

THE ROLE OF LAND TENURE REFORM IN AGRARIAN DEVELOPMENT:
A CASE STUDY OF GITHUNGURI DIVISION OF KIAMBU DISTRICT.

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BY

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NAIROBI

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DEDICATED TO MY MOTHER

PREFACE

I first confess the timidity with which I trotted in this area of agrarian economy, clutching firmly on the law. This paper, far from being a treatise on the mechanics of land law in agrarian development, attempts to illuminate that essential link between law and the general agrarian development.

This paper is not an exception to the usual constraints, that any field researcher is subjected to. The researchwork was extensive both in the area and issues covered, Time and finances proved to be the greatest obstacles.

It is impossible to acknowledge adequately the debt which one owes to others. Frequently the greatest debts are not consciously realized by the debtor.

I wish to express my gratitude to government officials in Kiambu Land Registrar's Office, the Division Headquarter Githunguri and the A.F.C Kiambu, for not only giving me access to some material which were necessary for this paper.

I also wish to place on record my deep indebtedness to Mr. H.W.O. Okoth-Ogendo, my Land Law lecturer and supervisor, without whose scholarly nursing, this paper would have been a confusion, both in form and substance.

To the members of my family, I wish to express my gratitude, in no perfunctory sense, for assisting me both spiritually and materially, not only in my preparation for this paper, but also during my whole struggle in this University.

Last but not least, I am particularly indebted to my cousin Miss Wambui Matindi, who cheerfully undertook the laboribus task of typing this paper.

TABLE OF CASES

The District Commissioner of Kiambu v R. and others Ex Parte Ethan Njau -
(1960) E.A. 109 Koinange Mbiu v Rex (1951) 27 (2) KLR 130 Hollywood Silver
Fox Farm v Emmet (1936) 1 Au. E.R. 825.
Muluwa Gwanombi v Alidina Visram 5 EALR 141.

TABLE OF STATUTES

| | | |
|---------------------|---|----------|
| Agriculture Act | - | Cap 318. |
| Land Control Act | - | Cap 302. |
| Registered Land Act | - | Cap 300. |

TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|-------------|
| Preface | ii |
| Table of statutes | iii |
| Table of cases | iii |
| List of tables | iv |
| Introduction | iv |
| <u>Chapter 1</u> | |
| LAND TENURE REFORM POLICY AND PROCESS | 1 |
| 1.1 Customary Land Tenure | 1 |
| 1.2 The Colonial Land Policy | 2 |
| 1.3 Land Tenure Reform Process | 5 |
| | |
| <u>CHAPTER 2</u> | |
| LAND TENURE EXPERIENCE IN GITHUNGURI DIVISION | 10 |
| 2.1 The General Pattern of Land Distribution | 10 |
| 2.2 Trends of Land Transactions | 11 |
| | |
| <u>CHAPTER 3</u> | |
| INITIATIVE, DECISION MAKING AND PLANNING | 16 |
| 3.1. The Concept of Absolute Proprietorship | 16 |
| 3.2. Initiative | 18 |
| 3.3. Decision Making and Planning | 16 |
| | |
| <u>CHAPTER 4</u> | |
| AGRICULTURAL CREDIT | 23 |
| 4.1. Security of Tenure | 23 |
| 4.2. Credit and Land Use | 24 |
| 4.3. Sources and Supply of Credit | 25 |
| 4.4. Critical Evaluation | 27 |

CHAPTER 5

| | |
|---|----|
| <u>TECHNICAL ASSISTANCE</u> | 35 |
| 5.1. Personnel and the Nature of Services | 35 |
| 5.2. Critical Assessment | 37 |

CHAPTER 6

| | |
|---------------|----|
| CONCLUSION | 43 |
| FOOTNOTES | 46 |
| BIBLIOGRAPHY' | 51 |

LIST OF TABLES

| | |
|---|----|
| 2.1. Land Transactions in Githunguri since 1958 | 12 |
| 2.2. Granting and Refusal of Consent by land Control Board | 13 |
| 4.1. Sizes of land Parcels in Githunguri | 29 |
| 4.2. Demand of Agricultural Credit | 30 |

INTRODUCTION

This paper is an attempt to critically analyse land tenure reform in Kenya, not as a historical process, but as an integral step towards agrarian development. It is therefore proper at the outset of this paper to define, and relate, various basic concepts that will serve as the theoretical foundations of my discussion.

Land tenure reform in Kenya was nothing more than a breakdown of customary communal tenure, and replacing it with individual land tenure, based on western tenure concepts. The whole exercise involved the re-definition, recording and re-statement of rights in land in new terms as indicated by the title, without any attempt at land redistribution.

This eventual breakdown of customary land tenure might have been necessitated by external ideological, economic and technological pressures. Since land was now to be subjected to new agricultural land use, customary land tenure was seen as inhibitive in nature, and it was therefore necessary to have a new system of land tenure that would be conducive to the new agricultural exercises.

Land tenure reform as the basis of an agrarian development is a much wider concept than it was envisaged in the Kenyan situation. It ought to be a deeper surgery that goes beyond the setting up of new land holding patterns. Land tenure reform as the basis of an agrarian development would be incomplete if not accompanied by a re-organization of the institutional framework of agriculture and other factors that dominate the agrarian economy.

Land tenure reform as such, is the cornerstone in the pillar of agrarian development. Agrarian development as perceived by

the author of this paper, comprises the political - social and economic development in the rural areas where land is the dominant factor. As one scholar puts it - "Agrarian development is not

a single tract subject, it represents the point of intersection between economic development and social change, and it can therefore be treated only by taking cross-bearings between the different aspects of the life of each community where land is the dominating factor."*

It is my task therefore to examine how individualization of land tenure, which essentially comprised the whole process of land tenure reform in Kenya has contributed towards agrarian development. In their policy statements, the colonial rulers argued that individualization of tenure would increase the proprietor's capacity to make positive decisions and planning. This would be made more effective and fruitful by the provision of other essential facilities in agriculture, for instance credit, extension services and marketing facilities.

I will in my first chapter deal with the policy and the process of land tenure reform in Kenya. In the second chapter I will examine land tenure experience in Githunguri division of Kiambu district.

The third chapter will deal with the argument verily propounded by liberal economists that land proprietor's initiative, decision making, and planning depend on the quantum of rights conferred on him by the tenure system in respect to a specific land unit.

Fourthly, I will examine the small scale credit policy in Kenya. This will take me to the corridors of agricultural credit and social economic effects of agricultural credit.

*Warriner, Doreen - Land Reform and Development in Middle East.

If land tenure reform and the above complementary issues are to achieve the intended objective i.e. making land ownership more meaningful the peasant farmer must be provided with the technical assistance and accessibility to marketing facilities. It will be my task therefore in my fifth chapter to discuss the above issues.

I will finally conclude by evaluating the present system of land tenure in the given scope and possibly suggest a policy direction that we should take in order to achieve agrarian development. I hope, I will not be accused of giving land tenure reform a very wide perspective thus blunting its edge as an agrarian policy.

This paper is based on the research conducted by the author on the small-scale farmers in Githunguri Division of Kiambu district. My research included formal and informal interviews, personal observations and data collecting. The choice of the research location is based on its representativeness, in terms of the availability of both subsistence and cash crop farming at small scale level, and being one of the areas where land tenure reform was first carried out, its effects will be more eminent.

CHAPTER 1

LAND TENURE REFORM POLICY AND PROCESS

In this chapter, I will examine the policy and the process of land tenure reform in Kenya. I will essentially trace the breakdown of customary communal tenure and the individualization of land through registration.

1.1 CUSTOMARY LAND TENURE

A tenure system defines the process through which a member of the society may have access to land, prescribes the degree of control that may be exercised by the entire community over such land, and how the benefits accruing therefrom may be distributed. A tenure system as such represents the relations of men in society with respect to that essential and often scarce commodity land¹.

Before the contact with the colonial powers land tenure systems among the african societies was communal. The general structure of landholding under customary law was very much influenced by the pattern of settlement and land use². Theoretically no individual or family could own land for the land was deemed to belong to the whole community as the radical owner. An individual had the rights of a user in respect to a specific land unit. Individual rights of alienation especially out of the group be it a family, clan or tribe were very restricted³.

