

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

MA RESEARCH PROJECT

**FORESTED LAND CHANGES AND RESOURCE BASED CONFLICTS IN KENYA: A
CASE STUDY OF KERICHO COUNTY, KENYA**

BY

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R52/82195/2015

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**A Research Project Submitted in Partial Fulfillment of the Requirements for the
award of a Master of Arts degree in International Conflict Management at the
Institute of Diplomacy and International Studies, University of Nairobi.**

DECEMBER, 2017

DECLARATION

I **Dominic Mutua Muendo** do hereby declare that this is my original work and has not been presented for the award of a degree or any other award in any other university. Where works by other people have been used, references have been provided.

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DEDICATION

This dissertation is dedicated to my wife Mary Nanjala for her loving support and encouragement. To my Parents Victor Muendo and SafinaChebii “your dreams to provide equal chances to all your children have made me the man I am”

ACKNOWLEDGMENTS

I wish to register my heartfelt gratitude to my supervisor Dr. Shazia Chaudhry for her patience, support and guidance in the preparation on this dissertation. Special recognition of my classmates International Conflict Class of 2015 “Thank you for challenging me to finalize this task.”

The contribution of my wife will not go unnoticed. Thank you for tirelessly ensuring that I arrived home safely from my studies and also insistently reminding me to complete this work. I recognize my workmates James Ronoh “when I started this journey, we made a vow not to drop out; your challenge has seen me through. It’s now your turn to meet your part of the deal.”

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ABSTRACT

Resource conflicts are common both regionally and nationally. Land and its uses have been identified as major sources of conflicts globally. In Kenya, expanding tea farming in Kericho, County in Kenya is regarded as a threat to indigenous forests and to local practices that have so long been part of community culture. Against this background, this study seeks to examine the impact of changing forest lands and resource based conflicts in Kenya with a focus on tea farming in Kericho County. The objectives of the study were to: study the prevalence of forested lands conflicts in Kenya; assess the relationship between Land Titling and resource based conflicts in Kenya and to recommend appropriate management framework to regulate forested lands and resource based conflicts in Kenya. Questionnaire survey research design was used in the research. A stratified random sample of 399 respondents was used in the research. Data sources were both secondary and primary. Secondary data sources were reports, publications, website and magazines. Primary data was obtained from respondents. Descriptive statistics with central tendency and frequency measurements were used in SPSS. The results of this research showed a strong correlation between forested lands, land practices and conflicts. This was confirmed by strong correlation between the studied factors. Future research can investigate cross-county disparities in conflicts related to forested lands.

ABBREVIATIONS

KFS	Kenya Forest Service
KFWG	Kenya Forest Working Group
REDD	Reducing Emissions from Deforestation and Forest Degradation
REDD+	Reducing Emissions from Deforestation and Forest Degradation, in order to foster conservation, sustainable management of forests, and enhancement of forest carbon stocks

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

This chapter presents the background of the research problem. It details problem statement, research questions, objectives, literature review and research justification.

1.2 Background to the study

Land supports all forms of lives and other factors of production. Greater majority of households, particularly within the countries which are developing, rely on natural resources and land to meet their immediate needs and acquiring their long-term goals. The only available resource that rural families depend on is their land and it plays an important role in building their lives¹. On the land we are conceived from it we live to it we return again offspring of the dirt as genuinely just like the piece of turf or the bloom of the field.

Land is increasingly becoming a source of conflicts in Sub-Saharan Africa, where land access had traditionally been characterized as relatively egalitarian. Place and Hazell postulated that it has been shown that local land conflicts can erupt into large-scale civil strife and political movements². Research indicates that certain underlying factors, such as population pressure, agricultural commercialization, and urbanization, have contributed to the increasing number of land conflicts. In addition, and the current

¹Otsuka, K. (2006). Why can't we transform traditional agriculture in Sub-Saharan Africa? *Review of Agricultural Economics*, 28(3), 332-337.

²Place, F., Hazell, P. (1993). Productivity effects of indigenous land tenure systems in Sub-Saharan Africa. *American Journal of Agricultural Economics*, 75(1), 10-19.

land tenure systems in Africa may not be well-equipped to resolve such conflicts³. In numerous African nations, formalized land administration institutions were always simply superimposed upon traditional structures, with no clear delineations of responsibility and competency, inferring that they lacked both out-reach and social legitimacy⁴.

Over the years, changes in land use in East Africa have resulted into changes in forested land cover and have led to human settlements in the forested. The changes are connected to biodiversity, deforestation, misuse and degradation of land. A number of studies have applied multidisciplinary approaches to demonstrate the nexus between biodiversity, land utilization changes, misuse and degradation of land. The studies demonstrate that as local vegetation is depleted, natural biodiversity, indigenous plants and forests are likewise lost⁵. Indigenous forests have been replaced by development of new plant species which influence soil fertility and lead to reduction of soil moisture and thus prompt soil erosion. In this way, indigenous plant species are limited by agriculturists who are after many harvests compared to individuals who just look for single yield⁶. Ogolla and Mugabe observed that land practices such as tree harvesting increase depletion of plant species which are thought to be indigenous. On the other hand, in less forested areas direct cultivation requires less intensive input since the practice of mixed crop farming increases tree cover thus leading to the increase in biodiversity⁷.

³Andre, C., Platteau, J.-P. (2012). Land relations under unbearable stress: Rwanda caught in the Malthusian trap. *Journal of Economic Behavior & Organization*, 34, 1-47.

⁴Jacoby, H. G., Minten, B. (2007). Is land titling in Sub-Saharan Africa cost-effective? Evidence from Madagascar, *World Bank Economic Review*, 21(3), 461-485.

⁵Ondiege P; 1996. *Land Tenure and Soil conservation : In Land we Trust*, Initiative Publishers, Nairobi Kenya.

⁶Ely, R. T. And George, S. W. (1964) *Land Economics*, University of Wisconsin Press, Macmillan

⁷Ogolla B. D. & Mugabe J. (1996). *Land Tenure Systems, In Lands We Trust*; Initiative Publishers, Nairobi Kenya.

Wanjala proposed that farmers who practice mixed farming and livestock raising use livestock excrement as soil supplements inside their ranches and are in this manner in a position to guarantee great or more noteworthy productivity. Cultivating in forests, bushland and prairie areas where there are less trees, advances the decent variety of territories because of the presentation of agro systems that guarantee biodiversity. Notwithstanding the expanding circumstances of land conflicts, previous research on this point have been constrained to some particular rates that are identified with extensive scale common strife or politically spurred conflicts⁸. A current report by International Land Coalition, notwithstanding, demonstrates that rustic family units encounter little scales arrive clashes including relatives, neighbours, land-owners, or nearby government, and that such little scale clashes may impacts their farming profitability⁹. In Kericho, such conflicts have been realized in tea growing areas covered by companies such as James Finlay. The purpose of this study, therefore, is to establish the relationship between impacts of agriculture on forested lands and conflict in East Africa with a case study of tea farming in county of Kericho in Kenya.

1.3 Statement of the Re-search Problem

This study examined that forested land related clashes in Kenya generally and around Kericho County are typical events day by day. These clashes in Kenya starts from expansionism, which not just gave outsider land residency connections in Kenya, yet in

⁸Wanjala S. (2000), *Essays on Lands Laws: The Reform Debate in Kenya*, Faculty of Law , University of Nairobi.

⁹International Land Coalition (2000) *Importance of Land Resources in Achieving the MDGs*, Rome, Italy

addition included theoretical, sociological and lawful disarray in the traditional tenure frameworks at that point existing in traditional Kenyan culture before the imperialism approach in Kenya. The Kenyan pilgrim administration continued from a forested land-related clash recognition that standard land tenure frameworks were unfriendly to current objectives for horticultural improvement or in reality to the then frontier pioneer economy. From now on, expansionism set out on three occasions i.e. seizure of land through estrangement of extensive tracts of land and dispossession of indigenous individuals of their land rights, inconvenience of English normal property law and change of standard land law and tenure. Along these lines, the forested rural land-related clashes are predominant because of the way that the instrumentality of English/Common law has neglected to socially design an irreversible development from public tenure to singular tenure. Neither has the statute created by the official courtrooms prevailing with regards to smothering standard land rights.

The main issue, accordingly, is that land-related clashes inside Kericho County are a diligent issue that must be completely tended to by the progressing National Land Policy Formulation Process because of the consistently developing population. For there are numerous hazardous perspectives to it that require clear exchange from a policy perspective. The land policy will, however need to address handy parts of the nature and impacts of land-related clashes instead of absolutely theoretical or scholastic points of view. Against the foundation, the reason for this examination, in this way, is to investigate the components behind land use changes and the effects on forested land based clashes in Kenya, a contextual investigation of tea cultivating in Kericho County, Kenya.

1.4 Research Questions

- i. What is the nature of prevalence of forested land conflict in Kenya?
- ii. What is the relationship between Land Titling and resource based conflicts in Kenya and how do such conflicts affect input application in Kericho specifically?
- iii. What is the appropriate management framework to regulate forest lands and resource based conflicts in Kenya?

1.5 Objectives of the Study

The general objective of this study was to analyse land use changes and its impact on forest lands and resource based in Kenya: a case study of Kericho County, Kenya.

1.5.1 Specific Objectives

This study was restricted to the following specific objectives;

- i. To study the causes and prevalence of forested lands conflict in Kenya.
- ii. To assess the relationship between Forested Lands and their Titling with conflicts in Kenya
- iii. To recommend appropriate management framework to regulate forested lands and resource based conflicts in Kenya.

1.6 Literature Review

1.6.1 Prevalence of Forested Lands Conflicts in Kenya

Wily and Mbaya observe that the historical backdrop of Kenya can be partitioned extensively into three times: the pre-pilgrim period, when nearby groups oversaw normal assets as indicated by group laws; the provincial time, when Indigenous People were isolated from their assets and their customary method of administration was criminalized by colonialists; and the post-pioneer time, when the frontier structures acquired should be rethought to be receptive to society's needs and characteristic assets administration. Ondiege notices that the centralization of normal assets administration exchanged administration from the nearby groups to government foundations, for example, the Forest Department. The neighborhood individuals were limited to stuffed local holds in parallel to this activity. The neighborhood human measurement was disregarded in the NRM procedure¹⁰.

The heritage of this land tenurial change was foreswearing of access to regular assets and was the approach of forested land clashes with different state organizations that holds on up to the present. This has brought about imbalances in dissemination and dissent of access to normal and land assets. The current institutional system made clash by disappointing Indigenous People. Further, International Land Coalition demonstrates that the current arrangements give upon the state abrogating administration controls over land and assets, along these lines debilitating conventional Natural Resource Management

¹⁰Ondiege P; 2013. *Land Tenure and Soil conservation: In Land we Trust*, Initiatives Publishers, Nairobi Kenya.

(NRM) administrations. Presently, Williams et al reports that the real topic in NRM is the joining of Indigenous People as stewards and recipients of such endeavors. The acknowledgment that the current NRM systems are not viable in managing the common assets base calls for more prominent group organization.

1.6.2 Land Titling and Resource based Conflicts in Kenya

As indicated by Ondiege, a verifiable survey of common assets administration (NRM) in Kenya uncovers how strategies have affected on characteristic assets administration at various levels, causing clashes among different partners. The contentions between normal assets administration organizations and neighborhood groups is a consequence of recorded strategy advancement. A case situation is utilizing the contentions including the Tana River Primate National Reserve (TRPNR), it is discovered that it is basic to rethink the NRM strategy structure and figure suitable approach both at the neighborhood and national levels. Expansion, it is critical to make dynamic foundations to address different perplexing and delicate common assets administration issues. Existing conditions alternative isn't legitimate, because of unseemly NRM organizations and clashes. There is likewise a need to audit normal assets set up approaches to make them more receptive to the requirements of the neighborhood groups, which are influenced by the present strategies¹¹.

¹¹Ondiege P; 2013. *Land Tenure and Soil conservation: In Land we Trust*, Initiatives Publishers, Nairobi Kenya.

Wanjala analyzed that natural resource conflict management issues are basic community welfare issues of food, access, shelter, clothing, security, equity, human dignity and destiny. Therefore, these ‘bread and butter’ issues need not be complex if local communities are empowered to make decisions governing natural resource management. Policies will then be seen to work appropriately and to be responsive to local people’s needs in dynamic realities. This calls for policy options that could influence natural resources management strategies, and for creation of responsive and dynamic institutions at local community level. It is recommended that NRM policy, options and actions be reviewed to support local NRM structures and be responsive to local communities’ needs.¹²

1.6.3 Appropriate Management Framework for Forest Lands

Wily and Mbaya notes that to achieve this reality, the conflict management process demands commitment of stakeholders to overcome formidable socio-economic, political, legal, land and natural resources tenure constraints. Recent history of human development around the world has been characterized by unprecedented developments, accompanied by environmental degradation and pressure on natural resources. At global level, these are exhibited by such situations as global warming, forest losses, desertification, widespread poverty and loss of biological diversity, despite technological and socio-economic growth. There was a decrease in Kenya steadily from 7.5 percent in 1975 to about three percent by 1995¹³.

¹²Wanjala S; 2015, *Essays on Land Law: The Reform Debate in Kenya*, Faculty of Law, University of Nairobi.

¹³Wily L. A., Mbaya S. 2001, *The impact of land relations on the role of communities in forest future; Land Peoples and Forests at the beginning of the 21st century*. IUCN, Nairobi, Kenya

This has been significantly accompanied by rapid human population growth with associated key developments, such as agricultural and industrial development, to meet socio-economic demands. These critical developments, accompanied by changing natural resources management regimes, have put considerable demands on natural resources, contributing to environmental degradation and forested land conflicts. Weakness of modern natural resource management regimes are clearly manifested in loss of sustainable socio-economic livelihoods of local communities or inhabitants, resulting in forested land conflicts over scarce resources. Conflicts over natural resources at sometimes for example water or grazing lands, forests and have taken place in various regions of the world because conflict management programs or strategies do not serve stakeholders equitably. These conflicts are associated with stakeholders' dynamic interests and rights: ownership, management, access, use, legal, and identity. As Otsuka noted, these forested land conflicts could be manifested in various ways: poor decision- making, loss of forest cover, eviction of Indigenous People conflicts over ownership, boundary disputes and illegal exploitation of the various natural resources. Another key aspect encompasses conflicting mandates of government and other institutions in NRM.

Historical legacy dating from the colonial is represented by NRM conflicts, when traditional management practices was replaced with centralized management platforms within the central government. According to Okoua and Mwangi this policy did not change at independence¹⁴. Criminalization of sustainable resources use by local people was one of the major effects of modern natural resources tenure regimes. This was due to socio-

¹⁴Okoua-Bennun with Mwangi A M; 1996. *Land Tenure and Forest Resources: In Land We Trust*, Initiative Publishers, Nairobi, Kenya.

economic development of policies that were geared towards fulfilling economic interests other than local interests. There is pressure to design management regimes aimed at reducing conflicts and promoting sustainable use of resources due to the land resource based conflicts generated. Policy reforms, development of formal and informal agreements, community management initiatives, multiple use management and zonation, human resettlement, and gazettement of protected areas, such as forests, parks and reserves are conflict resolution strategies.

1.6.4 Knowledge Gaps

Research in conflicts related to resources such as land have focused on general aspects of conflicts. Focus on forested lands has been in relation to conservation and human wildlife conflicts. Little attention has been put on the relationship between forested lands and conflicts. It has been indicated in literature that changes in forested lands are sources of conflicts but no research has been done regionally and locally to address the factor. There is need to focus attention to the changes and how they result in resource conflicts.

Government controlled exercises such as titling lands have been identified as major reasons for changes in forested land practices. Land titling has not been given attention in literature as related to forested land changes resource conflicts. It is important to know how changes in forested land practices relate to resource conflicts.

