

Kenya Land Alliance

BRIEFER

**THE IMPACT OF COVID-19 PANDEMIC
ON LAND MARGINALIZED
COMMUNITIES IN KENYA**

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GLOSSARY OF TERMS

ADR	- Alternative Dispute Resolution
AJS	- Alternative Justice System
CBOs	- Community Based Organizations
CL	- Community Land
CLA	- Community Land Act
CLMC	- Community Land Management Committee
CoK	- Constitution of Kenya
COVID-19	- Coronavirus Disease - 19
CSO	- Civil Society Organization
ELC	- Environment and Land Court
GBV	- Gender-Based Violence
IEC	- Information Education and Communication
KLA	- Kenya Land Alliance
MoLPP	- Ministry of Lands and Physical Planning
NGO	- Non-Governmental Organization
NLC	- National Land Commission
NSAs	- Non-State Actors
UN	- United Nations
WGCLA	- Working Group on Implementation of the Community Land Act

EXECUTIVE SUMMARY

The Kenya Land Alliance (KLA), formally a Trust, was registered as a Non-Governmental Organization (NGO) in July 2013. It was established as an institutional mechanism to advocate for enabling land laws and policies that can contribute to secure and equitable access to land and natural resources in Kenya. We pursue this through the following programmes: (i) Women Land and Property Rights; (ii) Land Governance; (iii) Active Agency on Land Marginalized Groups; and (iv) Strengthening Community Land Rights.

For the last twenty years, KLA has established social movements of land marginalized groups at local level, building active community agencies, hence strengthening land governance and accountability mechanisms in a bottom up approach. The nature of relationships between these communities and their land, exposes them to multiple vulnerabilities during these times. It is on this premise that KLA undertook a fact-finding survey to highlight the effects of the COVID-19 pandemic on land marginalized communities. Such communities heavily rely on their land and natural resources as the principal socio-economic well-being and for survival.

A briefer has been developed from the responses of this fact-finding survey to highlight the sociocultural, economic and legal impacts of the COVID-19 pandemic on land marginalized communities in Kenya. The target participants included: (i) non-state actors (civil society organizations (CSOs), academia and professional organizations); (ii) duty bearers (government); and (iii) rights holders (community members especially from indigenous communities).

While there is no doubt about the public safety that the government seeks to safeguard, there can be a blind eye to possible governments' and non-state actors' excesses and systematic weaknesses that have been brought to the fore by the current crisis. Such weaknesses include the politicization of access to adequate housing, affordable food provisions, and insufficient provision of water and sanitation services, subsequently

dehumanizing and compromising the dignity of vulnerable populations who form the majority in the society.

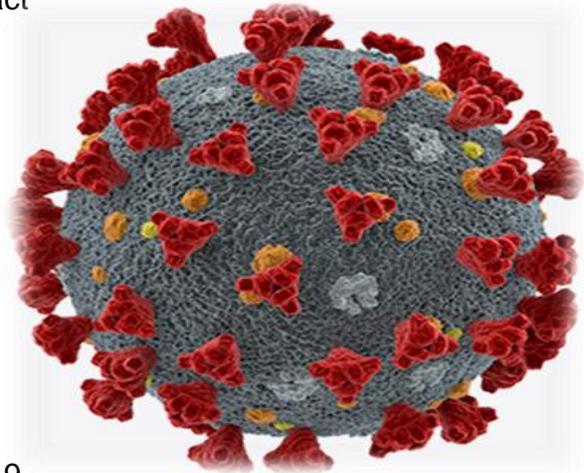
We consider this important at this time because while most communities who occupy community land have experienced uncertainties in recent times, this has been exuberated by the delay in the finalization of the community land registration processes. Additionally, the closure of open-air markets and the curtailing of movement, has led to an increase in prices of basic commodities thus compromising food security and livelihoods in the process.

It can be concluded that the COVID-19 pandemic has indeed deleteriously impacted on the marginalized communities. The government containment measures have negatively influenced their normal way of life and disrupted most of their normal operations. There is increased domestic violence among families, delayed land justice, inadequate clean water and food ratios amongst other impacts.

1.0 THE IMPACT OF THE COVID-19 ON LAND RIGHTS ADVOCACY

In the wake of the coronavirus crisis, governments across the world, including that of Kenya, have adopted a raft of far-reaching measures to curtail the spread of the virus. In Kenya, measures put in place include closure of learning institutions, mandatory self-quarantine for all who have entered the country in the recent past, pay cuts for a number of top civil servants, limited movement of prisoners and cessation of prison visits. The Judiciary and other government institutions have scaled down operations, among other actions. Consequently, the impact of the COVID-19 pandemic has been dire on several fronts, ranging from sociocultural disruptions to economic reorganization.

Just like other frontline sectors, the land sector has not remained immune to these cataclysmic effects. Land governance processes have also been halted or suspended as a direct impact of the COVID-19 pandemic. The plight of land marginalized communities, for instance, has deteriorated since the Government containment measures were announced, thus worsening an already dire situation that is a carryover from the effects of historical marginalization and structural disenfranchisement.



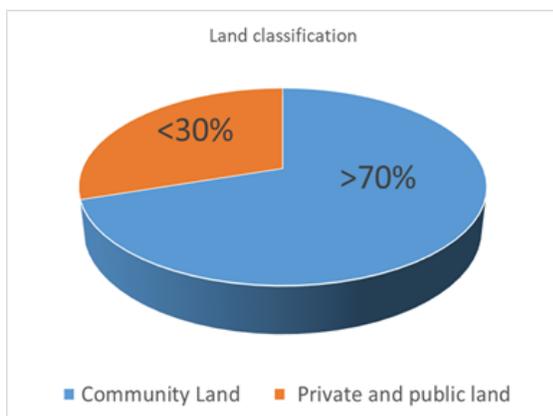
The pandemic has affected the normal operations of most non-state land actors in the following ways:

- a) It has become more difficult to undertake pertinent interventions at local level programs, be visible, and raise funds. The land sector organizations depend on delivering programs for support from donors and often, increasing visibility to educate the public about the land reform agenda.
- b) It has become difficult to effectively support land marginalized and vulnerable communities to advance their right to the community lands and territories. For many land rights advocates, their work begins locally by congregating and supporting their communities in different advocacy spaces at local level. The pandemic has led to the curtailment of movement and, because even the affected community members are quarantined, serving the most vulnerable becomes more difficult.
- c) Fewer chances to reliably and securely connect due to technological challenges at local level. While everyone is moving towards online convenings, there is still a need to capacity build land marginalized communities at local level to be able to catch up.
- d) There is a greater risk of governments curtailing human rights freedoms and not being held accountable. For instance, the closure of land registries has delayed justice for most land marginalized communities.
- e) Risks of burnout, need for self-care: During normal times for Land Rights Defenders, it is already tough advocating for community land rights and being on the frontlines every day. The pandemic worsens the situation because land rights advocates are working even harder and more isolated as they lose their sense of normalcy, financial security, health and well-being.

This brief has focused on the impact of the COVID-19 on Land Tenure with specific emphasis on Community Land.

2.0 THE COMMUNITY LAND TENURE & COVID-19 PANDEMIC

The National Land Policy (NLP, 2009), defines land tenure as the terms and conditions under which rights to land and land-based resources are acquired, retained, used, disposed of, or transmitted. In Kenya, land tenures have evolved from the pre-colonial era where all land was under the crown to a post-colonial era when the country enacted statutes to regulate land acquisition, use, and disposition. It has been estimated that more than 70% of land in Kenya is classified as community land.¹



The exact community land area is not clear despite the fact that the areas occupied by group ranches were listed by the National Land Commission (NLC) in 2014 as covering 4.3 million hectares.²

Community land belongs to members of the community for their use. It is a valuable heritage for the whole community. Communal lands in most African countries, including Kenya, have sprung from a concept of ancestral trust committed to the living for their interest and of the unborn. Lack of registration and a heavily patriarchal slant in the communal land governance processes has bred dissatisfaction among vulnerable community members like women, youth, and the disable

¹ Paul Maurice Syagga. (2014). *Land Ownership and Use in Kenya: Policy Prescriptions from an Inequality Perspective* available at: https://learning.uonbi.ac.ke/courses/GPR203_001/document/Property_Law_GPR216-September,_2014/Articles/Syagga_Chapter8.pdf.

² National Land Commission. (2014). *The National Land Commission Report 2013*; National Land Commission: Nairobi, Kenya.