However, there is a lot of disagreement on the details of what is african tenure and the political administration of land in african societies. The contemporary african jurisprudence to which I am very much inclined expound that;

"Ownership of land does not rest in man but is rested

in God or some other divine entity and that the people, whether in groups or individually have only rights of user That land, while used by the individuals is really owned by the community defined as comprising those who are dead, those who are alive and those who are yet to be born."⁴

The positive effects of customary communal tenure was that land as such had no value, but it is the productive effort of the individual that makes it valuable. But it can only operate salutarily where land is plentiful, in order to allow the practice of shifting cultivation and where the society has a firm grip in controlling land relations.

1.2 THE COLONIAL LAND POLICY.

The colonial land policy in respect to land use in the african areas was essentially negative and repressive. There was a total official neglect of african land use and persistent reluctance to develop a land policy aimed at improving land use in the african areas.

Such a land policy towards african land use was considered desirable by the colonial government for it was consistent with the demands of the colonial settler economy. The colonial government was first, and foremost, concerned with adopting a policy that would make it possible to acquire land suitable for European settlement and making the african areas a source of a continuous supply of cheap and dependable labour for the european plantation agriculture. Ghai and Mcauslan put it in very clear terms that - "The official policy had hitherto appeared to Oscillate between taking African land for european settlement and keeping the reserves small and insecure so as to provide a constant flow of labour to European farms, and quaranteeing the security of fair sized reserves, and reducing the migrant farm labourer population."⁵

This official hostility towards the development of african

agriculture, was motivated by the fear and undesirability of the african agricultural sector rising up as a rival to the settlor agriculture.⁶

The colonial land policy had adverse effects on the african agricultural land use. With the creation of the native areas⁷ as defined, and distinct, areas based on ethnic boundaries, patterns of african land use were greatly interfered with for shifting cultivation or extensive grazing could no longer be practiced. The African societies were hit by acute land shortage, for most of the good land had been acquired for European settlement. There was overpopulation and overstocking in the african areas which consequently led to soil erosion and bad land use.

There was also a disruption of customary land tenure patterns, and control mechanisms, due to interference with the traditional organizations, land shortage and direct contact with the colonial rulers. One scholar sadly observes that; " There was an equally rapid disintegration of those aspects of social and cultural institutions relating to land use control that could be mobilized to cure the general malaise."⁸

Land acquired an intrinsic value by becoming scarce. There developed rigid land relations, for the society could now no longer control the individual.

This was an era of rural misery and discontent among the peasant population. Agrarian development came to a point of stagnation. There was widespread famine and landlessness. Agricultural production had gone down and out-migration increased as an attempt to look for green pastures elsewhere.

After the world war II there was a pendulum swing in the official policy direction in respect to African land use. This radical change in policy direction was dictated by the world-wide depression after the war, and the realization that, the colony could not only depend on the settler economy; which involved mostly large scale farming which is very susceptible to economic changes in the world markets, but also on African farming. The two had to be developed and exist side by side. The local demand of self-sufficiency in food production made it necessary for the african sector to be developed to assist the settler economy.

Attempts were made to rehabilitate and conserve the land in African areas. Steps were taken to deal with the problems of soil erosion, conservation and reconditioning of eroded and worn out areas and improvement of farming methods.⁹

Some officials especially the agriculturalists within the ranks of the colonial government were convinced that the best way of improving land use in African areas was by introducing a tenure reform. They argued that customary land tenure was a great obstacle on the way of agricultural development. An alternative tenure system was therefore necessary. Customary tenure was dismissed as inhibitive to the agricultural development on the grounds that, it encouraged fragmentation to uneconomic holdings, was conducive to incessant disputes, and litigation.

Like any other institution in the community a land tenure system would need some reform in order to keep up with the demands of the times. The problem that arises is

making a policy determination of what direction such a reform should take. The disintegration of customary land tenure as a result of the pressure of new economic demands may have been a natural process. With new agricultural land use, there was possibly a need to change the tenure system. Jacoby in his book comments - " Changes are a welcome

necessity if, as an integral part of socio-economic development, they strengthen the foundation of society by increasing the opportunities for the development of resources and human energy. But if they are restricted to land distribution without all the inter-linked social rights and obligations, they will impede the emergence of new values and the establishment of a more suitable social structure."¹⁰

The colonial government had to decide when to introduce the reform and what direction the reform was going to take.

1.3 LAND TENURE REFORM - PROCESS

Land tenure reform was introduced by the colonial government in the early 1950s, as the basis of an agrarian revolution. It was assumed that land tenure reform would by itself pave the way for an agricultural revolution."

Most of the policy makers in the colonial government wanted the tenure reform to develop in the lines of individual tenure. Swynnerton in his plan, which seems to have been taken as the theoretical basis of developing a tenure reform policy argued that - "Sound agricultural

development is dependent upon a system of land tenure. Land tenure system must provide the farmer with such a security of tenure, through an indefeasible title as will encourage him to invest his labour and profits into the development of his farm"¹²

Similar news were expressed by the East African Royal Commission which reported in 1955, a year after the Swynnerton plan.¹³ The Commission in its report argued that individual tenure has great advantages in giving individuals a sense

of security in possession, and in enabling by purchase and sale of land, an adjustment to be made by the community from the present unsatisfactory fragmented holdings to units of economic size.¹⁴

Essentially the tenure reform was nothing more than the imposition of the capitalist political economy on the African societies. Agriculture was to be commercialized, a capital intensive agriculture was to be developed. The colonial government envisaged individualization as a condition precedent and the basis of an era of agrarian prosperity in African areas.

The colonial government was at first reluctant to introduce the tenure reform in the African areas for fear of being met with a lot of opposition from the African peasants. Tenure reform was introduced in the early 1950s after the declaration of the emergency. It was politically conducive to introduce such a land tenure reform at this time, when the emergency regulations were in force, for the government officials wielded a lot of authority over the people. Many political figures and Mau Mau sympathizers had been detained, and people grouped together in villages in order to ensure, a firmer control.¹⁵

Land tenure reform apart from its economic necessity, was used as a counter-revolutionary measure to punish the Mau Mau, and to create a contented landed peasantry that would in future oppose any revolt against the government.¹⁶ There was a marriage of convenience between the landed African loyalists led by chiefs and the colonial government

officials in carrying out the process of land tenure reform.

The process of tenure reform was in three stages; adjudication, consolidation and registration.

Adjudication involved the ascertainment of individual rights amounting to ownership in respect to a particular piece of land.

Consolidation involved the aggregating, together pieces of land owned by one person into a single unit. It was argued that each farmer should be given a holding of an economic size. According to Swynnerton,¹⁷ in the star-grass zone the economic size of a holding was to be 6 acres, in the kikuyu Grass zone 8 acres, in high bracken and woodland zones 12 acres.

Finally consolidation was followed by entering of the rights shown in the adjudication register into a land register and issuing of title certificates to registered owners. It was argued that this would end the uncertainty in the customary tenure and provide an indefeasible system of registered title to the farmer.

The land tenure reform process was up to this time carried on without any legislative backing. In 1956 - Native land tenure rules, were passed and introduced in Kiambu. In order to ensure that the process of reform was not interfered with by those who opposed it especially the landless, and those who lost their holdings through the process, due to its punitive nature or the mistake of the tenure reform officials, African Courts (Suspension of land suits) ordinance was enacted in 1957, to bar all litigation where tenure reform was in the process.¹⁸

In 1957, a working party¹⁹ was appointed to make recommendations on the status of registered land, the substantive law that was to apply to such registered land and control and registration of land transaction. When the party reported in 1958, it recommended the issue of an absolute title and came up with some regulations, which were in 1959 enacted into Native Lands Registration ordinance. On independence this Legislation was re-enacted without any substantive changes, as Registered land Act²⁰ and applied to the independent Kenya, both as the procedural and substantive law governing registered land. According to the Act registration of a freehold title to any land vested in the person registered as a proprietor an estate in fee simple.