1.7 Justification of the Study

The study will be of immense significance to the authorities who manage agricultural land use, especially in the rural fringes. The recommendations can help them to formulate policy, enact laws and strengthen and/or create institutional frame-work to implement sustainable land use management in the rural fringes. Additionally, the concerned authorities can formulate and make informed decisions in future thus reducing the negative effects of unsustainable agricultural land use conversions.

Property owners, developers and landed professionals will be enlightened on how to assist authorities in agricultural land use conversions to achieve twin goals of improved agricultural production and sustainable development as envisaged in Kenya Vision 2030 and Sustainable Development Goals (SDGs). The study will act as future secondary reference material for scholars and academicians interested in the field of land conflicts in Kenya. The study will also fill knowledge gaps in the field of land conflicts in Kenya.

1.8 Theoretical Framework

Berry reported that various views exist on land conflicts in the world. Increasing competition and contestation causes in many parts of Africa over land seems to have been similar¹⁵. According to Okurofast population growth, environmental degradation and slow economic development as per the recent land on land have changed Africa from land wealth

¹⁵Berry, S. (2002). "Debating the land question in Africa." *Comparative Studies in Society and History* 44: 638-668.

in the main part of the 21st Century to one of compounding land shortage by its end¹⁶. There exist different theoretical systems to disclose factors leading to land conflicts.

1.8.1 Malthusian Theory

Disparity between population, development rate and that of the typical resources is underscored by Malthusian theory. The impact of such a position in association with land arranged issues and proprietorship is that the population will subject to out-create available land and this adds to competition over land resulting to conflicts. In any case, Andersson proposed other a portion of the sources demonstrates that, while interest for land varies starting with one geographic zone then onto the next and from provincial setting to urban, contingent upon the key estimation of the land, clashes in Africa have not exclusively been constrained to districts of intense land shortage¹⁷. Diminishes noticed that tested declares over lands have happened at all financial stages, in urban regions and also in to provincial ranges, among the pastoralists, among agriculturists and among farmers themselves and even between relatives.

Research in land conflicts have called attention to that a considerable number of the present conflicts across finished Africa, which continue running from sporadic, limited wildness to expanded ordinary and cross-periphery wars, are related meanwhile to redirections about land and to challenge over political power .With the adjustment in land proprietorship from the regular to private holding, rivalry over land is usually foreseen that

¹⁶Okuro, S. O. (2002). The Land Question in Kenya: The Place of Land Tribunals in the Land Reforms Process in Kombewa Division. theCodesria General Assembly, Kampala-Uganda.

¹⁷Andersson, J. (1999). "The Politics of Land Scarcity: Land Disputes in Save Communal Areas, Zimbabwe." *Journal of Southern African Studies* **25**(4): 553-78.

would increment. This recommends change in the land residency structure enlightens the reason behind conflicts over land. In many parts of Africa privatization of land uplifted landlessness, where some unprotected social events in the general population, for example, ladies lost the advantage to get to and utilize arrive. This affected conflicts amongst neighbors and furthermore to even between the relatives (life accomplice versus life accomplice or father versus youths). The land-based conflicts may additionally be enlightened utilizing the relationship between the individualized (formal) and standard (accommodating) residency frameworks. The individualized land residency is kept up by the neo-developed cash related specialists conveying that titling of the land overhaul profitability and expansion security of residency according to World Bank.

Bruce and Migot-Adholla noted that specialists of standard residency on the other hand battles something novel, and in such nation as Kenya where concentrated land changes has been gotten a handle on since 1950s, the examinations has raised issues about the common sense of titling in improving developing adequacy and security of residency¹⁸. According to Wily and Mbaya, in Kenya the demonstration of individualizing public land has made more people without land and has created new sorts of contradictions in regards to ownership. Regardless, the statutory or private tenure has continued holding an advantaged position over the standard residency in Kenya. As a general rule, the association between the two is uneven as in the power vested in the past is transcendent in the course of the last said and it is enhanced through the lawful. In which case the standard law is

¹⁸Bruce, J. and Migot-Adholla (1994). Searchings for lands tenures security in Africa. Washington D.C., World Bank and Kendal /Hunt.

normally sub-ordinated to the State laws, a circumstance which focuses on edged relationship is created¹⁹.

Berry found out that political hindrance and support may in like way end up being maybe the most fundamental factor. For instance, the issue of who ought to get the chance to land and who ought to have control and on what terms has been a condition of verbal experience among the tenant and government authorities. Another view is that of different "assistants" where there exist assorted occurrences of proprietorship and get to. The associate presents separating interests and takes positions over cases to the land, as often as possible accomplishing assets based conflicts²⁰.

Boku and Irwin noted that the issue ends up being more perplexing when assorted legal systems are associated with intervene land use without thinking about the recorded stream of how every accomplice transformed into the inquirer²¹. Lentz detailed that in many parts of Africa the various clients have continually given assorted points of view why they thought the land has a place with them. Some develop their claim in light of national systems while others build it as for the chronicled background of indiginity (those are indigenous to the land) such as of Ghana, section of Southern Africa and Eastern Africa, among many others²². The conflict circumstance in Kericho County might be looked

¹⁹Wily L. A., Mbaya S. 2001, *The impact of land relations on the role of communities in forest future; Land Peoples and Forests at the beginning of the 21st century*. IUCN , Nairobi, Kenya

²⁰Berry, S. (2002). "Debating the land question in Africa." *Comparative Studies in Society and History* 44: 638-668.

²¹Boku, T. and B. Irwin (2003). "Traditional Institutions, Multiple Stakeholders and Modern Perspectives in Common Property: Accompanying change within Borana Pastoral Systems." *Securing The Commons*(4): 1-47.

²²Lentz, C. (2002). *Contested Boundaries:decentralization and land conflicts in north-western Ghana*. APAD Conference, Institute for Ethnology and African Studies, University of Mainz.

changed focuses however the closeness of different claims between various gatherings having the zone makes partners more appropriate framework for dismembering the forested land proprietorship clashes in Kericho County.

1.8.2 Relative Deprivation Theory

As indicated by Ted Robert Gurr Relative Deprivation (RD) as 'the pressure that creates from an error among the 'should' and the 'is' of the aggregate esteem fulfillment, and this typically arranges men to savagery or animosity'. In view of the definition gave by Gurr, Relative Deprivation is really disparities between what individuals need, and what they really pick up, their esteem desires, their esteem collecting abilities. Gurr reports that: 'the force of relative hardship regularly shifts emphatically as far as normal level of saw distinction between esteem desire and esteem capacities'.

At the point when individuals lose any desire for achieving their societal esteems, and the force of discontent/dissatisfaction they will probably revolt '[varies] with the seriousness of swelling and gloom'. As indicated by Gurr, ethnicity 'is the conspicuous reason for activating resistances' against the state. As indicated by Gurr when the level of disappointment is high, the more prominent the political instability. In short, the escalation of RD with respect to political investment, success, aggregate/public esteems and societal status may prompt a 'decrease in ideational rationality' which thus prompts a breakdown in the social request and to viciousness²³.

²³Gurr, Ted. R. (1994). People Against States: Ethno-political Conflict and the Changing World

Migdal attests that 'the state's centrality in individuals' lives, its relationship to continuous clashes in the general public, individuals' expressive relationship to it, all rely upon its union'. Katzenstein, talks about how individuals see themselves, hypothesizes that: 'the appropriate response really lies in the issue of character, in varieties in the level of extensiveness and limitation, with which individuals and associations identify with each other'. Gurr, talking about societal security difficulties, keeps up that in such cases 'the advantage of one gathering is a programmed misfortune for all the others. Life is an inelastic pie'²⁴.

The disappointment of the state to satisfy individuals' worth desires that they trust they are really qualified for will in the long run reason confusion among the general population and aching on the a piece of the general population towards the state. Gurr holds that: 'Societal conditions that expansion the normal level or force of desires while not expanding capacities increment the power of discontent'. Personality is dynamic and alteration throughout time; 'Individuals change and adjust'²⁵. Buzan calls attention to that social gathering security as an idea cares with states after they are 'undermined or destabilized by "their" social orders, changing into defenseless or debilitated as far as social attachment and character'²⁶.

²⁴Migdal Joel S. (2001). *State in Society. Studying how States and Societies Transform and Constitute One Another*, Cambridge: Cambridge University Press.

²⁵Gurr, Ted. R. (1994). *People Against States: Ethnopolitical Conflict and the Changing World*

²⁶Buzan, Barry. (1991). *People, States and Fear : An Agenda for International Security Studies in the Post -Cold War Era*, London: Harvester Wheatsheaf.

1.9 Research Methodology

Research methodology clarifies the rationale behind picking a specific research method or strategy. Optional information was gathered through writing survey; these helped catch what has just been done in range of contention and strife about forested lands. This ontological data helped the investigation in attempted epistemological approach in to the untamed life related clash issue. Essential information gathering was gathered utilizing both subjective and quantitative research approach.

1.9.1 Research Design

Welman and Kruger express that a research configuration is the arrangement as indicated by which one acquires research members and gathers data from them to examine the research issue. The research configuration comprises of an unmistakable explanation expressing the research issue, and in addition the technique for social occasion, handling and translating the perceptions planned to give some determination to the issue. This examination utilized a clear study research outline. Engaging insights use information accumulation and examination procedures that yield reports concerning the measures of focal propensity, variety, and connection. The mix of its trademark synopsis and connection measurements, alongside its attention on particular sorts of research inquiries, methods, and results is the thing that recognizes spellbinding research from other research sorts. Unmistakable research configuration was additionally utilized on the grounds that the researcher gathered information and report the way things are without controlling any factors other than being less tedious and ready to catch a great deal of information inside the contained time and assets.

1.9.2 Research Site

Kericho County is a district of Kenya. This region has a populace of 752,396 (2009 enumeration) and a zone of 2,111 km². Its capital and biggest town is Kericho. The present senator is Professor Paul Kiprono Chepkwony otherwise called "Timbilwet". Kericho County is home to best of Kenyan tea prestigious world-wide for the tastes with its town squares referred to as Chai Square. A part of the large tea companies including Unilever Kenya, James Finlay and Williamson Tea are in Kericho. It is likewise home to the prominent Ketepa mark. The previous Bureti District is presently part of Kericho County.

1.9.3 Target Population and Sample Size

A population is characterized as a total arrangement of people with some regular detectable attributes. Test is a subject of the population. In the event that an example is too little, it doesn't speak to the attributes of the whole population. The objective population was workers of the Kenya Forest Service (KFS), the groups in the contention problem area regions in Kenya in particular; Kipkelion, Belgut, Sigowet, Soim and Ainamoi, protection NGOs in similar ranges and different partners. The Target population was 200 respondents.

1.9.4 Sample Population

A sample portrayal of the five problem areas will be picked as a genuine illustrative of the aggregate population. Kull, observed that testing is the methodology by which a relative humble number of individual inquiry or event is picked and analyzed remembering the end goal to discover encompassing about the whole population from which was chosen utilizing some methodical shape. Since the general population is heterogeneous, stratified

irregular examining will be utilized as a part of the investigation to choose the respondents. Yamane (1967) gives an improved equation to figure sample size. This formula was used to figure the sample size as demonstrated as takes after.

$$n = \frac{N}{1 + Ne^2}$$

Where n is the sample size , N is the population size , and e is the level of precision or margin of error at 5% (standard value of 0.05). When the formula is used in the above samples, we get 134 respondents. With projected population of 817,402 in Kericho, we have sample size:

$$n = \frac{817,402}{1 + 817,402 * (0.05)^2}$$

$$n = 399$$

1.9.5 Data Collection Instruments

In this investigation poll and centered gathering dialog apparatus was utilized to gather essential information. The questionnaires were regulated to the sampled target population. For gather talks plans were utilized to control on the discourse topics; and notes were taken in light of the primary subjects that were featured by the respondents.

1.9.6 Data Analysis

After gathering of the questionnaires and gathering exchange comes about, the mass of crude information gathered was deliberately composed to encourage examination. This was made less demanding by offering answer to each scrutinize a code before regulating. The quantitative information was investigated utilizing graphic examination, for example, focal

inclinations and standard deviations utilizing SPPSS PC program version 23. The subjective information was investigated utilizing topical examination in view of the subjects with the information. The subjects of forested land identified with forested land clashes turn into the classes for investigation. Topical examination was performed through the way toward coding in fundamental stages (points) under talk, to make built up, important examples. These stages were; creating beginning codes, hunting down topics among codes, acclimation with the information, characterizing and naming subjects auditing subjects, and afterward delivering the last draft, which turned into the last report of the examination. The last outcomes were introduced in type of account, pie diagram, visual diagram and recurrence tables.

1.9.7 Methods of Data Collection

- a) Carrying out physical inspections and observation of the case study area (field surveys) to familiarize myself more with the study area and note the extent/prevalence of the current agricultural land use conversions.
- b) Administering questionnaires to the relevant respondents.
- c) Oral interviews with key informers was also be carried out.

Library research will be led by exploring works identified with the territory of study. These will incorporate data from reading material, day by day daily papers, journals, articles, and distributed and unpublished theses. The auxiliary information will be sourced from libraries, government divisions and web.

1.9.8 Special Reference to Provisions of Relevant Policies and Laws

The relevant policies include:

1. Current National Land Use Policy
2. National Land Policy
3. Kenya Vision 2030
4. Agricultural Sector Development Strategy 2010 – 2020
5. National Food Security and Nutrition Policy (NFSNP)
6. Kenya Food Security and Nutrition Strategy (KFSNS)
7. Sustainable Development Goals (SDGs)

The relevant Laws and Bills include:-

1. Supreme Law of Kenya, the Constitution of Kenya (2010)
2. The Land Control Act, chapter 302, Laws of Kenya
3. The Agriculture Act , chapter 318, Laws of Kenya
4. The Land Registration Act, 2012
5. The Land Act, 2012
6. The National Land Commission Act, 2012

The data looked for here was to realize what the current and proposed arrangement and lawful system gives with respect to forested land and rural land utilize conversions and how the strategies and laws are probably going to impact future farming land utilize conversions.

1.10 Scope and Limitations of the study

The study was limited to Kericho County. It analyzed land use changes and its impact on forest lands and resource based in Kenya: a case study of tea farming in Kericho County, Kenya. Any other themes which would rise not related to the study did not form part of this paper. Finally a limitations of the currents study was the small, non-probability samples of conveniences. Because of money related requirements, this investigation was under-controlled, and accordingly, may not achieve factual centrality. The size, convenience, and homogeneity of the sample limit the generalizability of this study.

1.11 Chapter Outline

Chapter One: Introduction to the Study

Chapter one makes up the introduction. Key components of this section are the problem statement, objectives, literature review and justification for the study.

Chapter Two: Prevalence of Forested Lands and Conflict

This chapter defines conflict from the perspectives of different scholars. Conflict was presented as a dynamic phenomenon that goes through phases, infraction, escalation, controlled menace, and termination.

Chapter Three: Land Titling and forested land Conflicts in Kenya

This chapter will have a sharp focus upon land titling and forested land conflicts, with a main focus upon Kenya.

Chapter Four: Regulations on Forested Lands and Conflicts

The chapter presents forested land policies, strategies and action plan, Constitution in relation to conflicts.

Chapter Five: Summary and Conclusion

This chapter sums up the major findings in line with objectives and hypotheses of this study. It acts as the final and ultimate verdict on the issues addressed in the research. It makes several key conclusions and important recommendations on the way forward.

CHAPTER TWO

FORESTED LAND CONFLICTS IN KENYA

2.1 Introduction

This chapter presents literature on the extent of prevalence of conflicts related to forested lands in Kenya. It starts with general perspective on Kenya and then focuses on the case of Kericho County.

