

**IMPACTS OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION – SIAYA DISTRICT: KENYA**

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Dedication.

To my late parents Raphael Okoth Rabuku and Japuonj Brigita Okoth who believed in the education of the girl child and made my sisters and I who we are today.

Declaration:

This Research project is my original work and has not been presented for a degree in any other university or any other award.

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Date: 04/09/2007

This Research project has been submitted with my approval as the university supervisor.

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Date: 04/09/07

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Abbreviations:

CBOs	-	Community Based Organisations
CBS	-	Central Bureau of Statistics (Kenya)
CODESRIA	-	Council for the Development of Social Science Research in Africa
DDC	-	District Development Committee
DEC	-	District Executive Committee
DFID	-	Department of Foreign International Development
DFRD	-	District Focus for Rural Development
DPU	-	District Planning Unit
ERSWEC	-	Economic Recovery Strategy for Wealth and Employment Creation
FAO	-	Food and Agricultural Organisation of United Nations
GDP	-	Gross Domestic Product
GoK	-	Government of Kenya also stands for Republic of Kenya.
IPRSP	-	Interim Poverty Reduction Strategy Paper
KIHBS	-	Kenya Integrated Household Budget Survey
LM	-	Lower Midland
NEMA	-	National Environmental Management Authority
NESC	-	National Economic and Social Council
NGOs	-	Non-Governmental Organisations
PRSP	-	Poverty Reduction Strategy Paper
SAPs	-	Structural Adjustment Programmes
SPSS	-	Statistical Package for Social Sciences
SRDP	-	Special Rural Development Programme
UN	-	United Nations
UNESCO	-	United Nations Education Children's and Cultural Organisation
UNICEF	-	United Nations Children's Fund
UP	-	Upper Midland
WHO	-	World Health Organisation
WMS	-	Welfare Monitoring Survey

ABSTRACT:

This study set out to find out the prevalence of sale of family land and its impacts on the livelihoods of the people of North Alego location in Siaya District of Kenya. The study area is one of the poorest in the District with poverty levels above the national average of 46%. The main occupation was found to be subsistence agriculture. The area has neither cash crops nor industries so land is a major resource. Consequently the research strove to find out if the returns from the sale of their main resource has had a positive impact on their lives by moving them above the poverty line. The research used household questionnaires to bring out the prevalence, reasons and impacts of the practice on those who had sold land. The quality of life/well being was judged by using the characteristics of poverty as documented by the central bureau of statistics in Kenya. The vulnerable groups that are women and the youth were also interviewed to find out their opinion on the practice. Discussions were held with some District Heads of Department in Siaya District. The laws and policies that apply to land use and land transfers in the area were analysed to find out why the area has remained rooted in poverty forty four years after independence despite several government policies addressing development in rural areas and poverty reduction. The study found out that the sale of family land in the area was common but were mostly distress sales due to lack of any other source of income to address immediate family needs like school fees, medical and even funeral expenses. The prices of the land sold were too low to make any significant positive change on families lives on the long run. There was no significant difference between the quality of life of those who had sold the land and those who had not except that the sellers had less land and had not solved all their financial problems or climbed out of poverty. Finally the study suggested policy measures that can be put in place to address sustainable land use in the area and help the community climb out of poverty without necessarily getting rid of the only resource they have. The study suggested that the concerned authorities should not leave the land market in subsistence agriculture areas to the concept of willing buyer willing seller as a desperate seller can accept any price without thinking of the next generation or of long term solutions to lack of monetary income.

CHAPTER ONE

INTRODUCTION:

1.0 Introduction

The importance of land as a key and finite resource for most human activities including agriculture, industry, forestry, energy production, settlement, recreation, water catchments and storage can not be overemphasized. It is a fundamental factor of production, and through much of the course of human history, it has been tightly coupled to economic growth. As a result, control over land and its use is often an object of intense human interactions.

The fundamental characteristic of land is that it is immobile in the physical sense due to the fact that land is immovable compared to other resources. Non land factors of production have to be brought to the land to initiate production and then after a compulsory time delay from planting, tilling and harvesting, out puts have to be transported from the land to the places where it is consumed and /or sold.

In rural areas, this spatial immobility of land ties up land users making them less able to migrate and access information creating information asymmetries, thin markets and imperfect competition. The quantity and quality of infrastructure transportation services or market information access are crucial for the functioning of rural markets and the degree of integration of rural producers into market for inputs, outputs and consumer goods (Holden, 2007). As such the rural folk who rely on land as a source of livelihood try all means of production to get maximum benefits from it. Where the above services are not adequate as in most parts of the rural areas in Kenya land production can be so low that the title holders may believe that if they exchange their land for cash the cash will help them solve their immediate financial problems faster than waiting for the products from land.

The freedom to transfer or otherwise dispose of rights over land is generally considered to be an integral part of a robust property system (GoK, 2002). However this is only so if it promotes development on both sides of the exchange. If the returns from the sale only solve immediate problems like in the so-called distress sales there should be a follow up on the seller to see if he/she contributes to the development of the nation or if the exchange contributes to poverty reduction. Policies should be put in practice to regulate the market just like in all trade involving other commodities.

This study set out to find out the prevalence of sale of family land in North Alego location of Siaya district in Kenya. This is one of the poorest areas of the country with poverty incidence

greater than 67%. The reasons for this practice were also studied and the impacts on the livelihoods of the community were sought. The methodology used involved household questionnaires that brought out the prevalence of sale of family land and whether or not it had brought any significant changes to the lives of those that sold land. Government officers and the local elders were also interviewed. Land laws and policies governing the process of family land sales were analyzed and their contribution to the practice brought out.

1.1 Background

North Alego Location is one of the three Locations of Boro Division of Siaya district in Nyanza Province Kenya. It has an area of 56.7 square kilometers. The population according to 1999 census was 8,882 males and 10, 216 females totaling to 19,098. It has four sub locations namely, Hono, Komolo, Nyalgunga and Nyamila. Siaya was created as a District in 1967 and North Alego location borders Siaya District headquarters to the North.

The people mainly practice agriculture though they keep livestock as well. According to Atieno and Cohen, (1989) before 1900 the people of the area did not just go around building anywhere in the terrain. The land was rationally organized and people were settled in concentrated residential units. Defensive requirements were important while collective settlements and planning of the use of land was critical. People blame the breakdown of this system to the *Pax Britannica* era when the defensive uses of the residential units became less significant.

In this view the desire of each individual to have his own domain became explosive. There was a proliferation of homestead building and reallocation of functions of land. Soils that were thought to suit traditional crops like sesame, millet and finger millet became individualized where members of one family would live and plant maize and cassava. The land quickly deteriorated and the special resources and specialized production organized by larger social units were replaced by the monotonous repetition of small farms producing basic staples. The tradition that was later introduced in the nineteenth century where sons had to move out of residential units in turns did not help matters.

The recommendations of the Swynnerton plan of 1954 to help improve African agriculture only fanned the problem of individualization of land for every adult felt the need to have title to his own land to allow him deal in it. One could charge, sell or cultivate his land as he wished as long as he had title to it. To do this many people opted to allow adult male family members to

have their own titles to allow them manage their portions. The above explanation does not mean communal ownership was superior to individual ownership. A difficulty arises from the crucial contradiction that commoners claim equal assignment of land, whereas the land is quite diverse. (Hayashi, 2006)

When Siaya was created as a district headquarters the use to which land could be put became even more varied. Individuals wanted land near the new center for speculation, security, accessibility, estates development and related uses.

1.2. Statement of the problem:

The millennium development goal No.1 is eradicating extreme poverty and hunger. Boro Division is the poorest in Siaya District. According to the Welfare monitoring Survey (WMS) of 1997 report, 54% of the population in the district was food poor while absolute poverty accounted for 58% of the population. 37.52% was in hardcore poverty. The national figures were 52% and 56% respectively. The current report from the Kenya Integrated Household Budget Survey (KIHBS) released in 2007 states that 65% of people in Nyanza Province are below the poverty line while in Alego constituency, the figure is 67%.

Boro is also identified as one of the divisions in the district with high poverty levels. It has poor soils and unreliable rainfall (GoK, 2004: 7). North Alego location does not have any substantial cash crop nor does it boast of any industry. Under these conditions of poor soil fertility and unpredictable rainfall patterns, families use all their available resources (land) in trying to meet their basic needs thus perpetuating poverty.

Land is the only resource that God gave man at the beginning of creation. On it man derives livelihood, it is the source of wealth and strength (Ambwere, 2003). Proper use of this resource is a guarantee of good livelihood. When factors of production especially capital is lacking there is a temptation to get rid of land in exchange for this capital with the false hope that another resource may replace land. When this does not work out people become desperate, for once disposed of land cannot be recycled.

The Poverty Reduction Strategy Paper (PRSP) identified ten main causes of poverty in Kenya and nearly half of them had direct linkage with land issues. Among the factors identified as causing poverty in Siaya District, are lack of cash to buy farm inputs, lack of cash crops, inaccessibility of loans and negative attitude towards agriculture.

The 2002 – 2008 Siaya District Development Plan states that the main economic activity in the district is subsistence agriculture where most participants are women forming almost 80% of the farm work force. The 2006 KIHBS indicated that 98% of people in Siaya have agriculture as their main economic activity compared to 88% of rural areas in Kenya. Consequently for the rural based population having fertile land is a necessity and not a choice. The PRSP also states that only 37% of this land is under cultivation and can be termed as highly potential. With no other source of income and the poor soil fertility, sale of family land to raise cash for other family needs is common. North Alego Location, since it borders Siaya Urban center has ready buyers for the land. While it is argued that property rights of individuals may be interfered with if sale is restricted (Kodhek et al, 2000), the question that goes begging is whether the vendor is better off with or without the sold piece. The Pareto optimality criterion stated that any change that makes one individual better off and none worse off is an improvement in social welfare. Conversely, a change that makes none better off and at least one worse off is a decrease in social welfare. Economic development is defined as improvement of life of an individual without making the other one worse off.

The Swynnerton plan of (1954) had suggested under section 12 that the African farmer be encouraged to farm his land well and to participate in the general agricultural planning and coordinated development of his local community and of specialized agricultural industries in which he may be concerned. To achieve this, the plan suggested that the farmer be provided with amongst other things, technical assistance, high priced cash crops with long term demand to allow him meet cash demands from his family and marketing facilities to secure outlets for his crops and stock produce.

It is this plan that suggested secure tenure through indefeasible title to encourage farmers to invest their labour and profits into development of land and enable them to offer it as security against financial credits as he wished from available sources of finance. Registration of titles to land was to allow Africans to buy and sell land amongst themselves and to mortgage lands against loans from the government and other agencies.

In North Alego location, the above scenario of cash crops to offset family financial needs does not exist, marketing for agricultural products are limited to the local population and due to this, credit from banks are hard to come by. This study will find out if these are the reasons behind the sale of family land. The scenario of the Africans trading in land amongst themselves will be

investigated by finding out if the sale of land has improved production and brought positive change or not.

Due to the low productivity of the land in North Alego and lack of finances to improve the agricultural production many men in the location seek employment outside the district. This leaves women as household heads and in charge of tilling the land (PRSP 2001-2004).

However since in most cases they are not plot owners they may not have a say in the sale of the family land. However, they are still expected to provide food for the family. It is important to find out how these members of the families cope with this situation. While sharing out of land and use amongst family members keeps this resource within the family, sale of the same reduces the family resource base and being the only resource a family may be owning it is important to find out if this action makes the family better off economically or worse off in the long run.

The introduction of cost sharing in public education and health services in the 1990s in Kenya added on parents and the entire population a burden never experienced before (Okuro, 2002). This was when Structural Adjustment Programmes (SAPS) were introduced in Kenya. These imposed austerity measures, which served to worsen the situation when it came to land, and land reforms in Siaya. As indicated earlier, the people of the area to be studied since the colonial period moved to urban areas to gain employment, but the SAPS were marked by a freeze on real employment and retrenchment for those already employed. The casualties arising from the SAPS turned to farming and non-agricultural activities to survive. Land came under intense pressure for domestic food production. Those who initially had little interest in land saw its acquisition a matter of urgency. Low cost public schools for example, expected parents to pay tuition fees, building fund, and development fund among others. Many families due to the lack of proper income from farming could not afford this.

As population pressure on land continued to mount and soil fertility declined, more and more labour was forced off the farm to ensure household survival, further undermining agricultural production (Okuro, 2002). The eventual result of this process was typically the sale of part of the homestead land to meet some immediate family crisis (e.g., severe illness particularly HIV/Aids, school fees and food for consumption). Those who were succeeding in purchasing this land eventually differentiate the rural society into landed and landless groups especially where most of the family land was sold off. This study set out to find out if these sales have

assisted the people of North Alego in improving their livelihoods in the background of the poverty situations described above.

1.3. Key Research questions:

1. What are the underlying factors that make the landowners sell their land?
2. Do the proceeds from the sale of family land make a positive impact on the livelihoods of the family members?
3. What role do vulnerable family members play in these land transactions and what strategies do they adopt to cope with the effects?
4. What strategies can be adopted to promote sustainable land use in the area to eradicate poverty and enhance development?

1.4. Objectives of the study:

The objectives of the study will be to:

1. Determine the prevalence and reasons for the sale of family land in the area.
2. Determine if the practice of sale of family land has a positive impact on the lives of family members.
3. Find out the role vulnerable family members play in these transactions and how they cope with the aftermaths.
4. Propose ways of promoting sustainable land use and promote development in the area in order to eradicate poverty.

1.5. Justification of the study

According to the Report on Kenya 2005 prepared by the ministry of Education for UNESCO, Kenya's population is predominantly rural: about 65% of the total population lives in the rural areas. The number of people in Kenya living below the poverty line has risen from 44.7% in 1992 to 52% in 1997 and 56% in 2002 whereby 82% of them live in Rural areas (GoK, 2005). In the Rural Poverty Report 2001, the International Fund for Agricultural Development argues that, to be successful, poverty-reduction policies must focus on rural areas. Yet rural poverty occasioned by the decline of the agricultural sector has continued to trigger rural to urban migration. To curb this trend ways of improving life in the rural areas must be sort and a research of possible causes of poverty in the rural areas is justified.

Land is the main resource in Siaya District and in particular in North Alego location due to the main activity of subsistence farming, finding out how the residents use it (land) to support their livelihoods and improve their way of life is of utmost importance.

Among the factors identified as causing poverty in the area according to the PRSP report were; lack of cash to buy farm inputs, lack of cash crops, inaccessibility of loans and negative attitude towards agriculture. This study would find out if these may be the reasons why farm owners sell their land.

If it can be identified that sale of land eventually leads to more poverty in the area, ways of assisting the people get farm inputs into the land instead of selling it would be looked at. When the purchasers move into the area it has to be found out if their activities assist the locals or not. This may be positive for the area or positive only on the buyer.

Land tenure and policies were also identified as of major concern in the PRSP. Should this report come up with results showing that this practice is negative on the majority, a clear land policy to guide the practice will suggested.

In the proposed National Land Policy document (2005), among the justifications of Land Policy reforms are: Severe land pressure manifested in terms of fragmentation and sub-economic 'parcellation' of land particularly in the high potential areas of the small sector and changes in land use patterns, under utilization and abandonment of agricultural land especially in areas severely ravaged by HIV/AIDS pandemic.

As a result, the carrying out of this study is in line with the national land policy and its findings will help stakeholders in understanding the reasons and effects of the sale of family land on the livelihoods of the inhabitants of North Alego.

If a just division of tasks, possibilities and means should prevail in a society, it is natural that particularly the poor population groups should be the object of study. (United Nations; 1979:15) Failure to include the poor in a national economy may be considered as neglect of an important (both economic and cultural) potential. Thus the causes of possible causes of poverty have to be isolated and solutions sort.

1.6. Research Hypothesis:

Sale of family land has positive impacts on the livelihoods of the family members.

Alternative Hypothesis: Sale of family land has negative impacts on the livelihoods of family members.

1.7 Significance of the Study:

The significance of the study is:

1. Since one of the reasons of high poverty levels in the area is lack of interest in agriculture, the study will find out if sale of family land is a factor in this issue.
2. If the study finds out that this practice has a negative impact on family members ways of controlling the activity can be formulated by the concerned bodies.
3. The land control Board procedures and methods of granting consent for sale/transfer will come into focus since a further research to investigate if all stake holders are ever consulted before a family asset like land is disposed of.

1.8 Research Methodology:

The research methodology is a way of systematically solving the research problem that will assist in evaluation of various research decisions before they are taken (Kothari 2004:8). The study sets to find out why land owners sell their land and if they meet their objectives of doing so. It also seeks to identify if the livelihoods of family members are improved by the resulting proceeds from the sales and what policies can be put in place to assist the people curb the practice if it is not positive in their lives. This section explains the data collection methods, the sampling methodology, the units of observations, measurements of variables and the analytical techniques and tools of data analysis and presentation used during the study. The methods used reflect the research problem, the purpose of the study and the theoretical framework.

The following data collection methods were applied in this research:

1.8.1. Data collection.

With the help of four research assistants the researcher undertook a survey with household questionnaires administered on the community. The assistants were trained for a day on 10th April 2006. After familiarization with the questionnaires as expected, each was assigned a location to cover :

The survey instruments were prepared to bring out the following information:

- For the sold land the reasons for the sale.
- The use of the proceeds from the sale and if the objectives were met.
- If the family is now better off after the sale.

- For the landowners who have never sold why it has never been sold.
- The status (in terms of well being) of the family that has not sold.
- The role the other members of the family play during the transactions of the sale.
- If the sellers are satisfied with the process.
- The immediate area that should be addressed to lift the area out of poverty.

The instruments had questions to enable the researcher to find out poverty indicators in order to determine if the sale of part or all of the family land had a positive or negative impact on the livelihood of the family members. The poverty indicators were those stated by Central Bureau of Statistics and other researchers.

The researcher also visited several district departmental offices to find out the programmes they have in North Alego location and their opinion on the subject of land sales. Specifically the District Lands office, Secretary to the control board, District Land Registrar, District Agriculture Officer, District Livestock officer, District Physical planner, Clerk to council Siaya County council, District Environmental officer, District Education office, Alego Usonga Constituency Development Office, District works office and the Chief of the location. The chief was of great assistance as he facilitated easy access to the interviewees.

Some homes with outstanding projects that can pull the residents of North Alego out of poverty were visited to bring out the fact that this area has potential with the right land use policies and financial assistance.

1.8.2 Sampling Design

The Registry Index maps for the location were studied to have an idea of the expanse of the location and to help in sampling of the households. The area has three registration sections, Komolo, Hono and Nyalgunga. The characteristics of the area were found to be fairly homogeneous and it was found appropriate to interview at least 30-respondents per sub location as per minimum acceptable sample size (Mugenda and Mugenda, 1996). On visiting the chief it was learnt that one sub location, Nyalgunga had been split into two, Nyalgunga and Nyamila so 50 respondents were interviewed here instead of 30 as had been earlier planned. A total of 110 respondents were thus interviewed. The interviews were carried out between June 4th 2007 and June 18th 2007.

1.8.3. Secondary Data:

Data from this source was mainly from published reports and the Internet. Data specific to North Alego location relevant to livelihoods and development were sourced for from the departmental heads at the Siaya district headquarters.

1.8.4 Data Analysis techniques:

The analysis of data and interpretation of result is necessary to build up an intellectual model where relationships involved are brought out carefully to draw meaningful inferences that ensure facts and figures are seen in light of the set objectives. Data analysis entails data verification and representation and it's done through logical organization of data and tabulation. These involve steps such as categorization, coding, tabulation, statistical and casual inferences.

Literature review was carried out on past research on sale of family land and its impacts on livelihoods. The rural development strategies that have been initiated in Kenya were studied and discussed. Review was also done on the livelihood assets and the vulnerability context to find out which of them result in sale of family land. Policies, Institutions and process of land transfers were also studied to find out how they contribute to the practice of sale of family land. Relevant topographical map and district boundary map were purchased and used in preparation of the base maps.

