NLC wins 2015 FiRe Awards

NLC ACQUIRES LAND FOR MEGA INFRASTRUCTURE PROJECTS
Editorial

Dear Reader,

Welcome to the first National Land Commission Newsletter. This Newsletter serves as a platform to articulate ongoing NLC activities as well as its achievements. This publication promotes a series of thought leadership articles, stories as well as highlighting our milestones and events.

The National Land Commission has made remarkable progress in implementing key land governance mandates bestowed on it by the Constitution 2010, National Land Policy and the various land statutes. Over the years, the Commission has been able to make notable progress in land administration and management, digitization of land Records, devolution of land management, resolution of land conflicts and played an oversight role in the management of Natural resources and Land Use Planning.

In this edition, we highlight some of the notable activities and achievements of the Commission as it seeks to deliver services to citizens and fast track Land reforms critical for both economic and political stability.

We commit to bringing you the latest news and events and welcome you to read through all our stories. If you require further guidance/information on any of these articles, please don’t hesitate to get in touch. For more information on our programmes, please visit www.landcommission.go.ke

Enjoy the read

Get involved in this newsletter!

Guidelines for contributions
Please send us short articles, about 500 words, on topics you think are important to the lives and livelihoods of people living in Kenya. Tell us about:

• Policies or laws on land, natural resources, education, health, tourism, government finances, taxation, etc. What problem is it trying to resolve? How was it designed? Is it being properly implemented? What impact will or is it having?
• A programme of work you are involved in or know about that is trying to improve the lives of people in your area of operation. This can be the results of a research project or the impacts of development or training activities. Tell us why it is important, what has worked and what hasn’t.
• Resources you have used to good effect such as videos, CD-ROMs, books, leaflets, posters, policy briefs, training courses, etc. Tell us what inspired you and why, and how other readers can access them. You can also send us interesting photos or cartoons if you think they capture an important message that would interest other readers.

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APRIL 2016 EDITION
Dear Reader,

It is my great pleasure to present this edition of the Commission’s newsletter. The Commission made tremendous strides in implementing key land governance mandates bestowed on it by the Constitution, the National Land Policy and the various land statutes. For a long time, Kenyans have yearned for a solution to the innumerable historical land injustices that has been meted out on them since time immemorial. In collaboration with key stakeholders, we drafted the investigation and adjudication of historical land injustice bill 2015 as contemplated in article 67(2) (e) of the Constitution. It is our expectation that the bill once enacted will provide the vital legal framework for addressing historical land injustices. We have also conducted successful reviews of grants and dispositions of public land across the country that has culminated in restoration of land to public institutions and communities that were disenfranchised of their communal land. A case in point is the Langata Road Primary School playground that had been grabbed by a private developer. The Commission has also put in place an elaborate mechanism for processing applications for titles to all public schools in the country.

To support devolution of land governance, the Commission in consultation with County Governments has established offices in all the Counties. County Land Management Boards (CLMBs) which are the devolved units of the Commission, were operationalized in forty one Counties to perform specific Commission functions in those counties. The remaining CLMBs are expected to be operationalized in the course of this year.

In support of the vision 2030 flagship projects and key government objectives in infrastructural development, the Commission acquired land for the LAPSSET, Standard Gauge Railway and other various acquisitions for expansion of roads and electricity connectivity across the country.

Since its inception, the Commission has had massive support from stakeholders and has fostered cordial working relationships with them, more specifically the Ministry of Lands, Housing & Urban Development. However there have been deliberate attempts by some key partners to misinterpret the mandate of the Commission as prescribed in the CoK 2010 and other land laws. The Commission intends to work closely with relevant stakeholders to migrate land administration and management to a digital platform which will be made possible through implementation of the National Land Information Management System (NLIMS). We remain fully committed to the aspirations of the people of Kenya in promoting and spearheading land reforms.
INaugural Message FROM THE SECRETARY/CEO

Dear Reader,

It is with great enthusiasm that I present the maiden edition of the NLC newsletter. It will be a vehicle for promoting series of thought leadership articles among other events the Commission undertakes.

Celebration of success gives great joy and impetus to move ahead as we acknowledge achievements and accomplishments the Commission continues to gain regardless of difficulties encountered. The achievements of an organization are the result of the combined effort of each individual commitment, effective communication, innovation and creativity. The collaboration between the Directorates, Departments and partners are some of the key factors aiding NLC to propel forward.

In this edition we highlight some of the crowning moments in NLC; the Commission awarded for exemplary service delivery, resource management and fight against corruption among others.

Undoubtedly, we are committed to making the latest news and events of the Commission available and accessible. For more of our news and latest updates around the NLC, always visit our website; www.landcommission.go.ke

I wish you all a good read.

