

MINIMUM AND MAXIMUM LAND HOLDINGS

INSTITUTION OF SURVEYORS OF KENYA

POLICY BRIEF

**RESEARCH TO INFORM ADVOCACY ON LAND REFORMS
IMPLEMENTATION**

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By

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1.0 INTRODUCTION

1.1. Background

Land is critical to the economic, social and cultural development of a nation being a factor for production of agricultural goods and food security, provision of housing services and basic sources of livelihood providing employment. Kenya heavily relies on agriculture as evidenced by its contribution to the GDP, exports and employment.

The Kenya Constitution 2010 dedicated Chapter Five to matters relating to land and the environment and specifically Article 60 deals with the principles of land policy. The principles listed include the manner in which land resources shall be used in an effective and sustainable way. These principles call for legislations which shall guide, among others, on the minimum and maximum land holding acreages in respect of private land as specified in Article 68 (c) (i) (of the Constitution. Article 69 (b) of this Constitution emphasizes on the need to conserve the environment including restoring the tree cover to 10%.

The National Land Policy provides that the government shall put in place a system to determine economically viable land sizes in various zones and will accordingly promote conformity of land subdivisions with the set minimums. The maximum provision is meant to encourage equity and the offloading of excessive land that is not currently in productive use to the market for exploitation by the citizens. The minimum provision will ensure high returns activities and innovations that require fairly small pieces of land are taken into account.

This research therefore was aimed at guiding in the legislation for the prescription of minimum and maximum land holding acreages with regard to private land.

1.2. Problem Statement

The demand for land in Kenya has resulted to excessive fragmentation of land into small units. For instance Western, Nyanza, Central and parts of Eastern Kenya that are the country's major food basket are being fragmented to excessively small units. In addition the pastoral zones of the Rift Valley like Kajiado and Narok districts, group ranches, company and cooperative farms are also being subdivided into portions that may neither sustain agricultural nor livestock farming.

1.3. Objectives of the study

The main objective of this research was to guide on a legislation to prescribe minimum and maximum land holding acreages in respect to private land using Kisii, Kajiado and Trans Nzoia Counties as study cases. The specific research objectives for the various Counties are:

- To provide procedures for determining minimum and maximum acreages in respect to private land
- To determine the economic viability of the minimum acreages with regard to private land
- To seek public opinions on the subject of maximum and minimum land holding.

1.4. The Study Areas and the Conceptual Model

The study was conducted in three Counties namely Kisii, Kajiado and Trans Nzoia. Within these study areas, purposive samples were selected on the basis of global County representation, portability to other Counties and availability of data and information.

The factors that determine minimum and maximum land holdings for private land vary from one County to the other. These are as shown in

Fig. 1: Conceptual Framework In developing the minimum- maximum land holding model for private land using the Counties as case studies, the research endeavoured to establish the amount of influence of each of the factors and make an objective recommendation.

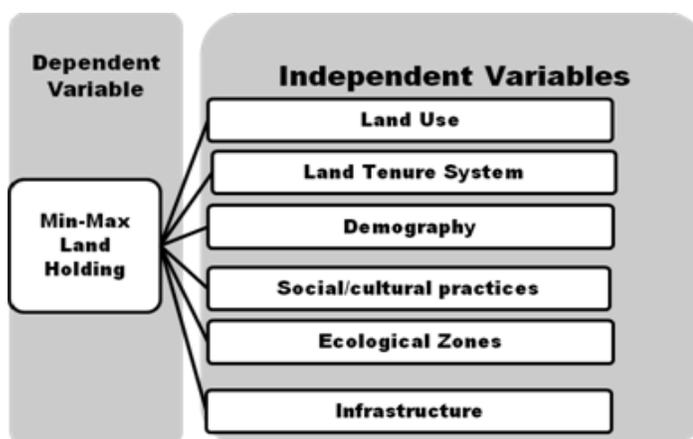


Fig. 1: Conceptual Framework

Spatial and non- spatial data were used and a questionnaire administered to seek public opinion on this subject. The questionnaire attracted approximately 150 respondents from each County.

2.0 RESULTS

This section presents some of the results emanating from this study using Kisii County as an example. The procedure and the model proposed for determining minimum and maximum landholding for private land are as shown in Figure 2. Figures 3a, 3b, and 3c are used to demonstrate economic viability of some of the existing land parcels. Figure 4a and 4b capture the public opinion on minimum land holding.

