

*Full Length Research Paper*

# Reclaiming the Commons: Rethinking Land Tenure Systems and Embracing Communal Ownership as a Sustainable Solution to Address Squatter Problems and Landlessness in Kenya's Agricultural Sector

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The land problem in Kenya has many faces, one of which is the Squatter Problem. Kenya is primarily an agricultural economy. Approximately 75% of Kenya's population is employed in the agriculture sector, hence the issue of land becomes core and delicate. The objective of the study was to investigate the factors leading to landlessness in Kenya and it paid special attention to the Rift Valley Province. Specifically, it sought to establish if landlessness in Kenya is due to outdated land laws which stem from the private land tenure, which was crafted by R. J. M. Swynerton through the Swynerton plan of 1954. A target population of 20,000 households was used for the study. Assuming a target population of 20,000 households, the study assumed a homogenous demography among all squatters. As such a sample size of 1% is deemed to be adequately representative. This gives a sample size of 200 respondents to be interviewed for response. Four districts in the rift valley with prevalent squatter problems or settlement schemes were purposively targeted for response. A uniform number of 50 respondents from each district were interviewed. These were Nakuru, Molo, Naivasha and Trans-Nzoia districts. Both secondary and primary data were reviewed for the purpose of this study. The study concluded that private land tenure is a major factor causing landlessness in Kenya. This is the bedrock on which land laws and policy are based. This is because the implementation of the plan produced claim as the principle of individual property ownership on land which became institutionalized. Based on findings, the study recommended a re-engineering of higher breed of the old African customary land law where land was owned communally and the current statutory law on land where there is individual ownership should be adopted as a way of obtaining a check on landlessness in Kenya.

**Key words:** Squatter, land, land tenure, colonial period, human settlement, Swynerton plan.

## INTRODUCTION

Kenya is primarily an agricultural economy. Approximately 75% of Kenya's population is employed in the agriculture sector (Todaro, 2005). This leaves land as the greatest resource any producer in the economy can have. From inception Kenyans have used land as a basic resource. This value for land spans many historical periods. Every period spanning from the pre-colonial, colonial, post colonial has made its contribution to both the problems

and the solutions forming the complex phenomenon hereafter referred to as the "Land Problem".

The land problem in Kenya has many faces, one of which is the "Squatter Problem". Many scholars have defined squatters differently. Kivutha Kibwana defines squatters "as persons that assert land rights or occupy for exploitation but not registered in their names, on government land or land legally "owned" by others"

(Kivutha, 2000). Legally, a squatter is a person who occupies land or a building that legally belongs to another person or institution without the owner's consent (Kenya Land Policy, 2009).

In the pre-colonial period, diverse tribes co-existed in Kenya, each governed by different chiefs or councils. At times smaller tribes were conquered and ruled by bigger tribes and tributes would be paid by the ruled to the rulers. Nevertheless rarely did the question of land annexation occur.

For most of these communities land use was dictated by the social formations of people and the philosophy as determined by the historical stages of development (that is from hunting and gathering to herding and settled farming).

Kenya's land tenure before the advent of colonialism was fundamentally different from that in feudal England from which alien law was imported (Smokin, 2000). Land tenure in the pre-colonial period was what may be referred to as "communal tenure", where land belonged to no particular individual but to the community (clan, ethnic group) as a whole.

Private land tenure on the other hand is a system of ownership where an individual gets title to land thus secluding all and sundry from access and use of the same land. The private ownership of land as it is in Kenya today was crafted in the Swynerton plan of 1954 (Sorrenson, 1967). This plan sought to change the system of land tenure through land consolidation and registration of individual's freeholds and improve on commodity production in the reserves.

The squatter problem began in 1915 when the colonialists introduced Crown Lands Ordinance. This made them acquire legal security over land. As a result there developed unrest from the Africans and to solve the problem the colonial office appointed the Carter Land Commission, which in its recommendations provided that native reserves be established which were to remain exclusively Africans and that there were going to be no further encroachments. The Africans were to be also granted leasehold. This developments meant that a people that ones had ownership in land had been translated in to mere possessors. The squatter problem has affected the human resource in separate ways. For example the state of hopelessness that hovers among squatters, does not allow them to get good education, good housing and the returns of their labor are too poor. This is due to the uncertainty of their title to land.