Chavangi Aziz Tom, Secretary/CEO, National Land Commission
Prof. Muhammad Swazuri

Prof. Muhammad Swazuri is the Chairman of the National Land Commission. He was awarded ‘Order of the Grand Warrior of Kenya’ Commendation (OGW) by the President in 2004. He is an associate professor of Land Economics. He holds Doctor of Philosophy in Land Economics, a Master of Arts in Housing Administration and a Bachelor of Arts in Land Economics all from the University of Nairobi. Previously, Prof. Swazuri Served as a Commissioner of the Constitution of Kenya Review Commission (CKRC).

With a background in teaching, Prof. Swazuri has lectured in a number of Universities in Kenya and abroad, where he has supervised PhD students. He once served as a Deputy Principal, Mombasa Polytechnic University College. Until his appointment as the Chairman, National Land Commission, Prof. was the Ag. Deputy Vice Chancellor, Technical University of Mombasa.

He is an associate member of the Institution of Surveyors of Kenya. He has served in many Boards which included being the Chairman of Kwale Water and Sewerage Company, Shimo la Tewa school and a member of National governing Committee of the Kenya Red Cross. Prof. Swazuri is a scholar who has researched and presented papers, written and reviewed books, published articles and many other scholarly works.
Abigael Mbagaya Mukolwe

Abigail Mbagaya Mukolwe is the Vice Chairperson of the National Land Commission. She holds a Master of Urban Management (MUM) and a Bachelor of Arts in Land Economics (Hons) from the University of Nairobi. She is a Full Member of the Institution of Surveyors of Kenya (MISK), Valuation and Estate Management Surveyors Chapter and is a Registered Valuer. She is an alumni of the International Visitor Leadership Programme (IVLP). Before joining the Commission as the Vice Chairperson, Abigail worked as a Corruption Prevention Specialist at the Ethics and Anti-Corruption Commission, focusing on the land and Public Service sector. She has wide experience in governance, anti-corruption and fraud prevention. She has written papers, reports and researched extensively in corruption prevention strategies.

She has consulted for other countries and international bodies including United Nations on issues of good governance. She has over 22 years of work experience in both public and private sectors.

Abigail is the Commission reference point for the Counties of Isiolo, Kakamega, Kirinyaga, Kisumu, Elgeyo-Marakwet, Kilifi and Nakuru

Abdulkadir Adan Khalif

Commissioner Abdulkadir Adan Khalif hold a Bachelors degree in Surveying and Photogrammetry from The University of Nairobi and Geomatics Engineering from St. Cloud State University. He worked for the Ministry of Lands as a Surveyor and later joined the private sector. Abdulkadir worked in the USA as a Surveyor. He returned to Kenya in 2009 and started a private practice as a Licensed Land Surveyor until he joined the National Land Commission in 2013.

He has a wealth of experience and is the Commission reference point for the Counties of Garissa, Migori, Nyeri, Kajiado, Tana River and Kwale.
MEET YOUR COMMISSIONERS

Dr. Clement Isaiah Lenachuru

Commissioner Dr. Clement Isaiah Lenachuru holds a PhD in Rangeland Ecosystem from Colorado State University, USA, a Master of Science in Natural resources, a Bachelor of Science in Natural Resources Management and a Diploma in Range Management. Lenachuru has worked at Egerton University as a lecturer in the faculty of Environment and Resources Development. He has a wealth of experience with Non-governmental organizations where at one time he worked as a National Coordinator for Pastoralist Development Network of Kenya, an advocacy body that championed for the inclusion of the pastoralist agenda in the policy development in Kenya.

He is the Commission reference point for the Counties of Baringo, Kitui, Turkana, Wajir, Laikipia and Narok.

Emma Muthoni Njogu

Commissioner Emma Muthoni Njogu is an Advocate of the High Court of Kenya. She holds a Masters of Laws (LLM) in Commercial and Corporate Law from University of London, Queen Mary and Westfield College as well as a Bachelor of Laws (LLB) degree and a Postgraduate Diploma in International Relations, both from the University of Nairobi.

She served as a Joint Secretary to the Presidential Commission of Inquiry into the Land Law System of Kenya (Njonjo Commission), whose recommendations informed the National Land Policy and the provisions on land in the Constitution and in the land laws. While under the Office of the Attorney General, Commissioner Emma Njogu in her capacity as Head of Copyright Section served as a Joint Secretary to Kenya’s Task Force appointed to develop policies and laws to protect Kenya’s traditional knowledge, genetic resources and traditional cultural expressions.
Commissioner Dr. Rose Musyoka holds a PhD. in Public Policy specializing in land policy from the University of Birmingham, UK and a Postgraduate Diploma in Land management and Informal Settlement Regularisation from the Institute for Housing & Urban Development Studies, Erasmus University in Rotterdam, the Netherlands. She also holds Master of Arts (Philosophy), Master of Arts (Urban and Regional Planning) and Bachelor of Arts (Hons) from the University of Nairobi.