a) Procedure

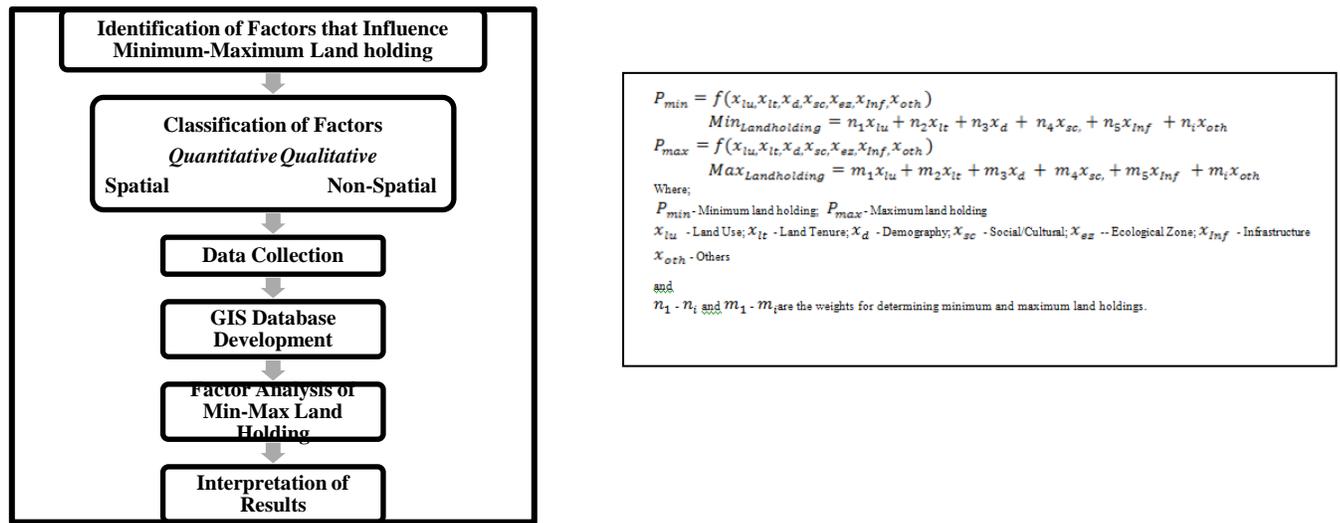


Fig. 2: Procedure and Model for determining Min-Max Land Holding for Private Land

b) Economical viability

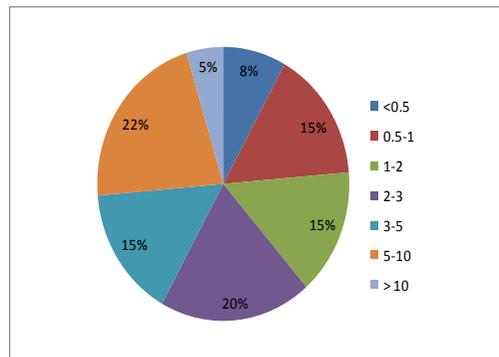


Fig. 3a: Parcel Sizes

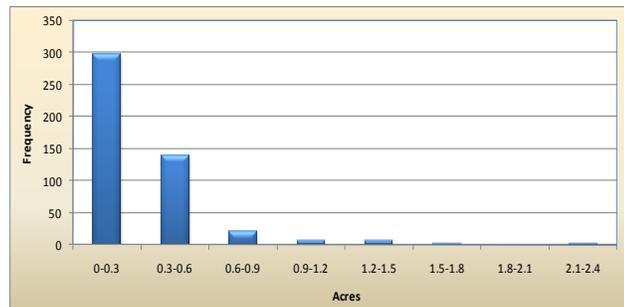


Fig. 3b: Distribution of Parcel Sizes from Satellite Data



Fig. 3c: Sample of Kisii Land Pattern

c) Public Opinion



Fig. 4a: Public Recommended Minimum Size

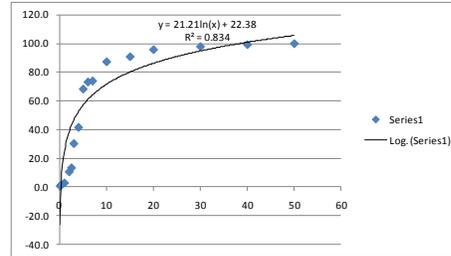


Fig. 4b: Public Opinion Model

3.0. CONCLUSIONS

A model for the prescription of minimum and maximum land holding has been proposed. The variables included land use, land tenure, demographic patterns, ecological factors, infrastructure and socio/cultural factors. In terms of economic viability, some of the existing parcel sizes have fallen below the economic minimum as was the case in many parts of Kisii where the majority of the parcels were found to be below 0.6 acres, which acreage can support a family of 4. It is evident that parcel sizes in many parts of Trans Nzoia are still above the economic minimum necessary to support a family fully dependent on the land. Kajiado County consists of a complex mixture of land use activities ranging from being a peri-urban area and therefore the determination of economical parcels sizes will depend on a detailed zonal approach. According to the public opinion, the issue of parcel size control was found to be well perceived in all Counties which were reflected by the average parcel sizes in each County. For instance, in Kisii, majority (22%) supported minimum of 1 acre and majority (15%) maximum 3 acres. In Kajiado, majority (30%) supported 200 acres for both minimum and maximum. In Trans Nzoia, majority (26%) support 5 acres as both minimum and maximum.

4.0. RECOMMENDATIONS

This research set out to guide the legislation of determining the minimum and maximum land holding for private land. The findings are cautionary in a number of aspects. The reason is that

many of the factors involved are themselves a multifaceted concept, which are not easily operationalized. Matters relating to land issues tend to be complex and sensitive and therefore detailed study is necessary to formulate County specific procedures. One approach that can be pursued to deal with the over fragmentation of land is in the formation of a land bank which is necessary to regain uneconomical land parcels.