

Land use policy in Kenya – experiences from Taita Taveta district

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Abstract

Land has always been the most important natural resource for humans as well as for all the flora and fauna that it keeps alive. In Kenya land is naturally vulnerable due to the arid climate and that is why it cannot hold all the pressure that men push on it in their daily actions. The environment is in constant conflict with human society when the interests of them both cannot be achieved at the same time. But the suffering of land means the suffering of men too because in the end man is highly dependent on land and its strength.

Thus, what would be a more interesting target of research for a young geographer than to examine the land itself and the processes it is involved in within human society? This article opens up the questions that are presented in the coming Master's thesis with the same title and thus will give some advance information about the whole study the thesis being still in preparation. The study here concentrates on the terms of land use policy – what is land use policy made up and what is the framework of it.

Introduction

Kenya is located on the equator, and the climate is dry and hot. Rainfall is not enough for rain-fed agriculture, except in the highland areas and the coastal zone, which together form under 20% of the total land area – arid and semi-arid lands (ASALs) cover the remaining ~80% of the total (Mwagore 2002:5). Still, the population of 31,6 million inhabitants of Kenya in 2003 (estimation) (The World Factbook 2003) are dependent on land and its resources. However, too intensive land use prevents land from keeping its strength, because dry soil is easily eroded and exposed to desertification.

Besides its physical qualities and dimensions, land also has social, cultural, ethnic, class and family dimensions that are reasons for people to understand land differently (Mwangola 2001). Also, in the report of Kenya Land Alliance, *Land use in Kenya* (Mwagore 2002:2), it is stated that land in Kenya means different things to different people and groups of people; to farmers and pastoralists land is a source and a key element of living while to the elite land is a marketable commodity and access to profits. As a nation, politicians and administration on the other hand consider land as a sovereign entity whose boundaries reflect a social, cultural and political identity (Mwagore 2002:2). This leads

unavoidably into competition between different interests in and attitudes towards land.

In the human history, land has always been a matter of life and death, of survival or starvation (Mather 1986:1). And it still is. Therefore, according to Mather (1986:1), the use of land should have been, and should be, of major importance to man. Further, Mather (1986:viii) states that land use is the product of human decision operating within social, political and legal frameworks. Thus the basic controversies in different personal attitudes towards land are of fundamental importance, and they lie at the root of many issues and conflicts in the use of land (Mather 1986:2).

In Kenya, as in the majority of other developing countries today, the resources of land and the possibilities land enables are the most important aspects that affect people's lives – land is directly a requirement for life. That is why Karuti Kanyinga (1998) argues in his article that the land question, as land tenure and land use, cannot be handled only as an issue of agricultural development alone, but, in fact, the land question is in the centre of social and political organisation – land involves the development of whole society and its processes.

The land question has, however, been outside of the economic, political and social discourse not only in Kenya but also in most of the other

countries in Sub-Saharan Africa (Kanyinga 1998). This is somehow surprising, land being the most important resource in these areas and agriculture being the most important source of livelihood (80% in Kenya) (Mwagore 2002:5, The World Factbook 2003).

Despite the many human interests in land, land is not only a resource for human life. Land is, furthermore, a resource for a rich biodiversity and nature's polymorphism. So, there is also a conflict between man and environment. Can they both be taken into account at the same time and what are the place and the best route to do this?

Taita-project

The article and the thesis are both parts of a larger Taita-project, carried out by the Department of Geography at the University of Helsinki, in which the overall objective is *development of land use change detection methodology in the East African highlands applying geographic information systems* (Taita project 2003). The objectives of this study relate to one of the sub-objectives of the Taita project, that of studying land use changes as a reflection of human nature interaction. The study produces information about the political and planning framework of land use in Kenya and especially in the Taita area.

Study area – Taita Taveta (Taita Hills)

Administratively Kenya is divided into eight provinces: Central, Coast, Eastern, Nairobi, North Eastern, Nyanza, Rift Valley and Western Province. Provinces in turn are subdivided into forty districts, which are composed of divisions with a number of locations and sub-locations (Regions 2003; Taita Taveta... s.a.:3-5). Taita Taveta district (17 000 km²) is a part of the Coast Province in southeast Kenya. It consists of Tsavo plains and Taita Hills, the northernmost part of the Eastern Arc Mountains. The largest city of Taita Taveta is Voi quite in the centre of the district. Another town in the area is Wundanyi in Taita Hills, approximately 45 km west from Voi. Tsavo national park (western and eastern sections) creates a special character to the district because this nature conservation area covers as much as 62% of the total district area and so restricts

land use and planning of the area (Taita Taveta... s.a).