Dr. Musyoka is a registered planner and lead expert in Environmental Impact Assessment and Audit. Before joining the Commission, she was a lecturer in the Department of Urban & Regional Planning at The University of Nairobi. Dr. Musyoka has also worked as an Urban and Regional planner with the Government of Kenya for over 18 years. She has researched and published in land particularly its governance, management, informal urbanisation, and access for the disadvantaged especially the poor and women.

She is the Commission reference point for the Counties of Bomet, Machakos, Makueni, Muranga, Samburu and Mombasa.
MEET YOUR COMMISSIONERS

Dr. Samuel Kipng’etich Tororei

Commissioner Dr. Samuel Kipng’etich Tororei holds a Doctor of Philosophy in Environment studies (human ecology), a Master of Science in Health Planning and Financing and a Bachelor of Education. Previously he served as a Commissioner at the Kenya National Commission on Human Rights where he was the Vice Chairperson. He worked as a Director for the Kenya society for the blind. Dr. Tororei was a delegate at the Constitution conference representing the civil society and people with disability. He has a background in teaching and lectured at Moi University, school of public health.

He is the Commission reference point for the Counties of Busia, Kisii, Mandera, Uasin Gishu, Lamu, Vihiga and West Pokot.

Silas Kinoti Murithi

Commissioner Silas Kinoti Murithi holds the Presidential Distinguished Service Medal (DSM) award. He has a Master of Arts in Urban and Regional Planning, a Bachelor of Science (Hons) in Surveying and Photogrammetry, both from the University of Nairobi. He has a Post Graduate Certificate in Surveying and Mapping from Geographical Survey Institute in Tsukuba, Japan. He has extensive experience spanning over 25 years, on all types of surveying and mapping by use of total stations, GPS, remote sensing (aerial photography/satellite imagery) as well as GIS operations, planning, surveying and mapping of settlement programmes. Commissioner Kinoti previously served as a Director in the Interim Independent Boundaries Review Commission (IIBRC). He is a member of the Institution of Surveyors of Kenya (ISK) and Kenya Institute of Planners (KIP). Mr. Kinoti has also served as a Director at the Kenya Roads Board.

He is the Commission reference point for the Counties of Bungoma, Nyandarua, Tharaka – Nithi, Meru, Transnzoia and Marsabit.

NEWSLETTER
NATIONAL LAND COMMISSION
APRIL 2016 EDITION
Dr. T. Konyimbih Mboya has been a registered and licensed valuer in Kenya for over twenty years. He holds a PhD from the University of Cambridge in England where he studied land policy and tenure reform. He holds a first class honours degree from the University of Nairobi. He has previously worked as a property manager and land valuer both in Kenya and abroad.

He has published widely in the areas of Land Valuation, Land Taxation, Land Economics, Land Tenure Reform, Land Administration, Land Management, Land Policy and Estate Management. He has been a lecturer at the University of Nairobi and has supervised several Masters Degrees and PhDs at the University. He has served in various parastatal boards, and has been an external examiner at the University of Dares Salaam.

Dr. Konyimbih has consulted for the Government of Kenya and Namibia for UN-FAO and MDP-World Bank and was one of the lead consultants in the writing of the “Njonjo” land Commission Report and the current National Land Policy.

He is a member of the Kenya Cambridge Commonwealth Society, African Centre of Technology Studies, Lincoln Institute of Land Policy and the Institution of Surveyors of Kenya and has represented Kenya in various professional forums in Britain, Pakistan, Sri Lanka and Zimbabwe.

In the National Land Commission, Dr. Konyimbih chairs the Committee on Land Administration, Land Taxation and Compulsory Acquisition and is a Commission reference point for the Counties of TaitaTaveta, Kiambu, Kericho, Nyamira, Nandi, Siaya and Homa Bay.
Chavangi Aziz Tom – Secretary/CEO

Chavangi Aziz Tom is a seasoned professional lawyer and a former Magistrate. Chavangi holds an LLM degree from Golden Gate University School of Law, San Francisco, U.S.A. and is an advocate of the High Court of Kenya. He has Bachelor of Law (LL.B) and Bachelor of Commerce (B.COM) from Bhopal University in India. Previously, he worked at the Truth, Justice and Reconciliation Commission where he was the Director of Legal Affairs and later as the CEO and Secretary to the Commission.