2.2 Key Factors of Forest Land Cover Changes in Kenya

Daudeline defines conflict is characterized by battles or challenges typically between individuals with disparate necessities, thoughts, convictions, qualities or objectives. The term conflict is gotten from the Latin word *confligere* which intends to strike together ²⁷. Conflict may likewise be characterized as restriction among different social substances ordinarily coordinated against another. Conflict may likewise be named as an elevated characteristic rivalry between at least two gatherings about rare assets, notoriety and power²⁸. In different conditions, conflict is utilized to allude to irregularities of the movements, assumptions or proclamations, purposes or different cases of elements an occasionally to the way toward settling these irregularities ²⁹.

²⁷Daudeline, J. 2002. "Land as a source of conflict and in post-conflict settlement," World Bank Regional Workshop on Land Issues in Africa and the Middle East, April 29-May 2, 2002, Kampala, Uganda.

²⁸Wily L. A., Mbaya S. 2001, *The impact of land relations on the role of communities in forest future; Land Peoples and Forests at the beginning of the 21st century*. IUCN, Nairobi, Kenya

²⁹Gurr, Ted. R. (1994). *People Against States: Ethnopolitical Conflict and the Changing World*

A conflict emerges from an on-screen character forcing the weight to change on the earth either through a flawed understanding of criticism or by means of unwillingness to react to negative input³⁰. At this stage inconsistent patterns of conduct is obvious and control governmental issues have started. Conflict is a characteristic and inescapable piece of all human social connections happens in all levels of society. Conflict emerges when at least two gatherings have contrary objectives about something. Gatherings in conflict trust they have contradictory objectives and their point is to kill, pick up advantage over, harm or obliterate each other. Conflict isn't really vicious however for the most part it is probably going to happen. It is a basic and alluring component of human culture³¹.

Lentz announced that any conflict an effect and influence estimations of connections. Conflicts convey a chance to reevaluate connections. The correct administration of conflicts should expel its negative and hurtful impacts. Conflicts are in this manner helpful and ought not generally be seen contrarily. Conflict frequently unavoidable³². Conflict is once in a while used to allude to irregularities in the movements, assumptions, purposes or claims of elements and in some cases to the way toward settling these irregularities³³. Conflict is constantly worried about conveyance of energy. An effort of energy is prerequisite to the maintenance of an offer in the assurance of future relations.

³⁰Jacoby, H. G., Minten, B. (2007). Is land titling in Sub-Saharan Africa cost-effective? Evidence from Madagascar, *World Bank Economic Review*, 21(3), 461-485.

³¹Wanjala S; 2015, Essays on Land Law: *The Reform Debate in Kenya*, Faculty of Law, University of Nairobi.

³²Lentz, C. (2002). Contested Boundaries: decentralization and land conflicts in northwestern Ghana. APAD Conference, Institute fur Ethnologie und Afrika Studien, Universitat Mainz.

³³Williams, K. B, Elizabeth, J. and Mike (2000) *Achieving Sustainable Urban Form*, Spon Press, London,

A conflict exists when two individuals wish to complete acts which are commonly inconsistencies³⁴.

As indicated by United Nations conflict is a dynamic wonder that experiences stages, infraction, acceleration, controlled hazard, and end. Conflict will dependably happen when on-screen characters in conflict endeavor to seek after their impression of commonly in compactable objectives by undermining straightforwardly or in a roundabout way the objective looking for ability of each other ³⁵. Conflicts are caused by absence of satisfaction of requirements. Individuals are disappointed in light of the fact that their desires are not met. This disappointment develops when they see that they are being disregarded. Conflict is fundamental component of human connections. It is a methods for change by which social estimations of welfare, security, equity and open doors for advancement can be accomplished.³⁶

Conflicts convey a chance to rethink relationships. The appropriate administration of conflicts should expel its negative and hurtful impacts. Conflicts are consequently valuable and ought not generally be seen contrarily. The motivation behind why conflicts holds on is rivalry for control legislative issues that visually impaired individuals from seeing the open doors for participation and achieving a comprehension in the guaranteeing

³⁴Wily L. A., Mbaya S. 2001, *The impact of land relations on the role of communities in forest future; Land Peoples and Forests at the beginning of the 21st century*. IUCN, Nairobi, Kenya

³⁵United Nations (2000) *United Nations Millennium Declaration*, New York Development Database, National Graduate Institute for Policy Studies.

³⁶Okuro, S. O. (2002). *The Land Question in Kenya: The Place of Land Tribunals in the Land Reform Process in Kombewa Division*. The Codesria General Assembly, Kampala-Uganda.

conflict³⁷. Conflicts work inside a framework. Some conflict may turn savage. Viciousness could be characterized as a type of extremely raised conflict. All types of brutality for the most part harms the weaker gatherings more than it does more grounded parties.³⁸

Forested land conflict can happen among various sorts of elements as clarified by Buzan and Barry; physical conflict in which at least two substances attempt to involve a similar space in the meantime; political conflict in which bunches endeavor to force their arrangements on others; ideological conflicts in which frameworks of thought or of qualities battle with each other and legal conflicts³⁹. There are different speculations progressed in endeavoring to comprehend and clarify conflict. The intricacy of conflict requires more than one hypothesis and way to deal with clarify. This is similarly so in light of the fact that there is assortment reasons for conflict and some include a few performers with various interests. This is the thing that has made natural life related conflicts more mind boggling.⁴⁰

Wellsprings of forested land conflicts Identifying hidden issues that discover terrible emotions and harm connections as indicated by Anderson is one of the focal assignments of settling conflict. Conflict oppose determination when one gathering neglects to address the issues of most noteworthiness for different gatherings. Unless the basic needs and needs are recognized and managed, conflict will proceed with developing

³⁷Gurr, Ted. R. (1994). *People Against States: Ethnopolitical Conflict and the Changing World*

³⁸Cotula, L., C. Toulmin, and C. Hesse. 2004. *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*, International Institute for Environment and Development, London.

³⁹Buzan, Barry. (1991). *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, London: Harvester Wheatsheaf.

⁴⁰Andre, C., Platteau, J.-P. (2012). Land relations under unbearable stress: Rwanda caught in the Malthusian trap. *Journal of Economic Behavior & Organization*, 34, 1-47.

dissatisfaction⁴¹. Sources of forested land conflicts may incorporate; Interest: particular substantial needs or saw needs are the most well-known wellspring of contradictions. Daudeline additionally opines that polices ought to dependably stipulate how debate will be settled; Values: distinctive in conclusion or need of interests, alternatives or decisions of course are a wellspring of conflicts⁴².

These are presumably the best deterrents as per Bruce and Migot for agreeable arrangement of any conflict. We ought to along these lines attempt to determine the disparity towards a union of intrigue, feelings and decisions; Relationships: Lack of trust influences individuals to feel that others are not fair; Lack of successful correspondence. It is essential to recognize real and saw conflict⁴³. Berry means that both real and saw conflict makes conditions for contradiction. At the point when parties are working with fragmented data, envisioned issues can have an extraordinary impact over convictions about genuine issues. Hence, settling conflict must manage what parties think the conflict is, and additionally particular issues in debate. Individuals will respond in an escalated and negative way to conduct they see as debilitating, degrading or offending⁴⁴.

⁴¹Andersson, J. (1999). "*The Politics of Land Scarcity: Land Disputes in Save Communal Area, Zimbabwe.*" *Journal of Southern African Studies* 25(4): 553-78.

⁴²Daudeline, J. 2002. "Land as a source of conflict and in post-conflict settlement," World Bank Regional Workshop on Land Issues in Africa and the Middle East, April 29- May 2, 2002, Kampala, Uganda.

⁴³Bruce, J. and Migot-Adholla (1994). *Searching for land tenure security in Africa.* Washington D.C., World Bank and Kendal/Hunt.

⁴⁴Berry, S. (2002). "Debating the land question in Africa." *Comparative Studies in Society and History* 44: 638-668.

Deininger watched that each debilitating correspondence actuates much all the more undermining reactions in a more countermove arrangement. As disputants battle to set up control over others through assault and terrorizing, there is the probability for more prominent unbending nature, polarization and preventiveness⁴⁵. Concentrates by Gurr and Ted have demonstrated that there are a larger number of conflicts between bunches than between people. This is a direct result of the gathering character that fortifies the make plans to seek after the gathering goals. The gathering takes position on a conflict in view of intrigue and shared objectives. Gathering personality cultivates a view of materialistic hardship, the feeling that individuals have been dealt with unreasonably by different groups⁴⁶.

2.3 Forest Land Changes and Conflict Nexus in Kenya

Changes in forest lands have been seen to lead to agriculture, industrial production and settlement. The need to carry out such practices have resulted in groups in rivalry consistently building up a sort of restless worry for their status and glory showed by the twofold manifestations of declaration of quality and dread of embarrassment if there ought to be any withdrawal from their lands⁴⁷.

⁴⁵Deininger, K. 2003. Land Policies for Growth and Poverty Reduction: A World Bank Policy Research Report, Oxford and New York: World Bank and OxfordUniversity Press.

⁴⁶Gurr, Ted. R. (1994).*People Against States: Ethnopolitical Conflict and the Changing World*

⁴⁷Cotula, L., C. Toulmin, and C. Hesse. 2004. Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues, International Institute for Environment and Development, London.

2.3.1 Forest Land Changes and Culturally Stoked Conflicts

Radical distinction of religion, belief system or foundations that are related to lands has had a tendency to prompt conflict. The way the general public is sorted out can make both the main drivers of conflict and the conditions in which it is probably going to happen⁴⁸. Society that is composed in a way that a few people are dealt with unreasonably, unequally and unfairly is probably going to eject into forest land conflict particularly so if its pioneers don't speak to every one of the individuals from that society. Most conflicts emerge from a mind boggling set of variables that incorporate the specific individuals included, the history these individuals share, the progression of the social, political and monetary condition and the particular issues about which individuals differ.

Ethnicity has been rebuked for the conflicts that have been knowledgeable about the area. The Kipsigis and Nandi communities are agricultural communities who keep livestock and grow crops. The community have lost their forest land to tea farming which is constantly challenging their ethnic practices. Ethnic character that is so firmly watched by groups has been developed by African world class with the goal that they can keep administering. The pioneers have molded it by utilizing ethnicity in asset appropriation naturally prompting uneasiness. Different conflicts emerge out of rivalry for characteristic assets. Typically asset based conflicts, for example, forested land conflicts as indicated by Jayne et al emerge out of rivalry for ownership of the same rare asset. This brings the part of between assemble rivalry. Such rivalry has been seen in Kenya as was seen amongst pastoralists and famers

⁴⁸Daudeline, J. 2002. "Land as a source of conflict and in post-conflict settlement," World Bank Regional Workshop on Land Issues in Africa and the Middle East, April 29-May 2, 2002, Kampala, Uganda.

in both Kericho and Tana River Counties. The other reason for conflict is when need of individuals are not met⁴⁹.

2.3.2 Forest Land Changes and Conflicts due to Rivalry of Ownership

Rivalries that result from the need for individual or selfish ownership groups has been blamed for resource conflicts. Ethnic character that is so firmly watched by groups has been developed with the goal that they can keep managing lands. Such conflicts have led to attacks and trespass to lands owned by people known to have good standing in government. In some cases, such as with the Mau Forest, quarters have invaded the forest which is known to be encroached by well-connected people and politicians.

2.3.3 Scarcity of Pastures and Competition for Agricultural Land

Land practices have brought much of forested lands under tea farming in Kericho. Crop farming such maize farming have been threatened by such expansion. Livestock keeping by the communities also continue to call for large lands to grow fodder and for pastures. This has resulted in the need for more land and has often ignited rivalry. Different conflicts emerge out of rivalry for characteristic assets. Typically asset based conflicts, for example, forested land conflicts emerge out of rivalry for ownership of the same rare asset. This brings the part of between assemble competition⁵⁰. Such competition has been seen in

⁴⁹Boku, T. and B. Irwin (2003). "Traditional Institutions, Multiple Stakeholders and Modern Perspectives in Common Property: Accompanying change within Borana Pastoral Systems." *Securing The Commons*(4): 1-47.

⁵⁰Jayne, T.S., T. Yamano, M.T. Weber, D. Tschirley, R. Benfica, A. Chapoto, and B. Zulu. 2003. "Smallholder income and land distribution in Africa: implications for poverty reduction strategies," *Food Policy*, vol. 28: 253-275.

Kenya as has also been seen amongst pastoralists and famers in Tana River County. The other reason for conflict is when need of individuals are not met.

2.3.4 Changes in Forested Land and Infringement of the Essential Human Needs

Changes in forest lands such as deforestation affect the ecosystem and lead to reduced resources. Deforestation results in less precipitation and shortage of water. Water is a basic need that both human, plants and livestock need for survival. Infringement of the essential supply can easily lead to water resource conflict.

As indicated by Maslow there are five classifications of arrangement of necessities to be specific; mental requirements; security needs, social needs; regard needs and self-completion essential needs can be a wellspring of conflict. Essential needs are thought to be fundamental human rights. These are basic on the very survival of a person or a gathering in the general public. Conflicts will emerge because of infringement or disavowal of the essential human needs. The reasons for brutal conflicts in Africa are numerous and changed both in their tendency and annihilation. Some conflict might be followed to history while some are outcomes of heritage of imperialism. The pilgrim government isolated Africans into Ethnic lines setting them against each other to guarantee the whites run the show.⁵¹

⁵¹Maslow (2008). *Human resource management*. 12th Edition. Singerpore: Thomson Learning Academic.

2.3.5 Forest Land Changes and Conflict due to Access to land and Ethnic Limitations of Privileges

Certain lands are regarded by some communities as sacred. Access to land in communities is censored by cultural laws and guidelines. Ethnic conflicts are sometimes heightening to the extent that they lead conflicts related to ancestral forest lands and practices therein. The ethnic narrow mindedness because of human connections existing in various gatherings keep on escalating⁵². Studies such as Norton⁵³, Daudeline⁵⁴ and Ondiege⁵⁵ have demonstrated that the generally high pervasiveness of war in Africa is because of abnormal amounts of neediness and not ethno-semantic discontinuity. The purpose for Civil war in Africa is regularly associated with vocations and power. Access to land and privileges of control over land utilize are challenged between various ethnic gatherings. The Nandi and Kipsigis have had occasions of land related overtones that are basically historical. The other reason for conflict is religious character. In center east the conflict amongst Israel and Arab people group in a conflict of Christianity and the Muslim confidence or belief system.

2.3.6 Forest Land Changes and Land Redistribution Conflicts

Changes in forest lands has been considered to have relationship with land redistribution. Where changes lead to agriculture or industries, definitely there are groups or individuals behind the new set of practices. In such cases conflict arise in regard to the manner in which the forest land is distributed, in case the mode of acquisition is questionable and more so if

⁵²Migdal Joel S. (2001). *State in Society. Studying how States and Societies Transform and Constitute One Another*, Cambridge: Cambridge University Press.

⁵³Norton-Griffiths (2002) *Land Conversion in Kenya*, CSERGE, University College, London

⁵⁴Daudeline, J. 2002. "Land as a source of conflict and in post-conflict settlement," World Bank Regional Workshop on Land Issues in Africa and the Middle East, April 29-May 2, 2002, Kampala, Uganda.

⁵⁵Ondiege P; 2013. *Land Tenure and Soil conservation : In Land we Trust* , Initiatives Publishers, Nairobi Kenya.

the land is deemed belongs to ancestors of a community. At the focal point of all conflicts are human needs. Individuals take part in conflict on account of their needs and conflict in view of their needs and conflict can't be changed or settled unless these requirements are tended to similarly⁵⁶. Forested land conflicts as can likewise be dealt with comprehensively as a philosophical classification signifying the conflict of energy in the endeavoring of everything to wind up plainly show. It is an unmistakable classification of social conduct as the gatherings they to get something they both cannot have.⁵⁷

Forested land conflicts emerge when the interests of at least two groups conflict and no less than one of the group tries to attest its interests to the detriment of another group's advantages, thus infringing their redistributive justice. Conflict has additionally been portrayed as a social marvel that can come about because of prompt or progressive changes that make wandering interests and needs.⁵⁸

2.3.7 Forested Land Changes and Population Dynamics

Rise in population in Kericho County has led to need for more lands to support the population. This rise has called for more productivity and has resulted in intensive utilization of scarce resource. Whereas sections of the communities need land for settlement and agriculture, another section needs forests for their hunting and gathering. United Nations reports that seventy five percent of the world's poor and hungry are

⁵⁶Ogolla B D with Mugabe J. 1996 *Land Tenure Systems, In Land We Trust*; Initiative Publishers, Nairobi Kenya.