The aim of this plan was to secure the lands held by the white settlers firmly in their hands, leaving the natives with limited rights to commodity production within the precincts reserved to them. These reserves provided very limited land to the natives who were the majority.

The conflicts that ensued therefrom as the Africans sought to secure titles to land, left a big majority landless. Only a few conspirators, servants and rich natives were able to secure title to land. The majority of the landless

were therefore forced to seek refuge for livelihood in land and space not legally theirs. These were thereafter referred to as squatters.

This study seeks to throw light to the effects of this Swynerton Plan and resultant system of private land tenure on land ownership and/ or otherwise landlessness in Kenya. The study also recognizes that landlessness is caused by a mosaic of factors. They include wife inheritance, maternal parenting, displacement through tribal clashes, due legal process and willful sale. To separate between landlessness as caused by private land tenure, or otherwise as caused by other parameters, shall be the principle objective of this study. This shall help in formulating recommendations tailored to solve the malady of landlessness as caused specifically by private land tenure.

Squatters represent an un-utilized human capital in our country. Past studies have not focused on the negative impact of squatters in as far as human resource is concerned. The Rift Valley Province has 8,418,100 of Kenya's population is 33,000,000 (Kenya National Bureau of Statistics, 2006). About 3.9% of this population is squatters. Considering that the country's direction in its objective towards the Millennium Development Goals (MDGs) and The 2030 Vision is to eradicate poverty, it is important to understand that the squatter problem is a symbol of prevalence poverty in the country and must therefore be addressed deliberately.

This research sought to suggest measures that can be taken to mitigate conflicts over land and reduce/ minimize the squatter problem and its resultant effects on the human resource in Kenya.

## **Objectives of the study**

### ***General objective***

The general objective of this study was to establish the role played by private land tenure in the creation of the squatter problem in Kenya.

### ***Specific objective***

Other than the general objective stated above, the study also embodies the following secondary objectives:

- i) To establish the factors that cause landlessness in Kenya
- ii) To establish the effects of landlessness on the well being of the affected populace of Kenya
- iii) To suggest the means to mitigate or otherwise reduce/ minimize the squatter problem in Kenya.

## **Hypothesis**

H<sub>0</sub>: Private land tenure is a major factor causing

landlessness in Kenya.

H<sub>1</sub>: Private land tenure does not contribute to landlessness in Kenya.

### **Scope of the study**

The study was carried out in the Rift-Valley province of Kenya where the squatter problem is more prevalent. Four districts with prevalent squatter problems or squatter resettlement schemes were covered. These include: Nakuru, Naivasha Trans-Nzoia and Molo districts. Residents of these areas spanning to the 3rd generation were interviewed. We sought to establish from the respondent the circumstances that led either them, their parents or grandparents to be squatters. Also we sought to understand the extent to which the squatter problems affect the human resource issues like housing, labor, productivity and employment.

## **THEORETICAL LITERATURE**

### **Introduction to the Kenyan land pattern**

In order to comprehend the genealogy of the Kenyan land problem and its effects on the Nations Labor issues (Labor issues means - labor trains, employment, un-employment, wage rates, industrial relations among others.), this study spans a long period (between 100 and 150 years). This period shall further be subdivided into four main parts. These include the pre-colonial, colonial, post colonial and the current or multiparty period.

Each of the periods referred to above had its unique land issues. The legal framework available in each period or as changed from time to time provided different solutions and posed diverse complications to the work force available at each point in time. As time changed so did the need for regulatory framework. A mosaic of interest, personal, racial or otherwise national as shall be discovered later in the study, motivated the various actors. In most cases these seldom represented those of the majority (ruled) but rather those of the minority (the rulers).