Previously he worked for Children Legal Action Network where he was the Executive Director for five years. With over 14 years of legal experience, Chavangi has had close working relations with Government Agencies, Civil Society Organizations and Development Partners at policy programme and project levels, both in urban and rural settings. He has extensive experience in project monitoring and evaluation of donor funded projects. He once served at the Task Force on the Implementation of the Sexual Offences Act.

Tom Aziz Chavangi
REPRIEVE AS KENYANS GET GUARANTEE TO SECURITY OF LAND TENURE THROUGH REVIEW OF GRANTS AND DISPOSITION ON PUBLIC LAND.

BY DOREEN KIRIGIA

The National Land Commission has indeed lived up to its reputation as a champion of land ownership rights in Kenya by fulfilling its Constitutionally granted mandate of Review of Grants and Disposition to public land.

In line with Section 6 and 14 of the NLC Act 2012, the Reviews of Grant team headed by the Vice Chairperson, Commissioner Abigael Mbagaya-Mukolwe commenced their work on 21st April 2014 and has continued with this noble duty covering most counties including Kakamega, Nairobi, Kwale, Makueni, Mombasa, Machakos, Nakuru, Lamu, Uasin Gishu, Kisumu, Embu and Kirinyaga.

The Commission has made tremendous progress so far, and has been lauded by stakeholders for its efforts and positive steps toward fulfilling this core mandate.

In this regard, the Commission has been able to successfully revoke 434 titles and regularize 120 titles. The reviews team continues to work tirelessly to achieve a 100% conclusion in all cases presented while in the meantime boasting of a 42% successful conclusion of all cases. The other 58% of cases are still ongoing as investigations are carried out.

“We are on the right track and we intend to continue with our Constitutionally granted mandate to ensure justice is served and all Kenyans’ right to ownership of property and especially land is both observed and respected” says the Vice Chairperson. To echo these sentiments was a Kenyan who was quoted at the Review of Grants and Disposition to Public land public hearings in Nairobi saying “I have been following up on this land case for the past 20 years, during the hearing it just took five minutes to establish the truth”
Since its inception, the Commission has given policy direction and support to Vision 2030 flagship projects by way of acquiring land for major land-based investments that are aimed at achieving equity in economic development. Precisely, the Commission has been involved intensively in compulsory acquisition of land for various projects both for the National and County Governments. The Commission has been able to carry out valuation on the affected parcels of land and ensured just and fair compensation to the affected land owners, in collaboration with the acquiring bodies. This is in line with the Constitution of Kenya 2010 and the Land ACT 2012 which requires the Commission to acquire land for public interest on behalf of National and County Governments and prescribe a criteria for just compensation to those their lands that have been compulsorily acquired.

A case in point is the acquisition of land for the LAPSSET corridor. This project is the first single Gigantic, Integrated, Transformative and Game-Changing infrastructure Project the Government has initiated and prepared under Vision 2030 Strategy Framework without external assistance. According to Vision 2030 Medium Term Framework (MTF) 2008-2012, (Kenya, 2012) the project involves the development of a new transport corridor from the new port at Lamu through Garissa, Isiolo, Mararal, Lodwar, and Lokichoggio to branch at Isiolo to Ethiopia and Southern Sudan. This will comprise of a new road network, a railway line, oil refinery at Lamu, oil pipeline, Lamu Airport and free port at Lamu (Manda Bay) in addition to resort cities at the coast and in Isiolo. It will form the backbone for opening up Northern Kenya and integrating it into the national economy.

The National Land Commission being the only body mandated to deal with compulsory acquisitions, initiated and carried out the process of compulsorily acquiring communal and private land within the proximity of the LAPSSET on behalf Project which is managed.
by the LAPSSET Corridor Development Authority (LCDA). Currently, the Commission together with the LAPPSET secretariat has already identified people who have been compensated and the outstanding issues have been ironed out for the purposes of commencement of the Lamu berths which is the next phase.

Besides the LAPSSET Corridor project, the Commission has also compulsorily acquired land for the Standard Railway Gauge (SGR) which is a flagship project under the Kenya Vision 2030 development agenda aimed at simplifying transport operations across the borders, reducing travel costs and benefiting the economies of Kenya and the neighboring countries. The Commission has also been able to acquire land on behalf of KETRACO for power transmission lines and KeNHA to facilitate the expansion of major roads.