Recent publications by established authors on the subjects of livelihoods, sale of family land, poverty levels and indicators (mainly from the Central Bureau of Statistics) were studied. The data collected was analyzed using qualitative and quantitative methods. Analysis was then carried out using SPSS software to determine whether the sale of family land is a common practice in the area of study and the reasons for the practice. Pie charts, graphs and tables were used to depict results. The Characteristics of poverty as described by CBS were used to determine whether sale of family land has a positive or a negative effect on the livelihood of the affected families. To present data in maps GIS applications were used. Recommendations to the concerned bodies were made.

The approach of data collection is summarized in table 1.1.

Table 1.1 Analytical framework.

ANALYTICAL FRAMEWORK

RESEARCH OBJECTIVES	MAIN & ASSOCIATED RESEARCH QUESTIONS	INFORMATION REQUIRED	QUESTIONS	EXPECTED OUTCOMES
To determine the prevalence and reasons for the sale of family land.	What are the main reasons that make land owners sell their land? How prevalent is the practice?	If they sell land for the cash to meet other needs Frequency of sale in the area. Reasons for the sales.	1. Have you ever sold part of your land? 2. Why did you need to sell it? 3. What did you do with the resulting cash?	Prevalence of the practice, reasons and use of resulting cash.
To determine if the sale of family land uplifts the living standards of the family.	Do the proceeds from sale of family land make a positive impact on the livelihoods of the family.	To what purpose the cash was put and if it was successful.	4. To what purpose was the cash put? 5. Did you solve the problem for which you sold the land? 6. Is your life better off now? Questions to determine quality of living	The success of the purpose of selling land. Assess the living standard of the respondent
To find out the role vulnerable family members play in these transactions and how they cope.	What role do vulnerable family members play in land transactions and how do they cope with effects of the sales?	If youth and women of the family have a say in sales. If they are affected negatively how they cope.	7. Did you have a say on the sale of the family land? 8. Has your livelihood been positively or negatively affected by the sale? 9. How have you addressed this situation?	If they do not have a say and they are affected how can they be assisted. How to address the negative effects of the sale.
To suggest what policies can be formulated to promote sustainable land use and eradicate poverty	what policies can be put in place to promote sustainable land use to eradicate poverty in the area	Laws and policies that control sales and transfers. Laws and policies that guide land use. Extent of implementation	Questions to District heads of departments and focussed group discussions.	If the laws and policies are effective in controlling and guiding proper use of the resource(land) Process of sale not transparent to all family members

1.9. Structure Of The Report:

The structure of the report will be as follows: Chapter one contains the introduction, background of the problem, statement of the problem, objectives of the study, justification of the study, significance of the study, the methodology and finally the problems and limitations of the study.

Chapter two is Literature review, which gives the conceptual background to the research problem. The rural development initiatives in Kenya relevant to the area of study have been analyzed, literature on sale of family land, laws governing land use transfers of land in Kenya, Reasons for sales of land in Kenya and Poverty levels and measures are covered. The livelihoods conceptual framework is discussed and earlier research done on the subject

Chapter three gives the background of the study area including physiographic characteristics, population, agro ecological zones, human settlements, land use, population structure, poverty status and socio cultural background of the area residents.

Chapter four looks at the prevalence of sale of family land and reasons why family land is sold in North Alego location, Implications of the practice on livelihoods of the family members, Coping strategies by the vulnerable members of the family and Policy implication and strategies arising from this practice.

Chapter five is an analysis of the findings brought out on chapter four.

Chapter six is a summary of findings, conclusions, Recommendations and areas of further research.

1.10. Problems and Limitations of the study:

The limitations of this study were the availability of resources and as this was purely an academic research not all aspects were covered. Access to information from relevant bodies and securing permission from agency/organizations to carry out the studies was another limitation. The truthfulness of respondents could not be guaranteed especially on levels of income and why they sold their plots and the use they put the cash to. Most of the data was in analogue form and transformation to digital information took a lot of time and resources.

Accessing the respondents was difficult as most landowners are town dwellers who were away in their areas of employment. However this was offset by the fact that most of those interviewed were therefore the real rural dwellers that reside and derive their livelihoods in the area.

1.11 Definition of terms.

- Livelihoods** - One's means of making a living or employment.
- Luo** - People of the flat country near Lake Victoria in western Kenya and Northern Uganda. The language they speak is dholuo.
- Pax Britannica** - refers to a period of British imperialism after the 1815 Battle of Waterloo, which led to a period of overseas British expansionism. This led to the spread of the English language, parliamentary democracy, technology, the British Imperial system of measures, and rules for commodity markets based on English common law.
- Rural area** - An open country or town or village, not part of an urban area, with limited population and rural in character i.e. pertaining to agriculture or farming production and simple quiet living.
- Rural livelihoods-** Ways and means in which people living in rural areas make their living or are employed. Majority of people in the rural areas of Africa depend on natural resources for their livelihoods. These include rivers, land and forests.
- Urban center** - May be defined by the number of residents, the population density, the percent of people not dependent upon agriculture, or the provision of such public utilities and services as electricity and education.
(Population Reference Bureau, 2005)

CHAPTER TWO

LITERATURE REVIEW.

2.0 Introduction:

This chapter will look at the rationale of rural development, the efforts that have been put in place to initiate development in the rural areas in Kenya, factors that determine land markets, how they emerge and the rules that control them in Kenya. Finally it will look at rural livelihoods and the characteristics of poverty.

2.1.The rationale of improving rural livelihoods

Despite rapid urbanization in developing countries the mass of the population still has a rural way of life and earns its living in agriculture (UN, 1979:42). The World Bank in 1975 stated that Rural Development is a strategy designed to improve the economic and social life of the rural poor. Since rural development is intended to reduce poverty it must be clearly designed to increase production and raise productivity. It is concerned with the modernization and monetization of rural society and with its transition from traditional isolation to integration with the national economy.

The objectives of rural development therefore extend beyond any particular sector. It includes not only the stimulation and improvement of agriculture and the social welfare of the rural population, but also includes the development of towns, villages in the rural areas, road improvements, water supplies, rural industrialization, better housing, schools, and health facilities and facilities for new marketing opportunities. They encompass improved productivity, increased employment as well as minimum acceptable levels of food, shelter, education and health. Due to the above involving many different and interrelated aspects of rural life the word integrated was prefixed to rural development to create a new multipurpose thrust of rural planning. It is to be at least in theory balanced and the related and reinforcing nature of different sub sectors of the rural system necessitates formulation of development policy and planning similar to that of national development planning.

Chambers, (1984:12) gave four reasons why priority should be given to Rural Development. First that majority of the people in Africa live in the rural areas. In the Rural Poverty Report 2001, the International Fund for Agricultural Development argues that, to be successful,

poverty-reduction policies must focus on rural areas. Yet rural poverty occasioned by the decline of the agricultural sector has continued to trigger rural to urban migration.

Second the high costs of urban housing and services, health hazards of shanty towns and unemployment which causes insecurity should lead to the promotion of additional income and employment opportunities in rural areas.

Third the poorest of the poor live in rural areas; they are least in contact with the modern world, least influential politically, least likely to have adequate land and capital for a decent life, and hardest for government to help. The able bodied and more energetic move to urban areas; widows, the old, deserted wives, the feeble and very young remain behind.

Fourth, the importance of self-sufficiency in food to save foreign exchange and keep down urban wages, the need to develop cash crops to earn foreign exchange where there is lack of minerals and oil for export, the existence of under exploited land and labour that can be brought into production, the desirability of increasing rural purchasing power to provide markets for new urban products are enough economic reasons to shift priority towards agricultural development.

In addition to these reasons, when technology has to be used to improve production the poor always cannot afford it and technological progress is often accompanied by below the poverty line. This is because when measures to increase production are introduced in a community very few farmers adopt the proposed changes leaving others languishing in poverty.

2.1.1. Evolution of rural development in Kenya

In the years following independence in Kenya, the government formulated various Policies through parliamentary sessional papers, special policy reports and commissions focusing an economic growth, alleviation of poverty, redistribution of resources and development facilities such as industries infrastructure and social services and amenities. There was also emphasis on decentralization and devolution of decision making and planning processes.

Sessional paper number 10 of 1965 in particular underlined the need to correct the development imbalances inherited from colonial policies. Emphasis was on the need to recognize the role of regional, local and rural levels of development in the national economy and to decentralize and

redistribute development and planning. However it emphasized on developing areas 'enriched with resources' while encouraging people from less endowed areas to move to these rich areas. This has resulted in marginalization of many parts of the country especially those that were thought to be opposition areas by successive governments.

The issue of rural development in the 1960s had been addressed through the special Rural Development Programme (SRDP). This was a pilot project carried out at Divisional level experimenting on the development possibilities in response to the diversity of ecological, social, cultural, political and economic conditions of the rural sector of the economy (Maleche, 2000). This programme focused on working with the communities in Project identification, coordination, community participation, monitoring and evaluation and project implementation.

In 1983 the government introduced the District Focus for Rural Development (DFRD) where the district was established as the basic unit for planning at the local level. Each District through its Development Committee (DDC) was to be responsible for rural development, planning and coordination, project identification implementation, management of resources, overseeing of local procurement of good and services management of personnel and dissemination of information to the public. The District Planning Unit (DPU) was established to strengthen the District Development officer's office and acted as a secretarial to the District Executive Committee (DEC) in day to day coordination of planning and implementation work. The district and the District treasury was established to enable officers utilize funds budget for projects within their jurisdiction. However, level of participation by communities was minimal due to lack of sensitization (Maleche 2000).

This programme was a good idea since it was a catalyst for harnessing and mobilizing resources to ensure their maximum utilization for development of the rural areas. Its major weakness was that funds for implementation of the projects were not devolved and the sectoral ministries still had to rely on the centralized mother ministries to allocate funds for their projects on the sectors identified. It also lacked a legal framework.

According to the Report on Kenya 2005, prepared by the ministry of Education for UNESCO, Kenya's population is predominantly rural, about 65% of the total population lives in the rural areas. The number of people in Kenya living below the poverty line has risen from 44.7% in 1992 to 52% in 1997 and 56% in 2002 whereby 82% of them live in Rural areas (GoK, 2005).

In 2006, 79% of Kenyans lived in rural areas of which 49.1% were considered to be poor (GoK, 2007). The main source of livelihoods in the rural areas is agriculture. To improve the lives of the rural population therefore their agricultural productivity has to be increased. This can be done by formulating policies that would favour the rural poor. It is against this background that the government of Kenya has year in year out come up with policy papers to address rural poverty. These include the following,

(a) National Food policy. Sessional Paper No.4 of 1981.

The objectives of this policy were to meet an ever increasing demand for food stemming from a rapidly expanding population, meet food requirements from domestic production and make the agriculture sector a major source of employment.

The Strategies included Continued expansion of productive investment with primary objective of provision of basic needs and alleviation of poverty through growth in agricultural output and conservation of natural resources.

(b) Poverty Reduction Strategy Paper 2001.

The paper identified amongst other things the following priority areas:

Food security: It noted that causes of food insecurity were prolonged droughts and low agricultural activity, lack of effective early monitoring, lack of strategic reserves, high post harvest losses and lack of effective control of livestock and crop diseases.

Thus issues identified that were to be addressed were; lack of food preservation techniques, ensuring community based seed multiplication, expensive farm inputs, development of irrigation farms, introduction of alternative cash crops, protecting of water catchment areas, and encouraging community based reforestation.

From these issues it can be seen that introduction of cash crops to strengthen the cash base of families in some areas was not done and this study could suggest ways of factoring this in the area of study.

(c) Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) 2003 – 2007:

This paper recognized amongst other things the importance of national security, law and order to enhance a conducive atmosphere for economic growth, improvement of infrastructure and investment in human capital through education and better health facilities. The goals were; creation of 500,000 jobs every year, reducing the poverty levels by 5% and achieving a high GDP growth rate amongst others.

In equity and poverty reduction, this strategy suggested the following amongst other things: focus on reducing transport costs by improving rural roads and reducing fuel taxes, reducing factory operating costs by bringing down electricity costs and strengthening information to improve access to markets, develop a coherent land policy to address land use and administration, land tenure and land delivering systems. This study focused therefore on whether a policy to guide sale of family land in order to streamline the practice to enhance poverty reduction on both sides of the trade.

(d) Vision 2030

The Policy Paper was launched in March 2006

Among issues regarded as priority is Agriculture and Livestock with an emphasis on high value added to primary farm products. The government intends to bring in as many planning players as possible to boost the economy.

This vision is aimed at wiping out poverty, famine, mass unemployment and preventable deaths from malaria and water borne diseases. There is a National Economic and Social Council (NESC), which intend to pay special attention to agriculture, manufacturing and livestock industry. This policy is still at its initial stages and this study can only give suggestion that can be hoped will be considered when it comes into full operation.

2.1.2. Current Rural Development initiatives in Kenya.

With the change of Government in 2003 several initiatives were set up to address rural development in the country. These have been aimed at alleviating poverty and availing funds directly for development at the local level. Table 2.1 is a summary of these initiatives.

Table 2.1 Summary of rural development initiatives in Kenya. Compiled by author.

No	FUND	NAME	Policy/Legal Framework	Sector	Objectives	Plans/ Programmes
1	LATIF/ LASDAP	Local Authority Transfer Fund	1999-Legal	Local Development	To improve service delivery to the public -to improve financial management of local councils -to eliminate outstanding debts	LASDAP Annual 3 years in accordance with MTFE
2.	RMLF	Road Maintenance Levy Fund Kenya Roads Board	1993-Legal 1999-Legal	Roads Infrastructure	-To collect revenue for an ever increasing demands for roads maintenance	Annual Roads Programme
3.	CACC	Constituency Aids Control Commission	Policy Cabinet Sub committee 2003	Health	-To scale up awareness and promote behaviour change in an inclusive manner -To curb and control the spread of HIV/AIDS	Constituency & National 2 Years
4.	DBS CBF	District Bursary Scheme Constituency Bursary Fund	1993 2003 Policy	Education	-To help needy students to access education opportunities -To cushion wananchi from the impact of high incidences of poverty, inflation and effects of HIV/AIDS	Annual
5.	CDF	Constituency Development Fund	2003-Legal	Constituency Development	Finance development projects in the country's 210 constituencies countrywide.	Annual
6.	FPE	Free primary Education	2003-Policy	Education	To achieve the Millennium Development Goals for Education for all	Annual
7.	NALEP	National Agriculture & Livestock Extension Programme.	2000-Policy	Agriculture & Livestock	-To promote the socio-economic development of the agricultural sector -Contributing towards the National priority of poverty alleviation	Annual
8.	YEF	Youth Enterprise Fund	2006-Policy	Youth	To create opportunities for the youths in self advancement and create employment.	Annual
9.	NWTF	National Water Trust Fund	2002-Legal	Water	Improve management & Supply of water	Annual
10	RELF	Rural Electricity Levy Fund	1998	Electricity	To finance electrification of rural and other undeserved areas	Annual
11	PAF	Poverty Alleviation Fund		Development		Annual
12	WEDF	Women Enterprise Development Fund	Proposed			

2.2 Land as a commodity.

Scarcity is the basis for economic value and for the emergence of markets (Holden, 2007). However, the economic literature also points towards many other factors that may contribute positively or negatively towards whether land markets emerge. These factors include, in addition to land scarcity; unequal distribution of land, imperfect markets for non-land factors of production, availability of infrastructure services, seasonality, shocks and imperfections in inter-temporal markets (credit and insurance), government policies and projects, and traditional institutions that substitute for, stimulate or hinder land market formation. Land is principally a factor of production hence is subject to sale just as much as any other commodity would be. Naturally therefore, it would be a breach of property rights to bar individuals from purchasing and selling it as they wished. Institutions, policies and legal systems have to be put in place to regulate the market. Those who participate in the market should gain from it and be able to improve their livelihoods from the proceeds of the sales or the products from the dealings.

2.3. Why Land Markets Exist in the rural areas.

The fundamental characteristics of land is that it is immobile in the physical sense due to the extremely high costs of moving land as compared to other resources (Holden; 2007). In fact land is immovable. Non land factors of production have to be brought to the land to initiate production and then after a compulsory time delay from planting, tilling, and harvest time, outputs have to be harvested and transported from the land to the places where it is consumed and /or sold.

This spatial dispersion of production leads to high transaction costs especially in land abundant economies where other factor markets also tend to be imperfect for this and other reasons. In rural areas this spatial immobility of land ties up land users making them less able to migrate and access information creating information asymmetries, thin markets and imperfect competition environments. The quantity and quality of infrastructure transportation services or market information access are crucial for the functioning of rural markets and the degree of integration of rural producers into market for inputs, outputs and consumer goods Land scarcity is a necessary but not sufficient condition for the emergence of land markets. There must be sufficient heterogeneity among agents in the economy such that a single price of land attracts willing sellers and buyers simultaneously. Imbalances in ratios between

factors of production across producers and the basic characteristic that these factors of production also serve as complements rather than substitutes in the production process (due to low elasticities of substitution) create opportunities for efficiency gains through trade in factors of production as long as the transaction costs involved are not too high. On the other hand, with perfect markets for all other factors of production and outputs, there is no need for a market for land as one missing market does not lead to any loss of efficiency. In such a world the residual profit would be the land rent and the shadow value of land would be independent of who owns the land, and would only depend on land characteristics and exogenous prices.

The freedom to transfer or otherwise dispose of rights over land is generally considered to be an integral part of a robust property system (GoK, 2002). However, where land is considered productive, characteristics of factors of production will determine whether landowners sell their land or keep it to make profit from it. These characteristics specific to rural areas are given by Holden (2007) as; rural markets tend not to function well and hired labour does not give a perfect substitute for family labour in farm production, a high supervision requirement is required for this labour, hiring of labour may require cash outlays before benefits of the work can be harvested and sold. Cash shortages and limited access to credit markets may thus also limit hiring of labour and consequently production efficiency. For example to start zero grazing one may need to employ a farm hand, grow Napier grass, buy drugs for the animal, put up shelter for the animal(s) and purchase the heifer and then wait for about a year or two depending on the condition of the animal before starting to collect any money from the milk sales.

The dominance of and seasonality in rain fed agriculture due to limited investment in irrigation in Africa causes synchronized production with related patterns of input demand and output supply where timing of operations becomes crucial for productivity and for profitability. Rural folk who cannot afford private pumps for irrigation cannot even start small scale horticultural farming to boost income and food production for their families. This introduces the idea of risk taking whereby the peasant farmer has no control of the prices of his outputs as the cost of farm inputs are not considered by the final purchasers of the outputs. Risk also introduces a need for insurance markets or substitutes to such markets.

These may be in the form of credit market, buffer stocks of essential commodities or livestock or family networks. Where the non-farm sources of income are constrained, even

land itself plays an important role as a safety net. The right to have access to land has been seen as a basic human right and has been implemented by law with a strong emphasis on an egalitarian distribution of land e.g. in Ethiopia.

Studies on land markets in North Alego were not available but Holden writing in 2007 on *Growing Importance of Land Tenancy and its Implications for Efficiency and Equity in Africa* observed that in some cases, land market participation may be the best choice in a second-best world, where short-term needs for food or to cover medical expenses take precedence over long-term needs due to lack of functioning credit and insurance markets. In the short run this may be a question of life or death while in the longer run the land market “causes” the household to fall into poverty. Land markets may provide an opportunity for landless or land-poor households to access land and thus a basis for survival and poverty reduction according to the agricultural ladder hypothesis.