After granting the title to a specific land unit, it was argued that, it was proper for the government to devise a control mechanism in respect to land transactions. Due to the increasing importance of land as an economic asset, economic or other desirability of a transaction became a public matter. A free enterprise policy in land dealings may have harmful effects to the society. The East African Royal Commission in its report had argued that - "it is not enough to remove those customary restrictions which prevent good usage so that the individuals can have free play. It is also essential to have some form of control and planning of land use."²¹

Lack of control in land transaction would lead to continued fragmentation of holdings and unproductive accumulation of land by a few individuals.

Similar sentiments were expressed by the minister of African affairs when he was introducing the land control (Native Lands) Bill in 1959.²² The land control ordinance

was enacted in 1959. It existed side by side with land control ordinance of 1944 which applied to the scheduled areas. Both systems of control were brought closer together on independence, but from the commencement of the republic, they led to a precarious existence, until 1967²³, when the two systems were unified and put on a more permanent basis by the present land control Act²⁴. This act controls all land transactions involving registered land.

Agricultural ordinance had been passed in 1955, to govern agricultural land use in the European areas. On independence it was carried on as the present Agricultural Act.

The above two statutes are the only legal framework of control of land transaction and land use in Kenya. They are manifestations of the rising importance of land as an economic asset and the realization of the danger that may arise if we adopt a completely free policy in land use and transactions.

Governmental control of land transactions and use is necessary in order to keep them in line with the general governmental policy in respect to agricultural development.

With the discussed land tenure, framework, the african farmers were now expected to march to a new era of agrarian prosperity.

In the next chapter I will examine the land tenure experience in Githunguri division.

CHAPTER 2

LAND TENURE EXPERIENCE IN GITHUNGURI DIVISION

In this chapter I will examine the pattern of land distribution and the nature and the trend of land transactions. I will attempt to relate the above issues with the general trend of agrarian development.

2.1. THE GENERAL PATTERN OF LAND DISTRIBUTION

It was not expected that land tenure reform would affect the the existing pattern of land distribution. The whole process was merely a confirmation of existing rights. But land tenure reform as a measure of agrarian development was expected to provide the peasants with the parcels of economic sizes as indicated elsewhere.

There is a chronic land shortage in Githunguri. Most of the parcels in Githunguri are below, The 2 hectares minimum for an economic size. As indicated in the table in the next chapter, but one for every 100 pieces of holdings 75 are below two (2) hectares.

This is not suprising for according to the 1969 census, the population of Githunguri was 86,222. Githunguri division has a square area of 267 kilometres. The population density is 322. With the population growth rate of 3.5 percent, one can imagine the population pressure on land in Githunguri today.

One may reasonably argue that, the economic size standards were set up in the colonial period without any economic justifications. It is my contention that, whether a particular piece of land is a holding of an economic size or not, depends on the agricultural use for which it is being utilized. Most of these parcels cannot support the peasants even at subsistence

level. Even after the government realized the above fact, it never introduced or encouraged agricultural exercises that do not require availability of much land. The holders of these parcels have to subsidize whatever agricultural products they get from these parcels by working in the neighbouring coffee and tea plantations.

2.2 TRENDS OF LAND TRANSACTIONS.

Since the compilation of the land register in 1958, land in Githunguri have been changing hands too often as indicated by the table below. When a piece of land changes hands too often, its general development is interrupted and before the next owner can start developing it, its production will definitely fall.

Since land market have been allowed to operate freely, market value of land in Githunguri have gone up tremendously. The average market value of 0.5 hectares of land is Shs. 25,000. The land market is governed by the policy of willing buyer and willing seller. The rich people in the rural areas, or those who can be able to raise loans, buy land from the poor who either join a co-operative society or go elsewhere, where land is cheaper especially in the rift valley. This is clearly illustrated by the fact that where we have pieces of land of very small sizes, we have more transfers than in those areas where the parcels are of relatively bigger. In Ikinu sub-location where out of 1032 parcels, 894 are below two (2) hectares, we have 271 transfers since the compilation of the register. Most of the parcels have changed hands three times since the compilation of the register. While in Githunguri where the parcels are relatively bigger out of 907 parcels there have been 143 transfers. Most of the peasants who sell their small parcels are

absorbed by the mushrooming Co-operative movements.

The table below gives us a clear picture of land transactions since 1958.

Table 2.1. LAND TRANSACTIONS IN GITHUNGURI SINCE 1958

| SUB-LOCATION | NUMBER OF TRANSFERS | NUMBER OF SUB-DIVISIONS | NUMBER OF COMBINATIONS |
|--------------|---------------------|-------------------------|------------------------|
| GITHIGA | 80 | 25 | 3 |
| IKINU | 271 | 37 | 14 |
| GITHUNGURI | 143 | 33 | 12 |
| GATHANGARI | 130 | 45 | 16 |

SOURCE - Registrar's Office Kiambu

Going through the land registers indicates that there is a trend of land accumulation by the wealthy in the rural areas. Even though there are few instances of combinations, it is clearly indicated by the recurring of similar names in the register. Many people prefer to hold different pieces of land in different titles instead of combining them. Most of the land proprietors argue that it is advantageous to have different titles for one can charge one of them or charge them differently.

The trend of events in Githunguri is a clear indication, of lack of proper control in land transactions and land use. The divisional land control board is supposed to give consent to a particular transaction after giving economic considerations

to its desirability.²⁷

The divisional land control board is chaired by the District Officer and most of its members are the landed peasants picked from the division. According to the interview I conducted with the D.O. in Githunguri and from the observations I made from the board minutes, the member of the board rarely give any economic consideration to the desirability of a transaction. They always reject the economic recommendations tabled before it by the Assistant agricultural officer who is also a member of the board, but who assesses the economic desirability of a transaction before the matter is discussed by the board.

Since most of the members of the board are old men, customary issues are given utmost consideration. The composition of the Divisional land control board serves as a channel through which customary law diffuses into statutory law. Consent is always granted in most cases unless there is a customary law issue against such a transaction or some political opposition. The table below indicates the instances of the grant and refusal of consent by the divisional land control board in Githunguri.

TABLE 2.2 GRANTING AND REFUSAL OF CONSENT BY LAND CONTROL BOARD

| Year | Total Number of applicants | Number of approved applications | Number of Rejected applications |
|------|----------------------------|---------------------------------|---------------------------------|
| 1975 | 1450 | 1297 | 15 |
| 1976 | 1429 | 1336 | 93 |
| 1977 | 1294 | 1194 | 100 |

Source- D.O's Office Githunguri - These were the only data available

Another control measure that was devised to ensure proper agricultural land use which is in keeping with the government policy is the agricultural Act.²⁸ This act gives the minister of agriculture alot of power in directing and ensuring that land is properly used.²⁹ This statute though has such good intentions is a dead letter in the statute books. My interview with the Assistant agricultural officer of Githunguri revealed that, he has not only, never had an occasion to apply it, but also that he was not aware of its existence. It is ^{not} unusual therefore to find a piece of land being wasted or being used not in accordance with the rules of proper agricultural land use or husbandry.

The politico-economic demands of our capitalist mode of production has made it impossible to exercise these control measures for the advantage of the state. There have been too much stress and over-emphasis on individual tenure, which have caused difficulties in the enforcement of good land use.³⁰

There has developed a trend of the separation between the law of title to land and the law of land use.

The land market in Githunguri have been let loose to operate freely. This has caused alot of harm to the general trend of agrarian development. The monied middle class and the rich peasants are buying the others out. There is a danger that many may buy land not for development but for speculative purposes and as security to be raising credit for other commercial activities. The urban areas where most of these activities take place will tend to develop at the expense of the rural areas.

One of the major reason that was advanced in favour of land tenure reform, was to prevent further fragmentation of land holdings of sub-economic sizes. The working party recommended that, inheritance should continue to be governed by customary law and the procedure to be followed is provided in the present Registered

Land act.³¹ Though the act limits the number of people who can be registered as the proprietors, there is a tendency of granting joint titles, or even people failing to report the death of the deceased, but simply dividing the parcel of land between themselves and start using it, without any alteration of the register. The land register as such, at times fails to reflect the actual position on the ground.

In the next Chapter I will examine the land tenure reform process as a factor motivating the peasant farmer towards mere agricultural production.