“The Commission has been able to carry out valuation on the affected parcels of land and ensured just and fair compensation to the affected land owners.”
The National Land Commission was one of the participants in the 2nd edition of the Kenya International Investment and Trade Conference (KIICO). The event, which was sponsored by the Ministry of East African Affairs, Commerce & Tourism through the Kenya Investment Authority (KenInvest) was held on the 23rd to 25th November, 2015 at the Kenyatta International Convention Center (KICC), with the theme being, “Think Investment, Make it Kenya”.

The Conference, which was officially opened by Deputy President William Ruto attracted high-level delegates who gathered for the three-day event. It brought together business leaders, local and international investors and entrepreneurs to share, discuss and bolster investment opportunities in Kenya.

The Commission had an exhibition booth at the Conference to showcase its products and services to participants and investors. The Chairman Prof. Muhammad Swazuri and the Secretary/CEO Chavangi Aziz Tom were some of the key delegates representing the Commission at the event.

Seven sector sessions were held during the Conference including: Agri-business, Renewable Energy, ICT & Innovation, Textile, Apparel & Leather, Land & Property, Tourism and Infrastructure & Logistics.

Prof. Muhammad Swazuri was a panelist on the Land Property Rights in Kenya session. In his presentation he stated that the NLC acknowledges secure land tenure and property rights as critical elements in the attainment of Kenya’s Vision 2030 and in the post 2015 development agenda. He further added that secure property rights play a central role in encouraging investments (local and foreign) supporting balanced and sustainable economic growth, improving agricultural productivity, limiting conflict and instability, accelerating women’s economic empowerment, enhancing democratic governance and human rights, and improving natural resource management and biodiversity conservation.

In the Renewable Energy session, the NLC was represented by Mr. Leonard Omullo who is the Director of Natural Resources Management. In his presentation on behalf of the CEO Mr. Tom Aziz Chavangi, he touched on Climate change mitigation and significant steps at Policy and Strategic levels that Kenya has taken toward this. The Commission has an integral role to play since the Constitution grants it the oversight responsibility in the management of the Environment and Natural Resources at both the National and County level.

The complete Abstracts on their presentations can be found on the Conference proceedings under the Resources Link on the Commission website: www.landcommission.go.ke
It was all pomp and colour as the National Land Commission received its inaugural Financial Reporting (FiRe) awards in a ceremony and gala dinner held on Friday 23rd October 2015, at the Windsor Golf Hotel and Country Club. The event which attracts many corporate entities had over 500 entries from the public sector alone.

The Commission was Best in the Ministries, Departments & Agencies Category, IPSAS Cash Category and 1st Runners up in the Best Public Sector Entity Category.

The FiRe Award which is in its 14th year, is an initiative of the Institute of Certified Public Accountants of Kenya (ICPAK), the Capital Markets Authority (CMA) Kenya, The public Sector Accounting Standards Board (Kenya) and the Nairobi Securities Exchange (NSE), in their joint commitment to promoting excellence in financial reporting, fostering sound corporate governance practices, and enhancing both corporate social responsibility and environmental reporting in East Africa.

The FiRe Award is the most prestigious and coveted Award in East Africa for financial reporting, corporate governance and social responsibility in East Africa.

The NLC has reaped various benefits from participating in the FiRe Award, including receiving individual feedback from the Award Evaluators, a confidential assessment of the highlights and shortcomings of their documentation. The feedback has enabled the Commission to greatly improve on its reporting and by extension its communication with stakeholders.

“Financial Reporting (FiRe) Award is the most prestigious and coveted Award in East Africa for financial reporting.”
The National Land Commission was awarded in last year's Integrity Champion Awards which took place on 9th December 2015 at Central Park under the theme, “Celebrating Whistleblowers and Integrity Champions”. NLC has relentlessly demonstrated its devotion towards protecting public land. Such efforts include working with the 'ShuleYangu Campaign to ensure all public school land is titled.

The occasion was hosted by the National Integrity Alliance (NIA) to celebrate the United Nations' International Anti-Corruption Day (IAC). This event was organized in view of the fact that the special day provides government, leaders, anti-graft agencies, civil society organizations, private sector and citizens an opportunity to engage on corruption issues and advocate for transparency, accountability, integrity and better service delivery from public institutions. NLC was among such institutions that have put themselves in the line of fire in the fight for integrity in Kenya.

We thank the stakeholders of NIA for recognizing the effort of the Commission in its struggle against corruption. This is a great achievement for us.

Communications and Advocacy Director, Khalid Salim receiving the award from Commission on Administrative Justice Chairperson Mr. Otieno Amollo
Kenya
To Automate Land Records
BY CAROL NYAWIRA

The National Land Commission has developed a National Land Information Management System to enhance efficiency and effectiveness in service delivery in the land sector in Kenya. National Land Policy (NLP) recognized that Kenya has not had up to date information and that much of this information existed in paper form. Consequently, the National Land Commission Act of 2012 section 5 (2) (d) provides for the establishment of the system to function at both National and County levels.

