

Poor Access to Land Registries may undermine the Registration of Community land

Posted on Mar 20, Posted by [Mwathane](#) Category [Land Governance](#)

Vast unregistered territory

Most community land is to be found at the Kenya Coast, the South Rift and Northern Kenya. In parts of the North, it stretches for hundreds of kilometers. For instance, community land swathes strand over five hundred kilometers between Isiolo and Moyale. And over six hundred between Garissa and Mandera, most of it unregistered. While communities in these regions have a fairly good idea of the positions of their common boundaries, only specific mapping will help to capture and reflect them on Kenya's cadastral maps. Only then can such land be registered against the respective communities as is provided under the 2016 Community Land Act.

Investor negotiations difficult

And until communities in the various community land zones have registered their land, compensation where such land has to be acquired for public projects in the development of transport infrastructure, energy production or construction of water dams for irrigation and domestic use, will remain a challenge. Investor negotiations for the use of such land will remain problematic, since these have to be referred to the respective county governments and the national land commission, while the land is under the regular use of the occupying communities. These, therefore, retain *de facto* sway over access to the land. The case for the urgent adjudication, mapping and registration of community land, to secure it for communities and unlock its development potential, is therefore compelling.

Adjudication and registration calls for commensurate resources

The Land Development and Governance Institute has had interesting experiences while working with communities in Isiolo and Marsabit on matters community land. The lessons have

good policy and implementation value. First, the communities have not been well sensitized on what is required of them under the law. But they are very eager to form the required governance committees and register their land. It was however obvious that the task of mapping and demarcating their perimeter boundaries, and resolving any inter-community disputes, will be quite demanding and will call for reasonable technical and financial resources. It also emerged that communities nearer urban centers face the dilemma of choosing between communal and individual tenure, having been exposed to the pull of urbanization and the emerging land markets, from which they are making good money.

Need for accessible land registries

But of pressing concern is the vast distances some communities have to ply to access land registries. For instance, at the moment, there is no land registry in Marsabit. The community land registrar who has to register communities in Marsabit, even those in the far flung towns of Sololo or Moyale, is in Isiolo town. For the communities, and also the government officers who have to oversee the election of community representatives, travelling over four hundred kilometers one way and back is limiting. And a similar situation begs between the Garissa land registry and communities that have to be served from there. This is one challenge that could grossly slow down the registration of community land which the government needs to accord urgent attention.

Date: 19th March, 2021

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