CHAPTER 3

INITIATIVE DECISION MAKING AND PLANNING

In this Chapter, I will examine one of the standard argument for land tenure reform advanced by the colonial agronomist that; individual tenure would improve individual farmer's decision making, by giving him better incentives. This argument was derived from a capitalistic political-economic theory, that a land proprietor's initiative, decision making, and planning depend on the quantum of rights conferred on him by the tenure system in respect to a specific land unit. They substantially argued that individual tenure generates enterprise and hence more production.

I will first explore the institution of individual tenure, which is based on the concept of absolute proprietorship and then examine how it contributes to the proprietor's initiative, decision making and planning.

3.1 THE CONCEPT OF ABSOLUTE PROPRIETORSHIP

The term "absolute proprietorship" which is dominant in the English property theory is a variable commodity that cannot be defined with any mathematical precision. It broadly means, conferring absolute control of access to a specific land unit to an individual proprietor in exclusion of any other person.

With the rising importance of land as the most important asset in the national economy, the concept of absolute proprietorship have been squeezed to a point of extinction, due to the increased governmental control over the land use for public good. This lead us to one fundamental question; how absolute is absolute proprietorship? The exercise of rights in respect to a specific land unit is now under many shades of state control. This makes. Megarry retorts that - "This word is here used in no intelligible sense."

Section 27(a) of the Registered Land Act³² provides that
 "subject to the provisions of this Act the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appertenant thereto."

The above conferred interests are further affirmed by the provision to the effect that they are indefeasible.³³ In order to confirm the absoluteness of the proprietorship, the act further provides that the proprietor's rights cannot be limited.³⁴ Any registered proprietor is as such conferred ~~with~~ such conferred with such absolute rights.

The proprietorship is not as absolute as it appears at the first perusal of the Act. A land proprietor's exercise of exclusive control is subject to other people's rights. He should not interfere with the quiet enjoyment of other people by exercising his rights as an absolute proprietor unreasonably. If he so does he may be liable for damages at Common Law³⁵ for the actionable wrong of nuisance.³⁶

Due to the increasing economic importance of land, the state exercises a lot of control over the individual's rights in respect to land. The Agriculture Act gives the minister a lot of power over the exercise of agricultural land use. Whether these powers are exercised, have been subject to consideration at another part of this paper.

The land control act serves as an instrument through which the state curtails proprietors' rights of alienation. The economic desirability of a transaction as a matter of public policy must be examined before a proprietor can be given green lights to go ahead with the transaction.

Absolute proprietorship is therefore absolute within the given context. One wonders whether it is still appropriate to

retain the word absolute when talking about the proprietor's rights.

Such curtailment of proprietorship rights is necessary in order to increase governmental control over land, so that the state can be in a position to formulate a land use policy and plan an agricultural development strategy that will satisfy the demands of the nation.

3.2 INITIATIVE

I cannot quarrel with the assertion that any land tenure system conducive to human dignity and vigorous agricultural development must create or permit the creation of production incentives.³⁷ The colonial government's justification of moving towards individual tenure as a fundamental step towards agrarian revolution was based on the capitalist theory that:

"The formal rules of tenure to the extent that they define ownership characteristics, are crucially ~~and~~ related to positive decision making in land planning and use."³⁸

The theory that private ownership of land is the *sin-qua-non* of incentive and proper land use is still pursued vigorously by people like Denman as a justification of *Laissez faire* individualism.³⁹

This theory was injected into the African Societies on the assumption that communal ownership of property was not initiative generating and also as an attempt to introduce the capitalist-political economy to the African property theory.

The whole process of land tenure reform in Kenya was nothing more than a change in the description of land rights in respect to a specific land unit. Before registration and

issue of titles adjudication, and consolidation, had taken place to ascertain people's rights in respect to particular land units. As such there was no substantial change in the quantum of rights in respect to land holding as to automatically generate initiative in the newly registered absolute proprietors as was assumed by the colonial agronomists. One scholar observes - "Studies that

have been conducted in this area indicate that beyond the physical reality of consolidated holding, the farmer perception of the land rights and the power derived from these did not change significantly".⁴⁰

Land tenure reform, might have been successful in describing land rights in respect to a given land unit with such precision as to reduce frequency and complexity of land disputes. But the mere change of the tenure system was not automatically followed by change in the pattern of land use for each production unit, as to warrant the assumption of increase in individual farmer's initiative.⁴¹ If the land proprietor was to continue using his unit as he had been using it before tenure reforms, it reasonably follows that his initiative to maximize production would not depend on the new quantum of rights in respect to that land unit, but on some other social-economic factors that were in existence before the reform.

According to 50 farmers I informally interviewed in Githiga sub-location, most of whom I picked due to the relative big size of their holdings, averaging from 8-20 acres and who had at the time of registration inherited such land from their fathers, it was quite clear that land tenure reform did not affect them significantly in terms of perception of their rights as individual proprietor in anyway apart from furnishing them with the title deeds and marking their respective pieces more distinctly.

Land use was not radically changed immediately after registration. Family land especially in the field of transmission continued to be administered in the traditional ways.

Out of about 40 farmers I interviewed, whose pieces of land are below the stipulated economic size, 35 of them expressed feelings that registration of rights in land or even the provision of new rights in land per se did not generate initiative. Most of them argue that, though they have the title alright, it is useless for the size of their holdings is too small and they do not get much assistance in any form from the government.

In my opinion initiative is a result of a combination of factors in the agrarian structure. First and foremost incentive is a result of the protection that is given to the peasant by the agrarian structure.

It is in the security of its use and of the reward for the labour and the capital the farmer puts into the land which creates the incentives for raising its productivity. Initiative or incentives of raising productivity also depend on non-material aspects of the agrarian structure.

In a poor country, agricultural production encounters obstacles of risks and high costs especially where the peasants are poor and illiterate.⁴² If initiative is to be boosted as a motivating factor in production, land tenure reform should be accompanied by other factors complementary to land use.

The farmer's initiative would as such depend on the formal education available to the peasant farmer, medical facilities, extension services, ecological factors and the size of the land holding. Initiative as such would depend ^{not} on the rights in land alone, but on the general agrarian relationships, and the

agricultural economic institutions which improve the economic, social and political status of the peasant farmer, and in so doing contribute to the general agrarian development.

3.3 DECISION MAKING AND PLANNING.

Emphasis in absolute proprietorship were also extended to the area of decision making and planning in respect to land use. This was intended to scare away or minimize public participation in land use planning and decision making. It was argued by the capitalist-political economy sympathisers that, the absolute proprietor himself is the best person to make a decision and plan the use of his land unit.⁴³

Whether the farmer is producing purely for subsistence purposes as for marketing, he makes the same decisions on how best to apply his available resources to produce optimum returns. He is very concerned about what to produce, when to produce, how to produce and for whom to produce. But even though this may be the case one cannot underestimate the interdependent factors of decision making and the importance of state participation in the same arena.

From my personal observations in various parts of Githunguri, I noticed that there is a tendency of inter-dependency among the peasant farmers in decision-making and planning. There are always informal consultations which starts at the family level, between the members of the family. It is also a common feature, to find that in a certain area there is a man or woman who because of the good farming methods or possession of some kind of charisma is always consulted informally by the other peasants for guidance.

55 out of about 70 farmers I interviewed at Gathangari, whom I picked at random, indicated that the decision-making

and planning of land use is mostly dictated by ecological, economic and social factors. Also most of them follow the general community pattern in decision making and land use planning.

As I pointed out earlier, the concept of absolute proprietorship is progressively being diminished. This is being necessitated to a great extent by the need of public or state participation in decision-making and planning of land use. The practical necessities of population growth and the crisis of food production, demands greater public participation in land use policy and activity.⁴⁴

It is highly desirable that individual decision-making and planning should be shaped or co-ordinated with the national agricultural policy. Public participation in planning usually takes the form of a kind of a restriction on the ownership rights in respect to land. The argument that restrictions necessary to safeguard public interest need not conflict with these private interest of the proprietor which motivate him to make the best use of the land, is in my opinion baseless.

The over-emphasis of individualization in spheres of initiative decision-making and planning, has made it difficult to tap the peasant farmer's initiative in order to develop a consistent land use policy necessary for agrarian development. Lack of co-ordination between national demands and the individual farmer's decision-making and planning, and the assumption that land tenure rules per-se will act as a catalyst for a farmer's initiative has done more harm than good to the agrarian development.