The vast majority of such lands are rangelands, which are principally inhabited by marginalized, indigenous, and minority groups. An outstanding hallmark of communal land tenure is its fluidity, informality and lack of formal documentation. Lack of clear protection and registration of such land predisposes such communities to dispossession, expropriation and disinheritance of their lands and territories. This goes hand in hand with environmental degradation resulting in severe climate change. Food security which is a crucial aspect of livelihood has equally been greatly hampered with lack of tenure security of such lands.

A community land law was enacted in 2016 and the attendant regulations for the same were passed in the year 2017. Essentially, the key objective of the law includes giving effect to Article 63(5) of the Constitution of Kenya, 2010; providing for the recognition, protection and registration of community land rights; providing for the management and administration of community land and stipulating clear roles of County governments in relation to unregistered community land and related matters.

The COVID-19 pandemic has significantly hampered the registration process, which was on course to roll out the registration of community lands, thus magnifying the vulnerability of the communal land tenure.

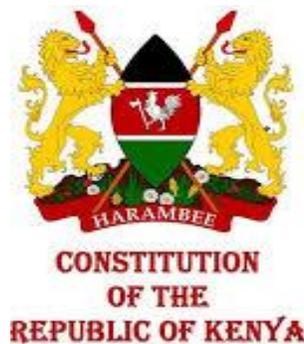
3.0 POLICY AND REGULATORY FRAMEWORK

The Kenyan Constitution classifies land into public land, private land, and community land. Public land includes alienated land, lands occupied by a State organ, and land transferred to the State. Community lands, further includes land lawfully registered in the name of group representatives, land lawfully transferred to a specific

community and any land declared as community land and managed by the Community Land Act, 2016 (CLA, 2016). Private land includes registered land held by any person under freehold tenure, land held by any person under leasehold tenure and any other land declared private land under any Act of Parliament.

A) Constitutional Framework

The 2010 Constitution instigated a series of developments, which have dramatically changed the land tenure policies and laws.³ Article 2 (4) of the Kenyan Constitution provides that, “Any law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.” This provision protects women from repugnant cultural practices that may hinder them from fully accessing their right to and Articles 2 (5) and (6) of the Constitution of Kenya further provide for the reference of international and regional instruments in pursuit for justice in our national courts.



³ Koech Samwel Kibet, ‘The History of Land Law in Kenya’, available at: http://www.academia.edu/8904415/Land_law_In_Kenya.

The Constitution of Kenya, 2010, at Article 10(2) (b), sets out the national core values and principles of governance, which include human dignity, equity, social justice, equality, protection of the marginalized and freedom from discrimination. The provision sets out basic principles that should guide State organs, State officers, public officers in the dispensation of their mandate, which includes ensuring women's right to own land under the communal land tenure. Article 27 provides for equality and freedom from discrimination. Equality is to include women's full and equal enjoyment of all rights and fundamental freedoms that relate to land. Sub-Article 3 goes on to state that women and men have the right

to equal treatment and opportunities in political, economic and social spheres without any discrimination either directly or indirectly. Article 40 provides for the protection of the right to property.

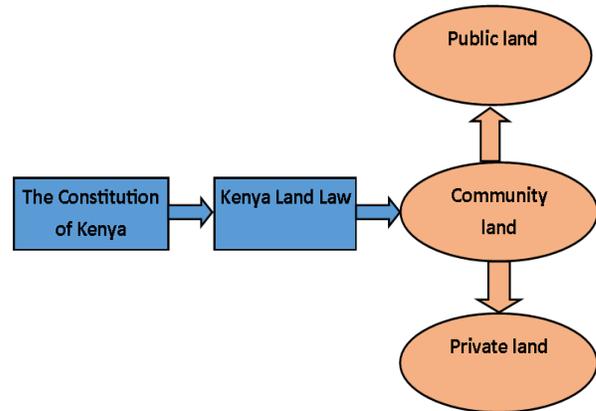
Article 40(1) stipulates that subject to Article 65 of the Constitution, every person has a right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya. This provision protects women's right to own land in any part of the country. Article 60 (1) (f) eliminates gender discrimination in law, customs, and practices related to land and property and gives everyone, including women, the right to inheritance and unbiased access to land.

Article 61 of the Constitution classifies land into public land, private land, and community land. Public land, defined in Article 62 of the Constitution, includes alienated land, the land occupied by a State organ, and land transferred to the State. It includes land with no identifiable

heir, minerals, forests, reserves, national parks, water catchment areas, sea, lakes, rivers, land between high water mark and low water mark, any land not classified as private land, or community land. The NLC is responsible for the administration of public land.

Community land, as defined in Article 63 of the Constitution, includes land lawfully registered in the name of group representatives, land lawfully transferred to a specific community and any land declared as community land and managed by the CLA, 2016. Private land includes registered land held by any person under freehold tenure, land held by any person under leasehold tenure

and any other land declared private land under any Act of Parliament.



Article 68(c) (iii) requires Parliament to enact legislation to regulate the recognition and protection of matrimonial property and in particular the matrimonial home during and upon the termination of the marriage. This article espouses the overriding interests of the spouse over the matrimonial home including those located on community land hence safeguarding the right of a wife to the matrimonial home in the event of the death of her husband. Article 68(c) (vi) provides that Parliament shall enact legislation to protect the dependents of deceased persons holding interests in any land, including the interests of

spouses and minors in actual occupation of land.

<i>Constitution of Kenya, 2010</i>
(3) The National Land Commission may perform any other functions prescribed by national legislation.
Legislation on land.
68. Parliament shall—
(a) revise, consolidate and rationalise existing land laws;
(b) revise sectoral land use laws in accordance with the principles set out in Article 60 (1); and
(c) enact legislation—
(i) to prescribe minimum and maximum land holding acreages in respect of private land;
(ii) to regulate the manner in which any land may be converted from one category to another;
(iii) to regulate the recognition and protection of matrimonial property and in particular the matrimonial home during and on the termination of marriage;
(iv) to protect, conserve and provide access to all public land;
(v) to enable the review of all grants or dispositions of public land to establish their propriety or legality;
(vi) to protect the dependants of deceased persons holding interests in any land, including the interests of spouses in actual occupation of land; and
(vii) to provide for any other matter necessary to give effect to the provisions of this Chapter.

The Community Land Act, 2016

The CLA, No. 27 of 2016 was enacted on 21 September 2016 and the attendant regulations for the same were passed in the year 2017, giving effect to Article 63(5) of the Constitution of Kenya, 2010. It provides for the recognition, protection and registration of community land rights; for the

management and administration of community land; and for the role of county governments in relation to unregistered community land and related matters. Significantly, the Act repeals the Land (Group Representatives) Act Chapter 287 of the laws of Kenya and the Trust Lands Act Chapter 288 of the laws of Kenya, the two main laws that have governed the administration of community land before the enactment of the CLA, 2016.

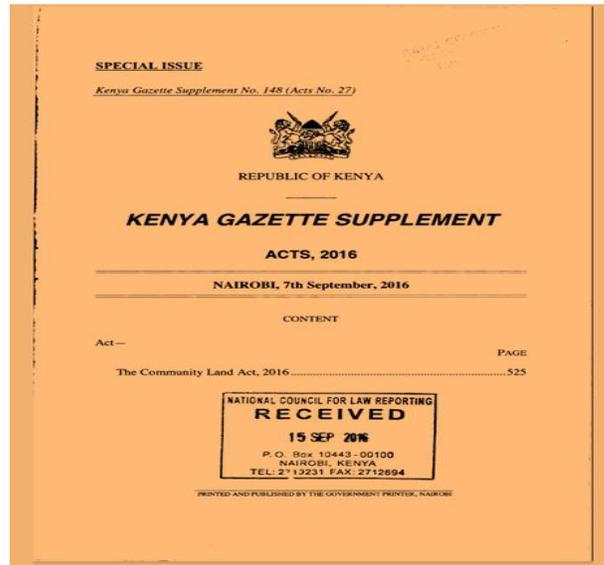
The Act recognizes customary land rights including the customary right of occupancy and provides for their

adjudication and documentation. It also gives customary land rights equal footing in law as freehold and leasehold tenure.

In this regard, the term “customary land rights” is defined to mean rights conferred by or derived from African customary law, customs or practices provided that such rights are not inconsistent with the Constitution or any

written law.

In terms of ownership, community land can be held as collective land, family or clan land, reserve land or in any other category of land recognized under the Act or other written law. It can be held as customary, freehold, leasehold or any other tenure system recognized by law. It can also be owned by a structured group of users who are citizens of Kenya and share characteristics, such as common ancestry, similar culture, or unique mode of livelihood, socio-economic or other similar common interest; geographical space; ecological space; or ethnicity



The Act also provides that a registered community shall have a community assembly which shall consist of all adult members of the community. The community assembly shall elect between seven and fifteen members of the community assembly to constitute the community land management committee.