Questions to be solved

The main objective of this study is to examine the identity of land use policy and to define a framework for this and for the later masters thesis. The thesis asks what is the state of land use policy in Kenya both at a national and a district level: how has it developed, what does it mean and what kind of an effect does it have to the actual land use? This main objective can be modified into five research questions wherein the focus of the thesis is directed:

- What and how significant is the role of land policy when dealing with land questions in general in Kenya?
- What and how significant is the role of national (land) policy in land use policy and planning at the district level?
- What are the relations between land policy, land use policy and land use in the case of Kenya and Taita Taveta district?
- What are the contents of land use planning in Kenya; what does it include and how does it work? How is planning related to policy making in land issues?
- How are the aspects of sustainable development been integrated into land use policy and planning in Kenya? Is the current land use policy in line with sustainable development?

Hereby, in this article we mainly concentrate on the third question by asking: What does land use policy consist of and what is its relation to land use planning and sustainable development on its theoretical basis?

Terminology

Land use

Vink (1983:6,10-13) defines land use as “an expression of man's management of ecosystems in order to produce some of his needs”. Similarly, Mather (1986:98) refers to human action indicating land use by stating that land use is formed by a choice made by the individual land user, operating within broad environmental limitation and government influences. It must, therefore, be separated from

the term ‘land cover’ which “relates to the physical nature or form of the land surface” (Mather 1986:99). In many cases, the type of land use can be deduced from the nature of the land cover, but not always the liaison between the two is so apparent (Mather 1986:99).

In defining the term of land use, Virtanen (1995:13) refers to the same duality between land cover and land use by separating a) the physical character and b) the action or function practised in an area. According to him, the same physical character of an area can include a variety of functions. For example, a forest can be either a conservation area, in economical use or a training field of the army, and on the other hand, in the same looking buildings there can be apartments, offices or even industry (Virtanen 1995:13). Land cover, the physical character of land, can be identified visually, for example, in the field or by remote-sensing techniques, but the actual land use, the function of an area, is not always apparent in traditional mapping (Mather 1986:99, Virtanen 1995:13).

Land use can also be understood as use of regions. These both, however, may feel as two-dimensional phenomenon and, therefore, use of space could be an even more descriptive term, with a three-dimensional connotation, for land use (Virtanen 1995:12). In all these definitions, also water bodies are considered as land, and land use planning therefore refers also to management of the water areas (see Vink 1983:10-12 and Virtanen 1995:12).

Anyhow, land use is based on certain rights as ownership and right of use, which can be determined either by societal regulations (see *land policy*) or by private agreements and decisions (Virtanen 1995:13). These rights further determine the choices that can be made up about land use by an individual land user.

Land use policy

Land use policy considers the way land and natural resources are used and managed, placing issues of ownership/tenure secondary (Mwagore 2002:vii). Thus, land use policy is a way to manage and control land use and natural resources. With land use policy, Virtanen (1995:14) means primarily the intentions, programs and operations of public authorities to control land use in a desirable way. Referring to

the Finnish planning system, Virtanen (1995:14) further divides land use policy into three parts, with each having a different nature of its own: control system, monitoring system and administrative system. The control system consists of different planning documents, conservation decisions and other plans that concern a specific area/region/space. The issue of whether these plans of land use are realized is handled within the monitoring system, in which environmental impacts are also assessed. The administrative system (either public or private) is responsible for producing, and also partly for executing, land use plans (Virtanen 1995:14).

Land policy

The most important factor that determines land use policy is land policy, which is a broader concept that focuses on land tenure/ownership and which also may include aspects of law (Mwagore 2002:vii). West (1986) does not consider land policy separately from land use policy, but land policy as a term also includes the elements of land use policy. He divides land policy into three dimensions: environmental dimension, spatial dimension and tenurial dimension. Collectively, these three dimensions determine the content of land policy (West 1986). Virtanen (1995:15), on the contrary, determines land policy as a part of land use policy, primarily in its administrative system defined earlier (see *land use policy*). Here land policy means the operations of public authorities in tenurial questions and the ways to promote the intentions of land use policy in particular (Virtanen 1995:15).