CHAPTER 4

AGRICULTURAL CREDIT

The colonial agronomist argued that individualization of tenure, would provide the farmer with an access to agricultural credit. In this chapter I will therefore consider the issue of security of tenure, and then link it with the supply and administration of agricultural credit, which is necessary if not essential for agrarian development.

4.1 Security of Tenure

The colonial government assumed that individualization of land tenure per-se in african areas was a condition precedent to a successful agrarian revolution.

Individualization of land tenure was seen as a process of providing the farmer with a security of tenure, which was considered necessary for sound agricultural development.⁴⁵ In its recommendation for an individual tenure system, the East African Royal Commission argued that - "A lack of confidence in the secure holding of land is an important circumstance to be taken into account in East Africa when devising a land tenure policy and the method of its application. Existing fears are derived from the failure of customary tenure to meet satisfactorily circumstances of land shortage and demands on land for certain forms of economic use."⁴⁶

After adjudication and consolidation, the proprietor of a particular piece of land, on registration was to be provided with an absolute and indefeasible title. The security of tenure based on title was among other things, to provide the farmer with an access to credit which may be necessary for agricultural development. The substantive law which was enacted after registration made provisions for obtaining of credit through the changing of the title.⁴⁷

Such a system was also acceptable to creditors who could now lend their money against the land as security without fearing to lose the same in case of default.

4.2 CREDIT AND LAND USE

It is generally acknowledged that credit to farmers is a very important instrument in improving farm productivity. But whether it is the crucial instrument depends on a number of factors. The need for agricultural credit will vary according to the nature and the stage of development of the agricultural sector of the economy.

In Kenya, individualization of land tenure was to be followed, by a progressive change in land use pattern aimed at production of cash crops.

As such, in this transitional stage from subsistence to fully commercialized agriculture, credit becomes a very necessary commodity. In this situation credit would be necessary to provide access to, or control over the basic factor of production, land, to promote increased production through development of resources and to facilitate commercial exercises in the society. Since the small peasant holders in African areas were now to engage in totally new agricultural exercises, projected at the growing of cash crops, credit was very necessary for rural development.

In a subsistence economy saving capacity and the level of liquidity is usually very low. In transforming such an economy into a commercial one credit needs to be injected into it.

It was therefore necessary for the government to develop a credit policy after independence for the small holders in rural areas, for rural development.

4.3 THE SOURCES AND SUPPLY OF CREDIT.

Sources of credit in Kenya can be broadly categorized into public institutions, Commercial institutions, and co-operative institutions. The sole lender in the category of public institutions is the Agricultural Finance Cooperation, which is also the main source of credit for agricultural operations.

Agricultural Finance Corporation (AFC) is a statutory body established under the Agricultural Act of 1963. In 1969, the Agricultural Finance Corporation Act⁴⁹ was enacted, and the act reconstituted AFC with wider, additional powers. The AFC gets the bulk of its capital from the government. The major objective of AFC is to assist in development of agriculture and agricultural industry.

The AFC gives loans to farmers for all kinds of agricultural exercises, except for subsistence agriculture. AFC deals with two categories of farmers large scale, and small scale farmers, the latter is our main field of interest. For purposes of definition, AFC ostensibly consider farmers to be small scale if their income per year is less than Shs.10,000. This index is ambiguous in certain respect, and even though the size of the holding counts, the operational definition is based on loan size.⁵⁰

The AFC offers the following categories of loans to small scale farmers;

(a) Short term loans - intended to last for a period of two years and below in repayment. These loans are given for crop planting as well as to meet the recurrent costs of livestock and crop production.

(b) Medium term loans - 2-5 years in duration. Intended for the purpose of improving land.

(c) Long-term Loans - 5-10 years in duration. For buying of land or other substantial agricultural operations.

All these loans are repaid at the interest rate of 10% per annum, but for crop loans which is usually 11% per annum.

All these loans are secured loans. Security demanded by the AFC is usually the charging of a land title deed or quotable shares. The quantum of the loan depend on the security and the viability of the project for which the Loan is being sought. Land is valued at the standard government value which is currently Shs.5,00 per acre in Kiambu while the market value of an acre of land is between Shs. 15,000 to Shs.20,000 per acre.

The procedure of borrowing the AFC loans is as follows; the applicant fills a loan application form. After filling in the required information, which is usually related to the amount and purpose of the loans, his creditworthiness, which suggests his capacity to repay, he forwards the loan form to AFC. The Loan applications are reviewed in the Loan advisory Committee comprising of the AFC branch manager, Some senior extension officers and some other appointed individuals. The loan is granted after approval by the committee. AFC loans are repaid in instalments depending on the amount of the Loan.

Co-operative banks are now mushrooming as the new sources of agricultural credit. In Githunguri we currently have the pyrethrum and Dairy Farmers Co-operative Bank. These two institutions operate on similar terms.

These Co-operative banks, issue the following categories of loans;-

(i) Crop production credit scheme - These are issued for repayment within 18 months. No security as such is required in this kind of credit, only guarantors who undertake to repay the loan in case the borrower fails to repay. The member has to sell

his produce through the co-operative society. The Loan is usually recovered from the sale of the members produce. The quantum of the loan will depend on the average value of the farmers produce taken for a 3 years period. The amount of the loan is the calculated $\frac{2}{3}$ of the annual value of the produce.

(ii) Medium term Loans: The period of whose payment is usually 3-5 years. In this case the co-operative bank demand title as security. The amount of the loan in this case will depend on the value of the land as assessed by the assistant agricultural officer. The approval of the application for the Loan will depend on the farmer's financial worth, not his security only. These loans are repayable at the interest rate of 10% per annum. Payment may be in cash instalments or through the farmers produce.

The last source of credit for the farmers are the commercial banks. These are lending institutions not confined to agricultural activities alone. Land in this case is always offered as a security. The applicant must have an account with the bank before applying for the loan and his income is a matter of crucial importance. The Commercial banks usually provide two categories of loans; short term loans for a period of less than 3 years and long term loans for a period of 3 years and above. They are repayable at the interest rate of 11% per annum.

That is basically the credit process. I am now going to critically evaluate the process in the light of what happens at Githunguri.

4.4 CRITICAL EVALUATION

For a land tenure reform to be successful as the basis of an agrarian development, availability of credit to the peasant farmers is a crucial complementary measure. As Jacoby observes - "In the final analysis therefore, institution credit alone cannot solve the financial and technical problems of the small peasant. It is however a complementary and indispensable

measure without which land re-distribution and/or consolidation programmes will have no lasting effect, but will remain half hearted measures that can only prolong the economic agony of the small cultivator."51

The demand for credit is increasing with the commercialization of agriculture. But due to the scarcity of funds credit is rationed in various ways.

The AFC and most of the other lending institutions do not provide credit for subsistence agriculture. This in itself keeps most of the farmers in the lowest stratum away from the credit facilities. This is even more so in a situation where a clear line cannot be drawn between subsistence and commercial agriculture. Providing finance only for production purposes ignores the fungibility of money. Credit though provided for production may be diverted to consumption by the peasant farmer. In my opinion it is not inadvisable to improve a farmer's subsistence enterprises by lending against his income from cash crops. This would serve as a case of capital reconstruction especially where the farmer had been hit badly by poor production. This may be a creative and an alternative approach to agrarian development.

The flow of credit in Githunguri is further restricted by the sizes of the holdings. This is so because the quantum of credit will depend on the size of the holding and its stipulated value, which is currently Shs 5,00 per acre in Kiambu. The AFC do not value the piece of land according to the market value which is now between Shs 20,000 to Shs 25,000. In my interview with the AFC branch manager in Kiambu, he told me that they take the government stipulated value which is far much lower than the market value. In order to use it as a mechanism of rationing to credit and to avoid a possibility of failing to realize the loan in case of foreclosure and sale, if they gave the loan on the market value of the holding.

It is clearly indicated by Table 4.1 below that the majority of holdings in Githunguri are too small to be economically viable for any capital intensive agriculture. It therefore becomes very difficult for such farmers to obtain credit for whatever agricultural exercise they would have in mind.