⁵⁷Okuro, S. O. (2002). *The Land Question in Kenya: The Place of Land Tribunals in the Land Reform Process in Kombewa Division*. The Codesria General Assembly, Kampala-Uganda.

⁵⁸Peters, P. (2004). *Inequality and Social Conflict Over Land in Africa*. *Journal of Agrarian Change* **vol. 4**(No. 3): 269-314.

essentially situated inside the country natural surroundings. These individuals depend specifically and in a roundabout way on horticulture and farming related exercises for their nourishment and essential pay. As populace expands, access to land assets decreases for these rustic tenants. Nonetheless, with quick populace increment and a limited land range, accessible land per singular therapists constantly. Asset based conflicts, for example, forested land of Mau complex, particularly finished privileges of access to land and land utilize, are hence expanding in recurrence and power⁵⁹

Forested land conflicts agreeing Wanyeki make genuine disengagements; suspend or decimate wage openings; make nourishment deficiency; corruption of nature, and every now and again result add to the loss of lives and properties. Delapidated families bear the heaviest weights of forested land-related conflicts for the straightforward reason that their day by day needs and occupations are specifically fixing to their property rights, that is, the utilization of land⁶⁰. The raising asset needs as far as land because of increments in populace has turned into a risk to nourishment security in spots, for example, Kericho among the tea ranchers as the scrambling for utilization of land assets creates conflicts. In spite of the fact that conflicts are inborn to relations inside and between social orders Okuro watches that there is expanding worry about the heightening of conflict over access, utilize, security, and control of land assets into brutal debate, particularly furnished savagery that may prompt open fighting. ⁶¹Migot and Place describes encourage that different and to a

⁵⁹United Nations (2000) *United Nations Millennium Declaration*, New York Development Database, National Graduate Institute for Policy Studies.

⁶⁰Wanyeki, L.M. (eds.) 2003. *Women and Land in Africa: Culture, Religion and Realizing Women's Rights*, London: Zed Books.

⁶¹Okuro, S. O. (2002). *The Land Question in Kenya: The Place of Land Tribunals in the Land Reform Process in Kombewa Division*. The Codesria General Assembly, Kampala-Uganda.

great degree complex forested land-related conflicts influence indigenous people groups, especially when their character and survival is inseparably identified with their association with their tribal domains⁶². Ondiege revealed that forested land utilize conflicts can bring about an assortment of unfortunate monetary, social, ecological and social effects coming full circle from minor to critical, here and now to long haul, and small scale to large scale in scale. These effects can incorporate negative impacts on people as an outcome of stress and uneasiness; breakdown in groups; extra requests on government administrations; expanded and exorbitant requests on country enterprises or firms, corruption of the neighborhood condition, which can have stream on impacts for groups and organizations; and loss of culture and character inside groups⁶³.

2.4 Impacts of Forested Land Conflicts in Kenya

In circumstances where there is extended forested land utilize conflicts, Ogolla and Mugabe reports that entrance to land for farming generation is diminished consequently prompting lack underway and accessibility of sustenance. Likewise, where there is acceleration of land utilize conflicts into outfitted conflicts or open fighting, ladies end up noticeably widowed and youngsters wind up noticeably stranded, and numerous others dislodged⁶⁴. Individuals never again have tenure security and this severely influences creation and accessibility of nourishment. It has been communicated in the writing by Jacoby and Minten that ranch family units living inside the habitants of forested lands

⁶²Migot-Adholla, S., and F. Place. 1998. "The economic effects of land registration on smallholder farms in Kenya: evidence from Nyeri and Kakamega districts," *Land Economics*, vol. 74 (1): 360-373.

⁶³Ondiege P; 2013. *Land Tenure and Soil conservation: In Land we Trust*, Iniatives Publishers, Nairobi Kenya.

⁶⁴Ogolla B D with Mugabe J. 1996 *Land Tenure Systems, In Land We Trust*; Initiative Publishers, Nairobi Kenya

encounter conflicts at various levels on various plots of land; families are either worried about future forested land related conflicts, have pending or as of now experiencing land utilize conflicts, have encountered conflicts in the past yet settled, or have encountered no conflict by any means. As indicated by Jacoby and Minten, the level of conflict experienced by cultivate family units on a plot of land decides the level of sustenance creation on that plot. The recurrence and the level of conflict will decide the level of sustenance creation of a family unit and the whole community ⁶⁵.

2.5 Conclusion

This chapter presented literature review. Among the factors presented were those related to changes in forested land cover, relationship between the factors and resource conflicts and the impacts of forested land conflicts in Kenya. The next chapter will present land titling and how it relates to forested land conflicts in Kenya.

⁶⁵Jacoby, H. G., Minten, B. (2007). Is land titling in Sub-Saharan Africa cost-effective? Evidence from Madagascar, *World Bank Economic Review*, 21(3), 461-485.

CHAPTER THREE

LAND TITLING AND FORESTED LAND CONFLICTS IN KENYA

3.1 Introduction

This chapter presents land titling and its relationship with conflicts in Kenya. It first presents the significance of land titling, land registration principles and processes, harmonization of registration and how they relate to conflicts.

3.2 Significance of Land Titling

Registration of title to land is said to originate at the advent of commoditization of property by man. That when individuals started to make claims on property it became necessary to formulate a mechanism to keep property records. A distinction has been made between land registration and registration of title. Land Registration is “the documentary manifestation of land as a commodity in the world of commerce. It performs the overall function of providing information regarding the quantum of rights in land and the transferability of the same in the production and exchange process.”⁶⁶ On the other hand registration of title is described as, “the maintenance of authoritative records, kept in a public office, of rights to clearly defined units of land as vested for the time being in some particular person or body, and of limitations if any to which these rights are subject.”⁶⁷

⁶⁶See generally, Article 60 of the Constitution of Kenya 2010

⁶⁷S.C. Wanjala, Problems of Land Registration and Titling in Kenya: Administrative and Political Pitfalls and Their Possible Solutions in S.C Wanjala (ed) *Essays on Land Law: The Reform Debate in Kenya*, (Faculty of Law, University of Nairobi, Nairobi 2000) p. 84.

Land registration therefore seeks to record interests in land to make it easy to transact in land like any other commodity while registration of title is recording the proprietorship or ownership of a person to a parcel of land. The difference between the two is that land registration does not confer ownership of the land registered while registration of title to the land confers ownership to the person whose name is entered in the register. Land registration and registration of title were concepts alien to the people of Kenya. Before the advent of colonialism, land was owned communally by various tribes or communities. The chiefs or elders in the community determined how individuals used the community land. The land was used for various purposes such as construction of homestead, farming, grazing land and religious place of worship.

Often this land was used as a community or by a particular clan or family as determined by the elders. The community protected their territory from other communities often through use of force and when defeated they moved to establish their territory elsewhere. The onset of colonialism saw the introduction of various statutes to govern land administration and registration in the country. Indeed, it has been contended that the real reason for introduction of land registration by colonialists was to alienate people from their customary land and secure land for the settlers who would engage in economically profitable farming practices to boost the colony's income. Since the British considered the customary tenure arrangements practiced by the majority of Africans to be inconsistent with development and modernization, they established a tenure system which only accorded recognition to land rights secured by individual freehold title. Further, customary tenure involved a complex system of nested and overlapping individual and group rights

derived from kinship relationships that did not lend itself to concepts of absolute individual ownership and as a result, most customary land was left unregistered and vulnerable to appropriation and transfer to settlers.⁶⁸

3.3 Title Registration Process and Conflicts in Kenya

Under common law title denotes the right of an owner to assert his estate in land against strangers⁶⁹. To have a title to an estate means to be entitled to exercise or enjoy various rights or incidents associated with ownership of that estate. Title to freehold or leasehold estate gives the registered proprietor powers to exercise his possession rights against the whole world and the power or right to use, exploit or dispossess the land. Feeling ⁷⁰ of responsibility for land is hardwired into the human mind and goes before and underlies the coming of formal lawful organizations.

Further, they attempt to explain how the possessor's sense of "mine" and the non-possessor's sense of "yours" result in the possessor being willing to expend more effort defending his claim relative to the non-possessor in a contest between them over the object. They argue for enforceability of property rights as one of the ways of securing them thus necessitating the entry of legal and institutional framework into play. This work is important in explaining the importance of legal institutions in securing property rights of

⁶⁸See P. Veit, "History of Land Conflicts In Kenya" - Focus on Land in Africa Brief, March 2011, p.p.2-4, available at www.focusonland.com/download/52076c59cca75/ [Accessed on 7 April,2014]

⁶⁹Tom Ojienda, *Conveyancing Laws Principles and Practice* (Law Africa, 2008), p.186.

⁷⁰M. Eswaran & H. M. Neary , 'An Economic Theory of the Evolutionary Origin of Property Rights' University of British Columbia, available at www.economics.ubc.ca/faculty-and-staff/mukesh-eswaran/ [Accessed on 8 April,2014].

private persons since one of the ways that such rights can be secured and guaranteed is through registration of titles to particular property.

Registration of title is defined as “the maintenance of authoritative records, kept in a public office, of rights to clearly defined units of land as vested for the time being in some particular person or body, and of limitations if any to which these rights are subject.”⁷¹ The origin of title registration is traceable to the Torrens system registration scheme introduced in Australia in 1858⁷². The Torrens system of registration is based on three principles. According to the Mirror Principle a register of title is intended to operate as a mirror reflecting accurately and incontrovertibly the totality of rights and liabilities which at any given time affect the land falling within its coverage. The second principle is the curtain principle. It is to the effect that trusts relating to registered land are kept off the title so that any person dealing with the proprietor are safe in the assurance that the interest behind any trust will be overreached and shifted on the capital proceeds of disposition. The third principle is the *insurance principles*.⁷³

It provides that the state shall guarantee the accuracy of the registered title, in that an indemnity payable from public funds if a registered proprietor is deprived of his title or is prejudiced by a correction of any mistake in the register. The register of any particular estate is intended to reflect the full range of rights and burdens which affect land. It should

⁷¹S.C. Wanjala, Problems of Land Registration and Titling in Kenya: Administrative and Political Pitfalls and Their Possible Solutions in S.C Wanjala (ed) *Essays on Land Law: The Reform Debate in Kenya*, (Faculty of Law, University of Nairobi, Nairobi 2000) p.85.

⁷²Tom Ojienda, *Conveyancing Laws Principles and Practice* (Law Africa, 2008) p.187

⁷³*Ibid*,p.189

provide a total picture of the property at any given time in that a prospective. Purchaser should at any given time be able to examine the register and get the exact nature of interest or encumbrances existing over the property he wishes to buy. The three principles shall guide this research as it tries to recommend a proper way of achieving a simple, effective and secure title registration regime. Since the LRA is a title registration system these principles are applicable to it.

3.4 Goals of Registration in Land

The motivation behind registration⁷⁴ of title is to achieve greater simplicity and certainty of title to land. That registration should confer on a registered proprietor an indefeasible title to a specified parcel of land and dispense with any need on the part of persons dealing with him to investigate further his rights.

Security of tenure gives one a right to be indemnified from the government. That a purchaser of land from a proprietor on the register should have the commercial confidence in the transaction unbothered by the deficiency in the title not recorded in the register. He opines that a register should be conclusive to an extent that no claim which is inconsistent with a registered title can be enforced against the owner of the interest. Reduction of litigation will be achieved when the registered title is properly surveyed and the area and boundaries clearly indicated. Onalo must have had the many boundary disputes in mind which have arisen from the registration of title under the RLA issued on reliance on general boundaries.

⁷⁴K.Gray and S.F.Gray, Elements of Land Law (Butterworths,2001)p.976.

He concludes that the principle of security of title makes borrowing easy as a lender feels secure in relying on such a title as security of money secured. This is particularly an important aspect especially as the financial institutions fund many of the developments in the housing estate. The need to secure their interest has been of outmost importance given the fear of demolitions experienced at the Syokimau area of Mavoko municipality and other properties demolished on road reserves. An institution which funded these developments must have suffered enormous loss. Ingredients of a good registration system as accuracy, simplicity, cheapness and ubiquity⁷⁵. An enrollment framework will be precise and dependable if legitimate review is done, the zone decided and limits outlined.

A registration system will be accurate and reliable if proper survey is done, the area determined and boundaries delineated. Simplicity denotes a system of registration that is easy to understand and apply and the same he says should be cheap to be within reach of an average land owner. Ubiquity is the establishment of numerous land registries all over the country to ensure that many land owners registering their land. Dale highlights some deficiencies of title registration which are apposite to this study. These include multiple ownership particularly in rural areas where children inherit from their parents and with no separate titles for each; customary tenure; incompleteness of the registers in all systems of registration of titles and strata titles particularly in the ownership of separate identifiable volumes of space within a building and ownership of common parts. There is also multiplicity of parcels due to subdivision, mini subdivisions and fragmentation after

⁷⁵T.Ojienda, *Conveyancing Laws Principles and Practice* (Law Africa, 2008), p.105.

inheritance; inconsistency of records; rapid urban expansion and poor monitoring of land transactions.

According to Dale the above problems arise land registration is “title based” which does not take into consideration the attributes of land⁷⁹. The commission of inquiry recognized that disputes arise over registered land because of the failure of the system to clearly record or effectively transit property rights into contractual relations⁸⁰. It recommended that this could be rectified by constantly updating land registry records. It is arguable that while the commission captured the problem experience in property transactions; the solution lies in establishment of a secure title regime. Further there is need to ensure that all registered land have proper survey attributes with clear delineations in order to reduce cases of boundary disputes. A mere harmonization of land laws shall not solve the problems associated with registration regime. Each statute has had its own faults which must be relooked and attempts made to solve them if a secure and efficient title registration regime is to be attained.

3.5 Harmonization of Land Registration Systems

Harmonization of laws is about removing inconsistencies. According to them, harmonizing encompasses a degree of compatibility and commonality (or uniformity) of law across the state and territory borders, and either be used to mean a single national uniform law (with a single national consistent interpretation of that law) or different but coherent laws throughout the land.⁷⁶ The bottom line is that harmonizing seeks similarity without absolute

⁷⁶M. Park, *et al.*, ‘Orchestrating a harmonious system’ *Victorian Law Institute Journal*, vol 83(5) (2009), pp. 50-53.

uniformity. For purposes of this study, harmonization is contemplated as the removal of inconsistencies in law and moving towards achieving a single national uniform law, with a single national consistent interpretation of that law as far as land registration is concerned. Malcolm Park, et al demonstrate that what is most important in harmonization of laws is ensuring that there is uniformity of some sort either in substantive laws or the procedures followed in the application of the laws so as to achieve the objectives of registration. According to these writers, harmonization should result in one register whose purpose is to investigate and ascertain the legal rights or obligations associated with any particular land parcel or lot, one need only inspect the register. Such an investigator “need not and indeed, must not concern themselves” with interests not disclosed on the register. Indeed, the principle of overriding interests has been criticized as one that has led to the loss of the ideal fundamental principle of a complete and comprehensive register, espoused by the originators of land title registration.

What is most vital in harmonization of laws is guaranteeing that there is consistency or something to that affect either in substantive laws or the methodology followed in the utilization of the laws in order to accomplish the targets of enlistment. As indicated by these scholars, harmonization should bring about one enlist whose reason for existing is to research and learn the legitimate rights or commitments related with a specific land bundle or parcel, one need just examine the enroll. Such a specialist "require not and without a doubt, must not worry about" interests not revealed on the register. Without a doubt, the standard of abrogating interests ⁷⁷has been scrutinized as one that has prompted the loss of

⁷⁷Ibid, p. 8

the perfect key guideline of a total and far reaching register, embraced by the originators of land title enrollment.