In the study, land policy is regarded separate from land use policy and, thereby, aspects of land law and tenure are not in the focus of examination.

Policy

An overall policy is formed by the prevailing political power structures, the political parties, and the leading political persons at the highest levels of the political decision-making structure in the government. The word *policy* refers here, as also Virtanen (1995:14) determines, to “general principles and proceedings”. Politics, as a word or expression, on the other hand, refers to the often conflicting political opinions of different political parties (Virtanen 1995:14).

Thus, politics forms the basis of policy and continuously modifies it. Policy can here be assimilated with a plan of action – a plan (document) that determines the general principles and proceedings to carry out some specific action. How policy is understood in the question of land use, the issue is already handled above (see *land use policy*).

Planning

Planning here refers to the decision making process which is fundamental in policy making. It is about examining different options, choosing between them and making a plan to make the chosen priorities come true. We are thereby talking about a planning process.

Viitala (1999:9) writes about the traditional division of the planning process into three phases: the normative, strategic and operative phase. The normative planning phase considers values by prioritising them and forming opinions about the options under discussion, in order to set the overall long-term political intentions. The strategic planning phase considers setting out the concrete objectives, for example, in the temporal frame of about ten years. The operative phase, the planning of implementation, again considers determining the particular actions to achieve the stated objectives. These phases are also included in land use planning.

Though some (phase of) planning is always involved when making decisions about land use, the term land use planning usually involves some level of government and “is usually concerned with reconciling the goals and objectives of individuals and groups in society” (Mather 1986:212). Thus, land use planning reflects the value discussion between individual land users and the nation as a whole and is concerned with establishing compromises between different participants (Mather 1986:212). Land use planning is, thereby, determined by the regulating land use policy.

Sustainable development

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Our Common Future

1987:43). This is how The World Commission on Environment and Development, led by Brundtland, defined the concept of sustainable development. This multifaceted concept unites ecological imperatives with the need for development and for global, inter-generational equity (Our common future 1987, Owens & Cowell 2002:2-3). But despite the fact that sustainable development has become a universal ideal and that administration and politics have actively been mainstreaming it through all policy sectors, the actual definition of the concept and the approach to applying it continue to cause dispute. As Owens and Cowell (2002:3) state, there is no exclusive nor complete interpretation of ‘need’ and ‘development’ of sustainability, and the ecological and social conditions for sustainability have not been fully described and detailed.

However, the most important aspect of sustainable development concerning this study is that the processes of land use planning and regulation are regarded “as key instruments for delivering a more sustainable society” (Owens & Cowell 2002:4,12-27).

Development

Development here gets the meaning that David Simon (1990), in his introduction, gives to it. He characterises development as a multifaceted process whereby the quality of life and ‘personality’ of individuals and groups improve. The concept of development is fuzzy and it is not the purpose of this study to make the concept any clearer. Therefore, I settle with Simon’s definition if and when development needs to be discussed in the study.

The theoretical framework

The theoretical framework of the land use policy is built around the key terms defined in the previous section. The terms are very closely interrelated and especially the focus of this study, land use policy, is very closely related with land use planning. Thereby, these two form the core of the study. The presupposed relations of the terms are shown in Figure 1.

The overall political environment determines the field of land issues; first it rules the land