United Nations Economic Community for Europe has demonstrated that treating spatial or land data as long-term assets and managing these within a coordinated framework produce considerable savings and ongoing value. Establishment of NLIMS will ensure a good land administration system for our market economy to work properly.

Roles of this indispensable system include improving land tenure security, guarantee accuracy and data security, support sustainable use of land at all levels, support land and property taxation, reduce land disputes, and also produce statistical data. Actualizing the functions of this system will progressively reduce and eventually prevent the problems that were in our land management system. Such obstacles were misplacement of land administration data in the registries, inadequate space for records, forgeries and multiple titles being issued on the same piece of land. NLIMS is set to handle such complications for smooth land management in Kenya.

Guidelines and standards to be used in the operationalization of the NLIMS have been established. They will be used to ensure integration of all government departments and agencies tasked with land administration responsibilities, thereby reducing or eliminating duplication of efforts and help support collaboration in the management of land resources and reduce unnecessary expenditure. These guidelines also seek to ensure quality, documentation, accessibility and pricing of land information, guide implementation approaches, and also indicate procedures which shall be reviewed and continually improved based on the recommendations emanating from application of the monitoring and evaluation tools.

**PROBLEMS ASSOCIATED WITH THE MANUAL SYSTEM**

1. Inadequate space for records
2. Missing land records
3. Multiple allocations of plots
4. Forgeries and altering of land allocation
5. Unauthorized involvement in land allocation
6. Encroachments on roads and road reserves
7. Wrong and overlapping surveys
8. Inefficient revenue generation and loss
9. Rampant subdivisions, amendments and
10. Falsification survey information on land titles.

**ADVANTAGES OF THE NEW COMPUTERIZED SYSTEM**

1. Responds to the demands / needs of citizens
2. Prevents and reduces back door transactions, forgeries and graft.
3. Provides efficient and speedy registration of transactions.
4. Addresses the issue of missing land records
5. Reduces the cost and space required for storing land records.
6. Simplifies the preparation of disaster copies.
7. Provides online access to information in the Registry with reduced public interference, which encourages soliciting for unofficial fees.
8. Has in built security measures for ensuring accuracy, reliability of Registry Record and integrity of land records.
9. Identifies and prevents fraud and illegal transactions.
10. Facilitates the search and verification of the title in the shortest possible time.
11. Provides for monitoring and analysis of market and rental values of land and property.
The National Land Commission (NLC) was honored to host an engagement forum with the Senate Committee on Lands and Natural Resources on 30th October 2015 at Sawela Lodge Naivasha. The forum sought to provide a platform for effective and constructive engagement with the Senate Committee on Lands and Natural Resources.

The forum was primarily to appraise the Committee on the Commission’s progress, achievements, concerns and challenges. It also sought to marshal the support of the committee towards achievement of Sustainable Land Management (SLM) and land reform agenda as envisaged in the Constitution and Kenya Vision 2030 and enhance partnership and collaboration for sustainable development.

The Commission was also urged to enhance its oversight role on land-based natural resources management in order to ensure that there is no duplication of work by various government agencies charged with natural resources management in the country. Strong coordinative role of the Commission is therefore imperative for sustainable natural resources management in the country.

It was recommended that the Commission should try as much as possible to develop a positive relationship and work closely with the Ministry of Lands, Housing and Urban Development as it is strategic for key land reforms in the country. In addition, the Commission must define ways of engaging the political class in their operations so as to minimize resistance, conflicts and acquire support for the sustainable land management in Kenya.
The National Land Commission has devolved its services to all the 47 Counties by establishing County Land Management Boards (CLMBs) of which 41 have been inaugurated. County Land Management Boards are fundamental devolved units of the NLC purposed by policy and law to undertake land management functions at the County levels. The CLMBs are established under Section 18 of the National Land Commission (NLC) Act 2012.

The Commission has also developed guidelines which define the roles of County Land Management Boards with respect to management of public land as per Section 18 (1) of the National Land Commission Act, 2012. These guidelines were gazetted on 24th October 2014 through Gazette Notice Number 7700. However, the guidelines are further being revised by NLC in collaboration with FAO to ensure they are more inclusive in order to capture the entire operations of the Commission.