Much of Holden’s research highlights that land rental markets are often beneficial for the poor. Policies that facilitate land rental markets should therefore in general be good for poverty-reduction. When it comes to land sales markets, the evidence is more mixed and he does not draw any strong conclusions. He says that it is possible that land sales markets are not as bad as their reputation and that they may benefit the poor if proper land policies are in

place. However, further research should be conducted to study these markets. Land policies in general should be formulated to enhance efficient utilization of land while protecting the land rights of the poor. Where policy distortions hinder efficient utilisation of land, such distortions should be carefully removed while minimising the potential conflicts involved. The gap left by this study is therefore whether land sales are beneficial to the poor or not. This study will focussed on this aspect in North Alego.

2.4 Evolution Of Family Land Sales In Kenya.

After the second world war, the persistent low productivity on the reserves and a growing political insurrection in some parts of Kenya led to a liberal proposal for land-tenure reform, which continued to shape the evolving landscape in all parts of Kenya (Kasperson, Kasperson and Turner, 1995).

In 1953 the ministry of agriculture mandated Mr. R.J.M. Swynnerton an assistant Director of Agriculture to go round the country and collect views from heads of departments, provincial teams and where necessary with the African Land Development Board and draw up a five year African Land Development plan. It was to accelerate agricultural development of Native Land units in some provinces including Nyanza and western in the colony. This plan focused on increasing agricultural productivity, environmental and resource use and conservation in the regions as a means of raising the standard of living of the regional communities.

Known as the Swynnerton plan (1954) it suggested under section 12 that the African farmer be encouraged to farm his land well and to participate in the general agricultural planning and coordinated development of his local community and of specialized agricultural industries in which he may be concerned. To achieve this, the plan suggested that the farmer be provided with amongst other things:

- Technical assistance to develop his land on sound lines, having regard to the ecological conditions under which he lives.
- High priced cash crops for which a long term demand is probable and which will help provide the money needed for expanding needs of his family, financing his family operation and backing for agricultural credit as he may require.
- Marketing facilities to secure outlets for his crops and stock produce and to command finance to establish processing factories.

On land tenure the plan observed that sound agricultural development is dependent upon a system of land tenure which will make available to the farmer a unit of land and system of farming whose production would support his family at a level, taking into account prerequisites derived from the farm comparable with other occupations. It is this plan that suggested secure tenure through indefeasible title to encourage farmers to invest his labour and profits into development of land and enable him to offer it as security against financial credits as he wished from available sources of finance. Registration of titles to land was to allow Africans to buy and sell land amongst themselves and to mortgage lands against loans from the government and other agencies. The plan foresaw and recommended that a government policy be reversed to allow "able, energetic and rich" Africans to acquire more land and bad or poor farmers less creating a landed and a landless class.

Other objectives of the plan were to address African land problems by reforming land tenure, consolidating fragmented holdings, issuing freehold title, intensifying and developing African agriculture, providing access to credit, and removing restrictions on growing crops for export. It consisted of a three-phase programme: land adjudication to "phase out" customary tenure; land consolidation into one block per household to eliminate small, dispersed parcels, to allow greater specialization, and to realize economies of scale in cash crop production; and land registration to provide for security of ownership and to establish a land market. Overall, the aim was to facilitate increased investment and employment in agriculture and to increase rural incomes and the "productivity" of land (Okoth-Ogendo, 1991;).

In North Alego location, the above scenario of cash crops to offset family financial needs does not exist, marketing for agricultural products are limited to the local population and due to this, credit from banks are hard to come by. This study will find out if these are the reasons behind the sale of family land. Further the scenario of the rich hard working farmer buying off the poor farmer will be investigated by finding out if the sale of land has improved production and brought positive change or not.

Individualization of land holdings as recommended by the Swynnerton plan meant that the customary land tenure was extinguished (Syagga, 2006). Since only male heads of households were registered as parcel owners, the rights of women and children were undermined and they were left landless should owners decide to sell the land. This study will therefore find out if the women and youth have a say in sale of family land in North Alego location and how they have coped with the resulting situation. Swynnerton's assumption that individualization of land holdings would open up possibilities of loans for farm improvement and encourage cash crops would mean that all arable parts of Kenya are now endowed with cash crops, set out to find how the people of North Alego were affected by these suggestions and why the area lags behind well being surveys despite these suggestions. Since land is the main resource in the area the dealings in it should bring an improvement on the lives of the owners as envisaged by the Swynnerton plan so this study strove to find out if these intentions were ever met.

2.5 Land Tenures in Kenya and its implications on land use.

Land tenure is a system of land holding that embodies legal and contracted arrangements under which people gain access to and utilize land. It contributes rules and procedures that govern the rights, duties and liberties of the people in their use and control of land resources. There are three systems of land tenure in Kenya -: Customary Land Tenure, Freehold tenure and Leasehold tenure.

Customary Land Tenure is a complex of indigenous systems of land holding practiced by various ethnic groups and communities who live with the boundaries of what is now Kenya. There were probably as many different indigenous systems as there are different ethnic groups with different customary laws under which they held, controlled and occupied their land. Generally land was regarded as a family trust held or controlled either by a family group, a clan, chief or a group of elders. Every member of the family group or clan was entitled to a share in the land for cultivation or grazing purposes. Individuals only had vested rights of occupancy and use of land for subsistence purpose. In this sense land was a social economic asset that created a bond between the members of the family, group or the clan.

Free hold tenure is an interest in land technically known as free simple absolute possession. It is the greatest interest in land a person can possess. In practice it is only restricted by use of legislation or planning regulations. It is not subject to payment of rent. The land that was in the native reserves that was held by the county councils known as Trust Land was adjudicated and registered as freehold tenure as the right holders were vested with absolute ownership. The land in the area under study is such land registered under the Registered Lands Act Cap 300 of the laws of Kenya. This act allows any person to acquire absolute ownership to any land once he/she has been registered as the absolute owner. On registration of trust land after adjudication those who were registered as right owners acquired freehold interest on the land. A buyer of the same land acquires the same land rights as the previous owner. The decision to give freehold title in respect of Trust Land after adjudication was made in 1957 primarily because the colonial administrative realized that Africa landowners would not accept leasehold title from the crown, as this would have established absolute rights of the crown to their land, which was a bone of contention at the time.

Leasehold tenure is an interest in land for a term of some years, which must always be certain. It is usually granted subject to the payment of a rent. In some cases rent is not payable and the lease is said to be granted under peppercorn if demanded. Leases are also restricted to definite use. The lessee can only utilize the land for the purpose for which it was allocated and any proposal to change such use must be referred to the government for consideration and approval.

The above types of tenure have a bearing on land use as has been put by several writers. Syagga (2006) observed that the individualization of customary land as envisaged in the Swynnerton plan could have benefited the rural areas in situations of dynamic technology and well functioning markets. Unaffordable input prices, poorly developed financial systems may result in exorbitant administrative charges and poor delivery of credit services to rural areas leading to people preferring off farm activities. The area under study suffers all these drawbacks and this study set out to find out if land owners sell their land as a result of these drawbacks. The literature by Syagga also asserts that many able bodied males went to work in European farms leaving the rate of production in the native reserves low. North Alego location is known for low agricultural production resulting in threats on the livelihoods of the inhabitants. This study will find out if the livelihood strategies are positively affected by the sale of the land, which is a major resource.

The paper by Syagga (2006) concludes by asserting that lack of access to basic infrastructure and inequality means isolation from markets and services. Having no power supply and water for productive activities and daily existence threatens maximum use of land as a resource. This study will therefore strive to find how the people of North Alego cope with these shortfalls and if the sale of family land assists in alleviating the lack of necessities.

Ambwere carried out a research on policy implications on Land subdivision in Settlement areas specifically Lumakanda settlement Scheme in Western Kenya in 2003 and found out that,

- Acquisition of factors of production to enhance agricultural production leaves many farmers vulnerable to manipulation leading to sale of land.
- Most farmers are unable to expand scale operations and are therefore handicapped increasing problems of viability particularly in absorbing shocks that go with rain fed agriculture.

In a study carried out in 2002 in Kombewa division of Kisumu District by Okuro on the place of land tribunals in the land reform process he observed that as population pressure on land continues to mount and soil fertility declines, more and more labour has been forced off the farm to ensure household survival, further undermining agricultural production. The eventual result of this process is typically the sale of part of the homestead land to meet some immediate family crisis (e.g., severe illness particularly HIV/Aids, school fees and food for consumption). Those who are succeeding in purchasing this land eventually differentiate the rural society into landed and landless groups further complicating claims over land. These land buyers at times pay installments hoping that the economic situation will improve to enable them pay in full. But realizing that things are not any better, the buyers end up unable to pay for these lands in full. Such occurrences normally end up becoming land disputes in urgent need of arbitration in an independent and reliable land tribunal or court of law.

What all these studies did not find out was whether these sales of family land were having a positive impact on the livelihoods of the sellers or not. Thus a case for this study in North Alego location to find out this factor is of importance for it can be applied to other parts of Kenya and help stake holders formulate policies that can lead to more sustainable land use.

2.6. Laws Governing the Use and Dealings in Agricultural Land in Kenya:

Land use in Kenya is controlled by several acts of parliament. Most of these depend on the type of tenure under which the land is held. It is beyond the scope of this study to mention all of them but a few relevant to the area of study are discussed briefly below

2.6.1. The Land Control Act Cap 302:

The history of agricultural land market regulation goes back to 1944 when the colonial government, alarmed at the spectre of speculation decided to subject all transactions in agricultural land to a system of official consent (GoK, 2002). This mechanism was extended to African areas in 1958 that were undergoing tenure reform arising from the Swynnerton plan (1954). The colonialists felt that if not guided, the new individual African proprietors might render themselves landless by engaging in indiscriminate transactions through the market. Thus the procedure of applying for consent at the land control board was established.

The Land Control Act is applicable to agricultural land, which it describes as land not within a municipality, township or trading center. Land Control Boards as established under section 5 must sanction any dealings on agricultural land whether subdivision, transfer, lease or

mortgage. Membership of the Land Control Board consists of the District Commissioner of the District the land control area is situated, not more than 2 other public officers, persons nominated by the county council and not less than three and not more than seven persons resident within the area of jurisdiction of the board all appointed by the minister. The act allows for appeals to the Provincial Appeals Board and Land Control Appeals Board.

Under section 9 the terms of turning down consent of transfer are spelt out and among them are -:

- The terms and conditions of the transactions (including the price to be paid) are markedly unfair or disadvantageous to one of the parties to the transaction.
- In case of subdivision if resulting parcels will negatively affect agricultural productivity.

2.6.2 The Land Acquisition Act CAP 295 of 1968:

This Act gives provisions to the minister under section 6 to acquire land compulsorily for public interests in defense, public safety, public order, public morality, public health, town and county planning or the development or utilization of any property in such a manner as to promote public benefit. The act also says under section 7 that the commissioner of lands may cause such land to be marked and measured and cause a plan to be prepared.

2.6.3. The Physical Planning Act Cap 286 of 1996

The physical planning act of 1996 is an act of parliament providing for the preparation, implementation and enforcement of physical development plans. The act was enacted to provide a framework for conflict resolution through liaison committees from the district, provincial and national levels and also provides what should guide land uses through physical development plans (local in urban areas and regional in rural areas) and a mechanism to guide and enforce development control through Local Authorities and NEMA. The acts have linkages with the environmental monitoring and coordination acts and requires that a participatory environment impact assessment be done on projects with a greater impact on the physical environment and those in environmentally fragile areas. This study will find out if this has been followed in the transfers of family land in North Alego especially where there has been subdivision and change of use from agricultural to other uses.

2.6.4. Agriculture Act Cap 318 of 1980

This Act covers all agricultural land in Kenya. Agricultural land is defined as all land, which is used for the purpose of agriculture, not being land, which under any law relating to town and county planning is proposed for use for purposes other than agriculture. It allows for the establishment of the central Agricultural Board, Provincial Agricultural Boards and District Agricultural Boards. The Central Agricultural Board has among others functions of advising the minister on all matters of National Agricultural policy and coordinating agricultural policy matters affecting more than one province. This board in turn delegates functions to the District and Provincial Boards.

The Act also allows the minister to: make rules to guide the preservation of the soil and its fertility by setting out rules to control prohibit or regulate usage of land for agriculture and livestock grazing, make land development orders to impose development programmes. (development programmes are the adoption of such system of management or farming practice or other system in relation to the land in question as the central Agricultural Board may consider necessary for the proper development of the land for agricultural purposes), cause to be prepared a draft scheme for the purpose of implementing the actions above. This scheme will show the area affected by the programme, finances; holdings comprised in the area affected and such like details. The minister will adopt the scheme so prepared and present it to the National assembly for approval, declare a crop to be a special crop and establish an authority for promoting and fostering the development of that crop for such an area and specify membership of such an authority.

2.6.5. Forest Act Cap 385

This act provides for the establishment, development and sustainable management including conservation and rational utilization of forest resources for socio economic development of the country. The Act establishes the Kenya Forest Service, which amongst other things has the following functions of, protecting forests in Kenya in accordance with the Act, managing all provisional forests in consultation with owners, promoting forestry education and training, providing forest extension services by assisting forest owners, farmers and associates in sustainable management of forests, enforcing the conditions and regulations pertaining to logging, charcoal making and other forest utilization activities, enforcing the provisions of the

Act and any forestry or land use rules and regulations made pursuant thereto or any other written law.

This Act also allows for community participation in the management of forest under section 46. Under section 35 there is provision for a management plan which is a systematic programme showing all activities to be undertaken in a forest or part thereof during a period of at least five years and includes conservation, utilization, silvicultural (study, cultivation and management of forest trees) operations and infrastructure developments.

However, the Act has the following weakness:

It fails to give consideration to the local community in relation to forest and land use management in their areas; It has failed to protect forest resources from indiscriminate exploitation; It empowers the minister to degazette forests without consulting the public; and fines imposed on indiscriminate cutting of trees are negligible.

2.6.6 The Environmental Management and Coordination Act, no.8 1999

This act allows for appointment of provincial and District Environmental committees, which are charged with the proper management of the environment within a Province or District. Section 58 requires that any development as in second schedule will be carried out only after an environmental impact assessment has been done. Such developments include new townships, industrial estates, shopping centers and complexes etc.

2.7. Poverty And Poverty Measures:

Poverty is a complex multi-dimensional phenomenon whose relative levels vary considerably over space and time. (CBS, 2003). Hence, no uniform standard is available for measuring it, even though it is widely viewed as the lack of sufficient income. Despite years of effort in fighting poverty, misconceptions remain about the poor, why they are poor and what is needed to help them lift themselves out of poverty (Kimalu, Nafula, Manda, Mwabu, Kimenyi, 2001). Some groups in the population often face a combination of the predicaments associated with poverty low income, illiteracy, premature death, early marriage, large families, malnutrition, and illness and injury— which lock them into unacceptably low standards of living. Based on the 1999 Population Census projected numbers the 2005/ 6 population stood at 35.5 million. The rural population accounted for 79% while urban accounted for 21%. Poverty in Kenya is still a rural phenomenon (CBS, 2007).

2.7.1. Definitions:

Poverty may be defined in absolute or relative terms (GoK 1998). Absolute poverty is a state where one cannot raise the income required to meet the expenditure for purchasing a specified bundle of basic requirements. Relative poverty is when one cannot purchase a bundle of basic needs available to a reference social group, such as people within a median income level.

Various reports (GoK 1997, 2000) define poverty in Kenya in the absolute sense—as a situation where individuals cannot raise the income required to meet a given level of basic needs, usually over a period of one month.

To determine absolute poverty, an absolute poverty line is needed, that is, an income level at which an individual just meets the cost of a specified bundle of basic needs. The critical role of a poverty line is to identify who the poor are in a society.

2.7.2. Poverty lines:

Once poverty lines are defined they can be used to measure food poverty and overall absolute poverty. Food poverty is an indicator of the inability of a household to satisfy its basic food requirements. To identify the food poor, a food poverty line is needed. This line indicates the income level below which people cannot meet their minimum basic food requirements. To identify the food poor, a food poverty line is required. In 2006 the CBS defined the food poverty line in monthly adult equivalent terms of Ksh.988.00 for rural areas and KShs. 1474.00 for urban areas. 47.2% of Kenyans in the rural areas were described as food poor versus 40.5% in urban areas in 2006(CBS, 2007).

Hard core poverty is an indicator of the inability of a household to meet its basic food needs even when all income is spent on food. In 2006 19.1% of Kenyans were in hard-core poverty (CBS, 2007). FAO and WHO describe food poverty line as the cost of purchasing 2250 calories per day per adult.

The headcount index for absolute poverty indicates a household's inability to meet all its basic (food plus non-food) requirements. Summing the food expenditure required for food energy intake of 2250 Kcalories per day per person and the non-food expenditure allowance gives the overall absolute poverty line. The non-food component is usually taken as the mean of non-food household expenditure for households within a particular neighbourhood of the food poverty

line. This neighbourhood is typically defined as the distribution of expenditure encompassing households 20% below the poverty line and 15% above it (Kimalu et al, 2001). In 1997, the overall absolute poverty line was estimated as Ksh. 1239 per month per adult in rural Kenya and Ksh 2648 in the urban areas. In 2006 the CBS reported that 46% of Kenyans were poor and in Nyanza province Poverty levels were 47.6%.

2.7.3.Poverty Gap.

The poverty gap provides information on how much poorer the poor people are relative to the poverty line – that is the depth of poverty. (CBS: 2003, 13). It measures the average expenditure shortfall or gap for the poor within a given area relative to the poverty line. It is obtained by adding up all the shortfalls of the poor (ignoring the non poor) and dividing this total by the population. It is a crude way of estimating the minimum amount of resources necessary to lift the poor out of poverty through perfectly targeted cash transfers geared towards closing the gap. Though informative this measure has weaknesses in that cash transfers are not practically possible and the measure masks inequality among the poor since some may only be a few shilling below the poverty line and others may have very little money at their disposal.

2.7.4.Proximate Poverty Indicators and Characteristics:

Proximate indicators of poverty are the factors associated with poverty. They are ‘proximate’ in the sense that they are contemporaneous with poverty, that is, they are found together with poverty (Kimalu et al, 2001). They are the immediate determinants or immediate consequences of poverty. Proximate determinants of poverty are commonly known in the literature as the ‘characteristics’ of the poor.

Poor households are characterized by insufficient food, perpetual hunger and heavy reliance on handouts, skipping meals, cutting meals, lack of land, lack of proper housing, poor health, and inability to educate children and pay medical bills.

The Poverty Reduction Strategy Paper (PRSP) published by the ministry of planning in Kenya in 2001(p16) quoted qualitative surveys that have shown that poverty manifests itself through hunger, malnutrition, illiteracy, lack of shelter and failure to access essential social services such as basic education, health, water and sanitation. However, a study carried out on the chronically poor and the implications on agriculture in Western Kenya in 2003 it was argued that, the poor lack a regular source of income or social networks upon which to turn for support.

Here, remittances from employed children constitute a key component of the livelihoods of poor households and as such the poor too are those without any social security and this is pegged at the family level. It is also apparent that access to some food alone is just a bare minimum and does not warrant being considered non-poor. Instead, for as long as one struggle to survive and they lack food stocks or assets then they are still poor. The PRSP summarized the characteristics of the poor as stated by WMS II and WMS II of 1994 and 1997 as follows:

2.7.4.1. Demographics

Knowledge of demographic characteristics of households and families is useful in policy and programme formulation both in the economic and social fields. Such characteristics are useful in planning education, health and housing programmes (Kimalu et al, 2001). Overall, on average, the poor have larger households than the non-poor. According to the 1994 welfare monitoring survey (GoK 1998), the average household size for the poor was 6.4 members, compared with 4.6 members for the non-poor. Large families dilute family resources and divert resources from long-term investment as they tend to devote a disproportionately large share of their budget on food, leaving little for education and other investments.