TABLE 4.1 SIZES OF PARCELS IN GITHUNGURI

| SUB-LOCATION | TOTAL NUMBER OF PARCELS | PARCELS BELOW 2 HECTARES OR 4 ACRES | PARCELS ABOVE 4 ACRES OR 2 HECTARES |
|--------------|-------------------------|-------------------------------------|-------------------------------------|
| IKINU | 1032 | 894 | 138 |
| GITHIGA | 650 | 572 | 95 |
| GITHUNGURI | 907 | 654 | 253 |
| GATHANGARI | 850 | 570 | 280 |

SOURCE - Kiambu Land Registrar's Office

As indicated by table 4.2 below demand for agricultural credit is rising each year. The number of applicants rise up annually. But if one was to relate ^{the number of applicants each year with} the number of parcels in Githunguri, one would reasonably come to the conclusion that not many farmers avail themselves for credit even though they can use their registered holdings as security. A few farmers I interviewed informally, indicated a considerable degree of self restraint as far as credit borrowing is concerned, Due to lack of information as to the lending institutions and repayments of credit, farmers associate loans with the loosing of their pieces of land. The

foreclosure and the ultimate sale of a loan defaulter's parcel is seen by most peasant farmers as a very brutal way of taking somebody's piece of land.

TABLE 4.2 DEMAND OF AGRICULTURAL CREDIT

| YEAR | NUMBER OF APPLICANTS | | |
|------|----------------------|-----|-------------------------------------|
| | AFC | AFC | GITHUNGURI DAIRY FARMERS CO-OP BANK |
| 1973 | | 150 | |
| 1974 | | 196 | |
| 1975 | | 300 | |
| 1976 | | 436 | 300 |
| 1977 | Not Available | | 500 |

SOURCES- (1) AFC Kiambu Branch - Area Manager's Office
 (2) Githunguri Pyrethrum and dairy farmers
 Co-operative Bank Office - Githunguri - (started in 1975, but started lending money in 1976)

It is apparently clear that land is used as the yardstick of deciding the amount of credit that a particular farmer would be entitled. This have now been taken as the basic security, and together with it the creditworthiness of the farmer is taken into account. Such information have to be submitted whether the peasant farmer in question will get any loan. The trend as such have been, making the loans available to peasant farmers

who have land and some other sources of income. This includes the rural elite, teachers, civil servants, traders etc. As such credit is made available to those who do not seriously need it.

The minutes of the loan advisory committee of AFC Kiambu branch, indicate that in 1976, 56 applications for loan were refused, and in 1977 43 applications were refused. Reading between the lines of the minutes, information in the rejected application forms and the general comments of the Branch Manager who is the secretary of the Loan Advisory Committee, it is clear that the loans were refused because the poor farmers had no alternative sources of income to prove their creditworthiness. Most of the projects the said farmers wanted to undertake, would have taken sometime before starting to generate income.

Access to credit is as such made inequitable and there is total lack of income distribution. Development of a particular sect of rural peasantry at the expense of the bulk of the peasantry does not in my opinion constitute agrarian development. Colin Leys observes: - " In dealing with the general mass of

smallholder, lenders typically look for security for the loan, and ability to use it productively; as the first plan put it, credit would be going to relatively progressive smallholders who are by definition already much better off than the rest. Credit thus tends to widen already existing differences of wealth and opportunity. This is particularly true when the size of a man's land holding is used as a yardstick of his creditworthiness or when security is seen to consist in his having a non-farm source of income such as salary"⁵² (Emphasis, mine)

Most of the lending institutions are now very reluctant to lend money to small holders on the ground of lack of sufficient security, and that administratively it is expensive. It is disheartening to notice with great concern that, even the Kenya government hold the same views - "The provision of small scale

farmers of credit facilities especially for seasoned in in puts is the most important task facing the credit institutions. Unfortunately, the high cost of administering small loans and the risks involved have made this unattractive to specialized credit institutions such as AFC⁵³

Credit policy is as such being steered away from the poor small scale farmers.

Agricultural credit can only be valuable within the context of proper land use.⁵⁴ The main problem in land use and credit relationship is that; the institutions that lend credit for agricultural exercises do not follow it up to see that it is utilized for the intended purpose. On the interview I conducted with the AFC Branch Manager at Kiambu, he admitted lack of follow up, but he attributed it to lack of enough personnel. After he has got the loan, the farmer is not followed by the extension works to advise him on how best he can make use of his loan agriculturally. As such there is a danger of land being used as security to obtain credit for some other commercial purposes.

According to information I received from the Kiambu AFC branch and Githunguri Dairy and Pyrethrum Co-operative Society bank, the average number of applicants who default in payment of the loans is usually around 15% of the total applicants. Failure to pay the loan is followed by foreclosure and the ultimate sale of the parcel. This is an indication of indebtedness though not widespread. In most cases the farmer has to strain to keep up the payment of his instalments as the fall due. Where the payment is through produce of the farmer, the situation is even more serious, for the farmer is at times forced to sell almost all of his produce to the co-operative society, especially where the production has gone down. Such a situation may force the peasant farmer to waive his financial commitment to his family and also make him lose initiative in working on his piece of land.

As I indicated earlier, at a more functional level credit is isolated from the technical, managerial developments in agriculture and the general agricultural policy. There is no effective integration between the extension services, and whatever other technical assistance is available to the farmer and the credit.

Kenya has a confused credit system for the small scale farmers. Von Pischke rightly puts it in the following terms:

"Kenya's farm credit system is pluralistic in structure but most of the lenders are public sector institutions or under the administrative control of the government. Linkages between financial intermediaries serving agriculture are not well orchestrated and the government's overall agriculture policy making mechanism is not rationalized or formulized."⁵⁵ (Emphasis mine)

The emphasis on individual tenure and access to credit on individual basis, has diverted attention from a more controlled loan system based on a co-operative or a communal movement, that will equitably offer access to credit to all farmers. The loan policy should be developed on a policy of shifting emphasis on land as security, to a security based on something else, and not at better terms of payment without the high interest rates. Such a loan should be accompanied by enough technical assistance to the farmer, and by giving training in such fields as farm management.

If credit is to serve as an instrument of stimulating agrarian development, it should be provided to small farmers on as a broader basis as possible. Credit and saving in the rural areas should be integrated. Credit institutions should be used as ditches for tapping the saving potential of the rural population, by providing saving facilities. This would enable the farmer to order his financial affairs well, ease his total reliance on borrowed credit for development and consequently

improve his family economically.

But credit can not be effectively utilized for agrarian development if provided or recovered by institutions not involved to a large extent in the rural economy. At this stage of agricultural development, credit should not only be a complementary but also an indispensable measure of boosting agrarian development.

CHAPTER 5

TECHNICAL ASSISTANCE

A land tenure reform would be a futile exercise if launched in isolation, to other measures than contribute generously to the general agrarian development.

Having discussed the land tenure reform and other complementary measure that accompanied it, I will in this chapter examine the technical assistance that was made available to the farmer with the change of the tenure system, as a measure of an agrarian revolution.

Swynnerton, the father of the land tenure reform policy argued that the African land owners must be encouraged to farm their lands well and to participate in the general agricultural planning and coordinated developments of their local community. According to him this could only be achieved in giving the African land proprietor technical assistance to develop his land on sound lines, having regard to the ecological conditions under which he leaves and making it possible for his products to reach the market.⁵⁶

The colonial policy makers assumed that individualization would lead to ^{an} increase of agricultural personnel attached to African areas and possibly improvement in the quality of their services.

5.1 PERSONEL AND THE NATURE OF SERVICES

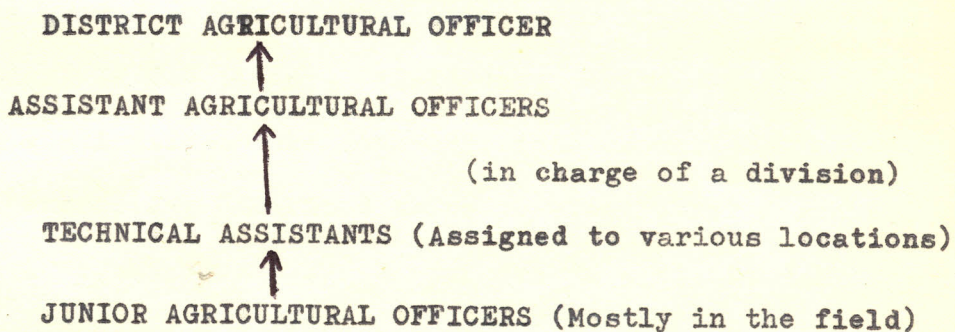
Technical assistance to the peasant farmers is instrumental to proper agrarian development. The intended change in land use and desirability of boosting agricultural productivity made technical assistance to the african farmers a very essential commodity.