The periods are discussed below, with an attempt taken to analyze the legal positions available or taken and their effects on the majority of Kenyans who form the labor force from period to period. Each period shall therefore be discussed as a separate chapter showing the various labor effects of each land situation.

In conclusion, recommendations and remarks shall be volunteered as has always been done in an attempt to chalk a way forward to resolve the Kenyan land problem and try to alleviate the various negative labor issues.

### **Land problem in the pre-colonial period**

The pre-colonial period expands from the early days of

the East African migration to the colonial invasion. The colonial invasion can be said to have occurred in the year 1886 when the Anglo German agreement was signed and Kenya was born as a country.

Before that, diverse tribes co-existed in Kenya, each governed by different chiefs of councils, At times smaller tribes were conquered and ruled by bigger tribes and tributes would be paid by the ruled to the rulers. Nevertheless, rarely did the question of land annexation occur.

Some of the main tribes, who were known to have their rulers were Maasai (Laibon), the Nabongo of the Wanga people in Western Kenya, the Olkoiyot of the Nandi people, and chief Kivoi of the Akamba, others were ruled by a Council of Elders e.g. Njuri Ncheke of the Ameru. These, in most cases could not be said to have authority over the entire tribe, but sections of the tribe.

For most of these communities, land use was dictated by the social formations of people and their philosophy as determined by the historical stages of development (that is, from hunting and gathering to herding and settled farming).

Kenya's land tenure before the advent of colonialism was fundamentally different from that in feudal England from which alien law was imported. Land tenure in the pre-colonial period was what may be referred to as "communal tenure" where land belonged to no particular individual but to the community (clan, ethnic group) as a whole.

Each person had right of access to land, which depended on time and needs, right of accesses were granted by the political authority of the time. The structural framework was necessary for equitable balance between the availability of land and needs of individual member of the community.

### **The colonial misunderstanding**

Ours was a socialistic ownership and as such ownership was not understood as it was in the English law. This misunderstanding cannot be explained in better words than it is in the words of the English law offices when they were asked by the foreign office for an opinion on crown rights to "waste lands" in the interior of the East Africa protectorate – 1899.

"Sovereignty, if it can be said to exist at all in regard to territory is held by many small chiefs or elders who are practically savages and who exercise a precanons tribes which have not as yet developed either an administrative or a legislative system; ever the idea of tribal ownership in land is unknown, except in so far as certain tribes usually live in a particular region and resist intrusion of weaker tribes, especially if the intruders belong to another race. The occupation of ground which a seasons crop have been sown, or where cattle are for the moment grazing, furnishes the nearest to private ownership in land; but in this case, the idea of ownership is probably

connected rather with the crops and the cattle than with the land temporarily occupied by them” (Sorenson, 1968).

It was this misunderstanding that led the colonialists to believe that Kenya was unoccupied and its land un-owned.

### **Failures of the pre-colonial land tenure**

The following factors contribute to the difficulty of giving a squarely identified system of land tenure that prevailed in traditional Kenyan society, before the advent of colonial masters:

- i) Lack of authentic literature on the subject (issue).
- ii) Existence of faulty anthropological ethnographic and historical accounts on traditional land tenure by western researchers.
- iii) The diversity and complexity of traditional society.

Compared to the Zanzibar state, where there was a formal system of land ownership in place, the pre- communal land tenure in the interior offered many porous points which the colonial masters exploited to strip off land from the natives as the Law officers affirmatively stated – 1899:

“We are of the opinion that in such regions the rights of dealing with waste and unoccupied land accrues to her majesty by virtue of then right to the protectorate. These protectorates over territories occupied by savage tribes have little in common with protectorates over state such as Zanzibar, which enjoy some form of settled government and in which the land has been appropriated either to the sovereign or to individuals. Protectorates such as those now under consideration really involve the assumption of control over all lands inappropriate. Her majesty might if she pleases, declare them to be Crown lands or make grants of them to individuals in fee simple or for any term. The question of the system to be pursued is really one of policy.....” (Sorenson, 1968).

### **Pre-colonial labor issues**

The communal land ownership allowed accesses to land depending on the individual ability to till if they were farmers.