Rapid population growth is generally viewed as one of the main causes of deterioration in living standards. The total fertility rate is the number of children a woman is expected to have in her lifetime. In 1994, poor women had a significantly higher fertility rate of 6.6 children than non-poor women, whose rate was 6.1. The data show also that rural women, irrespective of whether they were poor or not, had a higher fertility rate than urban women.

The 1997 welfare monitoring survey (GoK 2000) found that female-headed households were poorer than male-headed ones. In the rural areas, 31.2% of the poor households were female headed, while in urban areas this was 25.5%. The respective percentages for males were 17.3% and 29.8%.

2.7.4.2. Household income and expenditure:

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Income and expenditure are very important variables in the analysis of poverty. In a study to examine the effects of poverty on agricultural production in Siaya and Vihiga districts (Place, Hebinck, Omosa, 2003) a participant is quoted as commenting, *'Lack of a source of income ... you have no child to send you money. However, if you have eyes, hands and legs, you can get something to eat. But, you cannot produce many sacks of maize or keep a grade cow because there is no money to buy fertiliser or food for the cow'*.

2.7.4.3. Income

Wage employment is a major source of income in urban areas, while livestock and crops are the main income sources in rural areas. Even in rural areas, income from wages is important in enabling households to avoid poverty. In rural Kenya, the non-poor derive a large share of their income from cash crops (GoK 2000). In contrast, subsistence farmers are among the poorest and most vulnerable groups. In Tanzania, people whose main source of income is farm produce are five times more likely to be poor than are wage earners (World Bank 1997).

2.7.4.4. Expenditure

Being poor means devoting insufficient resources to consumption. The results of the 1994 welfare monitoring survey (GoK 1998) show that the poor spend a larger proportion of their expenditure on food (71%) than do the non-poor (59%).

2.7.4.5. Health

Access to health care has long been considered as pivotal in helping people acquire core capabilities that permit them to escape poverty. Poor health is seen as a cause of poverty.

Furthermore, poverty perpetuates ill health, because the poor, compared with the non-poor, are less likely to report health problems and are less likely to seek treatment in the event of illness. The poor have few sources of basic health care. Public health institutions in Kenya are characterized by long queues of patients. The time taken to reach a health facility is considered an important indicator of accessibility to health services. The 1997 welfare monitoring survey found that most poor households in rural areas took over one hour to reach the nearest health facility. In urban areas, this time was between 10 and 30 minutes. The first destination for the sick poor in rural areas was a public dispensary (26.7%), a drug store or pharmacy (23.2%), or a private doctor (20.8%). The majority of the non-poor use private sources of medical care (51.4%). Access to health services by the poor meaning availability,

affordability and physical accessibility of drugs and consultation services has been limited owing to factors ranging from cost sharing to long distances to health facilities. The 1997

welfare monitoring survey found that only 35.6% of the children born to poor households were delivered at health facilities, compared with 52.3% of children born in non-poor households. Malnutrition is higher in the poor than in non-poor households, as are stunting, wasting and weight deficiency among children.

2.7.4.5. Education

Education is considered as a vehicle for poverty reduction. Mwabu et al. (2000) show that poverty is highest among people without any schooling. According to their study, there was virtually no poverty among households headed by university graduates. However, the precise mechanism through which education reduces poverty is not well known. Although education increases the chance of escaping poverty, it is not a guarantee in avoiding poverty altogether.

In the 1997 welfare monitoring survey, nearly two thirds of the urban poor had attained secondary-level education, and 63.1% of the poor had reached primary-level education, the highest educational level for the rural poor (GoK 2000). The survey also found that 22.7% of children from the non-poor households advanced to secondary school, compared with 11% of children from poor families. However, there appeared to be no difference between enrolment rates in primary school for the poor and the non-poor, but there was a large disparity in secondary school enrolment by poverty status, where the non-poor reported a gross enrolment rate of 30.8%, which was nearly double the 15.9% rate for the poor (GoK 2000b). According to UNICEF (1995), when food gets scarce, parents pull children out of school to conserve their energy and to save on school-related expenses. There is anecdotal evidence that some parents marry off their daughters early for dowries to enable the rest of the children to continue schooling (Kimalu et al, 2001). There are high repetition rates among the poor, especially in standard 8, as most of them cannot afford secondary school fees. In some cases, children either have to repeat standard 8 or drop out of school even if they have passed the national examinations well enough to advance to secondary school. Thus, many poor people are unable to educate their children beyond the primary school level. The poor also tend to send their children to inexpensive, ill-equipped schools. A poverty assessment in Kenya (World Bank 1995) found that at the primary school level the bottom expenditure decile had

a net school enrolment of 63%, compared with 76% for the top decile, and at the secondary school level, the bottom decile had a net enrolment of 2%, compared with about 20% for the top decile. However, education is not enough by itself to ensure escape from poverty (Krishna et al, 2004). Many educated villagers remain poor on account of lack of access to opportunities. Furthermore, in an economy quite sharply segmented by non-market barriers of information and access, high transaction costs limit the efficient use of human capabilities and individual resources.

2.7.4.6. Water and sanitation

According to the 1997 welfare monitoring survey, rivers, lakes and ponds were the major sources of drinking water for the poor in most of districts. Access to safe water and safe sanitation varies by poverty status and locality. During the dry seasons, 43% of the poor households and 53% of the non-poor households were reported as using water from protected sources. Two thirds of the rural poor had no access to safe drinking water. In the 2005/2006 KIHBS 57% of Kenyans had access to safe drinking water and in the rural areas which contain the majority of the poor, 48% had access to safe drinking water. Sanitation and water disposal services are scarce in most cases for the poor in both rural and urban areas. According to the 1997 welfare monitoring survey, 58.3% of the non-poor households and 72.2% of the poor households had no access to sanitary facilities. The 2005/2006 KIHBS indicated that 84.2% of Kenyans use adequate ways of human waste disposal.

2.7.4.7 Agricultural production

On average, the non-poor cultivate more land (4.1 acres) than the poor (3.8 acres). Moreover, the yield per acre for the non-poor is considerably higher than that of the poor, owing to the differences between the two groups in accessing fertilizers, quality land, credit, irrigation and other agricultural inputs. In 1997, the poor spent on average a third (Ksh 1611.30) of what the non-poor did (Ksh 4794.60) on agricultural inputs. On average, the non-poor households own more cattle, sheep and goats than do the poor (GoK 2000). The 1994 welfare survey found that the non-poor earned more than two and half times the money the poor did from cash crops, and nearly one and half times more from livestock products.

The PRSP (2001, p18) states that certain occupations such as subsistence farmers (46%) and pastoralists (60% poor), have a higher than average incidence of poverty. Subsistence farmers' account for 50% of the poor in Kenya.

2.7.4.8. Household amenities

The type of cooking fuel a given household uses is an important indicator of its standard of living. Using electricity instead of firewood, for instance, saves time that can be spent on other productive activities. The poor engage in excessive use of wood fuel and unsafe human waste disposal which negatively affect the environment reducing land potential especially in the arid and semi arid areas (GoK, 2001). This makes the struggle for survival more difficult leading to over exploitation of land and water resources. When this happens more time is spent on fetching water and the distances to fuel wood increase with time. This affects agricultural output leading to food insecurity, malnutrition and poverty. The rural poor depend overwhelmingly on collected firewood, whereas the urban poor have access to both charcoal and paraffin. The 1994 welfare survey found that in rural areas, 97.5% of the poor and 85.4% of the non-poor used firewood for cooking. A majority of the rural poor (92.4%) used paraffin for lighting, compared with 83.7% among the non-poor. The poor had fewer consumer durables such as radios, bicycles, cemented walls and iron sheet roofs. This study will use the above qualitative characteristics of poverty to assess the well being of the community in the area under study.

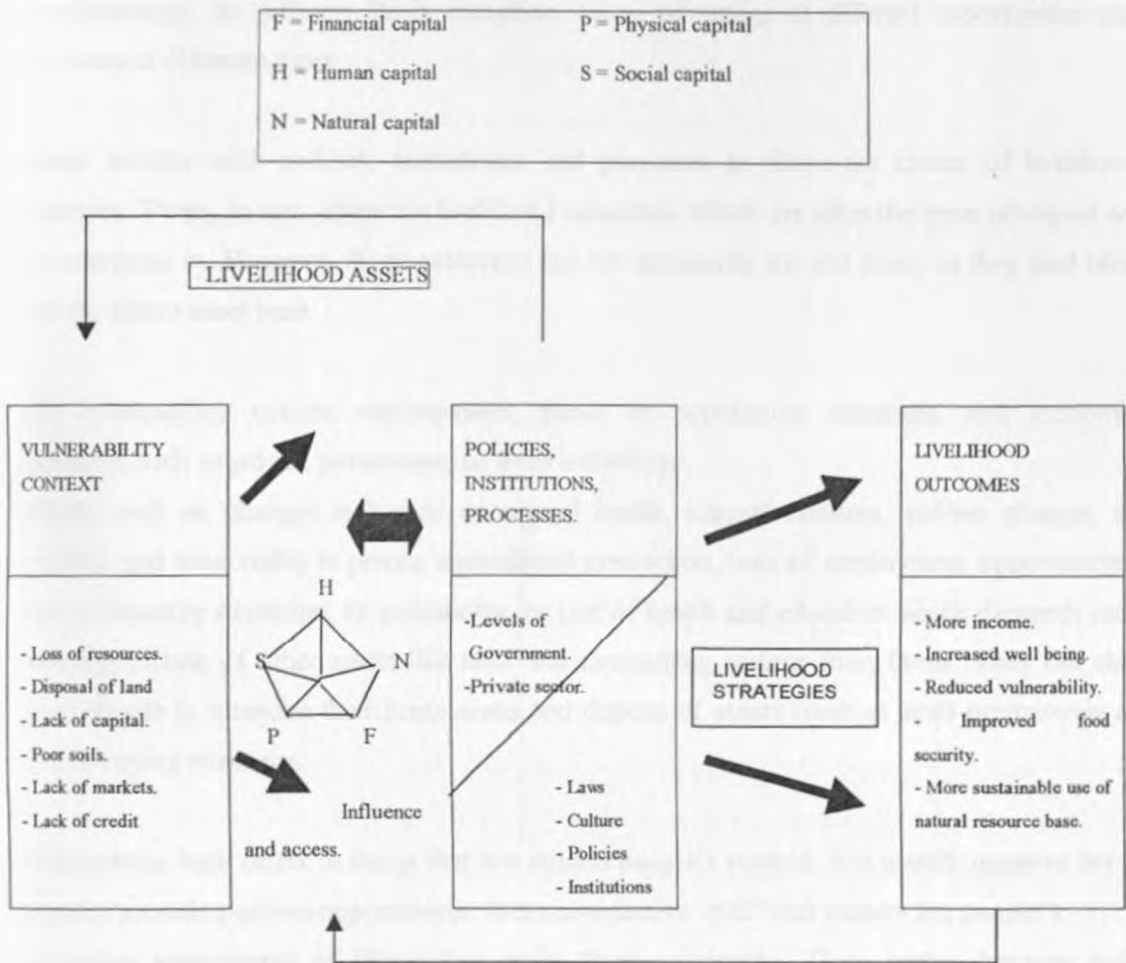
Krishna et al (2004) carried out a study in 20 villages in Siaya and Vihiga districts on escaping poverty and becoming poor and found that villagers unanimously agreed that households progress upward out of poverty by first acquiring food, then clothes, then basic shelter, then money to pay for their children's primary school costs, and then acquiring small animals, including chicken, sheep and goats. Once households have reached and crossed this particular stage, they are no longer regarded as poor within villages in this region. It is on this that this study will base its findings to judge whether the sale of family land has assisted the people of North Alego location in either climbing out of poverty or not. Krishna's study also observed that the ability of agriculture to occasion growth for the poorest households is dependent on whether the sector is predisposed to do well and secondly, whether the poor are in a position to reap the benefits. Whereas agriculture seems to keep the poor going it is not structured to enable them leap out of persistent poverty. The fact that they are poor tends to limit their ability to participate effectively in the sector particularly with regard to occasioning a meaningful turn around. Yields are low because of lack of resources with which to invest in agriculture. The study recommended that investments that require relatively large cash outlays are not feasible "next steps" for poor households.

However, there are several low cost ways in which households can make incremental welfare gains. On this line this study will recommend policies to be put in place to help uplift the standards of

living of the people of North Alego taking into consideration that land is the major available resource.

2.8. Conceptual framework

Figure 2.1 Sustainable livelihoods framework



Source: Adapted from DFID 2001.

Livelihood comprises the capabilities, assets (including both material and social resources), and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shock and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.

Sustainable livelihoods approaches have evolved from three decades of changing perspectives on poverty, how poor people construct their lives, and the importance of structural and

institutional issues. The concept of "livelihoods" has become increasingly popular in development thinking as a way of conceptualising the economic activities poor people undertake in their totalities. The focus of development thinking in the 1970s on employment and "jobs" has given way to the realization that while job creation in the formal sector continues to be one important strategy for poverty reduction, the reality for poor people in the South is that survival and prosperity depends on the pursuit of diverse and multiple activities simultaneously, by different family members, taking advantage of different opportunities and resources at different times.

Assets interact with policies, institutions, and processes to shape the choice of livelihood strategies. These, in turn, shape the livelihood outcomes, which are often the types of impact we are interested in. However, those outcomes are not necessarily the end point, as they feed back into the future asset base.

The vulnerability context encompasses; trends in population, resources, and economic indicators such as prices, governance, or even technology;

Shocks such as changes in human or animal health, natural disasters, sudden changes, or conflict; and seasonality in prices, agricultural production, loss of employment opportunities, natural resource depletion, its availability, or cost of health and education which demands cash resulting in sale of other assets like land and diminishing returns from farms. They can also force people to abandon their home areas and dispose of assets (such as land) prematurely as part of coping strategies.

Vulnerability here refers to things that are outside people's control. It is usually negative but it can also provide positive opportunities. It is not objective "risk" that matters but people's subjective assessments of things that make them vulnerable. These matter because both perceived and actual vulnerability can influence people's decisions and hence their livelihood strategies. This is especially important when the only source of livelihood is land and one has no control over its use or disposal. It is further serious when the factors of production for this asset are hard to come by. The asset base upon which people build their livelihoods includes a wider range of assets than are usually considered. Rather than looking only at land or other classic wealth indicators, the sustainable livelihoods framework suggests consideration of an asset portfolio of five different types of assets:

- *Natural capital* are resources from which may be extracted consumable goods essential to livelihoods e.g. food, building materials and includes land, water, forests, marine resources, air quality, erosion protection, and biodiversity.
- *Physical capital* includes transportation, roads, buildings, factories to provide employment as an alternative to subsistence agriculture, shelter, water supply and sanitation, energy, technology, or communications.
- *Financial capital* includes savings (cash as well as liquid assets), credit (formal and informal), as well as inflows (state transfers and remittances).
- *Human capital* includes education, skills, knowledge, health, nutrition, and labour power.
- *Social capital* includes any networks that increase trust, ability to work together, access to opportunities, reciprocity; informal safety nets; and membership in organizations.

Though most versions of the sustainable livelihoods framework are limited to these five kinds of capital, some add political capital as a sixth type of asset, which can include, for example, citizenship, enfranchisement, and membership in political parties all assets that can be key in obtaining or operationalizing rights over other assets.

Policies, institutions and processes affect how people use their assets in pursuit of different livelihood strategies. This box on the diagram refers to both formal and informal institutions and organizations that shape livelihoods by influencing access to assets, livelihood strategies, vulnerability, and terms of exchange. They may occur at multiple levels, from the household to community, national, and even global levels. The public and private sectors, civil society, and community institutions may all be relevant considerations; laws as well as culture are also included. All of these influence people's livelihood strategies, i.e., the choices they employ in pursuit of income, security, well being, and other productive and reproductive goals.

What is important about the livelihood strategies approach is that it recognizes that households and individuals may pursue multiple strategies, sequentially or simultaneously. . As Chambers wrote in 1997:

They maintain a portfolio of activities. Different members of the family seek and find different sources of food, fuel, animal fodder, cash and support in different ways in different places at different times of the year.

Their living is improvised and sustained through their livelihood capabilities, through tangible assets in the form of stores and resources, and through intangible assets in the form of claims and access (Chambers, 1997: 163).

This means that, even in the context of research, we should not assume that people with other businesses are not involved in farming. Nor should we overlook even small livelihood strategies, because they can be very important, especially for the poor, who often pursue many livelihood strategies either to make up enough income or to provide a measure of security (Tostensen, 2003). The pursuit of multiple activities can have important implications for cash and labour availability at different times of the year, and for the relevance of specific development interventions for poverty reduction.

Livelihood outcomes encompass many of the types of impact of interest for the study on poverty. Potential outcomes include conventional indicators such as income, food security, and sustainable use of natural resources. Outcomes can also include a strengthened asset base, reduced vulnerability, and improvements in other aspects of well-being such as health, self-esteem, sense of control, and even maintenance of cultural assets, preservation of natural resources like land in this case study and thus have a feedback effect on the vulnerability status and asset base.

CHAPTER 3:

BACKGROUND OF THE STUDY AREA

1.0 Geographic Location

North Alego location is one of the two locations in Boro Division of Siaya District, Nyanza Province in Kenya. It consists of 4 sublocations namely Komolo, Hono, Nyalgunga and Nyamila. The location is bordered by Central Alego to the West, East Alego to the East and Siaya Township to the South. To the North it is bordered by Central Ugenya and West Uholo Locations of Ugunja Division, and to the North East borders North Gem and North West Gem of Yala Division all of Siaya District. The location has an area of 56.7 Square Kilometers. It lies between latitudes $0^{\circ}05'$ and $0^{\circ}08'$ and longitudes $34^{\circ}15'$ and $34^{\circ}21'$.