The ideal espoused by the originators of land title registration was that of a complete and comprehensive central public register, administered by a centralised public authority and available for public inspection so that community confidence could repose in the register and its integrity. This has been attributed to the fact that the Parliaments by passing the various land title registration statutes have participated in land registration by enacting express provisions providing for exceptions to the fundamental principle. In addition, the courts, when interpreting these statutes, have held that they contain implied exceptions to the fundamental principle of a comprehensive and conclusive register.⁷⁸

3.6 Sessional Paper No 3 of 2009 on National Land Policy

In 2009, the Government of Kenya, through the Ministry of lands, built up a *Sessional Paper No 3 of 2009 on National Land Policy* trying to address the issue of variety of laws on land and title enlistment. The Policy called attention to that the presence of numerous statutes required harmonization so as to facilitate the procedure of enlistment of land rights, encourage simple and quick access to land enrollment data, upgrade proficiency, straightforwardness and responsibility in land enlistment. It prescribed that there was a need to authorize one Act to fit the enlistment statutes. The National Policy perceived that there was need one bound together framework that will rearrange and give one stage to enrollment of title in Kenya. The Sessional Paper No. 3 of 2009 likewise prescribed the

⁷⁸See sec. 28 of LRA 2012.

definition of a National Land Use Policy and gave wide standards and rules on land utilize administration issues. It is critical that this Policy was defined before the entry of the present Constitution of Kenya 2010.

3.7 The Constitution of Kenya, 2010

The Constitution of Kenya 2010 guarantees the protection of the right to property.⁷⁹ The State is prohibited from depriving a person of property of any description, or of any interest in, or right over property of any description.⁸⁰ Protection of the right to property would then require that land registration systems being efficient, transparent and accountable to prevent fraud in land registration. It provides for the principles of land policy which include inter alia: 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 ecologically sensitive areas; elimination of gender discrimination in law, customs and practices related to land and property in land; and encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution.

The principles are to be implemented through a national land policy developed and reviewed regularly by the national government and through legislation.⁸¹ All land in Kenya is vested on the people collectively as a nation, as communities and as individuals.⁸² Land

⁷⁹Article 40, Constitution of Kenya, 2010.

⁸⁰*Ibid*, Article 60(1).

⁸¹*Ibid*, Article 60(2).

⁸²*Ibid*, Article 61(1).

is thus classified as public, community or private.⁸³ A person who is not a citizen may hold land on the basis of leasehold tenure only, and any such lease must not exceed ninety-nine years.⁸⁴ The Constitution also establishes the National Land Commission which is mandated to: inter alia: to manage public land on behalf of the national and county governments; to recommend a national land policy to the national government; to advise the national government on a comprehensive programme for the registration of title in land throughout Kenya; and to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress to encourage the application of traditional dispute resolution mechanisms in land conflicts.⁸⁵

Parliament is mandated with the task of revising, consolidating and rationalizing existing land laws and revising sectoral land use laws in accordance with the principles set out in Article 60(1). It is also to enact legislation prescribing minimum and maximum land holding acreages in respect of private land; regulating conversion of land from one category to another; regulating the recognition and protection of matrimonial property; to protect, conserve and provide access to all public land; to enable the review of all grants or dispositions of public land to establish their propriety or legality; to protect the dependants of deceased persons holding interests in any land, including the interests of spouses in actual occupation of land; and to provide for any other matter necessary to give effect to the provisions of Chapter five of the Constitution⁸⁶. All the previous arrangements are a positive development in tending to the issues with land enlistment and titling in Kenya. It

⁸³*Ibid*, Article 61(2).

⁸⁴*Ibid*, Article 65(1).

⁸⁵*Ibid*, Article 67.

⁸⁶*Ibid*, Article 67.

is critical that the standards of land strategy and in addition the other established arrangements have just been placed down in new land enactment. These incorporate the Land Act 2012, Land Registration Act 2012 and National Land Commission Act.

3.8 Land Act, 2012

Keeping in mind the end goal to manage substantive issues of land law, the *Land Act, 2012* was ordered and it tried to unite Kenya's substantive law, prior found in various bits of enactment in particular the *Indian Transfer of Property Act 1882*, the *Government Lands Act* and the *Registered Land Act*. It canceled the *Way leaves Act Cap 292* and the *Land Acquisition Act Cap 295*. It applies to public land, private land and parts of Community Land as Cabinet Secretary may determine. Types of land tenure under the Act incorporate freehold, leasehold, such types of fractional enthusiasm as characterized by law including easements, and standard tenure where steady with Constitution.⁸⁷The Act accommodates different sorts of land tenure. Under the Act, title to land might be gained through distribution, land arbitration process, obligatory obtaining, remedy, settlement programs, transmissions, exchanges, long haul leases surpassing 21 years made out of private land and whatever other method that might be endorsed by an Act of Parliament.⁸⁸Further, the Act manages transformation of land starting with one classification then onto the next. Public land might be changed over to private land and the other way around. Nonetheless, any noteworthy exchange to change over public land to private land requires parliamentary and area endorsement by and large.⁸⁹

⁸⁷Section 5, Land Act 2012.

⁸⁸*Ibid*, Section 7.

⁸⁹*Ibid*, Section 9(3).

3.9 Land Registration Act, 2012⁹⁰

The Act looks to modify, unite and justify the enlistment of titles to land, to offer impact to the standards and objects of lapsed government in land enrollment, and for associated purposes⁹¹. It applies to the enrollment of interests in public land as announced by Article 62 of the Constitution; all private land as proclaimed in Article 64 of the Constitution and enlistment and recording of community interests in land⁹². The National Land Commission has forces to constitute a zone or ranges of land to be a land enrollment unit and may whenever differ the points of limitation of any such units⁹³. Each enlistment unit is to be partitioned into enrollment segments, recognized by particular names, and might be additionally separated into obstructs with unmistakable numbers or letters or mixes of numbers and letters.⁹⁴

Packages in every enlistment segment or piece are to be numbered successively, and the name of the enrollment area, the number and letter of the square assuming any, and the quantity of the bundle together will be an adequate reference to any parcel of land⁹⁵. Land enlistment units are to be set up at area level and at such different levels to guarantee sensible access to land organization and registration administrations.⁹⁶In every registration unit a land registry is to be kept up in which a land enlist, cadastral guide, distribute, any plans, introduction book, a record and an enlistment and a document of forces of lawyer

⁹⁰Act No. 3 of 2012.

⁹¹*Ibid*, Preamble to the Act.

⁹²*Ibid*, Section 3.

⁹³*Ibid*, Section 6(1).

⁹⁴*Ibid*, Section 6(2).

⁹⁵*Ibid*, Section 6(3).

⁹⁶*Ibid*, Section 6(6).

might be kept.⁹⁷ Any Titles that were already enrolled under the RLA, GLA, RTA or the LTA which were all canceled by this new law are to be traveled to the LRA.⁹⁸ The registration administration presented under this Act does not go amiss much from that under the Registration of Titles Act and Registered Land Act. Truth be told, the greater part of the arrangements in this Act are a reorder of the canceled laws.

Land enrollment under the revoked laws has been loaded with various difficulties as talked about above. One subsequently, expects that the Land Registration Act will present a straightforward, proficient and straightforward. This examination contends this isn't the situation. The Fifth Schedule to the Constitution visualizes that the law on public and private land be established inside year and a half and that on community land inside 5 years. Up 'til now, the Community land law isn't set up. What is there is just the Community Land Bill, 2013. A few researchers have contended that the choice to have the law on community land authorized independently from the Land Act and the Land Registration Act (2012) proposes that community land tenure is second rate compared to the next tenure frameworks.⁹⁹ It is additionally expressed that references to community land in the Land Act, Land Registration Act and National Land Commission Act, without the substance of community land set up is untimely, and that such laws are not thorough in so far as they don't manage community land.

⁹⁷*Ibid*, Section 7(1).

⁹⁸*Ibid*, Section 105.

⁹⁹Musembi & Kameri-Mbote (n72), 23.

3.10 Best Practices

The Study uses Ontario and Austria as contextual analyses as they have ordered and connected enactment accommodating a straightforward, secure and proficient enrollment administration. The two contextual investigations give helpful lessons worth considering and applying as benchmarks for Kenya. Ontario has been chosen since it was the primary ward on the planet to give electronic enlistment and also, in light of the fact that the Ontario Land Registry Offices at present work effectively under two frameworks: the Registry framework and the Land Titles framework. This displays an investigation worth considering watching that regardless of the dualism of the land framework, Ontario effectively digitalized their registry. Austria has been utilized as it has effectively executed e-administration of its land organization framework, and may in this way offer helpful lessons in digitizing the land registry records in Kenya. This investigation contrasts from the current writing as it looks at the arrangements of the LRA as the law trying to blend land enrollment statutes. This is another statute sanctioned under the Constitution of Kenya 2010 and the National Land Policy. All things considered, the LRA is dissected in this examination inside the setting of new standards of land organization which require, *entomb alia*, that land organization be straightforward and practical.

3.9.1 The Austrian Model of Cadastre and Land Registration

The Austrian arrangement of land cadastre and property registration is hailed as an example of overcoming adversity in present day e-government, with the fundamental components being the appropriation of obligations, information accumulation, refreshing and the monetary parts of the Austrian framework. Land organization framework in Austria

comprises of both land enroll and cadastre. The cadastre is basically worried about data about the number, site, region and land utilization of land and the primary expert administering this is the Cadastral office.¹⁰⁰

3.9.2 Lessons from the Austrian Land Administration System

Land organization in Austria depends on over 200 years of constant change, regularly provoked by the changing needs of society. What's more, mechanical advancements have prompted process development. Advancement is a crucial element for a proficient and supportable utilization of land. Be that as it may, development in land organization requires a considerable measure of assets and may subsequently meet protection from specific quarters. Cadastral framework in Austria delineates a decent case of how land organization can create in accordance with global patterns. Cadastral reviews have created from verbal portrayal of limits to precisely characterized (studied) limit focuses. Natural Cadastre creates from precisely characterized (studied) proprietorship/enthusiasm to "natural regular habitat by empowering fluffy and dynamic limit definitions". In Object-arranged Cadastre there is advancement from documentation of bundles to documentation of genuine homes (counting structures, lofts). In multi-Dimensional Cadastre there is displaying in 2-3-4 measurements. In Real-Time Cadastre there is a move from sporadic to ongoing updates while with e-Government the move is from available time to all day, every day

¹⁰⁰J. Zevenbergen, 'A Systems Approach to Land Registration and Cadastre,' *Nordic Journal of Surveying and Real Estate Research*, VOL 1, (2004), pp. 11-12.

accessibility.¹⁰¹ There would accordingly be requirement for cadastre as a major aspect of the national framework through e-government.

Selection of new advancements/approaches for information obtaining, converge of all organizations managing cadastral issues, for example, military mapping, cadastral and geodetic reviewing is likewise considered as a best practice in land organization. The Austrian land organization additionally delineates the advantages that can be gotten from institutionalization of procedures and items. This outcomes in a move of attitude in correspondence. Digitization of procedures in land registries additionally connects the conventional institutional boundaries and may empower cross-authoritative procedures as a contrasting option to hierarchical changes.¹⁰²

3.10 Titling of Forested Lands and Conflicts in Kenya

Titling of land has been linked to conflicts in Kenya. The issue of titles has often led to both inter-county and cross-county conflicts among communities and even individuals.

3.10.1 Multiple Ownership Conflicts

Most often are cases where two titles are given to different people or groups for the same parcel of forest lands. Such conflicts always result into evictions and court cases. Other conflicts arise out of transfer of titles from alleged owners who already sold away lands to

¹⁰¹ Available at http://www.fig.net/pub/fig2011/ppt/ts07a/ts07a_muggenhuber_navratil_et_al_5112_ppt.pdf, (accessed on 08/08/2014).

¹⁰² 226 Chapter 30, "Real Estate: Land registration in Ontario," *Law Society of Upper Canada*, pp. 453-455.

different entities. In such cases, same piece of forest land may be sold to different people who all claim ownership, thus raising conflicts.

3.10.2 Titling and Conflicts due to Politics of Alienation

Political nature of titling has also brought conflicts in Kenya. In some areas the political classes have delivered titles to presumed owners some of whom were later found to have lost entitlement to the land. In other cases, fake titles, annulled by law courts, were issued which could not guarantee security. Again skewed process of issue where some regions received while politically marginalized areas did not get has often led to conflict.

3.11 Conclusion

This chapter has effectively followed the historical backdrop of land registration in Kenya and distinguished the different difficulties experienced under the use of the different statutes administering land registration and titling in Kenya. The presentation of the Land Registration Act 2012 as the single law to control the registration of title to land in Kenya and to supplant the different statutes like the Land Titles Act Cap 282 beforehand pertinent to the land inside the ten mile Coastal strip and the Registration of Titles Act Cap 281, prior controlling properties studied under exact limits, the Registered Land Act Cap 300 some time ago appropriate to most country properties reviewed under general limits and around couple of urban properties overviewed under the settled limit arrangements of the Act, the Indian Transfer of Property Act 1882 and the Government Lands Act Cap 280, in Kenya has turned out to be as powerful as was examined.

Indeed, even after its presentation the shortcomings recognized under the before administration on registration stay uncertain because of difficulties in the usage of the new law and other specialized components. Registration of title to land in Kenya prior done and Title deeds issued under the previous administration keep on being substantial despite the new laws. The utilization of this law looked to accomplish a uniform land registration framework and issuance of titles under a uniform administration. The following chapter takes a gander at the Land Registration Act 2012 with the point of looking at its viability in accomplishing its target of reexamining, solidifying and justifying the registration of titles to land, to offer impact to the standards and objects of lapsed government in land registration.

CHAPTER FOUR

REGULATIONS ON FORESTED LANDS AND CONFLICTS

4.1 Introduction

The thought on forested land administration alludes to the procedure of enunciation, definition, establishments, enactment, controls, rules, organization and execution of arrangements, rights and commands and practices for a feasible administration of woods at neighborhood or national levels¹⁰³. These empower the far reaching theme and applicable approaches identified with woods administration.

Verbalization Failure inside a far reaching woodland administration strategy may add to pitiful levels of responsibility, absence of value, straightforwardness and furthermore coordination deficiencies crosswise over different parts and government levels. The timberland administration has been encountering such destiny in Kenya. In the previous decades, poor backwoods administration has added to enormous deforestation and corruption because of cultivating exercises which has prompted debasement. Kenya had a vigorous woodland cover in 1963 when it got autonomy, it is assessed that the backwoods cover remained at roughly 11%¹⁰⁴.

The examination additionally noticed that Kenya did not have a forested land legitimate structure preceding 2007 specifically sessional paper. The investigation

¹⁰³Mathu W. (2007) Forest Law Enforcement and Governance in Kenya. A Paper prepared for the East Africa Community-led regional process in the framework of the Ministerial Declaration, Yaounde, Cameroon, October 16, 2003 on the East Africa Law Enforcement and Governance (AFLEG).