For technical services to the farmer, to be effective, both the social and economic needs of the farmer must first be realized. But poor extension services and lack of understanding of the real needs of the rural population, may be an expression of the lack of social cohesion within a defective institutional system.⁵⁷

Technical assistance to the farmer takes the shape of extension services and education to the farmer. Education brings up the latent qualities of intellect, common sense, and energy which are necessary for agrarian development.

Even with the individualization of land tenure the technical assistance of the peasant farmer is far from adequate.

The extension service officers are provided by the ministry of agriculture. They hierarchically vary in their qualifications as indicated by the diagram below.



* Source: Assistant Agricultural Officer - Divisional Headquarters Githunguri.

In Githunguri division we have about 42 agricultural officers for the whole division. Out of the 42, one of them is the Agricultural assistant in charge of the division. The assistant agricultural office is technically qualified (holds a diploma in agriculture) to advice the farmers on various agricultural aspects, but his duties are mainly administrative. Below him we have about 10 technical assistants, (who have some formal agricultural training) assigned to various

agricultural projects in the division and also to general agricultural advice to the farmers. The rest are junior agricultural assistants. The Junior Agricultural Assistants are not technically trained at all. Most of them only have a little formal education and very little technical know-how in agriculture. They directly deal with the farmers assisting and advising them in various agricultural exercises.⁵⁸

Together with the above agricultural assistances, there are some veterinary officers who treat animals and advice farmers on animal care. These are very few in number. As in the case of agricultural officers, the senior officers rarely come to the field and it is the veterinary scouts who mostly deal with the farmers' problems.

The services are provided to the farmer in form of actual advice on the ground on how to grow some crops or to use a certain chemical or fertilizer. Field days, where experts from various institutions make demonstrations of various agricultural exercises, Organized trips to visit other farmers, research stations and educating the farmers in agricultural institutions and farmers training centres.⁵⁹

5.1 CRITICAL ASSESMENT:

The government policy as regards the objectives of extension services to small scale farmers have been clearly articulated in the 1974 - 1978 Development Plan, which provides that:

" The increased output expected from agriculture will be produced only if more farmers intensify production; plant new crops, use improved seeds fertilizer and insecticides, employ better methods of cultivation adopt improved veterinary practices etc.

Very high priority is therefore, given to the training and extension programmes which are aimed at helping the farming community to take up these better agricultural methods."⁶⁰

(Emphasis mine)

Extension services are as such geared to help in the increase of agricultural output, raise the standard of living of the peasants and nurse the african farmers to the point where they can manage their own agricultural programmes.⁶¹ As such agricultural personnel involve themselves mostly with the issues of soil conservation, general agricultural advice to the farmers, with special reference to the introduction of new farming methods, seeds, fertilizers, and issues of farm and land management.

For the above objectives to be achieved the extension services in whatever form they take must be adequate and effective. Incidentally, it is encouraging to note that our policy makers have observed that they are ineffective and inadequate.

"While it is difficult to judge the effectiveness of the extension services, they have been rather widely criticized in the past. However, it is felt that a number of steps taken recently have laid the foundations for a significant improvement in the quality of extension services."⁶²

Whether the steps taken by the ministry of agriculture towards the improvement of extension services are in the right direction is another issue, which I shall deal with later.

To start with the extension services offered to the farmers are ineffective and inadequate due to lack of personnel. In Githunguri division we have 42 agricultural officers in all for the whole division. There are 26 sub-locations in

Githunguri whose total number of parcels is approximately 18,200. Each agricultural officer whether junior or senior is as such expected to handle 450 parcels of land. This is no doubt too large an area for an officer to give adequate attention to. In practice it is even worse for some of the officers especially the senior officers deal with administrative matters or are assigned to some specific projects, and not general agricultural work.

Most of the peasant, small scale farmers have no confidence in the extension workers. The junior agricultural assistants have only little formal education, and barely any technical education. In spite of this, they are the ones who come into contact with the farmers everyday while those technically qualified and competent to give advice are engaged in administrative work. Due to lack of technical training, they are in most cases not able to advise properly and as such the quality of the services they offer is very poor. The junior agricultural officer in charge of Githiga Sub-location, whom I interviewed as to the nature and effectiveness of his services, he admitted he was handicapped due to lack of proper training and lack of confidence in some cases.

The assistant agricultural officer in charge of Githunguri division informed me that most of their field days, agricultural demonstrations and visits by senior agricultural officers are usually directed to the so called good or progressive farmers. The good farmers are those who due to the size of their pieces of land, sources of credit, education and other factors, are better than most of the other rural peasants. The extension servicemen as such end up in stratifying the rural peasantry into good and poor farmers directing most of their services to the farmer and disregard the latter who critically need these

services. The extension workers are more often the members of the emerging rural elite, and as such interact mostly with the members of the rural elite who mostly include, civic leaders, school teachers, progressive farmers etc.

From my observations and a few farmers I interviewed in Githunguri, I noted some kind of general indifference to the extension services by the farmers. About 20 farmers, whom I asked their views as to the nature of the services and usefulness of the services they received, they responded by saying that, most of the things introduced by extension services workers are beyond their reach and therefore not worth bothering with. This is mainly so in the introduction of new seeds and new fertilizers.

Such apathy among the peasants towards agricultural extension workers may be due to the failure on the part of the agricultural officers to communicate^s effectively whatever they have to the poor illiterate farmers who are still tied to the old farming techniques. New agricultural ⁿventions before being introduced in the rural areas should be adapted to the social conditions, and priority should be given to those projects that would induce the farmer to adapt himself to the more fundamental projects.

There is very little in terms of agricultural education that is offered to the illiterate peasants. In Githunguri, there is the Waruhiu Memorial Farmers Training Centre, which caters for the whole of the Kiambu district. This institute offers a variety of agricultural and home-economic courses which are subsidized by the government. These courses are

not very helpful for they cater for a group of a few selected farmers. They are only available to those who can afford to pay at the subsidized rate depending on the nature and duration of the course, and those who can afford to stay for at least one week from their homes.

Whatever the farmer learns at the training centre in the most modern scientific environment, may be difficult to implement when he goes back home in a totally different environment. The training at the centres or even demonstrations are offered in an artificial surrounding different from the real situation at home. There is no organized agricultural community education which is the basis of any agrarian development.

One of the major short-coming of the technical assistance in the rural areas is the lack of inter-relation of the technical assistance with other fundamental issues of agrarian development. Agricultural officers are always used by the AFC and other agencies in advising them about the farmer's creditworthiness at the time of borrowing. But they never follow the succesful farmer after getting the loan, to advice him on how he can use that money. They never help the farmer when making vital land use decisions and planning, or about the accessibility to marketing facilities. This is possibly the result of the political reality of the Kenyan situation; the over-emphasis of individualization in everything - the policy of let the farmer do what he thinks is best for him.

In an attempt to improve the quality and effectiveness of the extension services, the government in the 1974-1978 development plan proposed the creation of a new extension and training division in the ministry of agriculture.

The plan also recommended in-service training programme for extension staff, and a shift to the reliance on mass media and group approaches rather than individual visits.⁶³

The above proposals may not in the end achieve their desired results. Some of them may not only dilute the quality of the services rendered, but to a large extent reveal that our policy makers have not come into grips with the problems of agricultural extension services. The whole system of agricultural extension services need overhauling from the grassroots level, if we are to achieve any speedy agrarian development.

CHAPTER 6

CONCLUSION

This paper has been nurtured on the pivotal role of land tenure reform in agrarian development. My discussion of Githunguri have to some extent, even if not exhaustively, demonstrated that the general agrarian development and its other catalytical aspects have an essential link with the land tenure structure.