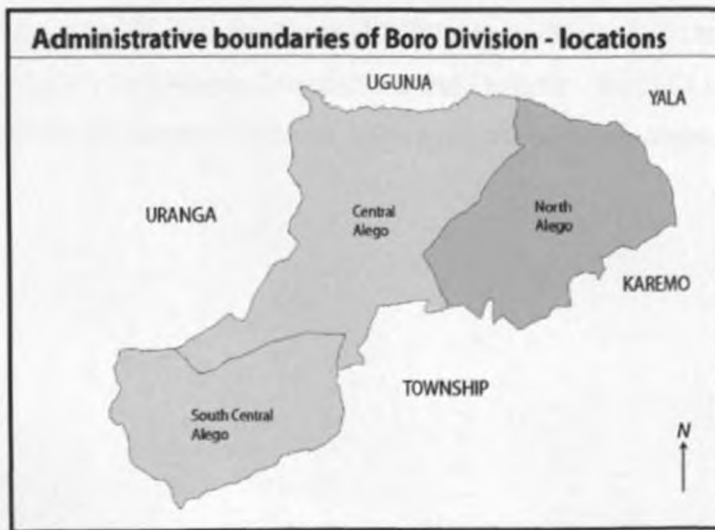
Map 1



Map 2



Map 3



Maps compiled by author



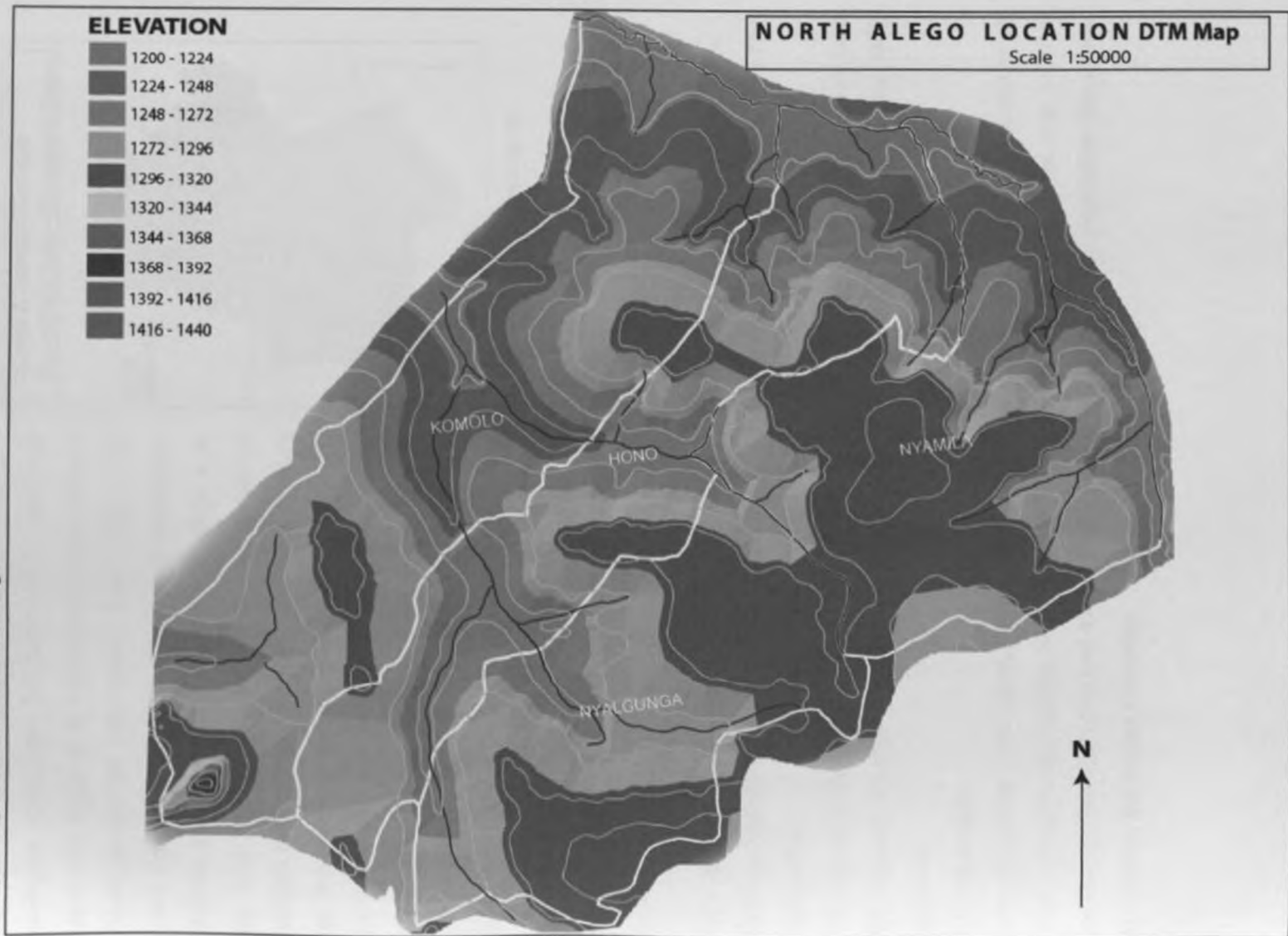
Map compiled by author

3.1. Physiographics and Natural Conditions:

3.1.1. Relief:

The location rises in height from lowlands of 1220m to the highest of 1400m on Mbaga Hill. There are two major rivers namely Luanda/Sese and Huludhi. Part of Luanda Sese is Abura dam, which is the source of water for Siaya Town and parts of North Alego location. See Map 5 below.

Map 5 - Physical features of North Alego



3.1.2 Agro ecological zones

Ecologically Siaya District spreads across agro ecological zones LM1 TO LM3 with a small area under UM which is in Yala division (Siaya District Development Plan 2002-2008). LM1 zone covers lower parts of Yala, Ugunja, upper parts of the Boro Division and Ukwala divisions. North Alego is in the High Rainfall Savanna Zone which covers altitudes of between 1200meters -1350meters above sea level with an average rainfall of 1000mm to 1300mm per annum.. This zone is too dry for coffee but is suitable for cotton, sugarcane, groundnuts, oil seeds, maize, beans, white millet, sorghum and root crops. Animal husbandry is possible in the whole zone. (GoK, 1970). The soils of the area are dark brown loams with yellow brown sandy loams.

Map 6



From Farm Management handbook of Kenya 1982

0 5 10 15 20 25 Km

3.1.3 Climatic:

Siaya District experiences bimodal type of rainfall. On highlands it ranges between 800mm – 2000mm annually while in the low lands its 800 – 1600mm (Siaya District Development Plan 2002- 2008).

The long rains fall between March and June with peak in April and May while the short rains fall between August and November. Mean temperatures are 15⁰C minimum and 30⁰C maximum.

3.2 Population:

According to the 1999 census the total population of the location was 19098 persons composed of 4661 households holding 8882 males and 10216 females. The District total was 480,184 persons and Boro Division had 47455 persons in the same period. The population density was 337 persons per square Kilometer.

Table 3.1. Population by sex, number of households, Areas & density.

	Males	Female	Total	House-Holds	Area in Sq. Kms	Density
North Alego	8,882	10,216	19,098	4,661	56.7	337
Hono	2,634	2,940	5,574	1,317	13.5	413
Komolo	2,522	3,032	5,554	1,408	17.6	316
Nyalgunga	1,928	2,131	4,059	953	12.3	330
Nyamila	1,798	2,113	3,911	983	13.3	294

Source 1999 census.

3.2.1. Population projections

Table 3.2 Compiled by author

1999 Estimated Population 2007 rate 0.9%						
Location	Males	Females	Total	Males	Females	Total
Hono	2634	2940	5574	2830	3158	5988
Komolo	2522	3032	5554	2709	3557	6266
Nyalgunga	1928	2131	4059	2071	2289	4360
Nyamila	1798	2113	3911	1931	2270	4201
N. Alego	8802	10216	19098	9541	1774	20815

1999 Estimated Population (2010) rate 0.9%						
Location	Males	Females	Total	Males	Females	Total
Hono	2634	2940	5574	2907	3244	6151
Komolo	2522	3032	5554	2783	3346	6129
Nalgunga	1928	2131	4059	2128	2552	4680
Nyamila	1798	3911	3911	1984	4316	6300
Total				9802	13458	23260

The female/male sex ration is currently 123:100. The most highly populated is Hono followed closely by Komolo. This can be attributed to their proximity to Siaya Town and their sizes.

3.3 Infrastructure:

3.3.1 Physical infrastructure

Major physical constraints hampering economic development of rural areas are lack of all weather feeder roads and lack of an organized marketing system. Other infrastructure important for economic development are plants for processing agricultural products, trading stores, machinery maintenance workshops, village technical and agricultural schools, better public water supplies and telephone services. (Republic of Kenya, 1970)

The state of infrastructure in the location is deplorable. The main road C28 connecting Siaya Town to Busia District and the North part of the District is impassable during the rainy season. There is no tarmac road in the location and the main mode of public transport is non motorable i.e. bicycles, walking and handcarts.

The electricity supply is only along this road thus serving only Ndere market and recently Kobare market and Mbaga Mission. The main health centers are Kaluo health Center and Mbaga Mission Hospital run by the Catholic Church. Otherwise Siaya District Hospital is within 30km from the furthest corner of the location but given the poor roads infrastructure it is rarely a choice for many.

Water supply is also restricted to the main roads as the main pipes supplying water to Siaya town follow this route. Ironically the location hosts the main dam, the storage tanks on Mbaga Hill and the pumping station along the Siaya Ndere road.

Health facilities

The main health centers are Kaluo health Center and Mbaga Mission Hospital run by the Catholic Church. Otherwise Siaya District Hospital is within 30km from the furthest corner of the location but given the poor roads infrastructure it is rarely a choice for many.

Water supply is also restricted to the main roads as the main pipes supplying water to Siaya town follow this route. Ironically the location hosts the main dam, the storage tanks on Mbaga Hill and the pumping station along the Siaya Ndere road.

Schools:

According to the KIHBS for 2006, primary school enrolment in Siaya District is 84.9% as compared to 82.1% for Nyanza province. For Secondary schools the enrolment rate for the District was 8.25 as compared to 18.7% for Nyanza and 18.1% for the whole country. In North Alego, there are a total of fifteen Public Primary Schools in the District with an enrolment of 6158 pupils in 2007. There are three Secondary Schools with an enrolment of 624 girls and 225 boys. The preprimary institutions have fourteen Public Schools and two private ones with a total enrolment of 836 children.

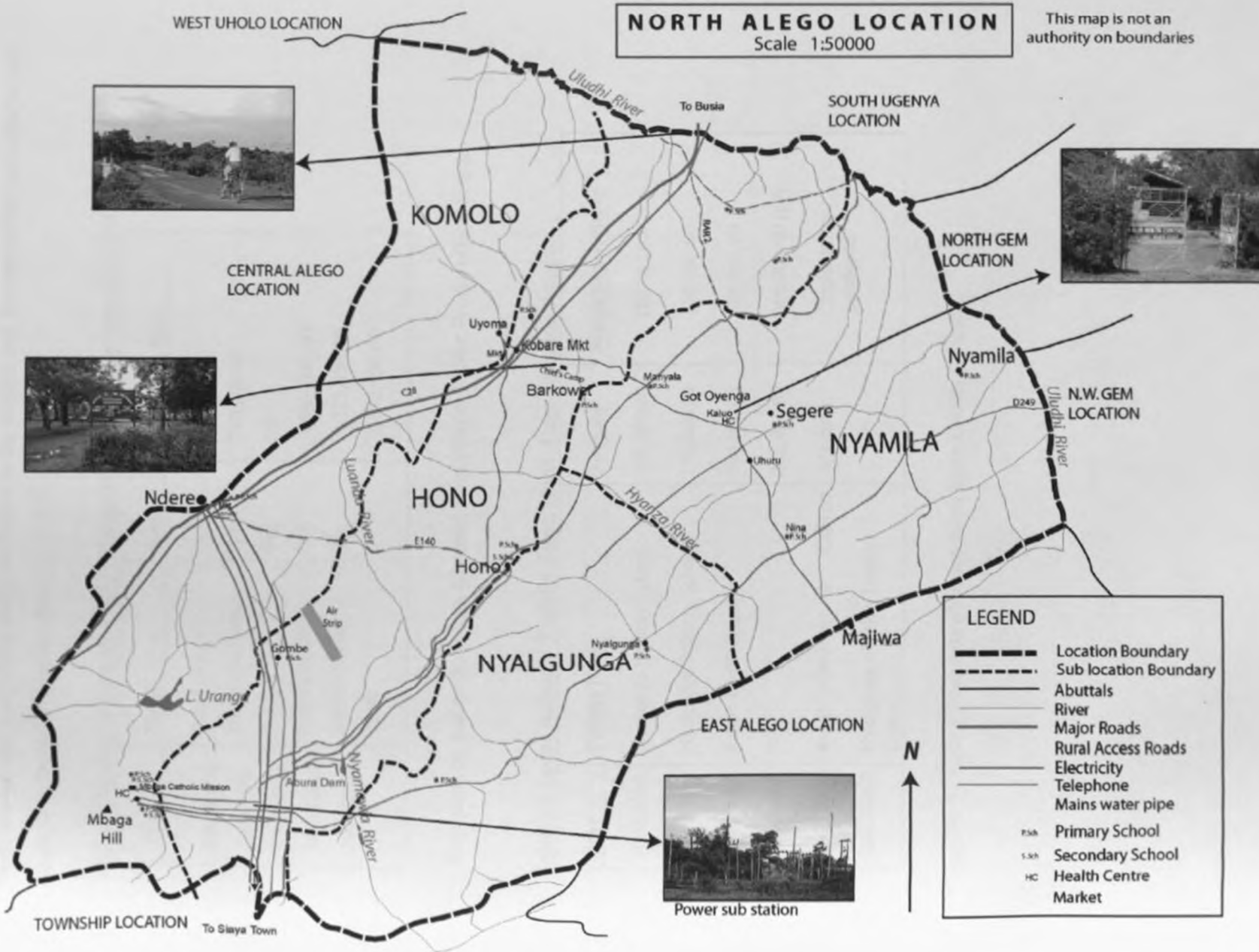
Plate 1 Types of School buildings in the study area

Manyala Primary School



Kowet Primary School

Source: Field Survey 2007



3.3.2 Funds allocated to Infrastructure projects in North Alego from Devolved funds:

There are several funds from devolved funds in the district and the researcher was able to get details of some as outlined in tables 3.3 to 3.5.

Table 3.3 Roads Maintenance Levy Allocation in North Alego year 2003/2004

Year	Name	Km	Allocation Ksh.
2003/2004	Gombe Hono	2.9	104,450.00
2004/2005	Ulaf/Hono/Kobare	8.0	740,000.00
2005/2006	Nil	Nil	Nil
2006/2007	Kobare/Uludhi	7.5	1,968,000.00
2007/2008	Kobare/Uludhi	10	325,000.00
	Total		3,137,450.00

Compiled by author from data obtained from District Public Works office, Siaya.

Table 3.4 Local Authority Transfer Fund; North Alego Location Projects

Year	Project Name	Amount	Status/Expenditure
2002/2003	Nyakongo Primary School	150,000.00	186,980.00
	Nyalgunga Primary School	150,000.00	150,000.00
2003/2004	Kaluo Health Centre	700,000.00	385,860.00
2004/2005	“ “	300,000.00	300,000.00 (07)
2005/2006	Road Grading & Calvert	Not done	Grader to be purchased
2006/2007	Nyalgunga – Kaluo Health Centre	“ “	

Compiled by author from data obtained from Siaya County Council.

Table 3.5 Projects funded by Alego Usonga Constituency Development fund in North Alego location.

Year	Project	Allocation	Spent	Status
2003 – 2004 Total for the whole constituency was Ksh.6000000	Gombe Komolo Sch.	200500	200500	Complete
	Kaluo H. Centre (Shallow well)	200000	231237	“
2004 – 2005 total for whole constituency was 39433571	Mbaga Mixed	215299	234593	“
	Nyalgunga Primary	215299	231480	“
	Rachuonyo Primary	215299	234593	“
	Hono School	558603	648367	“
	Bore Hole			
2005 – 2006 Total for whole constituency 39433571	Hono Primary	350000	348800	“
	Manyala Primary	700000	-	“
	Nyamila Primary	350000	-	“
	Nina Unit for the Deaf	700000	-	“
	Ralwala-majina Rd.	27000	-	Cash reallocated

Compiled by author from data from Alego Usonga constituency office

In 2005 – 2006 several water projects were proposed and the Ministry of Water was to visit sites for evaluation.

3.4. Housing

Housing types in the location is predominantly of temporary material with grass-thatched houses being the most common. Homes are spatially arranged in the traditional Luo pattern of the main house facing the gate and sons building at the left or right of the main house with their back to the fence. Also common are the so-called semi permanent houses made of corrugated iron sheets and mud walls.



Temporary Houses



Semi Permanent Houses

Plate2 Typical House types in the location

Source Field Survey 2007

3.5. Settlement patterns:

Human settlement result from the concentration of people and activities in an area as a result of population growth changes in social and cultural values and aspirations, emerging technologies and economic systems. Settlement patterns in the location follow the infrastructure development, which is concentrated around the area towards Siaya town, Ndere market and Kobare Market. These areas are along the main road C28 linking North Alego to Siaya District Headquarters and Siaya to the main Kisumu Busia road to the North. High concentrations of settlements are also found around Mbagha catholic Mission and Hono School. The other patterns then follow Agro ecological zones which characterize dispersed settlement, delineated by elaborate farm boundaries especially hedges and some barbed wire fences with the averagely high potential areas of Komolo and parts of Nyamila sublocation attracting high numbers of settlements.

3.6 Land Tenure.

The three types of land tenure in Kenya were discussed in chapter 2. The land in the study area is registered under free hold title ownership, and was adjudicated in the 1960s. The land was allocated to individuals based on customary rights. The registration sections were then Central/Alego/Hono, Komolo and Nyalgunga. They are registered under the Registered land act. Cap 300.

3.7 Poverty levels:

The Siaya District Development Plan 2002 – 2008 reports that by 2002 the poverty levels in the district had reached 58.02 percent. The WMS for 1997 reported that 54% of population in Siaya was food poor while absolute poverty accounted for 58% of the population, 37.52% of the people in Siaya were in hardcore rural poverty. The CBS report on where are the poor published in 2003 estimated that North Alego had 62% of the population below the poverty line translating to 11677 individuals living below the poverty line.

In the current report from the Kenya Integrated Household Budget survey released in 2007b, 68% of people in Alego are estimated to be living below the poverty line and the constituency is rated number 187 in the poverty rankings in the republic out of 210. (1=richest, 210=poorest)(GoK, 2007a).

3.8 Land Use and Economic Activities:

Like most parts of Siaya District, North Alego location's main activity is subsistence agriculture involving cultivation of maize, millet, cassava, sweet potatoes, beans, sorghum and bananas. 70% of land in Siaya district is under food crops (District Development Plan 2002 –2008). This translates to 3969 Ha for North Alego Location. The main types of livestock kept are local Zebu, sheep, goats and chicken. There are pockets of dairy cattle keeping in Nyamila area. The area is good for cotton and sugarcane growing but these have not been taken up. Cotton growing is being introduced by dominion group through distribution of free seeds but most farmers are reluctant due to losses they had incurred during an earlier exercise on the same.

Table 3.6. Crop yields for the period 2000-2006

Yields Achievements Per Hac.

CROP	YEAR							REMARKS
	2000	2001	2002	2003	2004	2005	2006	
MAIZE	10 bags	14 bags	13 bags	8 bags	10 bags	10 bags	10 bags	Local seeds common
BEANS	4 bags	4 bags	3 bags	4 bags	4 bags	5 bags	5 bags	Non-use of fertilizer
SORGHUM	6 bags	8 bags	8 bags	8 bags	6 bags	5 bags	5 bags	Local seeds & late planting
SWEET POT.	20tons	10tons	10tons	10tons	10tons	8tons	8tons	Inadequate planting material
CASSAVA	4tons	3tons	3tons	6tons	6tons	5tons	6tons	Cassava disease problem
G. NUTS	4bags	4bags	4bags	5bags	6bags	5bags	6bags	Local variety, no fertilizer
SURGARCANE	50tons	50tons	60tons	60tons	50tons	50tons	50tons	Uhembo Jaggat Contra
BANANA	10tons	10tons	8tons	8tons	7tons	8tons	8tons	Banana weevil problem
SHALLOP	4tons	4tons	4tons	5tons	4tons	4tons	4tons	Local shallop common
COTTON	400kg	400kg	300kg	300kg	300kg	300kg	300kg	Late planting & weeding, few Plant
TOMATO	10tons	10tons	8tons	8tons	8tons	7tons	7tons	Wilting & blight common
KALES	10tons	10tons	10tons	9tons	9tons	8tons	8tons	Dry rot common
ONION	10tons	10tons	8tons	8tons	8tons	8tons	7tons	Planted in spots
LOCAL VEG.	3tons	4tons	3tons	3tons	3tons	3tons	3tons	Mito, Akeyo Apoth
F. MILLET	3 bags	3bags	4bags	2bags	1bag	1bag	1bag	Disappearing crop
COFFEE	2kg/tree	2kg/tree	2kg/tree	2kg/tree	2kg/tree	2kg/tree	1kg/tree	Poor management develop to poor market

Source District Agriculture Office.

The main form of formal employment is on agricultural sector, which is minimal. The Ginnery at Ndere local centre operates at below capacity and therefore employment opportunities are negligible. Bicycle Taxis (border border) are also a major economic activity. Brick making is another activity though environmentally it is blamed for deforestation and soil erosion. Another environmentally degrading activity is charcoal burning, which is an occupation in the area.