Community Assembly

Though, a major gap can be found in section 15 (1) of the CLA 2016, which fails to expressly provide that the community adults should consist of both genders thus giving rise to a possibility of women being sidelined. The worst-case scenario would be the total exclusion of women from community assemblies and community land management committees made up of 7-15 officials who are derived from the community assembly. The fact that women might be excluded from community assemblies will compromise their right to access and use communal land, thus putting their livelihoods at risk.

The community shall be expected to elect between seven and fifteen members from among themselves to be the members of the community land management committee.

The Act states that the functions of the community land management committee shall be to:

- have responsibility over the running of the day to day functions of the community;
- manage and administer registered community land on behalf of the respective community;
- coordinate the development of community land use plans in collaboration with the relevant authorities
- promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

Registration is done by application to the community land registrar who shall maintain a community land register for each registration unit. Upon receipt of such interest, the registrar is required to issue a public notice to inform the public on the same. The registered community land shall vest in that community the absolute ownership of that land together with all accruing rights and privileges. In

the case of leasehold tenures, the registration of a community or a person as the proprietor of a lease shall vest in that community or person the leasehold interest described in the lease, together with all implied and express rights and privileges belonging or appurtenant thereto and subject to all implied or express agreements, liabilities or incidents of the lease.

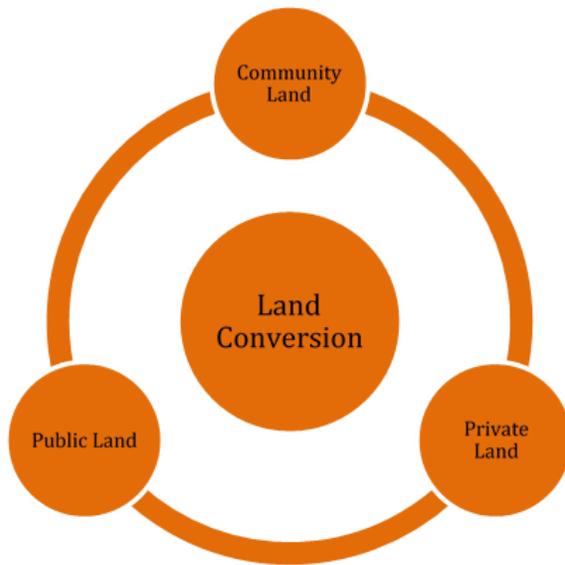
A Certificate of reservation may be issued in the interim by the Registrar pending the registration of community land and acquisition of the certificate of title. After final registration, communities shall be issued with Certificate of Title, which will be prima facie evidence that the person or community named as proprietor of the land is the absolute and indefeasible owner. The Chief Land Registrar is required to designate a qualified registrar to be the Community Land Registrar responsible for registration of community land. The Act also requires the maintenance for each registration unit, a community land register in accordance with section 8 of the Land Registration Act, 2012.

The Act provides that a registered community can, with the approval of the

members, allocate part of the registered community land to a member or a group



of members in the community at a fee for use and occupation for a period determined by the community. A separate title will not be issued to the individual and the rights of the community supersede that of the individual allocated land. The conditions for use of the land allocated are: the land must be used lawfully; the land cannot be assigned or leased to a third party; and the land must be surrendered back to the community if the individual is no longer entitled to use the land.



The CLA, 2016, states that community land can be converted to either public land or private land and vice versa. It further provides that at least two-thirds of the community members must approve any conversion of community land. This does not however limit the application of the Land Act, 2012 and any other law in respect of compulsory acquisition of land. In communities where women are considered to be “children”, there will be

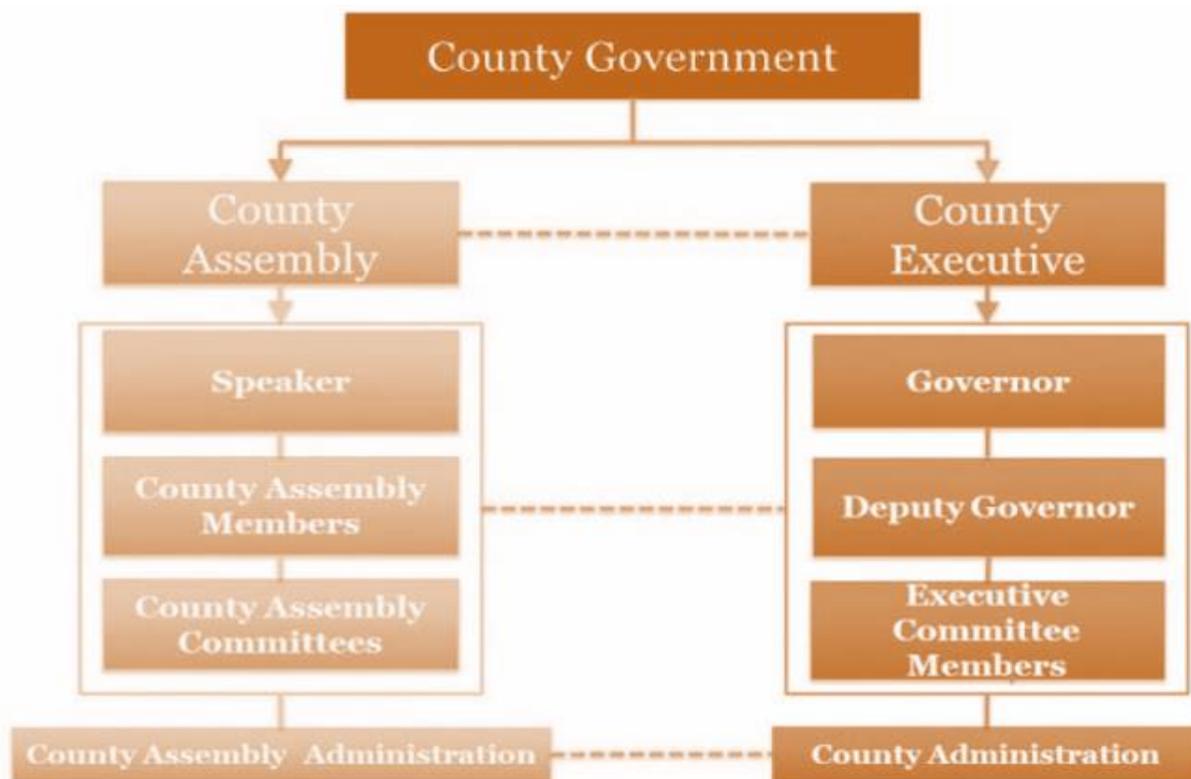
need to ascertain that their voices were effectively represented.

The Act limits the compulsory acquisition by the State of any interest in, or right over community land only in the instance where the compulsory acquisition is:

- in accordance with the law;
- for a public purpose; and
- upon prompt payment of just compensation to the person or persons, in full or by negotiated settlement.

The main role of the County Government under the Act is to hold in trust, on behalf of a community, unregistered community land and any monies payable as compensation for compulsory acquisition of any such unregistered community land. Any such monies shall be deposited in a special interest earning account by the County Government and shall be

released to the community upon registration of the community land. A County Government is prohibited from selling, disposing, transferring, and converting for private purposes or in any other way disposing of any unregistered community land that it is holding in trust on behalf of a community.



An agreement relating to investment in community land should be free, open and a result of a consultative process, which should involve, among other things,

stakeholder consultations and involvement of the community. The agreement should provide for the payment of compensation and royalties,

capacity building of the community and transfer technology to the community. The group representatives who held land under the Land (Group Representatives) Act, together with the communities they represent, are to be registered as a

community under the Act. Land held by group representatives in this respect may not be sold, leased or converted unless it has been registered under the CLA, 2016.