Some of the notable achievements of the CLMBs include; engagement with key stakeholders in the Counties in recommending land development applications, promotion of the application of Traditional Dispute Resolutions (TDRs) and Alternative Dispute Resolutions (ADR) in resolving land disputes, and encouraging the titling of public schools. So far approximately 5000 applications for titles to public schools have been received and are been processed by the Commission.
2015 ASK SHOW

NATIONAL LAND COMMISSION SCOOPS AWARDS IN THE AGRICULTURAL SOCIETY OF KENYA SHOWS

BY ESTERINA DHOKE MERCY BARASA, GEOFFREY NYAMASEGE & DIANA KAVUTHA

Last year the Commission participated in the Agricultural Society of Kenya shows held in various Counties. The ASK Theme for the year was “Enhancing Technology in Agriculture and Industry for food security and national growth.

The NLC conducted land clinics during the shows that helped boost public understanding on land laws, ownership rights and feedback collection. The clinics were one-stop resource centres where people presented their complaints and

H. E. The President Uhuru Kenyatta and the Chairman, Prof. Muhammad Swazuri of National Land Commission during the Annual International ASK Show at Mombasa
received responses from the Commission’s officials. The main objective for participation in the shows was to provide a good platform for dissemination of information on land matters to members of the public, while addressing emerging land issues and Frequently Asked Questions. This was in line with Article 35(1) of the Constitution of Kenya 2010 which provides that every Citizen has a right to access information held by the state. This forum offered an opportunity and a learning process to all key stakeholders.

The Commission entered for judging in various categories and scooped the following awards during the ASK Shows:

1. First position for the best stand that promote National Cohesion and Integration Development.
3. Second position for the best organization/ Association in community services stand and Issues raised by the citizens.

National Land Commission ASK Awards

ASK MISSION

“To partner with stakeholders in organizing exhibitions, to promote technology, innovation, research and development in agriculture, trade and allied sectors”
“Best stand that promote National Cohesion and Integration Development - 1ST position.”

“Best medium Government stand - 2ND Position.”

“Best organization/Association in community services stand Issues raised by the citizens - 2ND Position.”

Former Agriculture Cabinet Secretary Koskei handing over an award to NLC’s Deputy Director of Communications Jeniffer Wambua. Looking on is the Uasin Gishu County Governor Jackson Mandago.

The Deputy President William Ruto, National land Commission Chairman Prof. Muhammad Swazuri, and former acting CS,Lands Dr.Matiang’i during Nyeri ASK Show.

Nairobi International Trade Fair opening with Prof. Muhammad Swazuri as the Chief Guest.
The Coast Land Non-State Actors (CLNSA) brings together Haki Yetu Organization, Action Aid Kenya, Transparency International, Kituo cha Sheria, Kenya Land Alliance, MUHURI, Ujamaa Centre, among other organizations pushing for land reforms that seem to have eluded successive regimes. Based at the Coast of Kenya, CLNSA has been the voice for the poor in an environment where land grabbing and forced evictions are commonplace.

When the network was hatched about five years ago, land reforms was a taboo topic within government circles despite the buzz brought about by a progressive National Land Policy and a whole chapter (5) dedicated to land in the new Constitution. It took a court action for example- thanks to some CLNSA veterans- to operationalize the National Land Commission when the government was dilly-dallying in gazetting the names of its commissioners who had been approved by Parliament way back in August 2012.

While land reforms still face an uphill task, CLNSA’s partnership with the National Land Commission has taken the fight for progressive laws and the very commission’s independence to parliament’s door-step. An independent commission, complimented by the County Land Management Boards (CLMBs) will ensure accountability in land administration, as the services are devolved to every corner of the country.

In December 2015, Haki Yetu Organization and MUHURI partnered with the National Land Commission Chairman, Prof. Muhammad Swazuri and Land Cabinet Secretary Professor Jacob Kaimenyi are joined by the CLMB members from Kwaile, Kilifi, Taita-Taveta, Tana River and Lamu Counties after opening a CLMB Training Workshop in Watamu-Kilifi County.

Father Gabriel Dolan, the Haki Yetu Organization Executive Director (Seated Right) together with the National Land Commission Chairman, Prof. Muhammad Swazuri and Land Cabinet Secretary Professor Jacob Kaimenyi are joined by the CLMB members from Kwaile, Kilifi, Taita-Taveta, Tana River and Lamu Counties after opening a CLMB Training Workshop in Watamu-Kilifi County.
While thousands of local and foreigners flocked Lamu for the 15th Lamu Annual Cultural festival on 26th November 2015, the NLC set up a land clinic to showcase its services, sensitize people on land issues, and to answer to pertinent questions on land matters. Lamu cultural festival is a celebration of both the past and future, and the beliefs and traditions that are heart and soul of the Lamu Community. The theme of the festival was ‘Revival and promotion of our heritage and culture’ which resonates with NLCs Motto our Land, our Wealth, our Heritage. Land being an integral part of the Kenyan heritage, the festival was an opportunity for the Commission to engage the public on Land matters. Commissioner Dr. Samuel Tororei led the NLC team in engaging the citizens on one on one sessions and addressing frequently asked questions on land.

