

**SMART SURVEYORS FOR LAND AND WATER MANAGEMENT**  
**CHALLENGES IN A NEW REALITY**



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**PROTECTING LAND RIGHTS OF THE AGED**  
**Dealing with land theft among old people**

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## INTRODUCTION

- Land registration is not the guardian of land tenure safety
  - The old and illiterate are disadvantaged
  - Irresponsible borrowing using registered land as security
- Depriving the elderly of their property means losing emotional, historical and monetary value.



# RELEVANT LAND LAWS

- KENYA
  - National Land Commission Act (2012)
  - Environment and Land Court Act (2011)
  - Matrimonial Property Act (2013)
  - Land Act (2012)
  - Land Registration Act (2012)





# RELEVANT LAND LAWS

- ZANZIBAR, TANZANIA
  - Land Transfer Act (1994)
  - Land Tenure Act (1992)
  - Land Acquisition Act (1967)





## VULNERABLE GROUPS

- **THEFT**
  - Most vulnerable: widowed women; those dispossessed by customary laws; victims of the First Sun rule ; orphans
  - Culprits: they are found far and wide, e.g. Organised groups, land buying companies, irresponsible administrative officers, etc.
  - Method: altering title deeds; forgery of stamps; forceful entry; fraudulent sale agreements and registration, etc
- **EFFECTS**
  - Effects on the dispossessed owners: endless court cases; ethnic enmities; violence and occasionally loss of lives
- **SOLUTIONS**
  - Remedies? Governments are trying very hard e.g. Land commissions, land and environment courts, land transfer board, etc.



# METHODOLOGY AND SOURCES

- Data sources include interviews with land owners, officials and review of relevant land laws. Also:
- Vibrant Kenyan Civil Society
  - Human rights organisations and accessibility to resources
  - Legal Aid data
- Zanzibar Land Transfer Board
  - Pre-transfer issues



# CASE STUDIES: KENYA

- 70% of cases brought to the Legal Aid desk were from the elderly.
- Lawyers and well educated relatives are the main conspirators
- Cautions, caveats and court cases were tools used to look for justice



# CASE STUDIES: ZANZIBAR

- Taking advantage of the low transfers fees for “property gifts”
- Gifts to junior wives without senior wife’s knowledge
- Elderly foreigners being manipulated by youth to sell their property to them
- Corrupt local administrators cooperating with land grabbers



## SUMMARY

- As old people are overwhelmed in numbers by the youth they deserve extra protection of their assets. It is important for governments to:
  - *Strengthening Land Transfer regulations*
  - *Train local communities in dispute resolution*
  - *Reduce the number of private unregistered parcels*
  - *Strengthen the land courts.*



*OLD AGE DOESN'T ONLY COME WITH POOR HEALTH, BUT THE  
REDUCED ABILITY TO PROTECT ONE'S WEALTH*