B) The Land Value (Amendment) Act, 2019

The Land Value (Amendment) Act, 2019 (the Act) came into force on 16 August 2019 and has amended various sections of the Land Act, the Land Registration Act as well as the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act. The Act speaks to the acquisition of land before payment of compensation. It provides that the NLC is allowed to take possession of land and pay compensation at a later date within a reasonable amount of time (not later than one year). Previously, the NLC was required to compensate a landowner prior to taking possession of the land. In an instance of a conversion of community lands and territories to public lands, the communities will have to wait for at least a year before being compensated. If

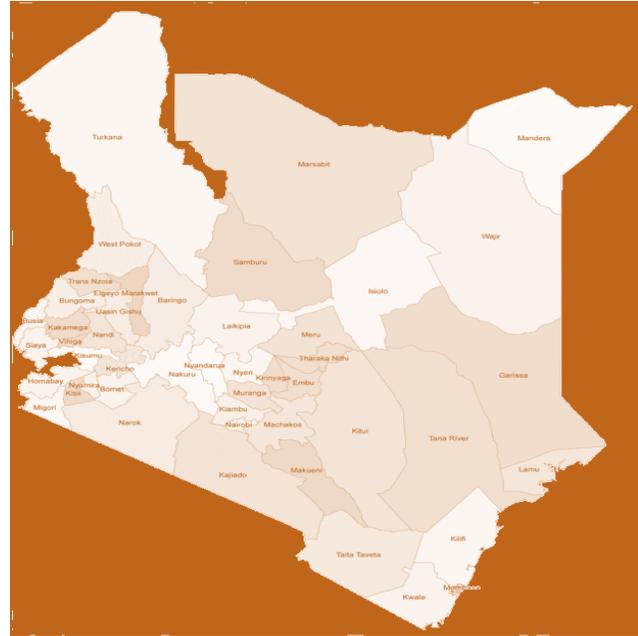
Persons and Affected Communities Act. The Act aims at standardizing the value of land in Kenya for the primary purpose of enhancing efficiency and expediting the compulsory land acquisition process.

compensation takes so long, where would a community be living as they await the compensation or resettlement procedures to be undertaken? Additionally, the provision for compensation to be paid within one year after vacating the land, is arguably unconstitutional given that the Constitution expressly provides for prompt payment of compensation. One year may be regarded too long a period to be considered prompt.

The Act further establishes a Land Acquisition Tribunal which shall hear disputes related to the compulsory land acquisition process and in determining such disputes, confirm, vary or quash the decision of the NLC thus limiting the powers of the Court. In essence a matter has to be heard by the mentioned tribunal before being referred to the Environment and Land Court (ELC). the Tribunal has first instance jurisdiction to hear such disputes with the ELC exercising an appellate jurisdiction.

Additionally, the Act also provides that where the NLC has taken possession of the land, no order stopping any development of the land may be issued by any court if public funds have already been committed to its development. In essence, this provision bars the Court from granting stay orders, including interim injunctions, once a government project is underway.

The Act further provides for the criteria for assessing the value of compulsorily acquired land including community lands and territories. For purposes of compensation, a government-based Land Value Index will be considered. The index will be based on an analytical



representation showing the spatial distribution of land values in a given geographical area at a specific time.

According to the Act, in calculating the Land Value Index, the declared value of the land for purposes of payment of rates, rents or stamp duty shall be taken into account in addition to other aspects provided for in the Act, such as the increase in the value of the land due to improvements made on it. However, an increase in value will be disregarded if the improvements are carried out after the publication of a gazette notice that sets out the government's intention to acquire the land compulsorily.

Interestingly, different criteria of valuation will be applied for the freehold, leasehold and community lands. Since community lands are yet to be registered, it is not yet clear how their valuations will be undertaken. Additional forms of compensation are also provided for in the Act. They include: a) an allocation of an alternative parcel of land of equivalent

value and comparable geographical location and land use to the land compulsorily acquired; b) issuance of government bond; c) grant or transfer of development rights as may be prescribed; d) equity shares in a government-owned entity; and any other lawful compensation.

C) The Land Act, 2012 (No. 6 of 2012)

The Act administers all three types of land in Kenya. It echoes the guiding principles of land policy enshrined in Article 60(1) of the Constitution (that is, equitable access to land; security of land rights; elimination of gender discrimination in law, customs and practices related to land and property in land; and encouragement of communities to settle land disputes through recognized local community

initiatives). The Act aims to provide access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement. Disputes under the Act may be referred to the ELC for determination. The procedure is set out in the Environment and Land Court Act, 2011 (No. 19 of 2011).

F) The National Land Commission (NLC Act, 2012)

The NLC was established under Article 67 of the Constitution with a view to correcting historical injustices. The composition of the Commission provides an opportunity for land marginalized communities to be heard. The mandates of the NLC include, among others: a) the management of public land on behalf of the national and county governments; b) the recommendation of a national land policy to the national government; c)

encouraging the application of traditional dispute resolution mechanisms in land conflicts; d) advising the national government on land registration; and e) recommending legislation to provide for investigation and adjudication of claims arising out of historical land injustices. The NLC Act decentralizes some of the land governance institutions thus easing access and availability of services from local level up.

The Matrimonial Property Act, 2013

Section 7 of this Act provides for the ownership of matrimonial property. It outlines that where there is no prenuptial agreement, matrimonial property vests in the spouses according to the contribution of either spouse towards its acquisition, and shall be divided between the spouses with reference to their contribution to the acquisition of the property in question. Section 8 provides for property rights in a polygamous union. It outlines that any wife can own the matrimonial property equally with the husband without the participation of the other wife or wives. Section 13 provides

for separate ownership of property in the marriage among the spouses. It states that marriage does not affect the right of either spouse to own or dispose of any property other than matrimonial property. Section 14 of the Act provides that where the matrimonial property is acquired during marriage in the name of one spouse, there is a presumption that the property is held in trust for the other spouse and in the names of the spouses jointly. There is a presumption that their beneficial interests in the matrimonial property are equal.

4.0 METHODOLOGY

4.1 Introduction

This segment contains the methodology, the target population, sample size, sampling technique, and findings and ethical considerations.



16 Government Agencies



34 Community members



25 Non-State actors

4.2 Sampling

A total of 25 Non-State Actors (NSAs), 16 Government Agencies, and 34 community members took part in this survey. The survey adopted a systematic sampling technique involving the recruitment of organizations running programs touching on land rights in general, and community access to land, in particular.

4.3 General profile of respondents

Organizations covered in this survey were drawn from NSAs drawn from both county-based as well as national NGOs and academia. The government agencies were from the national and subnational levels.

4.4 Survey Methodology

The survey was a systematic approach that involved the adoption of primary and secondary data collection tools, as highlighted in the section below:

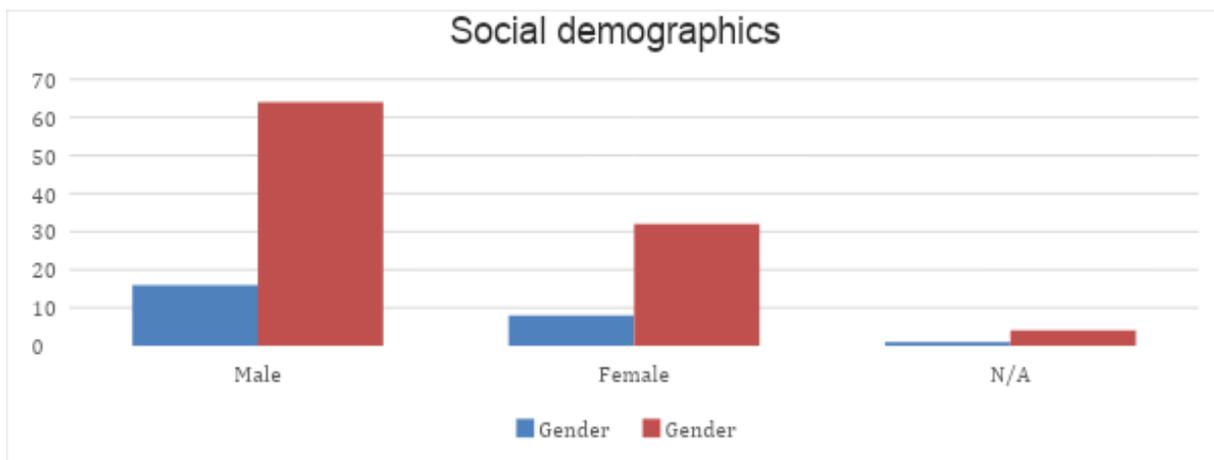
1. **Desk review:** The desk review involved a secondary data collection of all relevant literature touching on, and related to, the policy landscape and regulatory frameworks on land in Kenya - including, but not limited to: Community Land Tenure, Land Rights Advocacy, Community Land Act, the Land Act, the NLC Act, and the Matrimonial Property Act. These materials formed the background to the survey, as they are crucial towards the understanding of the study topic, and the general land issues affecting communities in general and individuals in particular.
2. **Primary Data collection:** It also involved the collection of primary data from a set of respondents using an online **Key Informant Interview (KII) guide**, designed, pretested and approved by the KLA internal programmatic team with oversight from partners taking part in the final survey. The respondents sampled for the interviews were divided into three categories;
 - a. Non-State Actors;
 - b. Government Agencies; and
 - c. Community Members.
3. **Data collection and processing:** The primary data was collected using an online questionnaire sent through an email platform, filled online, and received in the online server setup by KLA for processing, analysis and presentation. The qualitative data was analyzed manually based on the study objectives, and the raw materials handed over to the KLA Programs Department for safe storage under a password protected folder for the preservation of ethical clauses involving the confidentiality of the data, and the identity of the respondents.