Ndere has some shops for both wholesale and retail and a major open air market while Kobare, Nyalgunga and Nyamila have small time shops leading to petty trading. Social groups engage in income generating activities like dairy farming around Got Oyenga village in Nyamila sub location. There exists small scale horticulture along the river banks but since they rely on rainfall it does not do so well. Lack of cash to purchase water pumps and pipe was a major complaint. Map 8 illustrates some of these land use. It should be noted that subsistence agriculture dominates the land use.

Plate3 Land use examples.



Horticulture along stream banks.



Brick making.



Residential Use in Hono Sub location.



Subsistence agriculture (Cassava)

Source: field survey 2007.

NORTH ALEGO LOCATION LAND USE MAP
Scale 1:50 000



Key	
	Commercial
	Residential
	Dairy
	Horticulture
	Subsistence



3.9 Socio cultural Background.

The study area is inhabited by the Luo of Kenya. The Luo people emigrated from the Sudan during the 1500s (Atieno and Cohen, 1989). Prior the 1800s, the Luo operated an agro-pastoral system in Siaya, producing mainly milk, butter, blood and occasionally meat. Cattle were also used for wealth accumulation and exchanged for land or to pay the bride price. Shifting cultivation dominated and was subsistence oriented. The main crops grown were finger millet (*Elusine coracana*), sorghum (*Sorghum vulgare*), field pea (*Pisum sativum*) and melons (*Cucumis melo*) (Mango, 1999). Farmers used iron bladed hoes for light seedbed preparation. Seeds were broadcast and manure was not applied systematically. Fishing for subsistence was also important. Men were mainly responsible for cattle and fishing and women for crop production.

During the 1800s, cattle rearing continued to be the dominant activity and an active trade in cattle operated between Uganda and Tanzania, which passed through Siaya.

During this period Luo people started to settle which resulted in a transition from shifting cultivation to fallow-based agriculture. Staple foods were millet, finger millet and sesame. Migration to Siaya also increased during this period because of wars among Luo clans and the high population density in their region of origin in the Sudan. They were also attracted to the northern part of Siaya because of its good rainfall and availability of suitable land for arable farming. The Luo adopted the cropping practices of neighbouring Bantu people and started to grow new crops such as bananas, maize and sweet potatoes.

When the colonial government stopped the expansion of tribal lands, people were forced to settle where they were and concentrate on arable farming. Reserves of clan land had ceased to exist and land scarcity was aggravated by increased population pressure. Sons could only acquire land by subdividing their parents' land. Thus when land adjudication was started in the 1960s only those who had settled in the so-called ancestral land registered their rights. The Luo are strictly a patrilineal society (Miruka, 2001: 11) and only male members of a family are entitled to inheritance. The extended family is very close knit and results in a very conservative culture that respects elders.

CHAPTER 4:

RESEARCH FINDINGS:

As indicated in chapter 2, Land is a major resource and it is believed to be a God given right. For those who do not have any other source of livelihood in terms of wage employment their livelihood depends entirely on the land. How they utilize it and make it support their lives can be a matter of life and death. This chapter looks at what the people of North Alego do with their land and if it is of benefit to them or not and their ideas on the subject of disposal of this important resource.

4.1. Prevalence of and reasons for sale of family land.

The practice of sale of family land was found to be common in North Alego. Of the respondents, 62% had sold part of their land and the main reasons were given as payment of School fees 32%, funeral expenses 17% and to buy food 11%. Improving of farming and medical expenses were other major reasons.

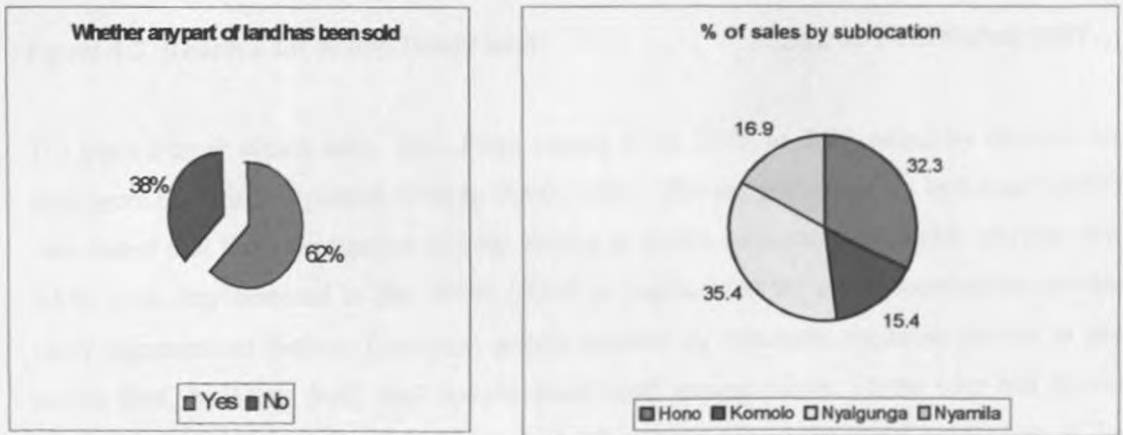


Figure 4.1. Prevalence of Sale of Family Land. Source: Field survey 2007

The sub locations bordering Siaya town (Hono and Nyalgunga) showed higher incidences of sales pointing to urbanization creeping into the location.

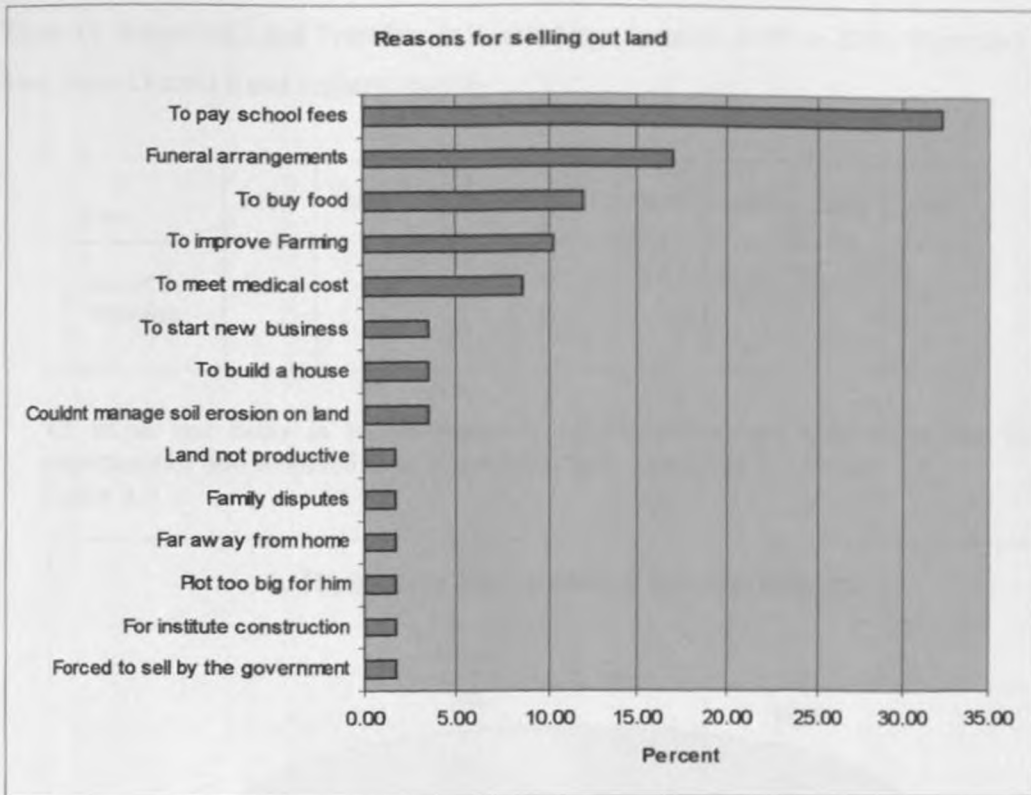


Figure 4.2. Reasons for selling family land

Source: Field Survey 2007

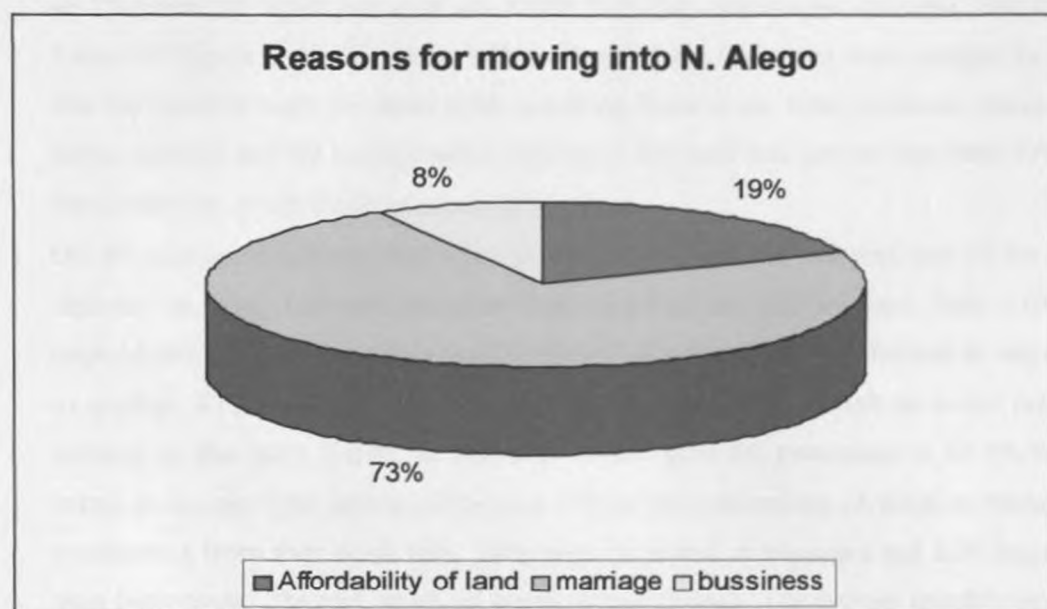
The period over which sales were done ranged from 1975 to 2007 where by most of the sales were done in the period 1990 to 2000 (50%). This supports the view by Okuro (2002) who stated that the introduction of cost sharing in public education and health services after SAPs were implemented in the 1990s added on parents and the entire population a burden never experienced before. Low cost public schools for example, expected parents to pay tuition fees, building fund, and development fund among others. Those who had formal employment in the public sector were laid off and the low agricultural production of the land could not support the above expenses.

A comparison of the results above and the official figures of transfers in North Alego location from the district land registrar's records indicated that most of the sales and transfers were not recorded as only 74 entries were recorded between 1999 and 2006. See table 4.1

Table 4.1 Recorded Land Transfers in North Alego location 1999 to 2006. Compiled by author from Siaya District Land registry records

Year	1999	2000	2001	2002	2003	2004	2005	2006
No. of Transfers	9	4	4	4	5	13	24	11

Of those not born in North Alego a good number said they came due to business opportunities and availability of affordable land. See figure 4.3 below:
Figure 4.3



Reasons for moving into North Alego.

Source, Field survey 2007

4.2. Impacts on livelihoods of the family members.

When asked if the sale of family land had a positive impact on the lives of family members 42% said it had while 58% said they were either worse off or were the same. However whether they succeeded on the reasons that made them sell the land 65% agreed and 35% said they had not succeeded. On close scrutiny this was found to be because of the funeral expenses, buying food and medical expenses reasons since these are short-term problems that go away immediately funds from the sales are available. Of those who sold land to pay fees 52% said

they had succeeded in their goals since those educated had better jobs while the others said they still could not pay fees. On selling land to meet medical expenses 40% had achieved success while the rest said some of the sick had died or continued being sick.

The sizes sold varied with the highest being 3 acres. 90% of the land sold was less than 2 acres while 52% was less than 1 acre. The average farm sizes in this area is 2.5 acres (1hectare), (Republic of Kenya, 2002-2008) indicating that the people sell only small pieces to raise funds for immediate needs and continue with their normal lives of subsistence agriculture.

On the standards of living of the population the results indicated that:

- 61.9% of respondents rely on rivers and streams as their source of water compared to 46.7% given for Siaya district in the KIH B 2006 for communities in Kenya. For Rural Kenya the figure is 33.4%. Only 7.9% of respondents had piped water despite the fact that the location hosts the main Dam supplying Siaya town, water treatment works and pump stations and the storage tanks. For those who had sold part of their land 93% of them relied on rivers for their source of water.
- On the source of cooking fuel 98% of the respondents that had sold part of the land reported to using firewood same as those who had not sold any land. Only 1.6% of respondents use LPG as a source of cooking fuel with 13% using charcoal at one time or another. 87.7% of Kenyans in the rural areas were reported to rely on wood fuel for cooking in the 2006 KIH B. In Siaya the report gave the percentage as 88.5%. When asked about any other source of income 42% of the respondents admitted to relying on remittances from their adult kids, 16% were on formal employment and 22% had their own businesses. The rest relied on pensions and savings. The average monthly income in monetary terms was Kenya shillings 4300.00
- The major method of human waste disposal was pit latrines with 89% of the respondents using this method and the remaining using neighbour's toilets. For rural Kenya the KIH B report of 2006 gave the figure as 76.9 % using pit latrines. 94% of respondents said they dispose of household solid waste in their farms and only 2% said they had a compost pit.
- As for education levels 67% of respondents had up to primary level of education only and only 10% had gone to tertiary institutions.

- 98% of those interviewed said they owned and had titles to the land they were occupying.
- The house types in the area were found to be predominantly of the temporary type with 61% owning these temporary structures. Among this group 65% had sold part of their land and only 25% of those that had sold had permanent houses compared to 33% of those that had not sold.

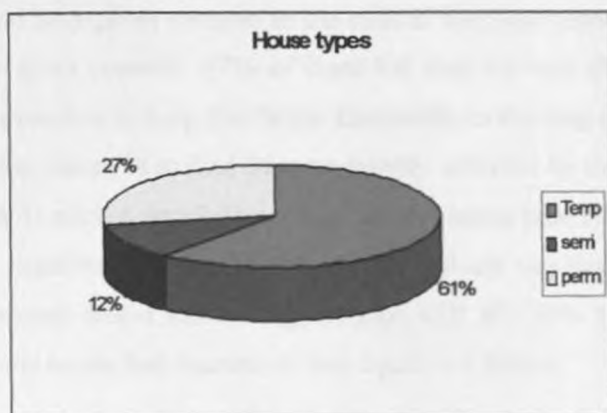


Figure 4.4 House types in the area of study

Source: Field survey 2007

- Distances to health facilities varied with only 41% living within 2 km from a public health facility. 50% of these visit Kaluo health Center.
- Agricultural production did not show any significant improvement whether family land had been sold or not with production per hectare being below the estimates given by the district agriculture office. The estimates are 5 bags, 10 bags and 5 bags for sorghum, maize and beans respectively. This is based on average farm sizes and minimum to no fertilizer additions. See table 4.2 below:

Product	% Of respondents above district est./ha.
Sorghum	22
Maize	20
Beans	20

Table 4.2. % of respondents producing above average expected staple crops.
Source Field survey 2007

50% of the respondents practiced mixed farming with local zebu cattle dominating the stocks. The families owned between 3 to five cows. Only 1% of them were in serious dairy farming and poultry keeping.

4.3 Coping strategies by the vulnerable members of the family.

Of the family members that were interviewed and were not the registered owners 33% said they would have given consent to the sales if they had been consulted while the other 67% would not have given consent. 57% of them felt that the land should be left for family use, as the prices were too low to help the family financially in the long run.

Those whose lives had been negatively affected by the sales stated they had tried to make ends meet or started small businesses. At the same time they stated several reasons why the practice had negatively affected them amongst which was that they now had less land to cultivate and wondered where the next generation will till. 39% said they now had less land and 8% said poverty levels had increased. See figure 4.4 below.



Figure 4.5 Reasons why sale of family land is negative on the lives of the residents
Source, Field Survey 2007

In group discussions many expressed despair at the practice where by the local chief said he only came to know land had been sold when a stranger moved into the area or when family conflicts arose. The local administration also felt if consulted first they would check the background of the purchaser from his chief to stop the practice of criminals seeking refuge in

the location. Some childless widows also have a habit of selling off all their land with a loose arrangement with the buyers to take care of them until they die.

In some cases those interviewed said that sons who stay away from the area often come home to find a large piece sold by parents only to turn against the purchaser and stop him/her from developing. It is at this point that the chief is alerted. It is not uncommon for the chief to intervene and ask the purchaser to agree to be refunded his money and give up the land. As for those who felt the practice of sale of family land had a positive impact on their lives they had reasons that can be described as having solved their immediate problems. These reasons are summarized below:

- i. Assists the landless acquire agricultural land.
- ii. Helps people solve financial problems without much struggle.
- iii. Helps people educate their children.

4.4 Reasons for not selling Land:

On the other side of the study, the group who had not sold any land (38% of respondents) had several reasons for not doing so. These reasons are summarized in figure 4.6 below.

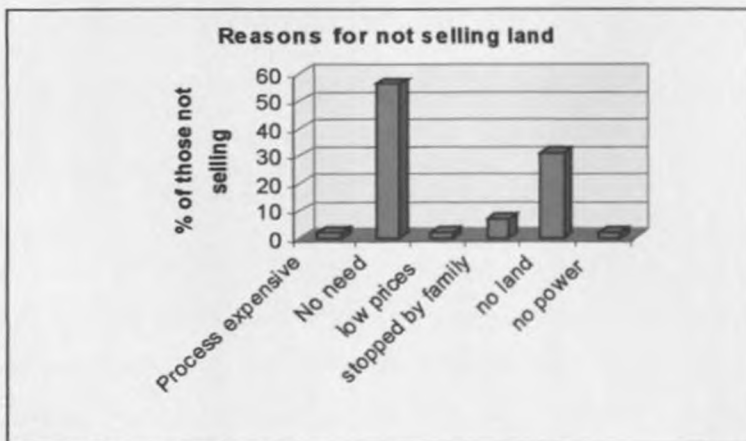


Figure 4.6 Reasons for not selling land Source: Field survey, 2007

4.5. Views of the People of North Alego on sale of family land

The respondents having said that the practice of sale of family land was not positive on their livelihoods gave several areas that they felt they could be assisted to lift their living standards and also discourage the easy way out of selling land to raise cash for immediate family needs.

The areas are summarized in table 4.3 below

Issues raised as priority	% of Cases that responded
Loans to promote business	39
Youth employment	32
Child education sponsorship	25
Infrastructure improvement	30
Promotion of social groups	11
Help business promotion and training	8

Table 4.3 Issues of priority. Source, Field survey 2007

CHAPTER 5

IMPLICATIONS OF FINDINGS ON THE SUBJECT OF SALE OF FAMILY LAND:

The causes of sale of family land were found to be mainly economic hardships experienced by land owners as the area has no major economic activities for farmers to support their families when crops fail or when the bread winners loose their jobs. The implementation of SAPs was a major turning point for many families in Nyanza province as the people of the area for a long time relied on wage employment to support their families. School fees had to be paid and health facilities were no longer free. The dreaded malaria situation was worsened with the onset of HIV Aids and the population found itself in economic crossroads. With a close knit culture of extended family and belief in Education as an escape from poverty, all resources available had to be sought to make the situation bearable.

In the study area therefore the main factors that were found to be the main causes of sale of land could be classified into the following categories:

1. Economic
2. Socio cultural
3. Urbanization.
4. Institutional and legal framework

5.1 Analysis Of factors that cause sale of family land.

5.1.1 Economic factors

North Alego location has no major industry to support wage employment. Despite the location bordering Siaya district headquarters this has not brought any advantages to the people, as Siaya is more an administration center than an employment center. The soils are infertile and do not yield as per expectations due deficiencies particularly in nitrogen and phosphorus (Mango, 1999). This may be due to a variety of reasons, including naturally low inherent levels in the soil, continuous cropping, lack of crop rotation, removal of crop residue from the fields, non-application of sufficient organic and inorganic fertilizers, reduction of fallow period and soil erosion. The removal of fertilizer subsidies in 1990 also contributed to the decline in maize yields (Mango, 1999). The overall downward trend in the area under maize seems to be the result of continuous land divisions and the establishment of new houses and compounds on previously farmed lands.