¹⁰⁴Food and Agricultural Organization. 2010. p. 10.

additionally noticed that the principle reference point as far as administration enunciation on woodland area was a draft arrangement which was produced amid the second 50% of the 2000s. On the other hand, the examination likewise takes note of that one could include a two page scrappy Forest Policy of 1968 that has up to this point gone into an obscurity or out of date quality. The natural impacts in 2000s prompted an across the board public worries in respect forested land cover misfortune. So as to enhance backwoods administration there was a reception of refreshing and modification of both the woodland cover approach and lawful structures with a specific end goal to counteract natural debasement and timberland obliteration by agriculturists and human settlements. In 2007 both the reconsidered Forests Policy and Forest Act 2005 and the came into full usage.¹⁰⁵

The making of another establishment Kenya Forest Service to supplant Department of woods is one of transcendent highlights of the modified arrangement and Act. What's more is additionally accommodates new advantages sharing, enhanced common society engagement, and perceiving the imperative orders of forested land cover on manageable advancement and vocations. There is a continuous update of Forest Policy 2007 and Forest Act 2005 to be in accordance with the sanctioned 2010 constitution. There are additionally on-going backup revisions and standards of operations and legitimate systems expected to appropriately acknowledge usage on the procedure being framed. The examination additionally takes note of that Kenya Forest's administration can likewise be enhanced by

¹⁰⁵Government of Kenya. 2010. REDD Readiness Preparation Proposal Annex. Nairobi: Government of Kenya.

taking note of striking or inconspicuous issues confronting the division as visualized inside the constitution and various sectoral arrangements and enactments.

4.2 Draft Forest Policy and Conflict

Improvement of the woods division in accommodating social, financial and natural administrations and products are the key points of the *Draft Sessional Paper No. 1 of 2007 on Forest Policy*. Despite the fact that it features various goals, the most two cardinal ones include: making of work and jobs enhancements through reasonable utilize, empowering of timberlands commitments to neediness mitigations and protection and administration of trees and woods. Also, Communal interest advancement and connecting with partners in basic leadership and woods administration. The investigation likewise takes note of that until now, the backwoods foundations has been in consistent conflict between woods adjoining groups and timberland officers over infringement into woodland land assets.

The examination noticed that the particular goals of the strategy which has been changed are:

- i. Contribute to work creation, neediness mitigation and business change through reasonable utilization, administration and transformation of woods and trees;
- ii. Secondly, commitment of supportable land utilization through water, biodiversity and soil preservation;
- iii. Thirdly, advancement of woodland administration by groups, private areas and partners with a specific end goal to upgrade protection of water catchment districts, make openings for work, destitution lessening and guaranteeing maintainability of the backwoods division;

- iv. Fourthly the investigation takes note of that, there ought to be advancement of homestead ranger service to produce wood fuel, timber among other woodland items
- v. Fifthly, promotion of wood fuel and supplying wood and non-woods products by utilizing dry lands
- vi. Sixthly, there is a need to enable farmers and other key stakeholders through forest extensions in order to get certain benefits from forest management and technological enhancements
- vii. Finally, there is a need to training and education through investment in forest research in order to promote a formidable forest sector

4.3 The Kenya National Biodiversity Strategy and Action Plan (NBSAP)

As indicated by this examination NBSAP has a key order in tending to national and worldwide endeavors of the Convention on Biodiversity (CBD). It traces the national lawful structure of activity concerning the usage of the tradition to certify that the rate of biodiversity misfortune is turned around and that the natural assets levels are kept up levels which are manageable to family. The investigation takes note of that greater part of the activity zones noted by the legitimate systems are exceptionally touchy to REDD+ since shape relationship to secure and monitor living spaces of biodiversity which are altogether influenced backwoods. The examination additionally takes note of that inside the procedure, a portion of the key issues set apart for activity involve preservation inside the secured ranges, debased environments, semi-dry regions, debilitated and outsider species, indigenous frameworks, hereditarily altered living beings and information.

Other key concern tended to by the activity design involves biodiversity administration, for example, motivating force measures, preparing and research, horticultural biodiversity, arrangement and enactment, neediness, affect appraisal, access to hereditary assets, public training and mindfulness, institutional limits, specialized and logical co-operation, data trade, money related assets and biotechnology.¹⁰⁶

4.4 The Constitution and Rights to Land

The Constitution of Kenya 2010 has totally changed the nation's social, political and monetary setting. It modifies Kenya from centralization to decentralization through degenerated province governments with a point of guaranteeing measure up to dispersion of assets and great administration. Furthermore it likewise takes into account dynamic and imaginative arrangements on Kenya advancement regions running from land, human rights and administration of condition.

4.5 Environment and Natural Resources in the Constitution

As per the Kenyan Constitution (Chapter V¹⁰⁷), the second part handles issues relating to regular assets and condition. It features the order of the national government respect to different issues identified with condition. National government strategies on ecological protection and normal assets has likewise been visualized inside the new constitution including devolution of ranger service capacities to the region or degenerated government. As indicated by Article 69 it expresses that the state might improve supportable abuse,

¹⁰⁶CBD is an international legally binding treaty. The objective is to develop national strategies for the conservation and sustainable use of biological diversity

¹⁰⁷Constitution of Kenya 2010

administration, usage and administration of the normal assets and condition and furthermore guaranteeing gathering benefits are shared similarly. The Act likewise stipulates that the state should work so as to accomplish and keep up tree fronts of no less than 10% of the land range of Kenya and use of the normal assets and condition for the need of Kenyan individuals. It is additionally the obligation of each person to coordinate with key state organs and different people to moderate and protect natural concerns and improve practical biological advancement and use of characteristic assets.

It is upon the public in Kenya to bring legitimate activity, in the matter of regardless of whether an individual has endured straightforwardly singular misfortune or some damage from exclusion or activity of the litigant with respect to ecological issues. As of late, the public in Kenya needed *loci standi* on natural issues and could most likely not lawfully hamper the endeavors of the state and non-governmental bodies. This unmistakably significance of the government on ecological preservation and assurance in Kenya.

The investigation likewise settled that the new constitution not just champions to rearrange Kenya into a majority rule and present day state however too sets up clear legitimate measures to obtain this want. Moreover, point by point treatment is given to the standards and qualities that ought to control the operations of all elements inside the state as indicated by Article 10 of the new constitution. Especially inside the procedure of established execution, translating, receiving and utilization of any law or strategy, bearing is given on the need to hold fast to national standards and qualities. Then again, standards,

for example, lead of law, sexual orientation uniformity advocates for manageable advancement contemplations to be embraced.

The constitution has ordered the drive towards supportability, national objective and sacred by introducing economical advancement among the substance of key national esteems. On issue in regards to ecological security issues, there are four articles stipulated inside the 2010 constitution which tries to address the same, notwithstanding permitting people gain legitimate change in circumstances where there is encroachment of natural rights. Besides, it is delineated in Article 69 on the government commitments as to ecological issues 'that the state has the sole order of guaranteeing sustainable misuse, a management, usage and protection of the common assets and condition in guaranteeing sharing similarly of the collected advantages.

These involves devolution and sharing of energy, (i) objectivity and fair-mindedness in basic leadership, (ii) the administer of law, (iii) support and majority rule government of the general population, (iv) value, (v) responsibility, straightforwardness and trustworthiness, (vi) acknowledgment, characterizing, insurance and requirement of human rights, (vii) data access, (vii) and (viii) guaranteeing that choices are not dictated by nepotism, preference, or other pointless thought processes or practices which are corruption.¹⁰⁸ This benefits a strong establishment – and a sort of speedy basic – to better the administration conditions additionally inside the woods part. The Environment and Land Court was made by Act Number 19 of 2011 in accordance with Article 162 (2) b of

¹⁰⁸Ibid Article 10

the Constitution of Kenya 2010, as a prevalent court of record with both unique and redrafting locale to hear issues identifying with nature and the utilization, title to land and occupation.¹⁰⁹ Various standards will manage the court including the standards of land approach, reasonable advancement and preparatory standards with respect to the standards of legal expert; the national standards and estimations of administration; and the standards and qualities identifying with public administration.¹¹⁰

4.6 Conclusions

It is concluded that various regulations regarding forested lands have formed basis for conservation and utilization of forested lands. However, some of such regulations have been found to infringe on cultural and community rights to land. Cultural practices such as religion, hunting, gathering and settlements have always been in conflict with the law. It is important to know the extent to which this aspect of forested land occurs in the specific case of Kericho. The next chapter presents results from survey.

¹⁰⁹Environment and Land Act Number 19 of 2011 section 13 (a)

¹¹⁰Article 10(2) of the Constitution of Kenya 2010

CHAPTER FIVE
SUMMARY AND CONCLUSION

5.1 Introduction

This chapter presents data analysis, summary of key findings, discussions of the research as well as conclusions drawn from the same.

5.2 Data Analysis and Results

5.2.1 Socio-demographic Characteristics of Respondents

Table 1 shows disaggregation of sample and participants by strata. A total of 128 out of 136 respondents participated. Chi-square was 0.648 at $df=4$ and significance level was $p=0.04242$ shows that we are 99.959% confident that participants were representative of the sample.

Table 1: Sample size and participants

	Sample (E)	Participant s (O)	$(E-O)^2/E$
Political leaders (1 per constituency)	18	17	0.061
Religious leaders (1 per constituency)	18	17	0.061
Opinion leaders (4 per constituency)	70	68	0.083
Local administration (one per division)	44	42	0.092
Members of the community (1 per location)	249	240	0.352
Total	399	383	0.648

Figure 1 shows gender disaggregation of participants. About 62.66% were members of the community, 17.76% were opinion leaders, 10.97% were local administration and 4.33% of respondents were political leaders and religious leaders. Out of total participants about 47.97% were male while the rest were female.

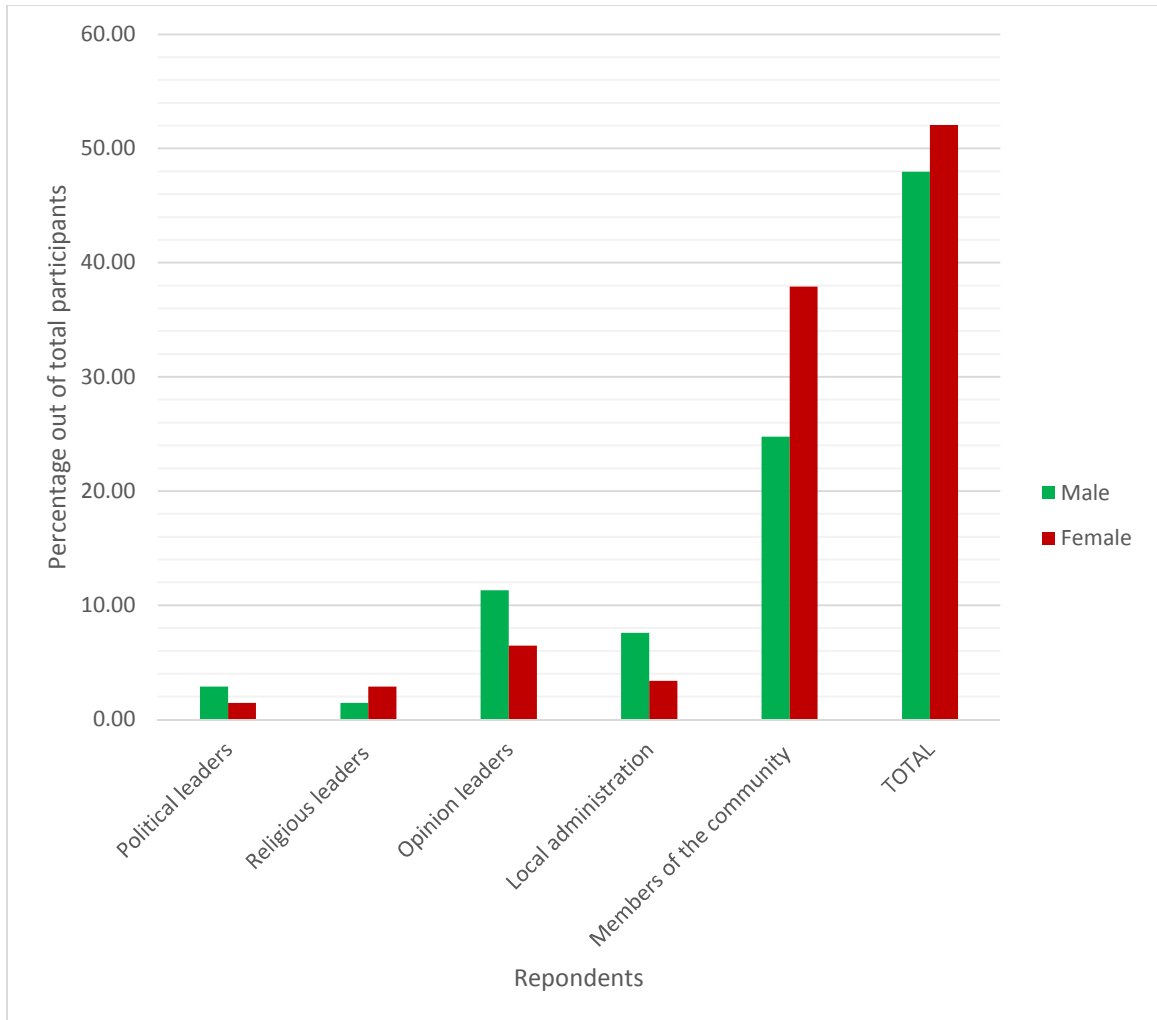


Figure 1: Respondent disaggregation

5.2.1. Causes and Prevalence of Forested Lands Conflict in Kenya

Results in Table 2 show that respondents agreed that scarcity of pastures (mean 4.00, s.d. 1.2247), competition for agricultural land (mean 4.00, s.d. 0.9798), rivalry of ownership (mean 3.86, s.d. 1.0679) and infringement of the essential human needs (mean 3.81, s.d. 0.9767) were causes of forested lands conflicts in Kericho County. They were however generally neutral to population dynamics as a cause of forested lands conflicts.

Table 2: Causes of forested lands conflicts in Kericho County

Question 1: To what extent do you agree that the following are the causes of forested land conflicts in Kericho County							
	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)	Mean	standard deviation
	% of respondents who rated						
Scarcity of pastures	4	12	15	18	51	4.00	1.2247
Competition for agricultural land	4	5	9	51	31	4.00	0.9798
Rivalry of ownership	2	11	20	33	34	3.86	1.0679
Infringement of the essential human needs	3	10	11	55	21	3.81	0.9767
Population dynamics	8	13	25	48	6	3.31	1.0367

Results in Table 3 show that 71% of the respondents either agreed or strongly agreed that Sigowet-Soin face forested land conflicts. About 68% and 48% had similar opinion for Kipkelion East and Kipkelion West, respectively. Descriptive statistics in the Table 1 shows that the respondents agreed that forested land conflicts are prevalent in Sigowet-Soin (mean 3.75, s.d. 0.9631), Kipkelion East (mean 3.69, s.d. 1.0459) and in Kipkelion West (mean 3.57, s.d. 0.8032). They were generally neutral concerning prevalence in Ainamoi, Belgut and Bureti. The standard deviation of responses were highest in respect to Kipkelion East and lowest for Kipkelion West. This showed that there was highest variability of opinions concerning Kipkelion East and lowest concerning Kipkelion West.

Table 3: Prevalence of forested land conflicts in Kericho County

Question 2: To what extent do you agree that the following areas of Kericho County are prone to forested land conflicts							
	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)	Mean	standard deviation
	% of respondents who rated						
Sigowet-Soin	3	9	17	52	19	3.75	0.9631
Kipkelion East	5	9	18	48	20	3.69	1.0459
Kipkelion West	1	2	51	31	15	3.57	0.8032
Ainamoi	3	28	34	29	6	3.07	0.9618
Belgut	10	22	41	24	3	2.88	0.9826
Bureti	8	33	42	16	1	2.69	0.8683

These findings corroborate literature about Kapwicker in Saruot Farm in Kipkelion¹¹¹. The conflicts in the areas trace back to colonial times during the rage of Mau Mau. Recent conflicts in Mau Forests about settlement and ownership of forest lands have been hitting the headlines of newspapers and environmental publications. The advent of land grabbing by Kalenjin ruling elites and other notorious land grabbers have also been a source of conflict identified in literature¹¹².