5.0 SURVEY FINDINGS

5.1 FEEDBACK FROM NON-STATE ACTORS

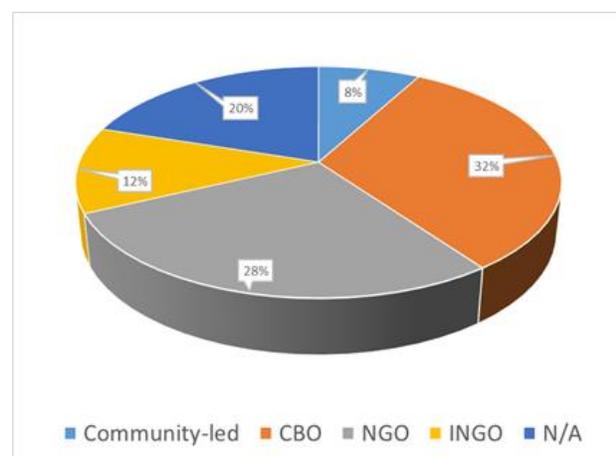
For the sake of this study, Non-state actors are organizations that are not affiliated with, directed by, or funded through government. These include Community Based Organizations (CBOs), NGOs, and International Non-Governmental Organizations (INGOs) and academic institutions.

Table 1: Social Demographics



64 percent of respondents were male while 32 percent were female.

Cluster		
	Freq.	%
Community-led	2	8
CBO	8	32
NGO	7	28
INGO	3	12
N/A	5	20
Total	25	100



Position in the Organization		
	Freq.	%
Advisor / Strategist	2	8
Chairman	2	8
Project Coordinator	3	12
Project Lead	5	20
Executive Director	1	4
Finance Officer	1	4
Lecturer	2	8
Programme Officer	5	20
Regional Manager	1	4
Secretary	1	4
N/A	2	8
Total	25	100

The study also mapped out the respective positions of those in charge of filling the questionnaires on behalf of their organizations. This information is key to triangulating the quality of the information received, as those directly in

charge tend to have a firm grasp of the programmatic aspects of their day-to-day activities in particular, and the overall vision of the program in general.

In the foregoing, the study found that slightly less than half (40%) of the respondents were directly in charge of their respective programs or projects, either as Project Director/ Lead (20%) or Programme Officer (20%).

The survey found that a majority (32%) of those who submitted their forms were from CBOs running land rights programmes, and this tallies well with the aspiration of the program that organizations empowering individuals on access to land work directly with and in communities.

KEY FINDINGS

The following are the key highlights of the issues brought out by Land Non-State Actors:

A. IMPACT OF COVID 19 ON COMMUNITY LAND TENURE

Before the COVID-19 Pandemic, the Ministry of Lands and Physical Planning (MoLPP) had convened a working group on implementation of the Community

Land Act, 2016 (WGICLA) which has so far started pilot registration in 5 counties which had already submitted inventories of unregistered lands as required by law.

1. Lack of Community Land Tenure Security

The National Land Policy defines land tenure as the terms and conditions under which rights to land and land-based resources are acquired, retained, used, disposed of, or transmitted.⁴ The survey sought to highlight if the halting of the community land registration processes due to the pandemic has affected land marginalized communities.

Most Non-State Actors felt that there is a general consensus that much of the land in their jurisdictions were owned by communities who reside in those areas, and who utilize the land for secure livelihood as per traditional agricultural practices. They indicated that the state of

community land ownership does not necessarily translate to ease in individual access to community land because the attendant bundle of rights is still hampered by prevailing gender roles that limits the rights of women and children to utilize land predominantly in the control of men.

It was indicated that since the communal lands were undocumented, most marginalized communities are continually put to task to prove ownership of their ancestral lands. It was noted that such a fluid tenure has led to land grabs and land conflicts due to unclear governance frameworks.

2. Irregular sale of community lands

The respondents noted that there is an ongoing haphazard selling and sub division of community lands. They attributed this to the lack of stable

ILLEGAL

income and an inability to eke a living. The importance of documentation in land matters was overemphasized, because it is the backbone of the legal process of land acquisition.

⁴ Republic of Kenya, *Sessional Paper No. 3 of 2009 on National Land Policy*, Ministry of Lands, 2009, p.13.

Respondents indicated that in spite of lack of clear documentation, the illegal sale is still ongoing. In some instances, some respondents indicated to have engaged in illegal land transactions because of wrong documentation or no

documentation at all. This leaves the community members vulnerable to irregular sale of their land by those in positions of trust in the community or land grabs by officials, both in government.

3. Delay of Access to justice

It was noted that, in the context of community land and preservation of rights to land ownership, there has been an increasing focus on access to land justice among the land marginalized and vulnerable groups. The pandemic led to the closure of land registries thus delaying justice to some of the land marginalized communities. A case in point is the Ogiek Community, whose claim to their ancestral lands was disrupted by the measures put in place to curtail the spread of the virus.



Justice delayed is justice denied.



The survey revealed that most organizations stopped supporting women who were undertaking the succession processes. Such women have to wait until the Courts and Land registries become fully operational so as to continue with the process thus delaying their right to land.

4. Role of women in the governance of land and natural resources

It was reported that most traditional societies still operate on a set of beliefs, practices, and norms that have affected the way women and men relate to each other, and to the ownership of land and property. In the foregoing, most cultural practices slanted towards giving men a competitive advantage in access to and control over community resources including land. As such, women have had to rely on the law to anchor their defense whenever they want to stake a claim on community land that was hitherto a preserve of the male gender.

The study found that a number of communities still regard women as a ready source of affordable labor in the farms, but when it comes to ownership of



Masai Women Participating in a Community Meeting

the said land; their numbers were not reflected in the ownership documents as this was largely seen to be a preserve of the male gender. There have been reportedly fewer frequent meetings among women in the communities since COVID-19 restriction measures were announced two months ago.

Case study 1: COVID-19 and domestic violence

A new dimension has emerged on the safety and security of women since the government restriction on the COVID-19 pandemic was put in place. As a result, women are now exposed to increasing cases of domestic violence within households.

With the lockdown and government directive to work from home if possible, women are more at risk of experiencing domestic violence because of the changing gender roles trying to have the men support with care responsibilities in households.

This is because care responsibility has for the longest time been allocated to women by the society through the African cultures and practices, and men were not to be seen engaging in this domain.

Hence most cultures would view a taboo for men to support in care work at homes and a lot of resistance from men to be involved comes on board with high possibilities of triggering violence.

5.2 FEEDBACK FROM GOVERNMENT AGENCIES

The survey included respondents drawn from various government agencies in charge of land and natural resource management. The portfolios of those who filled the questionnaires included, inter alia: County Chief officers, National Directors, Land Surveyors, Lands Officers, Advocacy officers, Researchers, Technical Advisors, and Magistrates.

The survey sought to measure various parameters involved in the day-to-day

running of their programmes, with a view to ascertain how the roles tie in with their mandates. The questions ranged from:

- (i) the nature of support to communities;
- (ii) how COVID-19 has affected their work;
- (iii) challenges faced by the onset of the COVID-19 pandemic; and
- (iv) coping mechanisms employed at work to work around the COVID-19 pandemic.