However even with correct agricultural practices the returns on the crops planted at present cannot support the population due to the small farm sizes. Besides the literature in the district together with interviews with Government officials point to negative attitude towards agriculture as the main impediment to agricultural production.

The district Agriculture office mentioned the following constraints to agriculture;

- Zone attitude in farming – Few active in farming.
- Labour deficit – Old men and women are the main farmers, youth migrate to town for *bodaboda* work (bicycle riding).
- Diseases and pests – e.g. for cassava, tomatoes, banana.
- Inadequate planting materials – Poor storage at harvesting, use of all the produce and depending on buying at planting.
- Unreliable rainfall- late arrival of rains, at times uneven throughout the season.
- Inadequate implements for land preparation – e.g. ploughs, tractors.

These factors point to the fact that when urgent cash is needed there is no fall back and the alternative is the use of the only resource available. According to Holden (2007) on the supply side of land sales markets the poor may be forced to sell their land due to shocks or economic hardships (“distress sales”) and such sales tend to take place at unfavorable prices due to the circumstances, while the wealthy are capable of taking advantages of such situations and accumulate land. Distress sales may take place because they are the best option of the poor in that specific situation because other alternatives are inferior or non-existent. North Alego as reviewed in chapter 2 has very few options of economic activities to support families when livelihoods undergo shocks. Ambwere (2003) pointed out that those in Lamukanda sell land for reasons such as offsetting of loans, education, farm inputs and hospital bills. In the case of Lamukanda 42% sold for education purposes while offsetting of loans was 28%. In North Alego none of the respondents sold land due to loans pointing to the fact that people here fear loans. They have the belief that if one charges his/her land it will be sold since they do not have confidence in agriculture giving returns to offset loans.

The lack of financial incomes in the area is reflected by the number of those who sold land to meet basic requirements like to build houses, buy food and meet medical expenses. On the positive side however are those who sold to start business (3.4%), but the research was not able to conclusively follow up on what type of business was started or how successful they were.

Agro based industries lack in the area but the Ginnery at Ndere, which is in the location, is operational though operating at below capacity. This is because majority of the people in the area and Siaya district in general have not gained confidence in cotton planting. The people cited former failures of the cotton sector as the reason for lack of interest in the crop. This area lies in the LM2 agro ecological zone suitable for sugarcane, and sunflowers as cash crops. There was no evidence of these crops in the areas visited during the fieldwork. It would be interesting to know the reasons for this for a talk with the agriculture office revealed that the office had decided that people in the area have a negative attitude towards agriculture.

5.1.2 Socio cultural reasons

As early as the 1940s, labour migration to Uganda, Nairobi as well as other Kenyan cities became an important livelihood strategy for the Luo (Mango, 1998). Throughout the 1950s and 1960s, the district was still a net food exporter, mainly supplying food to Luo labour migrants living in cities. Between 1970 and 1990, connections with major cities in Western and Central Kenya improved, and several small and medium-sized urban centers expanded in Siaya. The population in Siaya District doubled between 1969 and 1998 (Central Bureau of Statistics, 1969; 1996), with the average population density rising to 250 people/square Km. and reaching 400 people/km² in the high rainfall areas.

The intensive cultivation of food crops, including maize, using new husbandry practices such as frequent tillage, together with the absence of soil protection measures, exacerbated soil erosion. This accelerated during the 1970s and 1980s when soil degradation became widespread. Crop yields started to decline in many places and farmers responded by changing the crop composition. Aerial photos for Luo land show a sharp increase in the cultivation of bananas, sweet potatoes and particularly cassava.

During the 1970s and 80s, investments in agricultural research and development to encourage innovation in Luo farming systems were low. A pilot project to introduce higher value robusta coffee and small-scale dairy production was carried out in the more humid areas of Siaya, while community-based groups promoted small-scale production of high-value vegetables, fruits and other products to generate cash income. During the 1980s, the government promoted the expansion of sugar cane production. However, this has not prevented a decline in farm incomes. Accelerated migration has resulted in serious labour shortages on farms, with many becoming *de facto* female-headed households. Many households have become dependent upon the cash remittances from migrant family members for the purchase of food. This is supported in the

results from the study area and the report by the district agriculture office as stated above resulting in plot owners not valuing their plots and neglecting agriculture. Under such circumstances, it is easy for a purchaser to convince a landowner to sell his/her plot.

The Luo Culture of elaborate sending off of the dead and subsequent memorials introduces serious financial problems in the families should there be any bereavements. From the results, this came only second to the payment of school fees in reasons for sale of family land. It is a culture that will take time to die given the close knit family units that require the nuclear family members to be present during burials of parents. In Lumakanda, Ambwere (2003) found this reason to be minor as regards sale of family land in the area.

When the Luos migrated from Sudan in the 1500s they settled at their present home where the study area is situated. The main crops grown were finger millet, sorghum, field pea and melons. Farmers used iron bladed hoes for light seedbed preparation. Seeds were broadcast and manure was not applied systematically. Fishing for subsistence was also important. Men were mainly responsible for cattle and fishing and women for crop production. The land was owned communally and every member of the family was accounted for. However with registration of titles after adjudication in the 1960s, individualization of farms cropped in. Only male members of the community were registered as owners thus excluding women and undermining their rights.

The availability of titles as envisaged in the Swynnerton plan (1954) encouraged people to deal in land as they wished including selling, mortgage, renting and such other transactions. Titling thus introduced sales of land in the study area and excluded other members of the community from exercising their rights. It opened the door for landless people to also buy land in the area due to the low prices. Though land not registered may not be formally transferred, use of non-title documents can still be used (Migot Adhola et al, 1994) but in the study area all those interviewed had their title deeds.

5.1.3 Urbanization:

Trends of urbanization were noticed in Hono and Nyalgunga sub locations due to the many residential houses noticed. These were attributed to the idea of buyers preferring areas with infrastructure, as is the case in this area. The fairly far off (from Siaya town) sub location of Nyamila recorded the least sales. Settlers also buy rural land to feel safer from where they

originate from so they are more likely to purchase land within the vicinity of a town rather than far from it.

5.1.4. Institutional and legal framework

The laws that govern land use and transfers of land in Kenya were discussed in chapter 2. However these laws have important factors that affect the sale of family land. It is important to scrutinize them in connection with the results so far gathered. To do so the report will look at the statutes that have a direct effect on land use and sale of the land in the area of study.

5.1.4.1 The Registered Land act (Cap 300).

This act allows any person to acquire absolute ownership to any land once he/she has been registered as the absolute owner. On registration of trust land after adjudication those who were registered as right owners acquired freehold interest on the land. A buyer of the same land acquires the same land rights as the previous owner. All the respondents had titles under this act and thus those that had sold land lost ownership irrespective of how much they had received in exchange.

5.1.3.2 The Land control act (Cap 302).

This act does not impose any legal requirements onto the titleholders to seek consent from their spouses/families before selling land. There is only an administrative arrangement that came as a result of former president Moi's directive that title holders seek consent from their spouses and/or adult children before selling land (Musyoka, 1999) The Njonjo commission of 2002 observed that land control boards have glaring short comings. They meet at the behest of the chairman who in Siaya is the district commissioner. Though the secretary to the Siaya land control board put up a brave face and outlined the correct procedure for applying for consent to transfer land it is an open secret that special boards are convened at places other than public forums to give consents for transfers. The nomination of board members is done without any consultation or regard to technical experience resulting into authorization of uneconomical, inaccessible and poorly planned land units (GoK, 2002). The Njonjo report also found that the sale of family land has been done by crafty members of the family rendering the whole family landless. Though only one case of landlessness was found in the study area the results have shown that some of the vulnerable family members would not have given their consent to the sales. This observation was supported by the views expressed by the chief about lack of consultation before sales.

Due to family members who were found to be aware of the loss of land to purchasers it was evident from the disparity of results from the field survey and the district land registrar's office that many land sales take place outside the laid down procedures. These are not recorded at the registrar's office. However this study did not interview specific purchasers to find out if they had titles as most were either absentee landowners or were hostile to the interviewers.

5.1.3.3 The Agriculture act: Cap 318

This act as already explained in chapter 2 covers all agricultural land in Kenya. Among the responsibilities of the agricultural boards as stipulated in the act, is preparation of schemes to implement development programmes that can involve land use and what crops should be grown in an area. These rules can even be imposed yet nowhere in the study area was there such a programme despite the fact that the area has no cash crops yet agro ecologically it can support several cash crops. It is therefore not a surprise that the people in this area have a negative attitude towards agriculture as claimed since to them agriculture has no direct benefits. This may be contributing to the practice of sale of family land as an alternative in raising much needed cash.

5.1.3.4. The Crop production and Livestock act. (Cap 321)

The act regulates the quantity of land that could be used for food crops or livestock, what types of crops to be grown in which areas, urging agricultural land owners to cease growing a particular type of crop in their area, encouraging the right type of crop to be grown in the right areas, reducing livestock numbers to a level appropriate for the area, all in order to give the farmer maximum returns while guarding environmental conservation. Just like the agricultural act, from the results on crop production and the lack of cash crops in the study area it can be safely concluded that lack of guidance on the crops to be grown has rendered economic returns in farms below expectations leading to sale of family land.

5.2 Impacts of sale of family land on the livelihoods of the people of North Alego

The impacts of sale of family land on the livelihoods of the people of North Alego were not directly visible from the study. However the researcher strived to bring out the visible characteristics of rural livelihoods that could directly show the standards of life and compared them with existing national statistics of well being in Kenya. Great care was taken to bring up a comparison between those that had sold land and those that had not. The major impacts were thus classified into the following categories:

- State of well being
- Landlessness.
- Escape from poverty
- Economic.

5.2.1 State of well-being.

The living standards of the people in this area were found to be low and the results indicated that the state of well being was below the national average in all fronts except for distances to the nearest health center and primary schools. On the remaining fronts the living standards did not show any significant improvement with the sale of family land except where respondents agreed that their kids had finished their education and were now employed in good jobs. The standard of living in the study area is generally homogeneous with a few pockets of the retirees and teachers living above the rest when it comes to household amenities. The District agriculture office in its 2005/2006-livelihood survey listed the following as the main occupations besides farming: Small business trade, Brick making, Tailoring, Carpentry, Bicycle repair, Cobblers, Masonry, Illicit brew, Charcoal burning, Employees – teachers & civil servants, and bodaboda cycling.

The above point to the lack of meaningful employment in the location and reflects the desperation of the population to make ends meet. The livelihood survey also indicated that some people sell the land to buy bicycles to carryout taxi business. This study therefore concluded that there is no major impact of the sale of family land since the production of the land had not been improved due to lack of cash to buy farm inputs and the lack of interest in agriculture both by the departments responsible and the population. If one exchanges a commodity with another there should be a comparative advantage as to the reason for the

exchange. Selling off a resource that cannot be recycled with consumables is not economically viable.

5.2.2 Landlessness.

When factors of production are not forthcoming land can be a burden to the landowner. He/She may feel like getting rid of it with the hope that the exchange price will lift them out of hardship and later on when they recover they will purchase other pieces. When this fails then such people become landless. However on the other end of the scale are those that have become landless due to either these same reasons or population pressure in other parts of the country. Such people will want to purchase land in order to support their livelihoods. It has been frequently stated that land sales cause a concentration of land on the hands of a few wealthy individuals but this supposes that the so called distress sales are common. However studies collected by Holden in 2007 indicate that several researchers have found that in Africa land-poor families in Benin, Kenya, Uganda and Malawi amongst other countries purchase land from land rich house holds.

In Kenya after the recommendations of the Swynnerton plan in 1954 the floodgates were opened for dealings in land in that financially able farmers were to purchase land from weak poor farmers to encourage agricultural production and set an example to others. What this recommendation did not foresee was the decline in agricultural production that even hit those that were not really ready to sell their land. As a result there has been no rule that has stopped a landowner from selling all his land.

The secretary to the land control board in Siaya had indicated that the board sometimes stops transfer of family land if the seller had too little land to support his family. During the case of study only one such case was found.

5.2.3 Escape from poverty:

Land markets may provide an opportunity for landless households to access land and thus a basis for survival and poverty reduction. One path could be if the landless could move from being wage earners to being tenants and then, if land sales are legal they could buy land and become own operators. Another way would be if poor land owners could sell their land and then migrate to start new business and then buy land again when their financial base improves. However if land markets are in the form of distress sales like has been established

in the area of study due to lack of alternative safety nets then the land markets may serve as a form of expensive insurance. (Holden, 2007.)

As a matter of fact it would be of help if landowners were counseled on business tips in order to enable them start new business from the proceeds of the sales. In North Alego those who had sold land to start business said they had succeeded but it was not possible to establish the extent of success. The respondents who were against sale of family land also stated that there should be business courses/promotions to enlighten people on the way forward in the practice of business besides being provided with loans to start the businesses.

5.2.4 Economic Impacts:

Land is one of the major factors of production in basic economics. It is a resource that is so basic that no meaningful activity can take place without it. Thus when someone owns it they tend to feel safe even if it is unproductive. Scarcity is the basis for economic value and for the emergence of markets. However, the economic literature also points towards many other factors that may contribute positively or negatively towards whether land markets emerge. These factors include, in addition to land scarcity; unequal distribution of land, imperfect markets for non-land factors of production, seasonality, shocks and imperfections in inter-temporal markets (credit and insurance), government policies and projects, and traditional institutions that substitute for, stimulate or hinder land market formation.

Africa has for long been seen as a land-abundant continent. However, land scarcity is increasing in parts of Africa, like the East African Highlands and parts of Southern and Central Africa due to population increase and population concentration (Holden, 2007). Unequal distribution of land persists today and partly it has been reduced through various forms of land reforms. Urbanization and globalization processes are another important reason for population concentration and increasing and competing demands for land. These processes also cause increasing pressures on traditional systems of tenure that partly tend to lag behind in their adjustments to the new pressures. This also puts pressures on governments to introduce land reforms to facilitate growth, provide security of tenure and reduce poverty. However, the route towards well-functioning credit markets based on the formal property rights of the poor, seems long and thorny in Kenya. Selling of family land can sometimes be done to offset loans if land was used as collateral or by banks if the property owners fail to pay loans taken using land as collateral.

Getting credit through using land as collateral in a place like North Aledo is not wise because farmers depend on rain fed agriculture and the area is characterized with unreliable rainfall. Mechanization of production was not evident in the area and this has resulted in low agricultural production. This puts fear in the farmer and stops him/her from venturing into the bank credit business. Results from this study did not see any evidence of sources of cash from the banks. The residents of the area reasoned that it would be better to sell the land at willing buyer willing seller than risk sale by the bank.

The Economic impact of the sales of the land was therefore narrowed down to insufficient land prices that cannot support alternative means of income or improvement of agricultural produce. It can only support the immediate family expenses. The low production also makes landowners vulnerable to temptations of quick cash offered by the buyers. This leaves them with less land for cultivation and at the same time economically they are still badly off.

CHAPTER 6

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:

6.1 Summary of Findings

It has been found that sale of family land is a common practice to raise cash for immediate family use. The people in the area of study only have land as a major factor of production. Land needs capital to be productive and the area was found to lack any form of industries. Indeed in the whole district there is no major industry so the only source of hard cash is formal employment from the Government of Kenya and the few parastatals operating in the area. The road network is poorly maintained resulting in poor access to markets and reduction in mobility to sell agricultural produce. This results in lack of motivation for the people to produce in abundance. Transportation is by non-motorized means mostly bicycles and walking.

The reasons for sale of the family land were in the majority of cases distress sales. That is sales done out of desperation with the hope that there will be a solution in the near future to the immediate problems. School fees is an important family expenditure that is important to the community in North Alego location. This is because of the unproductive land which make people believe that only education can lead them out of the circle of poverty associated with subsistence farming. Funeral expenses was another reason given for sale of family land. To those who are not members of this community it cannot be comprehended how a major resource like land can be exchanged for a temporary expense like a funeral. But it cannot be ignored since a good percentage had confessed to selling land for this reason. The attitude of the people in the area has to be changed on this practice otherwise the future will see many such sales. Apart from the later the reasons for sale of family land in North Alego Location are in tandem by those found by Ambwere (2003) and observations by Okuro (2002).

Tostensen (2003) observed that disposal or sale of assets like land or livestock was done to compensate income loss or release funds for investment purposes.

Lack of sources of income for the community manifested itself in the other reason for sale of family land. Quite a number indicated they sold the land to buy food. This again pointed to low crop production whereby one may have land but without factors of production it cannot help. Thus the land is sold off to raise cash for survival.

The main health center in the area gave the major ailments as malaria; TB and other HIV related ailments. This is an area that has been hit by HIV/Aids. One of the reasons given for sale of family land was medical expenses. Before 2004 the medication in all hospitals was very expensive for this type of ailment. Thus families became desperate when bread winners became ill and the only resource had to be sold to counter the scourge. Other reasons this study found made the community sell land included starting of business, unproductive land, family disputes, house construction and compulsory acquisition.

It is also important to mention that all those that had sold part of their land had titles to it. This could be another reason for sale of land since the registered owners were now practicing what was envisaged by the Swynnerton Plan of 1954 that plot owners could have the freedom to deal in them to open up the market for those financially able to purchase land and develop it.

The livelihood of the people of North Alego had not been positively affected by the sale of family land. No definite trend could be established as to the difference in the quality of life of those who had sold the land or not. The way of life was still homogenous and only pockets of differences could be seen on families receiving remittances from grown up children or pensions. However the research could not establish if these were as a result of earlier sales. The successful dairy farmers interviewed had started the practice from money from the husband's employment or from social groups.

The cash from the sales cannot allow major investments into other income generating activities as in most cases the same cash was used for purchase of consumables. The marketing of produce was a factor that hindered livelihood assets from growing due to transportation problems mentioned before. Products like milk had to be transported to far places using bicycles and even walking or to neighbours.

Those who had not sold land had only not done so because they reasoned that the returns were too low and they had no reasons for selling their land. But the way of life for the majority was the same as those that had not sold. The characteristics of poverty discussed in chapter 2 were tested and found to be present throughout the location irrespective of sales or not. Compared to the 2006 KIHBS, the figures on poverty indicators were quite close if not higher than those listed in that document. Thus this study concluded that the sale of family land does not have any positive impact on the livelihoods of the community.

The community members that do not own the family land try to start small businesses when land is sold. The study found that this group is against the sales and claimed that landlessness was slowly creeping into the society. Tostensen (2003) found that when livelihoods are negatively affected by loss of assets, people use different coping strategies like, skipping meals, removing children from school, borrowing from friends, using cheaper dwellings and refraining from health facilities. The chief of the area confessed that people of questionable characters were finding their way into the location due to the sales.

The vulnerable group was not easy to come by so this study cannot make any strong conclusions on this issue. The women interviewed were themselves plot owners due to inheritance.

These findings finally look at the opportunities that were found in North Alego. They can be grouped into the following categories: natural features and environment, social groups, human resources and proximity to several institutions.

The area has several rivers and streams all with water through out the year. The Mbag Hills are a rare natural beauty that stand out throughout the district and is home to the water tanks supplying Siaya town and environs. The small-scale horticulture farming taking place now can be harnessed by small dam constructions to avoid depending on rains. During the time of fieldwork the farmers were anxiously waiting for the rains since they had just transplanted the seedlings. The District Environmental Officer decried the lack of tree planting culture in the area and gave an example of how the brick makers have to travel longer distances to buy fuel for baking their bricks. The area has no gazetted forests and it is only Mbag Hills that have been officially planted to fight soil erosion though the locals privately own the hill.