For pastoralists, all land was held communally, and hence the cattle grazed freely, without regard to the numbers held by any particular member of the community.

The above system allowed for free movement of labor. All people with ability to work had access to land which was normally proportionate to their tilling or herding ability. Likewise, hunters and gatherers had unlimited access to the land resource and its produce.

With the introduction of the colonial system, which

perpetuated a system of private land ownership, most natives were stripped off chunks of land, which they previously tilled and free movement was curtailed. This resulted in landlessness, limited arable land and distortion in labor distribution.

One cannot say more but agree with Wanjala who holds that colonialism was an agent of disruption in that the chain of history with regard to the development of tenure systems in Kenya was abruptly interrupted as these system were forced to respond to the needs of colonizing power (Wanjala, 2000).

### **EMPIRICAL LITERATURE REVIEW**

Landlessness is an ever-increasing problem in Kenya. This is because those that are landless become a social, political economic and a major human resource burden to the country. Because of this reason, of all the issues that have been subject to analytical examination in Kenya, none has attracted as much attention as the land tenure problem. The discussion has ranged from the now sterile analysis which seek to identify types of land tenure existing in different sometimes through anthropological tools to the more ideological tools to the more ideologically inclined inquiry as to what is most development related type of land tenure that the country should adopt. Yet at the core of the terminal problem is not so much the issue of existing forms of paradigms of development as it is the search for a type of tenure arrangement that places the people at the heart of its institutional and normative formation.

A recent study on individual land tenure by Wanjala (2000) notes that when the colonial government had accomplished the task of acquiring land from the Kenya people, it aggressively set out to destroy African customary land from the Kenyan people because the latter was viewed as inhibiting the main goal of economically exploiting all the natural resources found in the colony. When R. J. Swynnerton, the main ideological architect of what is now individual tenure (private land tenure) in Kenya produced a report in 1954 in which the diligently argued against customary land tenure, he had set the stage for an unending debate on land tenure. Swynnerton argued in characteristic fashion to the effect that the African farmer had to be tied to his land to be exclusive of all other as incentive for him to pay more productive attention to this important resource. Such security of tenure he argued would enable the landowner to pledge his land as collateral for development capital. When legal enactments were put in place to secure this position, the crystallization of what is known as the land problem in Kenya was no longer in doubt.

The Kenya government in the belief that it will act as a catalyst for intensified and productive agricultural activity given the agrarian nature of the Kenyan economy have vigorously pursued the process of privatization of land

ownership. But imagined economic development that ignores the centrality of people must certainly spell disaster for a society.

In this study, Smokin shows a positive relationship between landlessness and privatization of land and the squatter problem but he fails to separate landlessness as caused by private land tenure, or otherwise as caused by other parameters. In addition he does not relate the effects of landlessness like lack of education, good housing, poor labor conditions and other related human resource issues among the squatters with the private land tenure.

Another recent study by Kivutha (2000) in his paper "Efficacy of state intervention in curbing the ills of individualization of land ownership in Kenya" explains the manner in which the Kenyan state intervened during and after individualization in order to meteorite the ills attending individualization. He finds a positive relationship between landlessness and privatization of land. This study shows the state's recognition that individualization brings in its wake many undesired and negative consequences. But the study does not show that there are many parameters causing landlessness in Kenya. The study also does not isolate the effects of private land tenure on over all land administration and also its resultant effects on the human resource on Kenya.

It is therefore necessary to review the land problem in Kenya and especially the squatter problem. The researcher will further demonstrate that the system of Private Land Tenure on land ownerships the major cause of landlessness. Also separate the secondary causes from principle causes of landlessness like wife inheritance, legal process and sale without consultation of spouse. Finally, through research the researcher shall be able to show the resultant effects of privatization of land, on the human resource in Kenya.