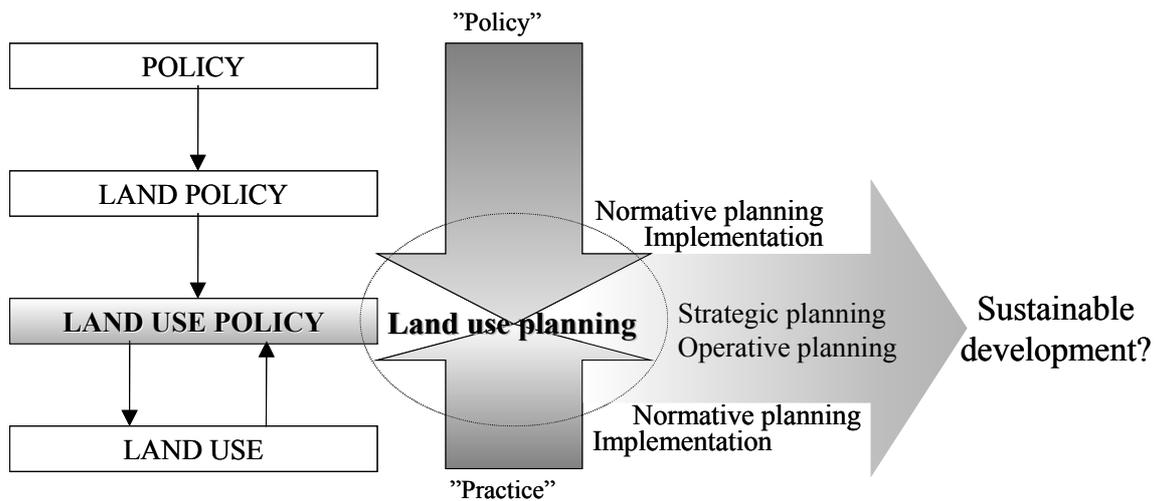


Figure 1. The theoretical framework of the land use policy.

policy by laws and regulations, and secondly the land use policy is determined by these restrictions set in land policy. However, land use policy focuses on the use and management of natural resources and is thereby in connection to the actual land use and the practices to deal with land.

In spite of the policy performed, land use is determined by local actions; people. The different meanings of land also create many wishes and desire to use land. These are determined by cultural traditions but also, and more importantly, by the satisfaction of daily basic needs. The significance of policy for land use manifests in how well it determines the practice and how much it effects local actions of land use. There are more or less three options: 1) the policy is authoritative and converts to practice through rules and regulations, 2) the policy is flexible and converts into practice through comprehensiveness and common interests or 3) the policy is irrelevant in practice and does not effect local actions. If policy and practice are not in any contact or interaction, the policy can hardly be assumed to be sustainable. Then land use planning has failed and it is assumable that there is no or only very weak integrated land use policy. On the other hand, land use planning is expected to enhance land use policy and sustainable development.

Methodology – some flesh around the bones of theory

The main questions of the study are first examined at the national level, but the actual policy and planning practice is simulated

through experiences gathered in field interviews in Taita Taveta district in January and February 2004. The study acknowledges that the local results from Taita Taveta cannot be generalised straight to the national level or handled as an all-embracing example of actions in other districts. This limitation is fully admitted, even though it can later be seen that the example of Taita Taveta is not that poor either, nor totally useless in characterising the general situation of land use policy in Kenya.

The interviews in Taita Taveta were performed as in-depth interviews. The target group of these interviews consisted of the district officers, of which finally five persons gave a possibility for an interview: District Commissioner Mr. Chege Mwangi, District Development Officer Mr. Dickson A. Makuba, District Agricultural Officer Mr. Samuel Nyumoo, District Farm Management Officer Mr. Simiyu K. Divid and District Land Officer Mr. Stephen M. Kihenjo. In addition, a written questionnaire was made within the members of County Council Taita Taveta and District Development Committee as well as within the employees of Ministry of Agriculture and Ministry of Lands. Only few gave their opinions by filling in their questionnaire, however, their answers and views about the questions about land use policy were really comprehensive.

In the thesis, aspects gathered from these documented interviews and opinions from the questionnaires will be briefly summarised and discussed. Further, they are combined and analysed by SWOT-analysis in which the *strengths, weaknesses, opportunities* and *threats*

of the districts land use policy are characterised. It will also be important to compare the aspects gathered from literature with the feelings and illustrations attained from the local interviews.

Future actions

As it has been presented, land use policy is a complex issue that combines different aspects of the social and natural environment, and where the terms of speech are easily overlapped and mixed. However, the ultimate objective is not to

achieve anything astonishing but simply to report the situation of land use policy in Kenya by sharing the field experiences with the readers and to get them to reflect on the theoretical points of view.

Issues such as the human-wildlife conflict (Tsavo national park), the question of land ownership, and the effects of national policy actions and changes, will get important attention in presenting the practice of Kenya's and Taita Taveta's land use policy of today.

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