Social groups in the location are doing a commendable work trying to initiate income-generating activities. It was a surprise to find Dairy cattle in the area supported by Oyombe Women Group, which has a form of merry go round sharing a heifer and distributing the calves to members. Zero grazing is then a must due to the dominance of local breeds and this is not cheap. It requires initial capital of about Ksh. 80,000.00 that is beyond the majority in the area.



Plate 4: Zero grazing at Got Oyenga
Source: field survey 2007

Another regulation that should be put in place is the enforcement of the agriculture act into the land control board whereby the board should not permit any land to be transferred unless the purchaser puts into writing his/her intended use of land and the seller his intended reasons. Further the agro ecological zones should be taken seriously and enforced by the department of agriculture. Given the opportunities in the cotton export sector the Minister of agriculture should invoke land development rules in the area to make the community take up cotton farming.

The concerned authorities and NGOs should lobby for funds to assist the locals start income generating activities like that already mentioned on dairy farming. The study found out that the locals need business management courses to empower them to utilize their skills in a way to discourage land sales and encourage young adults to stay in the area. This can be done by encouraging NGOs and CBOs to work in the area with the locals to identify their capabilities as regards use of the available resource that is land. The area is lagging behind in development because of neglect and not due to the weather or climate. For years the only source of livelihood has been subsistence agriculture and remittances from outside the area; this should be put to a stop.

The group that does not own land suggested that since land sales are not beneficial to anyone in the long run and only solves immediate problems leaving less land to cultivate, it should not be allowed. However this study suggests that a land policy on sale of family land should give provisions that application for transfers should include a letter from the chief and at least two senior family members or elders to recommend sale or not.

6.3.0 Conclusions

One of the characteristics of land as a resource is that it is strictly fixed in quantity, inelastic and is believed to be a gift from god. However, it totally depends on other factors of production to be useful. The people of North Alego location do not have all these factors of production and this means that they cannot make maximum use of this resource. The area being next to the Siaya District headquarters, an assumption is made that the land has a comparative advantage over most land in the district. However this study has revealed that the prices of the land in the area are low, as land buyers have taken the advantage of the desperation of the locals to purchase the land at very low prices. The situation has not been helped by the attitude adopted by the authorities of willing seller willing buyer.

Under section 9 of the Land Control Act Cap 302, the Land control board has powers to stop any transfer if the purchase price is unfair to the seller. However, the practice is that the board never goes into this and only rubber-stamps the sales. Subdivision is also to be stopped under this section if the resulting parcels are agriculturally uneconomical; from the sizes sold the study has revealed that this is never considered.

To understand why the people of North Alego location sell their land, one has to follow the value they attach to different aspects of their lives and the history of the community. For a long time the area was a labour supplier to other parts of Kenya. Those who have done well in the society have held government jobs through educational qualifications. People therefore value education and see it as a way of escaping from poverty. When one has to choose between educating their children and agriculture naturally they will choose education thus the reason for the many sales due to school fees payment. The funeral expenses aspect can be erased through strong campaigns by community leaders and the government for it is a widespread culture that will take time to die out. And finally if the war on HIV/AIDS is worn then the medical expenses toll on the population will be taken care of.

Because of the strong subsistence orientation, large amounts of the resources are devoted to maize production for own consumption; income from maize (including both the imputed value of the home-consumed maize and the maize sold in the market) constitutes very little of the household incomes. This implies that even a dramatic increase (e.g., 100%) in maize yield alone may lead to a relatively modest decline in poverty in the area, although estimating likely household responses to such a scenario would require much more in-depth analysis.

6.4 Areas of further research:

The reasons given by the people of North Alego for sale of family land were numerous. Some of the sellers said they were successful in their objectives for selling. The study was not able to follow up on this and it would be interesting to do a further research on those that had succeeded and if the sales had made them improve their way of life or turn around completely from poverty.

A study should also be carried out on ways of assisting the land control board to be able to ascertain that applications for sale of land are based on economic sense and not willing buyer

willing seller. A willing seller may not have any other alternative ways of solving immediate family financial needs and is thus a desperate seller.

The district agriculture office should come up with a way of imposing agriculture act based on agro ecological zones and a study to be carried out to investigate why the area has remained rooted at the bottom of the poverty index map in Kenya despite all the opportunities described previously. The key question should be why traditional methods of cultivation still dominate the area 44 years after independence despite low returns from the practice.

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APPENDIX 1.

UNIVERSITY OF NAIROBI

DEPARTMENT OF URBAN AND REGIONAL PLANNING
M II (PLANNING) 2006/2007THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS: NORTH
ALEGO LOCATION; SIAYA DISTRICT KENYA.

Declaration: This information is confidential and will be used purely for academic purposes only.

District: Siaya **Division:** Boro **Location:** N. Alego **Sub location:** 1.Hono 2.Komolo
3.Nyalgunga 4.Nyamila

Date of interview

Name of interviewer Questionnaire number.....

HOUSEHOLD QUESTIONNAIRE (to be answered by household heads only)**Respondents information**

1. Name of respondent (optional).....
2. Age
3. Sex: 1.M 2.F
4. Marital status: 1.Married 2.Single 3.Divorced 4. Separated 5.Widowed/widower
5. Educational background:
 - 1.Informal education 2.Preprimary Ed. 3.Primary 4.Secondary Ed. 5.Tertiary Ed. Other (Specify).....
6. Religion: 1.Protestant 2.Catholic 3.muslim 4.Other (specify).....
7. Ethnic background.....

I. POPULATION AND DEMOGRAPHIC CHARACTERISTICS

8. How many people occupy your house?

Males.....

Females.....

Total number.....

Member	Age	Sex	Marital Status	Educational Level	Occupation	Place of employment or education	other economic activities
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.....
Father

Mother

.....

.....

.....

II. MIGRATION TRENDS

9. a) Were you born in N. Alego? 1. Yes 2. No
 b) If not where do you come from.....
 c) When did you come to N. Alego?

 d) Reasons for your coming to North Alego. 1. Availability of affordable land 2. Marriage 3. Business opportunities 4. Moved with parents 5. Near employment 6. Other (specify).
10. a) Have you or any of your family members moved out of N. Alego to other areas other than through marriage? 1. Yes 2. No
 b) If yes to where.....
 c) Reasons for their moving out of N. Alego 1. Security reasons 2. employment elsewhere 3. lack of land 4. sold all his/her land 5. Others (specify)
11. Which members move in and out of N. Alego?

		Age	Time
Males:	Children		
	Working population		
	Aged		
Female:	Children		
	Working population		
	Aged		

III. SOCIAL AMENITIES AND COMMUNITY FACILITIES

A. HEALTH SERVICES

12. (a) Are there health facilities in this area? (1) Yes (2) No
 (b) How far do you go for the health facilities?

Locality	Distance (Km.)	Time To Travel

- c) What is the level of service? (1) Good (2) Average (3) Poor

B. EDUCATION FACILITIES

13. (a) Are there public schools in this area? (1) Yes (2) No.
 (b) Do your children go to School? (1) Yes (2) No
 (c) How far?

(1) < 500m (2) 500m-1km (3) 1-5Km (4) 5-10Km (5) >10Km.

	Distance	Time to travel
Nursery		
Primary		
Secondary		

C. RECREATION CENTRES

14(a) where do you go for recreational activities?

.....

IV LAND OWNERSHIP AND SALE:

15. Do you own this land? 1. Yes 2. No

16. (a) Do you have a title to it? 1. Yes 2. No

(b) How big is your land? 1) <1Ac. 2) 1-3Acs. 3) 3-5Ac. 4) >5Ac

17. Has any part of the land been sold? 1. Yes 2. No (If no go to 20)

18. What size was the piece that was sold?

19. Why was it sold? 1. To meet medical costs. 2. To pay school fees. 3. To buy farm inputs.

4. To procure domestic animals. 5 To buy food. 6. To start a new business 6. Others (specify).....

20. Which year was the sale?

21. How much did you get from the sale?

22. Did the family succeed in whatever project made the land to be sold?

23. (a) Do you think your family is now better off than before the sale? (Observe the living standards of the family). 1. Yes 2. No

(b) Give reasons.

24. If you have never sold any part of your land, what are the reasons?

1. Process expensive 2. Have no need to sell

3. Cannot get enough money from sale 4. Stopped by family

5. Others (specify).

(Observe status of the family then go to 26)

25. If you do not own this land were you consulted during the sale? 1. Yes 2. No

26. Would you have allowed the sale if you were contacted 1. Yes 2. No

27. If no why

28. Has your livelihood been affected positively or negatively with the sale? 1. +ve 2. -ve
 Explain.....

29. How have you coped with the negative effects of the sale of land? 1. Small business.
2. Looked for employment 3. Tried to make ends meet. 4. Others (specify).....

V. PHYSICAL ENVIRONMENT CHARACTERISTIC

30. Where do you dispose of household solid waste?
1. In my land 2. On the way 3. Others (specify).....
(Observe size of plot and evidence of haphazard waste disposal)
31. What means of human waste disposal do you use?
1. Pit latrine 2. Septic tank 3. Bush 4. Neighbours toilet 5. Others specify
32. How do you guard against soil erosion when it rains?
1. Terraces 2. Plant grass 3. None 4. others (specify)
33. a) In your opinion do you think the new owners of the sold pieces are taking care of your environment 1. Yes 2. No
b) If no why?.....

VII. LAND USE AND ECONOMIC ACTIVITIES

34. What do you use your land for? 1. farming. 2. Animal husbandry. 3. mixed farming. 4. Residential. 5. Commercial 6. Others (specify).....
35. Do you own any animals 1. Yes 2. No
36. If yes which and what can you make from them?

Products	Where sold	Price per unit
Milk		
Cow		
Pigs		
Manure		
Sheep		
Beef		
Goat		
Chicken		
Hides/skins		

37. How much do you get from crop output?

Type	Yield (bags)	Income	Where sold
Millet			
Bananas			
Maize			
Beans			
Onions			
Potatoes			
Tomatoes			
Others (specify)			

38. Where do you get farm inputs from and what cost?

Inputs	KShs	Where bought
Fertilizer		
Pesticide		
Animal feed		
Animal medicine		
Others (specify)		

39. Where do you get these household items?

Household	KShs	Where bought
Food		
Medicine		
Building materials		
Others (specify)		

40. Are there any foods that your family cannot eat due to cost?

- a) 1. Yes 2. No
b) If yes which?

41. Who does the farm work? 1. The mother 2. Father 3. All family members.
4. Employees. 5. Others (specify)

42. (a) Do you have any other source of income? 1. Yes 2. No

(b) If yes specify. 1. Formal employment 2. Remittances from grown kids 3. Others (specify)

(c) What is your approximate total monthly income?

VII. GENDER AND CULTURAL ISSUES

43. (a) Who owns property in your community?
Give reasons?

(b) In case of dealings in property is everyone in the family consulted

1. Yes 2. No

Give reasons?

44. (a) Do you have social groups? 1. Yes 2. No

(b) If any which?

(c) How have they affected the development of N. Alego?

VIII. HUMAN SETTLEMENT AND HOUSING

45. a) Do you own this house? 1. Yes 2. No

b) If you don't own, how much do you pay for rent?

.....

46. a) What materials have you used for construction? (Observe)

Roof	Wall	Floor

b) Where did you source these materials?

.....

47. How many rooms does your house have?

.....

48. What is the spatial disposition (arrangement) of the built structures on your plot? (Observe)

.....

49. What determines the spatial disposition (arrangement) of the structures?

.....

50. a) What do you use for

- Cooking 1. Firewood 2. charcoal 3. LPG 4. electricity 5. Others (specify)
- Lighting 1. Paraffin 2. electricity 3. Others (specify)

b) Where do you source the above?

..... c)
 How much do you spend on the above energy source?

51. a) Are the housing conditions favourable? 1. Yes 2. No

b) If they are not favourable, what makes them so?

b) What do you think should be done to improve the housing situation in the area?

.....

IX. INSTITUTIONAL SYSTEMS

52. a) Do you belong to any organization? Yes/No

b) Specify

53. Of what help are the organizations to you?

.....

54. How is the membership of these organizations?

55. How many C.B.Os do you have around?

X. COMMUNICATION AND INFORMATION

56. a) Which of the following modes do you use for communication and information?

- 1.Telephone 2. Radio 3. Television 4. Newspapers 5.e-mail 6.Barazas 7.Cell phones
7.Others (specify)

b) Rate the ones you use according to your preference

- 1..... 2..... 3.....

XII WATER

57. a) Where do you get the water from, and the time you spend to fetch water.

SOURCE	TIME SPENT TO FETCH WATER	AMOUNT SPENT PER MONTH
River/stream		
Boreholes		
Piped water		
Rainwater		
Wells		
Water spring		
Others (specify)		

b) Which means of water storage do you use? 1.Plastic containers 2.cement tanks 3.Plastic tanks 4. Others (specify)

c) What are the problems associated with water supply? 1. Waterborne diseases (e.g. cholera) 2. Pollution/contamination 3.Unavailability. 4.Others (specify)

XIII PEOPLES OPINION ON THE SUBJECT

58. a) In your opinion do you think sale of land is beneficial to the community in North Alego?

1.Yes 2.No

b) State reasons

.....

- 59.a) What should be done to control the situation if it is not beneficial?

.....

b) Is the government doing enough to control this situation? 1.Yes 2.No

- 60.Are you satisfied with the process of sale of land? 1.Yes 2.No.

Explain.....

- 61.What service would you like the government to provide as a matter of priority to assist your community to develop faster?

APPENDIX 2.

UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING
MA II(PLANNING) 2006/2007
THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION; SIAYA DISTRICT.

QUESTIONS FOR THE DISTRICT ENVIRONMENT OFFICER.

1. What are the main environmental concerns in North Alego Location?
2. What part does the community play in conserving a clean environment?
3. Is there a problem in implementation of the environmental management act?
4. Are you able to implement this act on the ground?
5. Do you have a regular tree-planting programme?
6. What are the main constraints to an acceptable environment in North Alego?
7. What are the main problems that hinder your work in North Alego?
8. When plots are fragmented and sold do you encounter environmental problems?
9. What problems do you encounter in discharging your duties in North Alego?

APPENDIX 3.**UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING
MA (PLANNING)****IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS: NORTH
ALEGO LOCATION , SIAYA DISTRICT. KENYA****QUESTIONS FOR THE PUBLIC HEALTH OFFICER**

1. What are the key health concerns in the North Alego?
2. Are there public health facilities in North Alego? How many and where are they?
3. Are they sufficient?
4. Are the personnel enough and how many are they?
5. What methods are in place for proper Household waste disposal?
6. Are there public awareness campaigns to solve the solid waste management problems?
7. What are the constraints in discharging public health duties?
8. Do you get the necessary assistance from the community?
9. What do you do to ensure that all households have human waste disposal facilities?
10. In your opinion does the community do enough to prevent the ailments that are common in North Alego?
11. Can the community afford the health costs in the public health facilities?

APPENDIX 4.**UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING**

**MA II (PLANNING) 2006/2007
THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION; SIAYA DISTRICT: KENYA.**

QUESTIONS TO THE DISTRICT SOCIAL SERVICES OFFICER.

1. What are the development challenges in North Alego Location?
2. Is the sale of land in North Alego of help to the people in that location?
3. What are the main means of livelihoods in North Alego location?
4. Do you have any special programmes for uplifting the quality of life of the people in North Alego?
5. Who coordinates development programmes in the location?
6. Are you satisfied with the work your department does in North Alego Location and Siaya district as a whole?
7. If not what are the reasons?
8. Do you come across landless people in the course of your work?
9. How do you rate the people of North Alego in terms of poverty?
10. How often do you interact with the people of North Alego?
11. What factors hinder your work in North Alego location?
12. How many social groups do you have in North Alego location?
13. Does their work help the people of North Alego Location uplift their living standards?
Explain

APPENDIX 5.**UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING****MA II (PLANNING) 2006/2007****THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION; SIAYA DISTRICT: KENYA.****QUESTIONS TO THE DISTRICT DEVELOPMENT OFFICER.**

1. What are the development challenges in North Alego Location?
2. Is the sale of land in North Alego of help to the people in that location?
3. What are the main means of livelihoods in North Alego location?
4. Do you have any special programmes for uplifting the quality of life of the people in North Alego?
5. Who coordinates development programmes in the location?
6. How do you rate the levels of poverty in the location?
7. Are you satisfied with the work your department does in in North Alego Location and Siaya district as a whole?
8. If not what are the reasons?
9. How often do you hold DDC meetings?
10. What factors hinder your work in North Alego?
11. What would you recommend to make the DDC more efficient?

APPENDIX 6.**UNIVERSITY OF NAIROBI****DEPARTMENT OF URBAN AND REGIONAL PLANNING****MAII (PLANNING)2006/2007****IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS: NORTH ALEGO LOCATION SIAYA DISTRICT.****Structured Questionnaires to CBOs/NGOs/CHURCHES.**

1. How long have you operated in this area?
2. What in your opinion, are the felt needs in this community and what, are your priority areas?
3. What programs/projects are you implementing in the area?
4. Do you involve members of the community in your projects?
5. What is the level of involvement of the community in your projects- in terms of project identification, design, planning, implementation, monitoring and evaluation?
6. What has been the impact of your projects so far?
7. What does the community feel about your work?
8. What challenges do you face?
9. What lessons have you learnt and best practices have you developed that can be applied elsewhere?
10. Do you collaborate with the government and other stakeholders in your work? How do your roles complement each other or is there any conflict or duplication of effort?
11. What policy issues stand in the way of your work with the community?
12. What strategies have you put in place to ensure sustainability of your interventions beyond the life of your individual projects?
13. What is your target in terms of gender and age?
14. What is your scope /outreach in terms of area?

15. What linkages do you have with other organization?
16. How do you get your funds?
17. In your opinion do you think the practice of sale of family land is positive or negative on the community? Explain
18. What policy changes would you recommend?

APPENDIX 7.**UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING****MA II (PLANNING) 2006/2007
THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION; SIAYA DISTRICT: KENYA.****QUESTIONS TO THE DISTRICT AGRICULTURAL/LIVESTOCK OFFICER.**

1. What development challenges do you face in North Alego?
2. How do you rate the community in North Alego in terms of agricultural activities?
3. What would you say is the main hindrance to agriculture/Livestock development in the area?
4. Do the people grow crops according to the agric-ecological zones?
5. If not what are the reasons?
6. Is land sale a factor in the agricultural/livestock rearing practice in the area? Explain.
7. Are there great opportunities in dairy farming in North Alego?
8. Do the people earn enough income from agriculture/livestock to sustain their livelihoods?
9. What factors hinder your work in North Alego?
10. What would you recommend to enhance agricultural activity in the area?

APPENDIX 8.**UNIVERSITY OF NAIROBI
DEPARTMENT OF URBAN AND REGIONAL PLANNING****MA II (PLANNING) 2006/2007
THE IMPACT OF SALE OF FAMILY LAND ON RURAL LIVELIHOODS:
NORTH ALEGO LOCATION; SIAYA DISTRICT; KENYA.****QUESTIONS TO THE SECRETARY OF THE LAND CONTROL BOARD.**

1. What are the procedures that land owners follow to get consent from the Board before transferring land?
2. Is the sale of land common in North Alego?
3. What is the composition of Board members?
4. Who chooses them?
5. Are they representative of the local communities?
6. What would you say is the main hindrance to the work of the land control Board?
7. Are you satisfied with the work the board does as regards consent for sale of land in North Alego Location?
8. If not what are the reasons?
9. Do you have complaints from family members when registered proprietors have sold the land? Explain.
10. Do you ask transferors to state how much they are getting?
11. How often do you hold Board meetings?
12. What factors hinder your work in North Alego?
13. What would you recommend to make the board more efficient?