## **METHODOLOGY**

### **Population**

Available statistics reveal that there are about eight million people living in the Rift Valley province (Kenya National Bureau of Statistics, 2006). Only about Four million of this population is above eighteen years. Figures available from Central Bureau of Statistics reveal that about two percent of the population in the province is landless. This translates to more than eighty thousand people being landless. Assuming a family unit of 5 persons, the real target population would be the landless estimate of 100,000 divided by 5 giving a target population of 20,000 households.

### **Sample size**

Assuming a target population of 20,000 households, the study further assumes a homogenous demography among all squatters. As such a sample size of 1% is deemed to be adequately representative. This gives a sample size of 200 respondents to be

interviewed for response.

### **Sampling procedure**

Four districts in the Rift Valley with prevalent squatter problems or settlement schemes shall purposively be targeted for response. A uniform number of 50 respondents from each district shall be interviewed.

Quota sampling procedure shall be applied on persons within the districts from selected areas where squatters are known to live or within settlement schemes. Five such areas shall be purposively sampled from each district, where 10 people per area shall be interviewed.

### **Data collection**

Both secondary and primary data was reviewed for the purpose of this study. Secondary data was collected from the office of the Registrar of Persons, Central Bureau of Statistics and from advocacy groups working within the affected areas. Primary data was collected by use of personally administered questionnaires from private respondents as stated above in the sampling procedure.

### **Data analysis procedure**

Data collected from the questionnaires was ranked, sorted and coded, and analyzed using the descriptive statistics. Simple regression and correlation coefficients was used to explain the relationship between the various variable means and fixed parameters

## **RESEARCH FINDINGS AND DISCUSSION**

The objective of the study was to investigate the factors leading to landlessness in Kenya and it paid special attention to the Rift Valley Province.

Given the extent of landlessness, this study paid attention on the factors that lead to the creation of squatters in Kenya. Wife inheritance, maternal parenting, displacement by tribal clashes, due legal process and willful sale were found to be significantly associated to out dated land laws.

As hypothesized, private land tenure is a major factor causing landlessness in Kenya. This is the bedrock on which land laws and policy are based. This is because the implementation of the plan produced claim as the principle of individual property ownership on land which became institutionalized.

Sale of family land by the head of the house without due consultation within the family, was also found to highly contribute to landlessness in Kenya. The study showed that most people had become landless because land was sold without consultation within the family. This relates to out dated land laws because at the initialization of private land tenure, land was turned into property, which gives the holder of the title all rights to do whatever he wills with it.

Demise of a father and property taken by relatives was

also an important cause of landlessness. The current Succession Law that is crowded by customary laws, which creates loop holes in law, where rightful successor's fraudulently loose right of estate administration to other perceived administrators who disinherit them and render them landless.

The study also showed that land sold to pay due legal debts had also made so many landless. This is where land was sold as the only family property to meet family bills like hospital bills and school fees.

Maternal parenting was another cause of landlessness as was indicated by the study. Most people were because they came from single parent families headed by a mother. The issue of tying land to a patriarchal hereditary hierarchy leaves persons from other forms of families highly susceptible to being landless.

The study also revealed that people also lost their land due to intertribal land clashes. Unresolved issues have sedimented hostilities which often burst out into tribal land and resources clashes. These leaves many land owners completely disinherited and landless, thus squatting in other peoples land.

## **Conclusion**

The research established that landlessness had several effects on the squatter which include the following: lack of food and substance, social insecurity including violence against women, poor health and other social amenities, lack of access to good education, lack of financial insecurities and lack of land to cultivate and hence low or no development in the squatter prone places.

## **RECOMMENDATIONS**

### **Recommendation for policy makers**

The squatter problem is real, it is powerful, and to simply wish it away, to condemn it without understanding its roots only serves to widen the chasm of misunderstanding that exists between the land owners, the squatters and government.

When R. J. M. Swynerton, the main ideological architect of what is now called individual land tenure in Kenya produced a paper in 1954 (Kenya Government Printer, 1954), where he argued in characteristic fashion to the effect that the African farmer had to be tied to his land to the exclusion of all others, as an incentive for him to pay more productive attention to this important resource he had set an unending debate on land tenure. When legal enactments were put in place to secure this position, the crystallization of what is known as the land problem in Kenya was no longer in doubt.

