LIMITATIONS OF THE CURRENT LAND LAWS IN ADDRESSING
THE SQUATTER LAND PROBLEM IN KENYA

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ABSTRACT

The squatter issue has been a problem in Kenya since the advent of colonialism. Successive governments have not been able to adequately deal with the problem. This study explores the limitation of the current legal framework in addressing the squatter problem in Kenya. It shows the extent to which the classification of Land in the Constitution is an impediment in dealing with the problem. It also navigates through the National Land Commission which is a constitutional commission and other institutions and their viability in dealing with the problem at hand. It also explores the concept of indefeasible title which has failed to mitigate the problem.

The study draws best practices and concludes by stating that the country should resolve the problem and ensure that there is equitable access to land and security of tenure for peace and development. It recommends changes to the constitution and the select land laws to address limitations if the current squatter problem is to be effectively dealt with.