

Evictions from Land and How it Affects Tenure Security in Kenya

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1. What results to Eviction?

Persons and/or communities that claim to be landless or without any place to stay usually invade a parcel of land or plot. These parcels of land are normally vacant for long periods prior to invasion and eventual occupation by the strangers. A few people start when they are not resisted, more come and within a short time, the place is full. Other invaders are encouraged by an old land law that states: if one stays on a parcel of land continuously for 12 (twelve) years without being questioned, that person can adversely possess the said land.

2. Types of lands involved

- a) Sizes; do not matter, whether small or big, provided, this land is vacant. Large parcels are more attractive to invaders than small ones.
- b) Localities: invasion occurs both in urban and rural areas of Kenya. Target localities in town are public lands and those near industries, and also near high income estates, rural areas, large parcels are main targets.

3. Mode of evictions

- a) Some land owners go to court to seek eviction orders, while others simply give written, oral or pinned up notices to quit.
- b) Still, some landowners do not give any notice, wake up at night or dawn and just race down structures using bulldozers. This is normally the case where the landlord has repeatedly tried to evict without success.
- c) Other landowners organize night fires to burn invaders structures and belongings before taking possession of the land. Previously a method employed in urban slums, this is now being applied even in rural areas.
- d) And there are some landowners who use armed brigades of gangs or police or youth to physically threaten and evict the invaders. This has often led to death during the skirmishes.

4. Efforts to stem out or streamline Functions

Previously, the practice has been to summarily evict any squatters or land invaders in any of the methods described above, or a combination of 2 (two) or more of such. Many people have

raised concern over the inhuman nature of such evictions. Other have decried the unnecessary loss of lives and property worth million of shillings.

The government appointed a Taskforce in January 2013 to formulate legislation, regulations and guidelines to streamline these evictions. The taskforce has just completed its public hearings and is expected to table its report to parliament at the end of this month when its mandate expires.