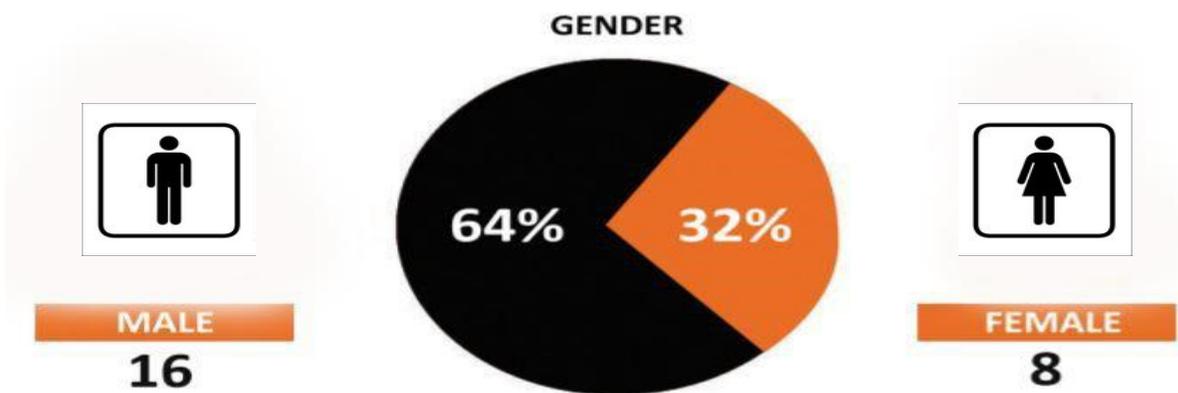
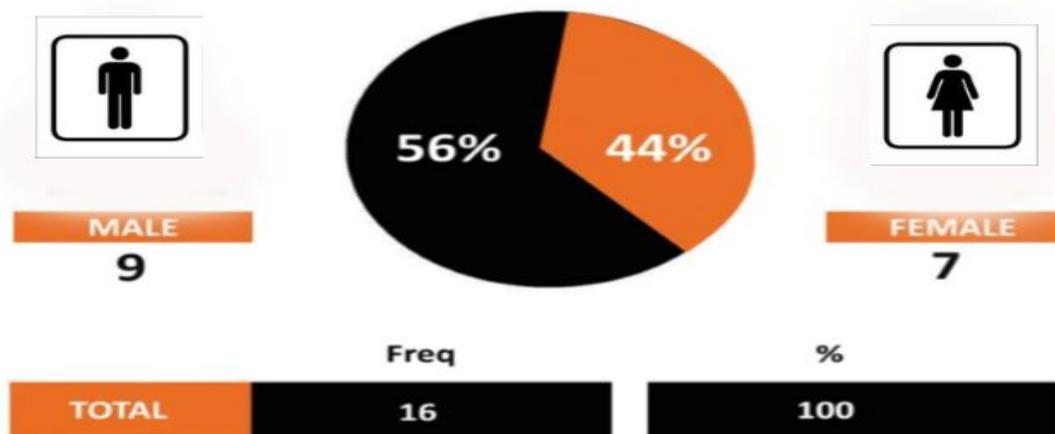
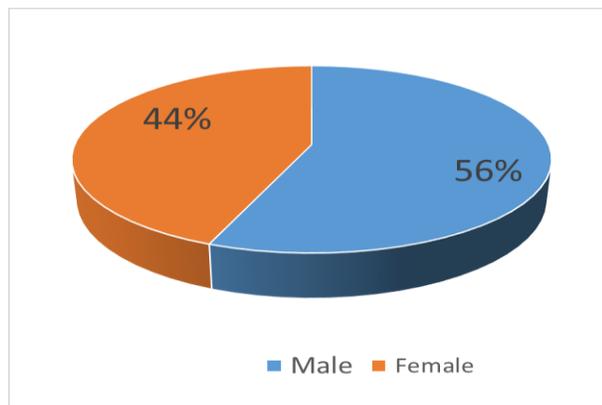


Table 1: GOV'T Socio demographics

Gender

	Freq.	%
Male	9	56
Female	7	44
Total	16	100



Position in the Organization		
	Freq.	%
Asst. / Deputy		
Director	5	31
Director	2	13
Asst. / Land		
Surveyor	3	19
Lands Officer	2	13
Advocacy Officer	1	6
Researcher	1	6
Magistrate	1	6
Technical Advisor	1	6
Total	16	100

Social Demographics

In terms of positions held, 31% were at the level of deputy Directors, 13% were directors of departments and 19% were Assistant land Surveyors. 13% were Land Officers while advocacy officers, researchers, Magistrates and Technical advisors were represented at 6%.

The study found that indeed there are government officers who responded to the survey directly responsible for influencing advocacy programmes, with a particular focus on conducting public awareness and sensitization campaigns on land and other natural resources.

KEY FINDINGS

Key highlights included:

1. Effect of Covid-19 on work schedules

The study sought to ascertain whether COVID-19 has affected the delivery of government services in the land sector, as this had a bearing on access to land rights by communities who rely on the

government for services towards this end.

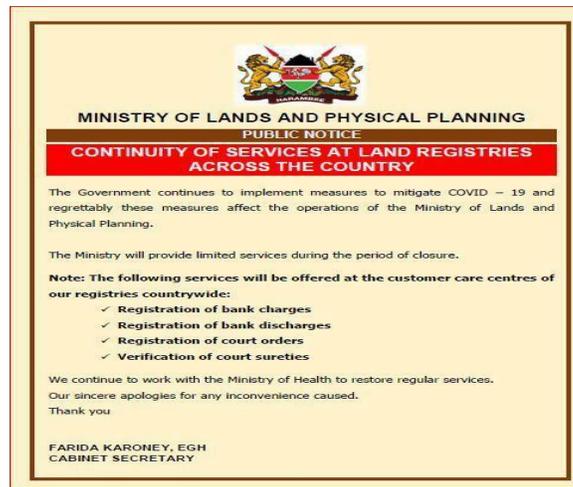
This study also sought to ascertain the specific areas of involvement of government officials in their day-to-day running of land related programs. It was found that, for the officials working in the national land's office in Nairobi, a bulk of their responsibility involved offering advisory services on public land, with specific focus on land ownership and land rights.

A majority of those interviewed

confirmed that since the coronavirus was declared a pandemic and government restrictions put in place, their workflow had been adversely affected ranging from limited access to community groups that came with the government order on cessation of movement.

While it was agreeable that the COVID-19 pandemic had disrupted the manner in which government affairs were

conducted both at the national and the community levels, the study went further to map out the specific challenges those working in the lands sector were grappling with, with a view to coming up with mitigating factors for the same.



The study found out that the cessation of movement order by the government has hampered service delivery, leading to reduction in physical meetings with clients and other non-state

actors running programmes on land rights. It was also noted that most government processes are highly manual-based; and most transactions involving land are still analogue. As such, the advent of the coronavirus pandemic has not only made it difficult to access government records but also curtailed budgetary allocation for key government functions.

2. Mitigating measures

As a follow-up to the question on the effects of COVID-19 on government service delivery in the land justice sector, respondents were asked what measures they have put in place to mitigate the adverse effects of the pandemic, with specific reference to access to the continuous discharge of their mandate, albeit with a semblance of disruption.

Of those interviewed, a majority revealed that they had since resorted to carrying out strategic partnership

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“Yes, we have in our office so far 3 cases for forced eviction of a widow by an in-law, land being resold to another buyer for a woman Living with disability and titles being given to another person when one is still residing in that land.” – NSA 006

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engagement and other functions through electronic means, including, but not limited to; hosting virtual meetings through online platforms (e.g. Zoom), and continuous advocacy campaigns and information dissemination through social media platforms and websites.

3. Addressing of arising land disputes

It was noted that disputes arising from the community are often mediated on by traditional structures before proceeding to Court if need be.

The study found that most of the issues being handled by the magistrates at the Judiciary revolved around engagement in alternative dispute resolution (ADR),

mediation and land rights protection of communities and marginalized groups.

Most Government officials indicated that they are yet to engage with the online approach being implemented by the Judiciary due to lack of basic infrastructure and poor weather.

5.2 FEEDBACK FROM COMMUNITY MEMBERS

A total of 34 community members drawn from the counties of Isiolo, Baringo, Tana River, Laikipia, Turkana, Nakuru, Marsabit, Narok, Trans Nzoia, Taita Taveta, Tana River and Nubians in Kibra Nairobi, were surveyed. These community members were carefully selected to represent communities living in marginalized and underserved areas, most of whom are minorities in their counties of residence.

The survey sought to map out a range of pertinent issues relating to community

survival during the COVID-19 pandemic, including:

(i) access to land justice during the COVID-19 era, (ii) role of women in governance and natural resources, (iii) land related conflicts during the pandemic, (iv) effects of COVID-19 on dispute resolution involving land issues; (v) food security; (vi) water and sanitation; (vii) women and the impact of COVID on gender roles; and (viii) external support.

1. Impact on Community Land Tenure

Before the pandemic, the Ministry of Lands together with the NLC had put in place a Working Group to spearhead the registration of community lands. Further to its establishment, the Working Group had already undertaken some sensitization campaigns, staff training on registration of land, and appointment of community land registrars to undertake functions under the CLA, 2016.

The survey sought to delve deeper into the issues surrounding land ownership in

Kenya, and the major predetermining factors in land acquisition. The survey focused on the impact of Covid 10 on the Community Land Tenure. Community members revealed that the land they were settling in was owned by the community but the land remained unregistered and as such they did not have title deed to show for it. They also elaborated that in the absence of the community ownership title, it was incumbent upon the community elders to

take care of their community land on their behalf, as culture bestows to them leadership that includes being trustees of community land, etc.

There is a rise in incidents of land grabbing. The study found that community members are increasingly

worried that cases of land grabbing might be on the increase because most of the people who have money may take advantage of this stay at home period to negotiate land deals with interested parties without community involvement since the government has outlawed public gatherings.