There is need for action from three main actors; legislators, who should provide judicially, sound laws;

administrators should implement the laws skillfully and competitively and finally land owners should always cooperate with the administrators as they effect the laws.

It is impossible to talk of the sanctity of the Kenyan land title deeds, without addressing the impurity of the bedrock of ordinances, acts and basic laws from which these titles stem. To address land problems of which the squatter problem is one, requires that the genesis be approached and discussed with enormous integrity. It should be a deliberate and conscious decision so as not to take advantage of legal loopholes that tend to justify the situation leaving many hearts bitter, and a section of this nation legally marginalized through lack of land. No amount of words can explain the reason for the human resource and capital that lies wasted over the generations due to these ordinances, Acts and basic laws that were promulgated by a people that had selfish defined interests and legalized them to acquire land in Kenya. This can be achieved by the current government developing an administrative or a legislative system that respects the fact that land is a different form of property say chattel and appreciate our diversity as the people of Kenya.

Understanding this reality requires a reminder of how as a country we arrived at this point. "The past is not past." The history of colonial injustice in this country need not be explained. But there is need to remember that so many of the disparities that exist in the Kenyan communities today, especially on matters touching land, can be directly traced to inequalities passed on from an earlier generation that suffered under brutal legacy of colonialism and out dated land laws.

The legacy of squatters is real and must be addressed, by investing in schools, communities; by enforcing our constitutional laws and ensuring equity in our land laws and a just system, by providing the squatters with ladders of opportunity that have not been availed for previous generations. Investing in the squatters and their children will ultimately contribute greatly to all Kenya, especially in the achievement of the vision 2030 and the Millennium Development Goals (MDGS).

Legalized landlessness, where squatters are prevented often through law, from owning property, access to loans and mortgages, means that squatters cannot amass any meaningful wealth to bequeath to future generations. History explains the wealth and income gap between the landless and those with land and the concentrated pockets of poverty that persists in many of today's rural communities, where the squatters belong.

The path to solving their problem means embracing the burdens of the past without becoming victims of the same past. Laws, policies and programmes must be put in place that continues to insist on a full measure of justice in every aspect of Kenyans life. It means binding the squatters' particular grievances that is; being settled, better health care and social amenities, better education and better jobs – to the squatters.

Out dated land laws and policies must be reviewed. A re-engineered high breed of the old African customary land law where land was owned communally and the current statutory law on land where there is individual ownership should be adopted as a way of obtaining a check on landlessness in Kenya. According to the new constitution, landing Kenya is supposed to be held, used and managed in a manner that is equitable, efficient, productive and sustainable through equitable access to land, security of land rights, elimination of gender discrimination and encouragement of communities to settle land disputes (The Constitution of Kenya, 2010). This would give an individual owner, title to ownership and make him economically productive and profitable, from the farming and other uses that he may engage on that piece of land. It would also restrain him from trading off that piece of land because he would be barred through communal accountability.

Land law has been one of the most complex branches of law in Kenya. As of now there are about 40 statutes that deal with land administration, ownership and use (Ndung'u Report, 2004). This makes it difficult for many Kenyans to understand the substantive land law. A need to review and critically look into loopholes in the country's already existing laws that relate to rights, property and inheritance or bequeathing for example the land laws, in some sense relate to the Succession Law. There is need to remove the grey areas that exists in these laws. Lack of clarity in those laws has rendered many individuals legally landless. Harmonizing Kenya's land laws as provided in the Kenya's new Constitution (The Constitution of Kenya, 2010).

Enactment of a squatter settlement law would also provide a way forward in the squatter problem. The squatter bill of 2007 should be enacted. However, it should clarify the wider social and economic objectives of a squatter, with an aim to redress the injustices of colonial forced removals and subsequent historical process of disinheritance or historical denial of access to land or to eradicate poverty and spur economic growth and development.

