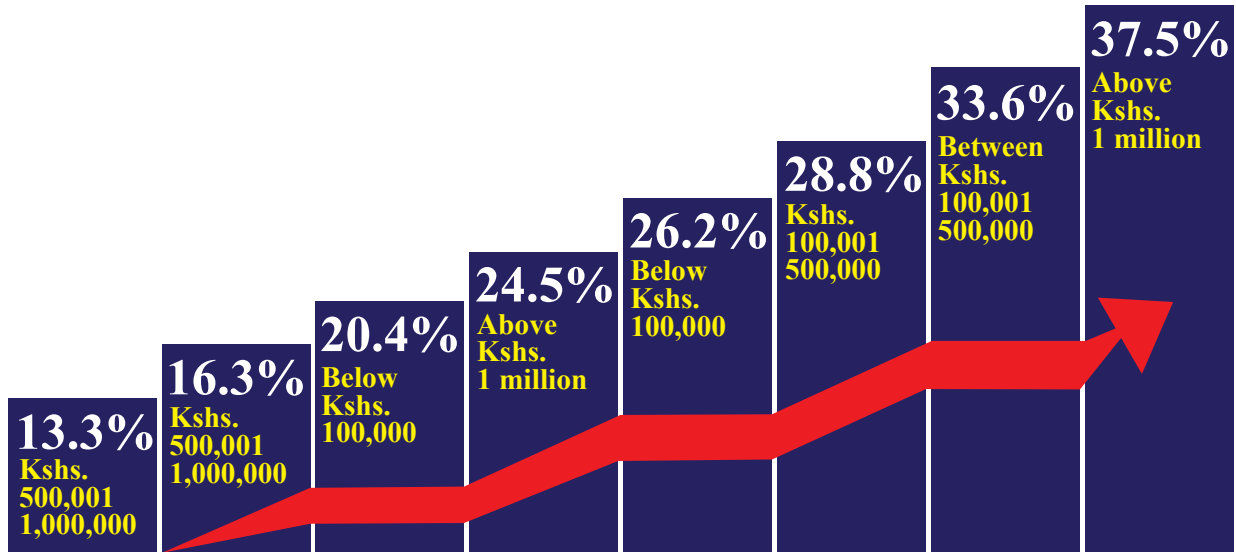
20.0%
Land-related domestic violence issues



The general economic consequences of land-related crimes included:



The economic consequences of land-related crimes were also measured in terms of monetary income lost by the respondents.



Political consequences of land-related crimes that the study established were:



58.1%

Communal disharmony/family



44.7%

Politically instigated eviction/
displacements



28.5%

Politically instigated squatting



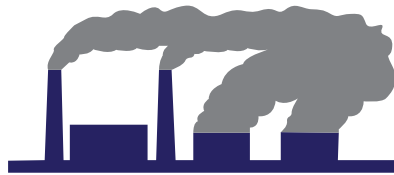
0.9%

Nepotism/tribalism



77.2%

Land degradation



46.4%

Environmental
pollution



18.8%

Land-related
electoral violence
& conflicts

The study also aimed at establishing the unresolved land related issues with the areas of study.



65.5%

Had unresolved land issues



34.5%

Did not report any
unresolved land issues
within their locality



41.4 %

Pending land ownership
dispute was the most prevalent



27.3%

Land succession



25.7%

Land transfers



22.2%

Land matters in court/
council of elders

By the counties analysis, Nairobi County was leading with unresolved land issues in the country.

Existing Interventions for Addressing Land-Related Crimes and Offences



48.6%

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 the respondents.



45.0%

Reporting to State department of land offices



28.0%

Land Control Board(s)



26.9%

Private land buying companies



24.6%

Private surveyors offices

The findings on how to resolve land-related crimes revealed that;



80.1%

Land dispute arbitration/mediation/negotiation was the most preferred by respondents

The other highly preferred method of resolving land-related crimes as indicated by the respondents was



51.3%

Court/penal processes (instituting civil suits)

The results on the findings on the effectiveness of duty bearer institution was that;



43.2%

Perceived that most of the institutions are ineffective



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:



65.8%

Council of elders



56.4%

Family



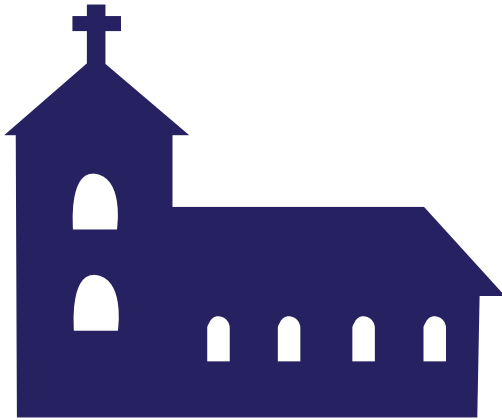
National Government
Administrative Offices

51.2%



39.9%

The Judiciary



29.9%

The church



State Department
for Lands

29.7%



25.2%

National Police Service



24.2%

National Land Commission



**State Department
for Lands**

20.4%

Office of the Director of
Public Prosecutions



15.4%

Community Based Organizations



**Office of the member of
the National Assembly**

11.7%



7.1%

Land Buying Companies

Challenges in Addressing Land-related Crimes and Offences

The results on the findings of the challenges in addressing land-related crimes were that:



67.1%

Culture of corruption



37.6%

High cost of processing
land documents



33.8%

Lack of awareness on
land rights



33.2%

Delay of land ownership
matters in courts



32.3%

Lack of transparency in
land related matters

The other significant challenges cited were:



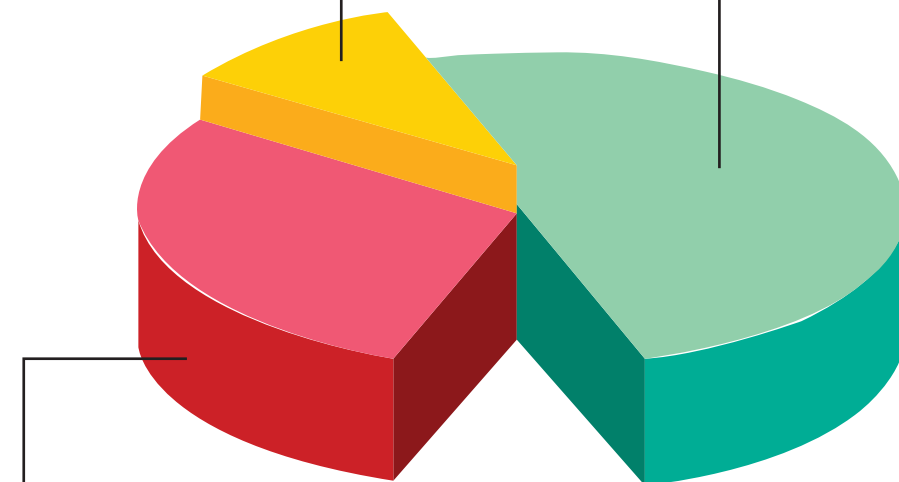
27.4%
Corrupt land dealers/
cartels/companies



25.1%
Extreme poverty in
some communities

20.6%
Unregistered land/
lack of proper
documents

25.0%
Difficulties in
accessing
land-related
services



24.6%
Illiteracy

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.