Study offers a new view of when and how governments distribute land

April 27 2023, by Peter Dizikes

Kenya tea plantations. Credit: Unsplash/CC0 Public Domain

Allocating land for people to use is one of the most powerful tools a government can have. A newly published study by an MIT scholar now identifies the extent to which state land distribution can be a politically

charged act.

The research, focused on Kenya in recent decades, challenges some conventional wisdom while bringing new empirical data to the subject. To explain the "property rights gap" in some countries—in which people do not own the land they work on—numerous scholars have concluded that many nation-states are too "weak," and lacking in administrative capacity, to grant extensive rights.

This study finds something different: Even supposedly low-capacity states can grant land rights, but they generally choose not to, especially when autocratic leaders are in charge. Instead, property rights are granted more frequently when democratic regimes are in power—though these decisions are made seemingly to bolster electoral support.

"It's clear the state is very able and willing to give out property rights at certain moments in time, when it makes political sense for them," says MIT political scientist Mai Hassan, co-author of a new paper detailing the study's findings.

"We found that property rights were much more likely to be given out, and the property rights gap more likely to close, under electoral democracy," Hassan adds. "During autocratic periods, if the property rights gap narrowed at all, the property rights gap was more likely to close only for the autocrats' core supporters in society."

The paper, "Closing the Gap: The Politics of Property Rights in Kenya," is published in this month's issue of *World Politics*. The authors are Hassan, an associate professor in MIT's Department of Political Science, and Kathleen Klaus, an associate senior lecturer at Uppsala University in Sweden.

Seeking electoral support

About one-third of all countries have attempted major land reforms in the last century, and many experts believe full property rights make land use more efficient and spur economic growth. However, scholars estimate that 2 billion people globally still farm land to which they have no formal rights.

Researching land rights grew out of ongoing work Hassan and Klaus have each conducted about Kenya for more than a decade.

"You can't understand the Kenyan state without thinking about land and how it is administered, and who owns it, and the rules around ownership and property rights," Hassan says.

Kenya has had distinct periods of democratic and authoritarian rule since gaining independence from Britain in 1963. Kenya's first president, Jomo Kenyatta, moved the country from a multiparty democracy to an autocracy by 1969; he was followed by Daniel arap Moi, who transitioned back to competitive elections in 1991. Moi was succeeded in 2002 by Mwai Kibaki, who held office via competitive elections from 2002 through 2013.

To conduct the research, the scholars used government land-registration documents, census data, and election results, from the early 1960s through 2013. In that time, Kenya has developed 494 land-use "settlement schemes" that have located about 279,000 households on government property, covering nearly 10% of the country's arable land.

The study pinpoints which subdivided properties were given a particular type of land-registration status in Kenya in a given year, the first major step to allotting individual ownership rights to that property.

Overall, Hassan and Klaus found that during democratic periods, 9% of Kenya's settlement schemes were registered for property rights transfers

on an annual basis when there was a democratic government, compared to 6% per year when Kenya had an autocratic government.

Examining the data further, the scholars found a clear pattern related to the ethnicity of those being granted land. In Kenya, political support is significantly based around ethnic-group identification. Hassan and Klaus found that when Kenya has had an autocrat in power, the chances of land being registered in a given year is 13 percentage points higher when that land is occupied by people of the same ethnicity as the president. But when Kenya has a democracy, the likelihood of land being registered is 15 percentage points higher when the land is occupied by people of a different ethnicity than the president.

In short, autocrats seem to be favoring people of their own ethnicity who are often considered their staunchest followers, while elected leaders may be seeking support from people from ethnic groups besides their own.

"Presidents in the lead-up to elections were much more willing to grant property rights for settlement schemes inhabited by swing ethnic groups who weren't decidedly in the opposition, or core members of the president's coalition," Hassan observes.

Not weak, just political

Given the long-run trends they found, Hassan and Klaus believe we should think differently about the capabilities of the Kenyan government, and can now see its land-use policies in a different light.

"Kenya's leaders were not allocating state resources in a manner that makes sense if their fundamental goal was to pursue economic development by having people procure property rights," Hassan says.

Instead, the study suggests scholarship on the topic should take into consideration three interlocking points raised by the study, which may apply beyond Kenya's borders as well. One is that the type of regime a country has may matter considerably for its land-use policy. A second is that governments may understand property rights as an especially significant resource they can distribute. Unlike, say, jobs or subsidies, property rights can be harder to revoke, making political calculations about them even more salient.

And finally, the state capacity of Kenya, and many other places, may be greater than outsiders have supposed. Failing to distribute property rights may be a matter of choice, not capacity.

"There's this idea that African states or developing countries are weak," Hassan says. "People think it's not fundamentally possible to administer property rights in Africa or the developing world, and that's why you see this property right gap. But even 'weak' states can be utilized by leaders for personal or policy goals."

More information: Mai Hassan et al, Closing The Gap: The Politics of Property Rights in Kenya, *World Politics* (2023). DOI: 10.1353/wp.2023.0008