### ***Introduction of a land division of the high court***

To prevent double issuance of land title and other abuse, this is also practiced by some of the squatters after being settled. The government through legislation and policy should establish a land division of the high court. The creation of such a court will help in providing exclusive dealing with land cases of which landlessness is a part of it.

### **Recommendation for programs**

The Ministry of Lands and Settlement should adopt

Information Technology programs. Technology development and keeping data programs on land matters, for example in the area of settlement, adjudication, licensing and title holding should be introduced. This would accelerate and enhance land distribution by Information Technology (IT) in particular internet. Programs like Transaction Processing System (TPS), Management Information System (MIS) and Inter-organizational System (IOS) can contribute greatly in alleviating land problems like double issuance of titles.

### ***Settlement complex programs***

These are housing and settlement programs that would help settle the squatters. Instead of giving them titles like it has been the practice, as provided in the squatter settlement schemes Act of 1965. Settlement complexes programs should be designed to provide social amenities like good housing, proper sanitation, schools, police services, hospitals and grave yards which are major social amenities that the squatters lack. Besides the settlement complexes land should be annexed where individual families are allocated land but under licenses and not titles. This would have two positive effects:

- i) Check settled squatters from trading their allocated pieces of land within the settlement complexes and
- ii) It would contribute to the development of the squatters' lives that now live in deplorable conditions.

All these are in line with the Millennium Development Goals (MDGs) and Kenya's "Vision 2030." Funds programmes should also be designed to alleviate the squatter problem. This can be achieved through affirmative action because as a country we must appreciate that squatters are a marginalized population. Availing of funds by the state to the landless through youth and women programmes some of which the state has already launched. Introducing a squatter fund program along with those already existing would greatly alleviate poverty which is an objective within the country's vision 2030. It would also make this population a productive resource, thus addressing the human resource and capital problem to a great margin.

Psycho-social programmes should also be brought into being by implementing mass education on landlessness. It is important to recognize that over four decades "squattersdom" has been with us. This explains the psycho-social behavior that is seen among squatters; a sense of lack of permanency and insecurity, trials through the squatters population. The struggle to break the poverty ceiling, and feed a family by the squatter family means taking full responsibility for their own lives. Teaching and educating the squatter that while they may face challenges and discrimination in their own likes, they must never succumb to despair or cynicism but they must

always believe that they can write their own destiny must be given paramount importance in dealing with the squatter programmes aimed at developing and enhancing the human resource and capital that lays waste among the squatters should be embarked upon. For many years it has been said that capital is the bottleneck for developing industrialization. While this is true, the human resource development must deliberately and consciously be granted importance to achieve ultimate industrialization in a country. Industrialization can be hampered because of under-developed human resource. A human resource program that will advocate for equal employment and literacy training techniques to provide basic reading should be introduced among the squatters. Writing and arithmetic are some of the ways of developing human resource among the squatters.

### ***Implementation of truth, justice and reconciliation program on issues of land***

Land disputes in some parts of the country have also created landlessness. In fact 5% of the respondents were landless due to tribal clashes and eviction. This leaves the affected persons insecure and bitter. Through such a program this problem would be redressed.

### **Recommendations for further research**

The study suggests that the increase of squatters in the country should be investigated further to separate the genuine squatters from the self imposed squatters as a step to arrest the situation. The squatters are not a problem in the Rift Valley only but a nationwide problem. A nationwide study to find out whether the findings can be replicated would be necessary.

The possible effects of landlessness on the general human capital could also be investigated further. Given the peculiarity of land and its overwhelming significance as a national resource there have developed different notions concerning it. These notions have led to varying political theories revolving around land. Land law in total reflects a socio-economic and political system of a given nation or community. That is why in "politicalism" of the like of capitalism, communism and socialism the policy towards land occupies more than half the controversy. It follows therefore, that a research of land law is a major study of a political system.

Land remains a thorny issue in our nation. The post election violence experienced in 2008 and the impending referendum touches on land issue hence a study on the implication of the proposed constitution *vis-a-vis* the land chapter to the economy will be of great significance.

### **Conflict of Interests**

The author(s) have not declared any conflict of interests.

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