2. Women and governance of Community Lands and territories

The respondents noted that it will be important for women to be effectively involved in the governance of community lands in order to advance their right to communal lands and secure their livelihoods since most of them are small scale farmers and farm produce traders. Interviewed community members were generally in agreement that women play a critical role in the governance of land and other natural resources while meeting water, food and energy needs in households and communities where they come from. Apart from being the managers of the households, women have direct access to land and have some control over natural resources on land.

However, when it comes to land ownership, most community members interviewed acknowledged that women still find bottlenecks in their quest to



“Women are not recognized in the governance of land and natural resources in my location. But through KENYA LAND ALLIANCE awareness women are also involved.”



have land titles registered in their names, as most communities still carry through cultural practices which pass land ownership along the male line of descent.

3. Reduction of Land Conflicts

The survey revealed that since the cessation of movement order and ban on public gatherings due to the COVID-19, there has been a marked reduction in community meetings between warring communities, and as such increase in escalation of hostilities and inter-tribal conflict.

Moreover, some of the community members interviewed disclosed that there haven't been any issues during this period as it has occurred in the times of rains when inter-community

conflicts on pasture and water points are at an-time low – as most issues usually arise during the dry seasons when livestock cross borders for water and pasture.

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“Land grabbing is on the process because most of the people who have money have taken the advantage. Meetings to solve land disputes are not acceptable because the government does not allow gatherings.”

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4. Unclear dispute resolution mechanisms

In terms of defining what ADR is, most respondents indicated that dispute resolution is a term that refers to a number of processes that are used to resolve a conflict, dispute or claim. Though the respondents indicated that land conflicts have reduced, they indicated that they did not seek redress in case a dispute arose. Respondents indicated that they know that dispute resolution processes are alternatives to

having a formal court decide the dispute in a trial or other institution decide the resolution of the case or contract.

Respondents indicated that they approach traditional leaders to first attempt to resolve disputes including family, neighborhood, employment, business, housing, personal injury, consumer, and environmental disputes. Some of the advantages cited for preferring traditional justice mechanisms

included its affordability, availability and that it is faster than the formal Courts.

Respondents indicated that traditional dispute resolution processes provide the

disputants with a greater chance of participation in reaching a resolution, as well as more control over the outcome of the dispute. In addition, the traditional justice processes are less formal and have more flexible rules than a trial in court.



The study also sought to understand the effects of COVID-19 pandemic on dispute resolution at the community level. We found that under normal circumstances, communities always conducted dispute resolution sessions through open meetings involving a large

number of community members. However, due to the restrictions put by the government to contain the COVID-19 pandemic, this is not possible since the

government's directive to everyone to stay at home and observe social distancing.

Most of the community members interviewed revealed that the COVID-19 pandemic has brought with it a semblance of peace and

tranquility especially among border communities who share resources, such as land, pasture and water sources. This is due to the stay at home order by the government that has seen most communities restrict themselves to their original homeland, which has led to a lull in areas previously prone to conflicts.

5. Impact on food security

As part of the study objectives, community members were asked to share their experiences with the food security situation in their areas since the COVID-19 pandemic was declared in Kenya and a raft of containment measures put in place by the government.



The survey revealed that there has been an increase in prices of basic commodities since the closure of markets occasioned by the cessation of movement and other containment measures put in place. As such, communities are increasingly becoming food insecure.

Moreover, families in the affected communities revealed that they are now forced to do domestic food rationing where most families now only take one meal a day. The planting of seasonal crops has further been hampered with limited income and lack of ability to buy farm inputs and seeds. Some indicated that they received some support to boost their food production and yields both from state and non-state actors, but such support has been minimal and insufficient.

6. Impact on livelihoods

The COVID-19 pandemic has affected livelihoods because of imposed government restrictions thereby altering the day-to-day economic activities where most earn a living from.

The survey revealed that there is diminished income sources, due to lack of markets to sell produce. It was also reported that there was constrained circulation of money because of the arising uncertainties.

Further, respondents interviewed disclosed that their livelihoods have become uncertain since Covid-19 has put a lot of strain in the way marginalized communities (particularly pastoralists)



We have been depending on charcoal burning and taking our cattle to sale yards, but due to this pandemic, the animal prices have gone down, as there is no transportation to Nairobi as it should be.



lead their lives. This is due to the government's restrictions on movement and other guidelines on public hygiene.

7. Lack of adequate clean water and requisite sanitation

Respondents noted that there has been an ongoing scarcity of water in most households both in urban and rural settings. The insufficiency has been evidenced by pronounced water shortage experienced in Nairobi and other parts of the country. It was noted that the unavailability of water in rural areas, which has also affected irrigation schemes, has resulted to food insecurity issues and limited water for animal use.

The survey found out that access to adequate clean water is still a huge challenge. This is due to slowed down government operations which have further impacted on an already water starved ecosystem of water deliveries. Community members have now been forced to utilize the little water they have in wells, and where possible purify the ones that were initially not safe for drinking. As such, the cost of water purifiers has gone up, and as a result of

this, drinking water is now being considered a luxury.

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Due to water shortages, we have had to buy water. A jerrican of water costs at least fifty shillings. With no stable income this situation has become a strain

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In regards to sanitation, the survey revealed that the COVID-19 pandemic has seen government efforts directed at the adoption of sanitation practices that are geared towards prevention of transmission. As such, community members have seen an increase in the conversion of water for home use to sanitation purposes (washing hands). This has led to shortage of clean water for other domestic home use, as communities put their priority on handwashing.

8. Impact of COVID-19 on gender roles

According to those interviewed, community members revealed that the main traditional gender roles for women include: managing household chores, preparing meals for herders and elders, construction of huts and animal shelters, watering animals among other chores.

Women's roles have faced strains. For instance, the cessation of movements has impacted on women's ability to market their farm produce in the markets. This is due to health and security concerns whereby gender-based violence (GBV) and insecurity cases have spiked. In spite of the foregoing, women are still expected to perform their gender roles in a patriarchal society.

Mental health disorders have equally gone up as women's spaces to vent out and socialize have been equally closed up. For instance, the closure of places of

worship has also denied women, who are equally more religious, spaces to enrich themselves religiously. It was noted that churches or places of worship offer a key social welfare avenue for women thus addressing their mental health issues.

However, an interesting finding was that the imposition of the dusk-to-dawn curfew has seen a rising number of men

return home early to be with their families. As a result, most men are offering a helping hand to their women in house chores and

other responsibilities that require physical presence. This renewed sense of togetherness has seen the rise of stability in marriages and stability of the socio-cultural wellbeing of households. Though some respondents also indicated that there is a rise of conflict and GBV in their neighborhoods.

Gender roles are changing in contemporary African Communities



6.0 CONCLUSIONS & RECOMMENDATIONS

In conclusion, this research has found out that the CoVID-19 pandemic has greatly and adversely impacted the land marginalized groups in Kenya. Assuch, the following recommendations are proposed to the Government (both at national and subnational levels), Non-State actors and the land marginalized Communities.

Conclusion 1: Safeguarding Communal Land Tenure

From the survey, it is clear that land marginalized communities have been anxiously expecting to have their right to their common and ancestral lands recognized, documented and registered. Some respondents expressed great concern in the rapid and irregular ways in which community members are selling off pieces of land. Reportedly, this is done ostensibly under 'gentleman agreements' so as to be able to survive. Communities are also very concerned about on-going evictions and land grabs. It has also been clearly observed that government's operations have also been affected by the pandemic. Most land transactions cannot be undertaken under the current circumstance because of the manual nature of most land transactions.



Recommendations

- a) Communities should start to document all land transactions that have taken place irregularly. This would facilitate a due process to either regularize or revoke such questionable actions especially in instances where they suspect it is a land grab or irregular use of public land.
- b) Land Non-State Actors should sensitize communities through online meetings and other mediums like use of information education and communication materials (IECs) on what to expect moving forward. They can seek innovative ways of building the capacity of marginalized communities and to advocate for the formalization of community land holding.
- c) The County Governments should seek to dissuade any unfounded fear amongst land marginalized communities by undertaking awareness forums. As a sign of good faith, Counties that had already developed an inventory of unregistered lands should make public and disseminate the details of the inventories to the communities.
- d) The National Government should equally undertake national sensitization to the public to lay bare the challenges they face – if at all – in the roll out of the community land law and its processes. This will allow the non-state actors to tease out areas of joint collaboration and possible support. Irregular sale of lands by community members should be addressed by involving local level sub-County administrators.
- e) The MoLPP should suspend all land operations that deal with irregular land transactions or unclear land sales of purchase of land. They should also work closely with the local administration to ensure not any form of land grabbing is witnessed in the regions. This will ensure protection of the community land during this pandemic season.