Our land tenure laws, which are a superstructural feature of our political economy, lays too much emphasis not only on individual land ownership, but also on all aspects of the agrarian economy. Individual security of tenure have been stressed at the expense of good land use. Land market have been allowed to operate freely, for the designed control mechanisms have been laxed in order to keep up with the general spirit of individualism. Access to complementary measures of agricultural development such as credit and extension services, is limited to a few members of the rural communities. The bulk of the peasantry is left out without those essential services, and nothing therefore to generate initiative in them.

The current agrarian structure, operates at an advantage of a few people, leaving the bulk of the rural peasantry in an unending misery. It has benefited those who have power and capital to use land for commercial exploitation. It has not paid attention to the problem of ensuring land is properly used in the interest of the community as a whole.

It is therefore proper, to formulate a general policy direction aimed at achieving agrarian development and making land use more meaningful. We should shift our emphasis from the security of individual tenure to proper land use. Our efforts

should be channelled at integrating ownership with actual and proper land use, to a point where the two become inseparable

Our land control mechanisms should be tightened and orchestrated to suit our national agricultural policy. This may eradicate land speculation which leads to land accumulations and the soaring land prices in a free market. Individual interest should come after the demands of the nation. Land use regulations should be applied with vigour.

Even with the above tenurial laws, it would still be proper to generate the peasants incentives by providing them with some complementary measures. One of which is access to agricultural credit. The government should develop a consistent agricultural policy especially towards the small scale peasant farmers. Credit should be accessible to all farmers, by getting rid of the use of land as security and the farmer's credit worthiness. Security should be either on the crops or the viability of the projects or other kind of measures that would compel the farmer to meet his credit requirements.

Extension services to the farmer should be improved. This can be improved by reconstructing the whole process. More qualified personnel should be engaged and their teaching to the farmer should not be in artificial surroundings or only directed to the "progressive farmers." The government should introduce more general education in rural areas, for this would make the farmers more responsive to agricultural innovations.

Agricultural Credit and extension services should be integrated. Farmers should be followed up by agricultural officers and advised on how well to use their borrowed funds. The above two issues, could be more effective if administered by institutions that participate wholly in agrarian development. Such institutions

could either take the form of co-operatives or be of other nature but communal in structure where the peasants are allowed to participate in decision making.

It is only through such measures and mobilization of the rural peasantry, that we can have an agrarian development. Land tenure structure is the centre around which the agrarian development, in terms of the general living standard of the farmer and the peasant - relationships rotate.

FOOTNOTES:

1. Kwamen Bentsi - Enchile - Do African systems of land Tenure require a special terminology - Journal of African law Vol. 9 (114) see generally.
2. James R.W. - Land Tenure and Policy in Tanzania Op. Cit p. 62.
3. Muluwa Gwanombi V Alidina Visram 5 EALR 141
4. James R.W. & FIMBO G.M. - Customary land law of Tanzania - A source book Pp. 7-8
5. Ghai Y.P. & Mcauslan J.P.W.B.- Public law and Political change in Kenya - P. 109.
6. Koinange Mbiu V Rex (1951) 24(2) KLR 130
- (GN 1172/49 Rule 3(11)).
7. Kenya (Native Areas) Order in council - 1939
8. Okoth - Ogendero H.W.O. - African land Tenure Reform - in Agriculture Development in Kenya - An Economic Assessment Ed. Judith Heyer & Maitha.
9. Sorrenson M.P.K. - Land Reform in Kikuyu country Chapter 9 - see generally.
10. JACOBY E.H. - Man and Land P. 321
11. Sorrenson, Supra - Chapter 13
12. Swynnerton R.J.M. - A plan to intensify the development of African agriculture - P.
13. East African Royal Commission - 1953- 1955

Footnotes Contd.

14. Ibid Op Cit para 77.
15. Sorrenson Supra Pp. 113-118
16. Wasserman Gary - The Role of Land Reform in Developing Kenya - see generally.
17. Swynnerton Supra.
18. The District Commissioner of Kiambu V R and others Ex parte Ethan Njau (1960)EA 109.
19. The Report of the working party on African land tenure - 1951 - 1958.
20. Cap. 300 of the Laws of Kenya.
21. Supra (note 13) para 78.
22. Legislature Council Debates 1959.
The object of the bill were:
 - (i) To prevent large accumulations of land for non productive speculative purposes.
 - (ii) To prevent uneconomic fragmentation by giving provincial boards the power to prescribe for minimum subdivision.
 - (iii) To prevent widespread unproductive indebtedness
 - (iv) To prevent transactions detrimental to the landowners family when the owner realizes he has a negotiable asset.
23. Supra (note 5) Pp. 283 -284.
24. Cap 302 of the Laws of Kenya
25. Cap 318 of the Laws of Kenya

Footnotes Contd.

26. The author does not wish to draw a deep clearage between the colonial and post colonial periods for there was continuity from colonial to independence period without any substantial change.
27. Sections 6 and 9 of Cap 302.
28. Cap 318 Supra
29. Ibid - see specifically sections 64, 184-186
30. Mcauslan J.W.B. - Control of land and Agricultural development in Kenya and Tanzania in G.F.A. Sawyer (Ed) E.A. Law and Social change - see generally
31. Section 120 of Cap 300.
32. Supra (note 20)
33. Section 28 of Cap 300
34. Section 88 of Cap 300
35. Section 163 of Cap 300 intruduces principles of common law to the Kenyan Land law.
36. Hollywood silver Fox Farm v Emmet (1936) 1 ALL.E.R. 825
37. Schickele, Rainer - Agranan Revolution and Economic progress P. 168
38. Okoth - Ogendo - H.W.O. - Property theory and land are Analysis - An Essay in the Political economic of ideas. IDS Discussion paper No. 209 P. 13.
39. Denman D.R. - "Land use and the constitution of property" An inaugral lecture at Cambridge P.1

Footnotes Contd.

- " Property rights in land or rights analogous to them are, in the last analysis, the only power by which men can execute positive plans for the land use and natural resources."

40. Supra (note 8) P. 174

41. Mbithi Phillip - Rural sociology and Rural Development
Pp. 96-97.

43. Meek, C.K. - Land law and custom in the colonies
Pp. 78-81

42. Warriner, Dorren - Land Reform in Principle and practice
P. 35.

46. Supra Chapter 23 para 9. p 349.

44 Supra (note 8) Op cit p. 182

45. Swynnerton (supra) p. 2.

47. Supra Cap 300, sections 65-84.

48. (a) Sessional Paper No 10 of 1965 - African socialism and its application to planning in Kenya P. 37 - "In future the development of agriculture in the African areas will be given first priority. The use of funds here will increase output, yields employment and per capital income much more rapidly and effectively and on four to six times the acreage than the use of funds for settlement. The present practice of spending a large proportion of the Government budget on the settlement and development of a limited acreage in former areas should be phased out and in future funds channelled to the development of great potential of the African areas."

(b) 1966 -1970 Development plan P. 127

49. Cap 323 laws of Kenya

Footnotes Contd.

50. Pischke J.D. & Donaldson G.F. - Small Farmer Credit in Kenya Op. cit. P. 30
51. Jacoby (supra) P. 305
52. Leys, Colin - Underdevelopment in Kenya P. 98.
53. Kenya Development Plan 1974-78, 10.67 P. 206.
54. Okoth - Ogendo, H.W Land Tenure and Agricultural Development in Kenya and Tanzania - Vol. 2 No. 2 (1969) Denning (also Journal Op. cit P. 64.
55. Pischke non J.D. - Smallholder Agricultural Credit programmes in Kenya - The Poor Farmer Paradox - P. 1
56. Swynnerton (supra) P. 8.
57. Jacoby (supra) Op. cit P. 317
58. Ministry of Agriculture - Githunguri Divisional annual Report - 1977
59. In Githunguri there is the Waruhiu Farmers Training Centre - which offers a variety of short courses to the farmers.
60. Kenya Development plan 1974 - 1978 10.22 P. 203.
61. Scott, J. Agricultural extension in Kenya Op. cit P. 6.
62. Development Plan (supra note 21) 10.34 P. 206
63. Ibid p. 206 para 10.34 - 10.38.

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