

## **LAND IN TRANSITION:**

**A historical perspective and analysis of tenure reform in Kenya.**

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### **Abstract**

This paper traces the path and development of land tenure reform in Kenya from customary tenure to individualised titles to land. It examines the features of customary tenure systems generally and those of statutory systems and argues that some of the perceived problems of customary tenure systems are result from difficulties of land use rather than land rights and that individualised rights is not necessarily advantageous in all cases and that where land reform programmes are effected by the Government, they should not be viewed as a one-off process but as a part of a land rights continuum. This is particularly evidenced by the provisions of the Land Control (1967) Act which attempts to control dealings in registered land but which ends up protecting social customary interests. Family interests still largely exercise control over dealings in agricultural land in Kenya. Land tenure reform through adjudication and registration has only managed to move land from the holding of the wider kinship group to be held by the close family members. As families increase in size so will the land sub-division, necessitating further land adjudication and registration.