Conclusion 2: Security of tenure for women under Customary Land Tenure

The findings have established the existence of gender disparity in regards to ownership and control over land. The disparity emanates from the various traditions, and cultural factors that deem women as stewards of the land for their male kin assumed as sole property owners. The CLA, 2016, also provides that every man or woman married to a member of the community shall gain automatic membership of the community, and as such, membership shall subsist until the spouses legally



divorce and the woman remarries, or the woman remarries after the death of a spouse. This provision is an opportunity for women in the target areas to claim rights that arise as members of the community.

Recommendations

- a) Land marginalized communities should embrace the inclusion of women in the governance of communally held lands.
- b) Land non-state actors can undertake women leaders land rights empowerment training at the local level to reach women as the right holders in the community. The trained leaders will be equipped with knowledge to inform other women in the community through direct dissemination of information and the multiplier effect manner. This can be done through online forums or in controlled environments in line with Government directives.

- c) The County administration can undertake human rights education to equip the community, especially women on the various strategies that they can engage to ensure that their voices are heard. For instance, training could be conducted at the local level, in the local dialect to ensure that the community understands the essence of including both men and women on matters land despite cultural norms being “alive.”
- d) Development of IEC materials in local languages would go a long way in ensuring that the community is informed in spite of the on-going pandemic. Use of local vernacular stations is also a very effective way of information dissemination.

Conclusion 3: Gender Based Violence and Women’s Land Rights



The research revealed that women at times suffered from different forms of GBV in their pursuit of land and property rights. Forms of violence mentioned

included sexual violence, physical violence, psychological and economic violence. Female respondents mentioned that threats, intimidation, blackmail, and physical beatings are some of the injustices that women who adamantly demand their land rights suffer. Most respondents stated that women preferred to involve traditional elders in cases of GBV in relation to women’s land rights because the land belonged to the community, and the leaders’ decisions held more legitimacy than other existing processes.

Recommendation

There is a need for a multi-agency approach to curb GBV over land and natural resources. Even during these precarious times, the police, the non-state actors, health care workers and other relevant actors should cooperate to sensitize communities on the harmful effects of GBV especially that which is

linked to land based conflicts. Local level collaborations that involve local organizations and custodians would be helpful. Women community members also require education on their access to justice avenues through the local radio stations or peer educators.

Conclusion 4: Access to Justice

From the study, communities indicated that with the closure of courts, they felt that access to justice is unavailable for them. The raft of safety measures by the government as a move toward curbing the spread of COVID-19, has inadvertently led to delayed delivery of justice and



government services especially in the land sector as most offices are closed and the employees working from home. They have employed the use of

technology which is not very helpful since most of the government services are analogue and manual and most marginalized groups have no such access. This state of affairs has significantly disrupted the process and justice in the land sector; and very urgent cases cannot be handled and resolved. Eventually, most land would be acquired or sold in shoddy deals which are not procedural or followed a right protocol. This might result in an increase in disputes.

Recommendations

Article 22 (1) of the Constitution provides that, “Every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.” Article 22 (2) also provides that an interested third party can institute proceedings on behalf of a person suffering some form of injustice. Access to justice is further explicated by Article 258 which speaks to

violations of any Constitutional provisions. On administration of justice, the Constitution places great prominence on access to justice. Article 48 states that the “State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.” This provision can facilitate access to justice even for land marginalized communities who are pursuing their rights.

The following should be done to ensure that land marginalized communities access justice:

- a) The judiciary should seek innovative ways to reach land marginalized communities and resolve ongoing land matters. Local level collaborations between the formal and informal systems of justice would facilitate access to justice for land marginalized communities.
- b) Land Non-State Actors could knowledge-build communities in regard to the available approaches being used by the Judiciary and other relevant law enforcement agencies. These actors may also sensitize on the role of traditional justice structures for the purposes of Article 159 of the Constitution, devolved structures of the various land administration government agencies and non-governmental organizations that work in the target areas.

- c) The Judiciary should find a way of sensitizing land marginalized communities on how to engage the formal judicial system during the pandemic. They can do this through hanging information on their notice boards or using the sub-County administration to disseminate information.
- d) There is a need for more effort to be taken towards tightening security especially in marginalized community land areas. Community policing and faster resolution of inter-clan land-based clashes need to be addressed speedily by government more so through the ministry of interior and coordination, which should beef up security in these regions.

Conclusion 5: Food Security

The marginalized communities now face an increase in diseases especially water borne and hunger leading to malnourishment. This is mainly attributable to the effects of increased food prices which has been caused by

the closure of markets and thus making availability of food scarce. This in turn has restricted their daily meal plan. They are forced to take one meal per day and thus malnourishment.

Recommendations

To avert a food crisis in the post-pandemic period, the government should be more proactive in providing agricultural subsidies and support. Land marginalized groups were already impacted by drought and locust invasion during the pre-pandemic period. Further disruption of the agricultural food chain will only mean a further dive into food insecurity.

Therefore, it is incumbent that:

- a) Land marginalized communities are supported to continue tilling their lands and planting seasonal crops in anticipation of tough times ahead before the country goes back to normalcy. The government should be proactive to ensure food security by supporting and allowing women's input into farming activities in due consideration of health measures.
- b) Non-State actors should sensitize communities on the need to plant seasonal crops while advocating for subsidies from the duty bearers to reduce the severity of the current situation on land marginalized Communities.
- c) Counties should be alive to the effect of climate change on food security issues. Relevant counties should spearhead interventions that would cushion land marginalized communities from the severity of climate change post COVID-19. This can be done by introducing resilient food system strategies.
- d) The COVID-19 emergency board should focus more on the vulnerable and marginalized communities by providing food to these communities to help in curbing the hunger experienced in these areas.

Conclusion 6: Provision of Adequate Clean Water & Sanitation

Shortage of water was cited as one of the key challenges land marginalized communities are facing. Respondents indicated that women and children spend most of their days fetching water in the hot sun from the nearest fresh water source. This strenuous work leaves community members vulnerable to serious dangers because of the distances covered, exposure to the weather elements and risk of attack by

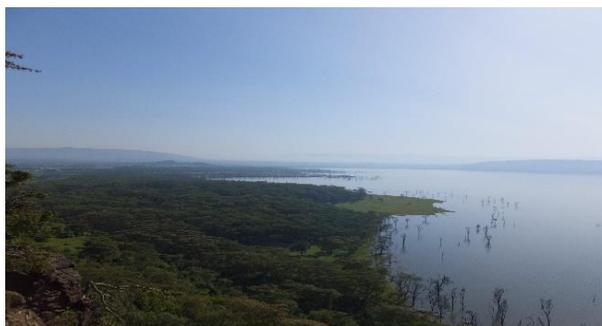
predators while the water gatherers are prone to water-borne diseases. From the study, it is evident that land marginalized communities will also have an increase in the water related diseases. This is because the purification cost has gone high and because of the poverty index in the area, they will not afford money to purify water and in turn, they would consume the raw untreated water thus resulting to diseases.

Recommendations

In view of the existing challenges, it is important for the government to adopt innovative measures to ensure that it not only addresses existing challenges, but also ensures that there is adequate water to facilitate the control of the spread of COVID-19 virus.

The government should deploy more public health experts and

environmentalists to the marginalized group to create awareness, teach and guide the people on the dangers of untreated water, and other unhealthy habits and this will result in reduction of water related illness. Lastly, the government should subsidize the cost of treating and purifying water in the marginalized communities to make it affordable.



Conclusion 7: Establishment of Partnership and Alliance Building in a Bottom-up Approach

From the survey, it is clear that collaborative efforts bringing on board the land marginalized communities, Non-State Actors and the government, would be more helpful. Such an approach would avoid duplication and allow each

actor to leverage on interventions being implanted by another actor. For the communities, it would help them to access assistance through established networks.

Recommendations

- a) Partners can come together and train traditional structures and local organizations towards enabling them to spearhead various processes that support the development of community responsive strategies from local level by capacity building organized groups to participate in the formulation of land regulations through financial and technical support.
- b) There's a need to also collaborate with academia and other state and non-state actors to build knowledge around innovative strategies to flatten the curve during these precarious times.
- c) Zoning of land marginalized areas into sections to ease service delivery and information dissemination.
- d) Working groups can also be established to ensure that the community is well sensitized.

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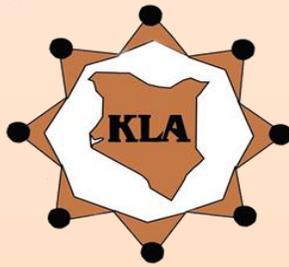
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