5.2.2 Relationship between Forested Lands and their Titling with Conflicts in Kenya

Results in Table 4 shows that the respondents generally agreed that politicized titling process (mean 4.04, s.d. 0.9478) and multiple title ownership (mean 3.96, s.d. 1.3185) were factors related to forested land conflicts in Kericho County. They were generally neutral concerning title registration process, registration system and National land titling policy. From the results it is clear that the variabilities of responses were highest for multiple title ownership (s.d. 1.3185) and lowest for title registration process (0.9171).

This finding concurs with the findings of Wakhungu, Nyukuri and Huggins who studied conflicts in Kenya arising from policies and titles.¹¹³

¹¹¹ Kimei, T. (2013). Hole under the hill: Re-discovering Van Wicker's 'lost cave'.

¹¹² Boone, Catherine. Land conflict and distributive politics in Kenya. *African Studies Review* Vol 55 No. 1 (2012) pp. 75-103.

¹¹³ Wakhungu, J., Nyukuri, E., & Huggins, C. (2008). Lands tenures and violent conflict in Kenya: In the context of local, national and regional legal and policy frameworks. In Consultative Conferences Proceedings Reports. Nairobi: African Centres for Technology Studies. http://www.landcoalition.org/pdf/ACTS_LandConflict_report.pdf

Table 4: Relationship between land titling and forested land conflict

Question 3: To what extent do you agree that the following factors connected to forested land titling are related to forested land conflicts in Kericho County							
	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)	Mean	Standard deviation
	% of respondents who rated						
Politicized titling process	4	3	10	51	32	4.04	0.9478
Multiple title ownership	8	10	11	20	51	3.96	1.3185
Title Registration Process	1	21	29	42	7	3.33	0.9171
Registration system	8	19	45	22	6	2.99	0.9848
National land titling policy	11	32	48	9	0	2.55	0.8047

Correlation of the characteristics in Table 5 were done in SPSS software where Kendall's tau, Spearman's rho, and Pearson's correlation coefficients were estimated at significance level of $p=0.01$. All the correlation coefficients were above 0.7 showing strong positive correlation between the factors. It is reported with 99% confidence that the characteristics are strongly positively correlated to each other.

Table 5: Correlation of land titling factors

			Title Registration Process	Registration system	National land titling policy	Multiple title ownership	Politicized titling process
Kendall's tau_b	Title	Correlation	1.000	.818(**)	.861(**)	.889(**)	.777(**)
		Coefficient					
		Sig. (2- tailed)	.	.000	.000	.000	.000
		N	100	100	100	100	100
	Registration system	Correlation	.818(**)	1.000	.791(**)	.792(**)	.861(**)
		Coefficient					
		Sig. (2- tailed)	.000	.	.000	.000	.000
		N	100	100	100	100	100
	National land titling policy	Correlation	.861(**)	.791(**)	1.000	.835(**)	.740(**)
		Coefficient					
		Sig. (2- tailed)	.000	.000	.	.000	.000
		N	100	100	100	100	100
	Multiple title ownership	Correlation	.889(**)	.792(**)	.835(**)	1.000	.768(**)
		Coefficient					
		Sig. (2- tailed)	.000	.000	.000	.	.000
		N	100	100	100	100	100
	Politicized titling process	Correlation	.777(**)	.861(**)	.740(**)	.768(**)	1.000
		Coefficient					
		Sig. (2- tailed)	.000	.000	.000	.000	.
		N	100	100	100	100	100

Spearman's rho	Title Registration Process	Correlation	1.000	.865(**)	.901(**)	.939(**)	.822(**)
		Coefficient					
		Sig. (2- tailed)	.	.000	.000	.000	.000
		N	100	100	100	100	100
	Registration system	Correlation	.865(**)	1.000	.834(**)	.842(**)	.900(**)
		Coefficient					
		Sig. (2- tailed)	.000	.	.000	.000	.000
		N	100	100	100	100	100
	National land titling policy	Correlation	.901(**)	.834(**)	1.000	.897(**)	.782(**)
		Coefficient					
		Sig. (2- tailed)	.000	.000	.	.000	.000
		N	100	100	100	100	100
	Multiple title ownership	Correlation	.939(**)	.842(**)	.897(**)	1.000	.805(**)
		Coefficient					
		Sig. (2- tailed)	.000	.000	.000	.	.000
		N	100	100	100	100	100
	Politicised titling process	Correlation	.822(**)	.900(**)	.782(**)	.805(**)	1.000
		Coefficient					
		Sig. (2- tailed)	.000	.000	.000	.000	.
		N	100	100	100	100	100

** Correlation is significant at the 0.01 level (2-tailed).

One sample t-test of the factors gave results shown in Table 6. Results show that politicized titling process (t=5.669) and multiple title ownership (t=3.471) had significant.

Table 6: One sample t-test for the means of the titling factors

	Test Value = 3.5					
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Politicized titling process	5.669	99	.000	.540	.35	.73
Multiple title ownership	3.471	99	.001	.460	.20	.72
Title Registration Process	-1.844	99	.068	-.170	-.35	.01
Registration system	-5.153	99	.000	-.510	-.71	-.31
National land titling policy	-11.747	99	.000	-.950	-1.11	-.79

The results corroborate findings of Bonne in Trans-Nzoia and found that there was no distributive justice in regard to titles.

5.3. Summary of the Findings

The following is a summary based on the study objectives through qualitative study analysis:

- i. Forested lands conflicts have been found in the area studied in the research. Areas covered by Mau Forest and tea growing zones have major conflicts arising from land practices such as deforestation, tea farming, settlement and land grabbing. This nature of resource conflicts is also seen in coastal regions of Boni, Mt Kenya Forest and Mt Elgon area of Sabaot, among others.

- ii. Land titling has been found to be related to resource based conflicts in the area studied. In most cases, the forested lands are owned by the government. Individuals have also encroached and some either have titles or are squatters. The process of land titling has been found to be a bone of contention and has assumed a political dimension.
- iii. Thirdly the research finds out that there are non-unified approaches to management of forested lands. The communities in the areas have their own approaches to the same. The government through each of its institutions such as the National Land Commission, the Kenya Forest Service and the Kenya Wildlife Service has varied approaches and policies towards management of forested lands.
- iv. The research takes note of that there is a need to decentralize the structures of Kenya Forest Service to relate with the province structure that has been standardized under the new constitution
- v. There are difficulties on feeble managerial linkages among asset proprietors, organization , instruction and woods research should be comprehended
- vi. Sixthly, the investigation takes note of that a demise of enough information and data relating to refreshed national inventories which addresses backwoods zones, yield and development, foundation criteria and pointers for a viable administration woods assessment, and unknown concurrence on meaning of timberlands.
- vii. Lastly, there is a requirement for lucidity on the linkages of Kenya backwoods administration and National Land Commission so as to blend command for timberland administration and consequences of forested land conflicts administration for good administration.

5.4 Discussion on the Findings

Prior to the sanctioning of the Land Registration Act 2012, registration of title to land in Kenya was portrayed by an assortment of statutes. Each of the overarching statutes had arrangements addressing registration. These statutes that did not give a basic, secure and effective registration framework, with the outcome that there was an unpredictable registration administration regularly prompting complex conveyancing rehearses, incapable practices, deception of titles and false dealings. For instance, under the LTA and the GLA there was a deed registration framework portrayed with numerous issues including worn out and ineligible registers, missing records and a mind boggling registration administration. Under the RTA and RLA, there were issues of guile of titles, deceitful titles and various limit debate in regard of the RLA because of the general limits.

As a result, the Land Registration Act 2012 was instituted to change, unite and excuse the registration of titles to land, and to offer impact to the standards and objects of decayed government in land registration. The LRA was intended to give a streamlined, secure and orchestrated registration administration. Be that as it may, the examination takes note of that while the LRA may have prevailing with regards to combining the registration statutes by perceiving the registers and titles under the revoked statutes, the solidification and harmonization has not upgraded productivity, straightforwardness and responsibility in land registration in Kenya. The LRA has changed the arrangements managing registration of title from the Statutes it was intended to fit and unite. There is along these lines a continuation of the old, wasteful and complex registration administration that was covered with the difficulties featured previously. It is therefore that the examination looked

to inspect the arrangements of the LRA to think of recommendations of making the registration framework more basic, secure and productive. The investigation has likewise tried to confine existing lacunas in the law and propose methods for managing them.

For motivations behind this investigation, harmonization of registration laws was conceptualized as the evacuation of irregularities in law and moving towards accomplishing a solitary national uniform law, to the extent land registration is concerned. As per assessed writing, harmonization should bring about one enroll whose reason for existing is to examine and discover the lawful rights or commitments related with a specific land package or parcel. One need just assess the enlist. This is however impractical under the LRA. The law has not accomplished the objective of having an entire and complete focal public enroll, managed by an incorporated public specialist and accessible for public assessment with the goal that community certainty could rest in the enlist and its honesty. Aside from that shortcoming, and in view of best practices from different purviews the investigation finds that the registration administration in Kenya can profit in the accompanying ways:

As observed from the Austrian cadastre framework, there will be requirement for clear conveyance of obligations for cadastral issues. The law ought to accommodate the outsourcing of the cadastral business related to property reviews. One of the insider facts of the most temperate framework is the automatic associations with all around characterized duties, administering the private business in land reviewing. Outsourcing is viewed as beneficial in that it empowers the government to lessen costs for a particular

cadastre and land registration framework and load the weight of expenses to those subjects and people who truly claim land as to abstain from having every national contributing with his citizens cash for things which are of any enthusiasm to them as they don't have land property.

In the Kenyan setting there will be requirement for a cadastre as a major aspect of the national foundation through e-government. Selection of new advancements / approaches for information procurement, converge of all establishments managing cadastral issues, for example, military mapping, cadastral and geodetic looking over is likewise considered as a best practice in land organization. Kenya can likewise gain from the Austrian land organization framework the advantages that can be gotten from institutionalization of procedures and items. For example, there is requirement for the digitization of procedures in land registries in order to connect the conventional institutional boundaries and support cross-authoritative procedures as an other option to hierarchical changes.

From the contextual analyses examined in this work, it is additionally obvious that titles are as a rule routinely put away in computerized design and in many purviews laws have been ordered to give evidential weight to advanced media and to take into consideration the electronic accommodation of electronic information in court. In Ontario, the enlist is mechanized and gotten to electronically. Through enactment, Ontario has wiped out the paper alternative and now all financing articulations are required to be in the electronic organization endorsed by the recorder. Ontario quit issuing title endorsements in

the 1970s under its title registration frameworks in light of the fact that these authentications are seen progressively to be a hazard if lost and pointless by and by. This ought to be the approach to limit extortion in land registration.

Also, the law of proof in Kenya as of now permits the confirmation of electronic proof. There is likewise requirement for Kenya to move towards expanded remote information get to which empowers the registration of exchanges and dealings in land. This would encourage crafted by licensed land operators, for example, attorneys and surveyors and aid upkeep of the essential registries and guide bases. The other pattern in created purviews is the expanded association of the private segment in components of the procedure. This is basic and fundamental in expanding contribution from land registries. For instance, the part of the private area in information catch that is cadastral overviews and exchanges (legal counselors, surveyors and land operators) has been fortified, yet obligation regarding general organization and administration of the land framework and honesty of center information has for the most part stayed as the part of the State.

5.5 Conclusion

In view of the expansion of the noteworthiness of land related conflicts inside the rustic territories in Kenya, the investigation has basically analyzed land conflict determinants and the assessed impact of such conflicts as to include application by using review discoveries of 897 family units inside Central and Western districts in Kenya. The discoveries demonstrates that the family unit tested have hugely land conflicts pending on 4% of their bundles and are worried about conceivable future conflicts on over 9% of their land

packages. Because of the land registration framework in Kenya being further developed, the examination noticed that near 80% of the packages of land claimed in our information have really been enrolled. Negligent of the land registration larger part of the registrations are obsolete because of the disregard of the land proprietors to refresh them because of extreme registration tolls or local land conflicts emerging from relatives over possession. Concerns have been raised among accepted landowners on obsolete titles with respect to conceivable future conflicts. For instance, in situations where titles are enlisted under the accreditations of guardians who are perished, the examination finds that youngsters who furrow the packages are more stressed over approaching forested land conflicts on around 20% of the acquired bundles of lands. The examination additionally takes note of that it ought not be reasoned that by having land titles does not imply that the land tenure is secure. The investigation likewise settled that registration of land distributes the names of perished spouses; dowagers are 12% more prone to have pending land conflicts than the individuals who have title deeds.

In the current past there has been various proposition which looks to enable land possession rights ladies and dowagers when all is said in done, the detailing and execution of such arrangements into beneficiary practicability must bode well into the neighborhood traditions. Nonetheless it isn't prudent to force a lawful land possession structure that gives responsibility for because of the way that the directions may elevate conflicts towards ladies, or diminish, from impression of spouse relatives who fear losing their tribal land. This is in accordance with the discoveries of Deininger and Castagnini (2005) in Uganda. In specific conditions reasonable measures with the sole objective of upgrading land tenure

practices may unexpectedly prompt social polarization and land conflicts (Atwood, 1990; Pinckney and Kimuyu, 1994). The examination builds up pending land conflicts and grievances about conceivable future conflicts decreasing natural compost application essentially as to the impacts of land conflicts on the ranches inputs. The discoveries demonstrates an abatement of natural compost application with more than 30% when there are approaching forested land related conflicts.

There is a critical negative effect concerning legacy and ousting on natural composts applications. These discoveries make proposals that approaching land conflicts ought to be agreeably routed to maintain forested land quality. On connection to forested land conflict determination, the examination sets up that people make plans to casual organizations to understand land related conflicts and furthermore to other formal foundations in situations where casual discover challenges in settling the forested land related conflicts. The estimation finding additionally prescribes estimation results to propose that they are insignificant approaching conflicts in groups with larger part of seniors. Henceforth, it is principal, to have some acknowledgment on the capacity of the nearby casual organizations and illumination on the institutional orders of different establishments. What's more, nonappearance of lucidity of institutional orders may be used by capable people and may have adverse consequences for value.

5.6 Recommendations

There have been impressive endeavors in woods administration in Kenya inside the previous couple of years. Careless of this there are some significant snags and endeavors required especially with respect to protect forested lands and address conflicts. Quick measures should be set up to give a reasonable bearings which will aid quick racking forest land management and changes which would guarantee that no infringement happens. There is a need to reexamine the Forest Act with respect to the new constitution in Kenya and execute stringent Forest administration strategies. Alternately there is a need to finish and embrace the National Environment Policy in Kenya. A portion of the suggested arrangements, lawful components and institutional structure to empower institutions and communities achievement involves: and preparation and pushing for an incorporation of specific clear arrangements on the strategies that fit legitimate systems and strategies start with the laws that are presently experiencing survey, for example, the arrangement on the Forest Act, National natural strategy and Forest approach.

On the other hand, there should particular enactment yet set up to make management of forested lands in Kenya:

- i. Firstly, the investigation prescribes that there ought to be arrangement of authoritative structure for interest of the public and drawing in of non-state performing artists enveloping common society, private area and country groups' woodland subordinate inside timberland administration and other characteristic assets;

- ii. Secondly, there ought to be elucidation of the orders and parts of all the timberland area organizations with a specific end goal to maintain a strategic distance from ambiguity and covers. For instance, the legitimate structures ought to give definition on Kenya Forest Service (KFS) degree as far as parts in administration of timberland that are classified as common land and the order of the National Land Commission in improving woodland preservation. In a perfect world, arrangement of foremost open door for justifying establishments commands and reacting to absence of lucidity on specific parts has been influenced less demanding by the development of Ministry of Environment, to water and Natural Resources. With respect to common assets administration at nearby levels, the affiliations shaped because of water (WRUAs) and backwoods (CFAs) can be converged keeping in mind the end goal to avoid duplication, disregard and turf wars.
- iii. Thirdly, tenets should exist on Forest administration Agreements between Kenya Forest Services and other key parts. This will guarantee smooth usage.
- iv. Fourthly, the investigation prescribes that timberland information base and component for sharing data ought to be received which ought to likewise involve national woods stock.
- v. Fifthly, there ought to be a participatory procedure in foundation of a meaning of timberlands in Kenya
- vi. Sixthly, with respect to supportable backwoods administration there ought to be a very much characterized Kenyan Criteria and Indicators
- vii. Lastly this examination suggests that there ought to be finish and establishment of lawful structures or laws with respect to community land in parliament. It is

reasonable of the enactments to compactly characterize Community Land and Community. As of now visualized in the constitution it needs some illumination and definition in a way that improves union among assorted ethnicity.

- viii. Finally the examination prescribes that the common land controls ought to advance the support of standard right holders in the procedures and shield their land rights to upgrade sharing of advantages. This examination additionally calls upon the law to prescribe or really revoke the evaluating of the Trust Land Act. It should likewise put into thought the deftness of the standard tenures and the order the standard tenure can execute in defending and rationing of timberlands.

BIBLIOGRAPHY

Books

Buzan, Barry. *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (London: Harvester Wheatsheaf, 1991).

Berry, S. *Debating the land question in Africa. Comparative Studies in Society and History* (2002).

Bruce, J. & Migot-Adholla. *Searching for land tenure security in Africa*. (Washington D.C., World Bank and Kendal/Hunt, 1994).

Cotula, L., Toulmin, C. & Hesse, C. *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues* (International Institute for Environment and Development, London, 2004).

Deininger, K. *Land Policies for Growth and Poverty Reduction: A World Bank Policy Research Report* (Oxford and New York: World Bank and Oxford University Press, 2003)

Ely, R. T. And George, S. W. *Land Economics* (University of Wisconsin Press, Macmillan, 1964).

Gurr, Ted. R. . *People Against States: Ethno-political Conflict and the Changing Worlds* (1994).

Norton-Griffiths. *Land Conversion in Kenya*, (CSERGE, University College, London, 2002).

Maslow. *Human resource management*. 12th Edition. (Singapore: Thomson Learning Academic, 2008)

- Migdal Joel S. *State in Society. Studying how States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001).
- Ogolla B D with Mugabe J. *Land Tenure Systems, In Land We Trust*; (Nairobi: Initiative Publishers, 1996).
- Ondiege P. *Land Tenure and Soil conservation : In Land we Trust* , (Nairobi: Initiatives Publishers, 2013).
- Okoua-Bennun & Mwangi A. M. *Land Tenure and Forest Resources: In Land We Trust* (Nairobi: Initiative Publishers, 1996).
- Okuro, S. O. *The Land Question in Kenya: The Place of Land Tribunals in the Land Reform Process in Kombewa Division.* (Kampala: The Codesria General Assembly, 2002).
- Okoth-Ogendo. *Tenants of the Crown: Evaluation of Agrarian Law and Institutions in Kenya* (Nairobi: African Centre for Technology Studies, 1991).
- Johnson, V. W. (1954) *Land Problems and Policies*, (New York: McGraw-Hill, 1954)
- Renne, R. R. *Lands Economics*, 2nd Edition (New York: Harper and Row, 1958).
- United Nations. *United Nations Millennium Declarations*, (New York: National Graduate Institute for Policy Studies, 2000).
- Wanjala S. *Essays on Land Law: The Reforms Debates in Kenya* (Nairobi: University of Nairobi, 2015)
- Wanyeki, L.M. *Women and Lands in Africa: Culture, Religions and Realizing Women's Rights* (London: Zed Books, 2003)
- Wooldridge, J. W. *Econometrics Analysis of Cross Sections and Panel Data.* (Cambridge, Massachusetts: The MIT Press, 2002).

- Wily L. A., Mbaya S. *The impacts of lands relations on the roles of communities in forest future; Land Peoples and Forests at the beginning of the 21st century*. (Nairobi: IUCN, 2001).
- Williams, K. B, Elizabeth, J. and Mike (2000) *Achieving Sustainable Urban Form* (London: Spon Press, 2000).
- M. Mghanga. *Usipoziba Ufa Utajenga Ukuta: Lands, Elections, And Conflicts In Kenya's Coast Province*, (Heinrich Böll Stiftung, East and Horn of Africa, 2010)
- World Bank. *Lands Policies for Growth and Poverty Reductions, Publications for* (World Bank and Oxford University Press, 2003)
- Yamano, T., Sserunkuuma, D., Otsuka, K., Omiat, G., Ainembabazi, J. H., Shimamura, A. Y. *The 2003 REPEAT Survey in Uganda: Results*. (Kampala: FASID, 2004).
- Shipton. 1998. *The Kenya lands tenures reforms: misunderstandings in the public creation of private property* in R.E. Downs and S.P. Reyna (eds.) *Land and Society in Contemporary Africa* (Hanover and London, University Press of New England, (1998).
- International Lands Coalitions. *Importance of Land Resources in Achieving the MDGs*, (Rome: United Nations, 2000).

Journals

- Andersson, J. (1999). 'The Politics of Lands Scarcity: Lands Disputes in Save Communal Areas, Zimbabwe.' *Journals of Southern African Studies* 25(4): 553-78.
- Jayne, T.S., T. Yamano, M.T. Weber, D. Tschirley, R. Benfica, A. Chapoto, and B. Zulu. 2003. 'Smallholders income and lands distribution in Africa: implications for poverty reduction strategies.' *Food Policy*, Vol 28, (2003) pp 253-275.
- Deininger, K., and R. Castagnini. 2005. 'Incidence and impact of land conflict in Uganda.' *Journals of Economics Behavior and Organization*, forthcoming.
- Andre, C., Platteaus, J.-P. 'Lands Relations under Unbearable Stresses: Rwanda Caught in the Malthusians Traps.' *Journals of Economics Behaviors & Organizations*, Vol 34 (2012) pp 1-47.
- Jacoby, H. G., Mintens, B. 'Is Lands Titlings in Sub-Saharan Africa Cost-effective? Evidences from Madagascar.' *World Banks Economics Reviews*, Vol 21, No. 3 (2007) pp 461-485.
- Atwood, D.A. 1991. 'Lands registrations in Africa: The impacts on agricultural production.' *World Development* , Vol 18 No. 5 (1991) pp 659-71.
- Boku, T. & Irwin B. 'Traditional Institutions, Multiple Stakeholders and Modern Perspectives in Common Property: Accompanying change within Borana Pastoral Systems.' *Securing the Commons* No. 4 (2003) pp. 1-47
- Musembi, C. N. & P. Kameri-Mbote, P. 'Mobility, Marginality and Tenure Transformation in Kenya: Explorations of Community Property Rights in Laws and Practices.' *Nomadic Peoples* Vol. 17 No. 1 (2013).

- M. Park, et al., 'Orchestrating a harmonious system.' *Victorian Law Institute Journal*. Vol 83 No. 5 (2009).
- Otsuka, K. 'Why cannot we transform traditionally agricultural systems in Sub-Saharan Africa?' *Reviews of Agricultural Economics*, Vol 28 No. 31 (2006) pp. 3321-3371.
- Place, F., Hazell, P. 'Productivity effects of indigenous land tenure systems in Sub-Saharan Africa. *American Journal of Agricultural Economics*. Vol 75 No. 11 (1993) pp. 101-19.
- Pinckney, T., & Kimuyu, P. 1994. 'Land Tenure Reforms in East Africa: Good, Bad, or Unimportant?' *Journals of African Economies*, Vol 3 No. 1 (1994) pp. 1-28.
- Peters, P. (2004). 'Inequality and Social Conflict Over Land in Africa.' *Journal of Agrarian Change* Vol 4 No. 3 (2004) pp269-314.
- Blocher, J. 'Building on Customs: Land Tenure Policy and Economic Developments in Ghana.' *Yale Human Rights & Development Journal* Vol IX, (2006).
- Zevenbergen, J. 'A Systems Approach to Land Registrations and Cadastre,' *Nordic Journal of Surveying and Real Estate Research* Vol 1 (2004)
- Migot-Adholla, S., and F. Place. 1998. 'The economic effects of land registrations on smallholder farms in Kenya: evidence from Nyeri and Kakamega districts.' *Land Economics*, Vol 74 No. 1 (1998) pp. 360-373.
- K. Kanyinga, 'Struggles of Access to lands. The 'Squatter Question' in Coastal Kenya' *Danish Institute for International Studies*, CDR Working Paper 98.7, June 1998, available at <http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/4484/Kanyinga.pdf?sequence=1> [Accessed on 7 April, 2014]

Internet Sources

Africa,' available at <http://pubs.iied.org/pdfs/7405IIED.pdf> [Accessed on 28/09/2014]. M.

Sims, "Registration Systems: Back to Basics," available at

http://www.millerthomson.com/assets/files/article_attachments/Registration_Systems_Back_to_Basics.pdf, (accessed on 12/08/2014).

J. Kieyah & R. K. Nyaga, "Lands Reforms and Poverty in Kenya," *GDN Working Paper Series*, Workings Paper No. 17, September 2009.

P. Veit, "History of Lands Conflicts In Kenya" - Focus on Lands in Africa Briefs, March 2011, pp.2-4, available at

www.focusonland.com/download/52076c59cca75/[Accessed on 7 April,2014]

Beglan, M. "The Registry of Deeds – records to trace your family history," available at

<http://www.eneclann.ie/NLI-Lectures/MaryBeglan.pdf>, (accessed on 20/04/2014)

Burns, T. *et al.*, 'Lands Administration Reforms: Indicators of Success, Futures

Challenges,' Lands Admin Reforms Finals Draft May2007, Available at

<http://www.doc88.com/p-917851193287.html>, (accessed on 15/08/2014).

Delville P. L., 'Harmonising Formals Laws and Customary Land Rights in French-Speaking West

Hanstad, T. "Designing Lands Registrations Systems for Developing Countries,"

American University International Law Review 13, No. 3 (1998): 647-703.

Ogalo, G. O. 'GPS in Cadastres: A Case Study of Kenya,' available at

https://www.fig.net/news/fig_2002/congress_prize_ogalo.pdf, (accessed on 27/04/2014).

- Sittie, R. 'Lands Titles Registrations: The Ghanaian Experience', available at https://www.fig.net/pub/fig2006/papers/ps07/ps07_15_sittie_0848.pdf, (accessed on 15/04/2014).
- Syagga, P. "Public Land, Historical Land Injustices and the new Constitution," available at <http://www.sidint.net/docs/WP9.pdf>, (accessed on 14/04/2014).
- Tuladhar, A.M. 'Reengineering Cadastre and Land Registration Systems and Business Opportunities', FIG Working Week, 2003, Paris, France, April 13-17, 2003, Available at www.eurocadastre.org/pdf/tuladharm.pdf, (accessed on 16/08/2014).
- Zevenbergen, J. (2014). "Systems of Lands Registrations: Aspects and Effects" available at <http://www.ncgeo.nl/phocadownload/51Zevenbergen.pdf>, (accessed on 15/04/2014).
- Lentz, C. (2002). Contested Boundaries:decentralization and land conflicts in northwestern Ghana. APAD Conference, Institute for Ethnologie und Afrika Studien,Universitat Mainz.

Conference Papers

- Daudeline, J. 2002. Land as a source of conflict and in post-conflict settlement (World Bank Regional Workshop on Land Issues in Africa and the Middle East, April 29-May 2, 2002, Kampala, Uganda).

Reports

- Government of Kenya, *Report on the Commission of Inquiry into Land Law Systems in Kenya on Principles of a National Land Policy Framework, Constitutional Position of Land and New Institutional Framework for Land Administration* (Government Printer Nairobi, 2002)

Drimie, S. 2002. "HIV/AIDS and Lands: Case Studies from Kenya, Lesotho, and South Africa," report, Human Science Research Council, Pretoria, South Africa.

Republics of Kenya, *Sessional Papers No. 3 of 2009 on Nationals Lands Policy* (Nairobi : Government Printers, 2009)

Swynnertons, R.J.M, "A Plans too Intensify the Developments of Africans Agriculture in Kenya," (Colony of Kenya, 1955)

Laws and Statutes

Constitution of Kenya, 2010

Environment and Land Court Act, 2011 No. 19 of 2011

Evidence Act, Cap. 80, Laws of Kenya

Government Lands Act Cap. 280, Laws of Kenya (Repealed)

Land Consolidation Act, Cap. 283

Land (Group Representatives) Act, Cap. 287

Land Act, Act No.6 of 2012

Land Adjudication Act, Cap. 284

Land Registration Act, Act No. 3 of 2012

Land Titles Act , Cap. 282, Laws of Kenya (Repealed)

National Land Commission Act, No. 5 of 2012

Registered Land Act Cap 300, Laws of Kenya (Repealed)

Registration of Titles Act Cap 281, Laws of Kenya (Repealed)

Trust Land Act, Cap. 288

Wayleaves Act Cap. 292, Laws of Kenya (Repealed)

APPENDICES

Appendix I: Questionnaire

This questionnaire is to collect information regarding forested lands and conflicts in Kericho County. It is intended to be used to help in research for academic purposes and to help highlight an aspect that can help in policy and governance. Your contribution is important to enable the researcher get insights into the matter. Kindly answer all the questions in both sections A and B.

A. Socio-demographic information

1. Sub-county of residence (Tick one)

- i. Ainamoi
- ii. Belgut
- iii. Bureti
- iv. Kipkelion East
- v. Kipkelion West
- vi. Sigowet-Soin

2. Location of residence

3. Gender (Tick one)

- Male
- Female

4. Position in Community

- i. Religious leader
- ii. Political leader
- iii. Opinion leader

- iv. Local administrator
- v. Member of the community

B. Questions

Question 1: To what extent do you agree that the following are the causes of forested land conflicts in Kericho County (Tick one that applies to your opinion per row)					
Causes of forested land conflicts	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)
Scarcity of pastures					
Competition for agricultural land					
Rivalry of ownership					
Infringement of the essential human needs					
Population dynamics					
Question 2: To what extent do you agree that the following areas of Kericho County are prone to forested land conflicts					
Sub-county	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)
Sigowet-Soin					
Kipkelion East					
Kipkelion West					

Ainamoi					
Belgut					
Bureti					
<p>Question 3: To what extent do you agree that the following factors connected to forested land titling are related to forested land conflicts in Kericho County (Tick one that applies to your opinion per row)</p>					
	Strongly Disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly agree (5)
Land titling					
Politicized titling process					
Multiple title ownership					
Title Registration Process					
Registration system					
National land titling policy					

4. In your own opinion, what other factors explain the relationship between changes forested land practices and resource conflicts in Kericho County

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5. In your own opinion, what measures should be put in place to address resource conflicts as a result of changes forested land practices in Kericho County

.....

.....

Thank You

Appendix II: Research Work Plan

Activity / Time	June 2017	June 2017	July 2017	Aug 2017	Sept 2017	Sept 2017	Dec 2017
Developing draft proposal							
Writing final Proposal							
Preparation of instruments							
Proposal defense							
Pre-testing instruments and data collection (fieldwork)							
Editing and processing of data							
Analysis of data							
Report writing							
Project Defense							
Final report writing and submission							
Graduation							

Appendix III: Budget

S/N	ITEMS	QUANTITY	UNIT COST(KSH)	TOTAL COST(KSH)
I	Reams of printing papers	5	400	2000
	Pens	5	20	100
	Notebook	1	100	100
	Folder	1	100	100
	Laptop	1	60,000	60,000
	Flash disk	1	1000	1,000
II	Scientific Calculator	1	1200	1,200
	Developing and photocopying of questionnaires	400 copies	1300	1,300
	Travelling accommodation and literature search	1 person	80,000	80,000
	Internet services		10,000	10,000
III	Thesis typesetting and printing	100 pages	30 per page	3,000
	Photocopying	5 copies	300 per copy	1,500
	Binding	5 copies	100 per copy	500
TOTAL				163,800

Source: Self Sponsored