The Coastal region generally has been on the headlines over years on land issues. In Lamu County landlessness, land ownership and squatter occupation has been the biggest concern for the indigenous communities such as the Swahili, Arabs, Boni and Orma and the perennial source of conflicts between farmers and livestock herders. The ongoing LAPPSET project though an envisaged opportunity for the locals, it poses a source of potential conflict especially over land.

The Land Clinic served as a one stop resource Centre for information and also provided an opportunity to disseminate IEC materials.

“The Coastal region generally has been on the headlines over years on land issues”
“Revival and promotion of our heritage and culture”
National Land Commission in conjunction with Food Agriculture Organization (FAO) hosted a one day workshop bringing together key stakeholders in the land sector to deliberate on Large Scale Land Acquisition (LSLA). The workshop which took place at The Hilton Hotel in Nairobi was graced by key dignitaries in the Land Sector led by Chairman National Lands Commission Prof. Muhammad Swazuri, the Lands Cabinet Secretary, Prof. Jacob Kaimenyi, Principal Secretary Mariam El Mawaay, CEO National Lands Commission Chavangi Aziz and FAO representatives led by Carranza Francisco among other key stakeholders.

The aim of the workshop which is under a project funded by European Union (EU) through FAO was to capture the various perspectives and inputs from a broad range of stakeholders to discuss the issue of LSLA for mega projects. The findings of the workshop would inform the development of voluntary guidelines and safeguards for LSLA relating to community land where the consultant in charge will package the deliberated guidelines and present it for validation before they are passed to parliament to be enacted as laws governing LSLAs.

The workshop came at a time, when there are numerous proposed and on-going large scale projects by the government. These developments have a strong bearing on transforming land and natural resources management, especially land acquisition for purposes of natural resource exploitation and development. Some of these developments include large scale irrigated agriculture, coal mining, transport and infrastructural development such as Lamu Port, and Standard Gauge Railway among others. Many of these projects demand large scale acquisition of mainly communal land, whereby the people or communities owning these lands have to be displaced through large scale land acquisition (LSLA) in order to give room for the upcoming projects development and implementation.
“The workshop came at a time, when there are numerous proposed and on-going large scale projects by the government.”

From left, CS Prof. Jacob Kaimenyi, NLC Chair Prof. Muhammed Swazuri, PS, Mariam Elmawaay at the Hilton hotel during the LSLA National workshop.

From right, CS Prof. Jacob Kaimenyi, NCL CEO Chavangi Aziz Tom and FAO Head of Natural Resource sector Francisco Carranza during the LSLA National workshop at The Hilton hotel.

Stakeholders during the LSLA National Workshop at The Hilton hotel
Following the World Bank Colloquium on promoting dialogue and cooperation on forest/land use issues in Kenya (March 4th-5th 2015) the process of beginning to organize for a visit to Ghana began. The visit took place from the 26th September to the 3rd of October, 2015, with Commissioner Silas Kinotias the team leader. Other members of the team included: Commissioner Rose Musyoka; Directors Cheboiwo Kaptuiya; Leonard Omullo; Dr. Fibian Lukalo and Deputy-Director Edith Olando.

The first day of the working visit was dedicated to hosting the National Land Commission (NLC) by the Ghana Lands Commission. This occasion was graced by the CEO-GLC Dr. Wilfred Odame and his staff. From then onwards, until the end of the working visit, the team experience focused on the following specific themes:

1. The Politics of Reform in Institutions of Land Administration in Ghana
2. Land Tenure System – The Land Administration Project
3. Working with Universities and Local Communities in Land Administration
4. Adding value to the Land Information and Management System

Although a summary does not do justice to the richness of the experience, the delegation had a lot to learn into the highlights of each of the four areas above during the exchange programme. Below, the thematic areas highlighted sheds lights on the experiences gained.

Theme 1: The Politics of Reform in Institutions of Land Administration in Ghana
Highlights The group discussed the following questions which summarized the history of land administration.

1. What are the state (formal) institutions of land administration?
2. What are the customary (informal) institutions of land administration?
3. What are the power relations between the state and customary institutions of land administration?
4. How do the state and customary institutions of land administration impact on diverse interests (businesses, the state, customary authorities and tenants) in land administration?
5. What is the origin (interests involved) and nature of the reform in the state and customary institutions of land administration?
6. How have the state and customary institutions of land administration enable or constrain institutional reform?

Theme 2: Land tenure systems – The Land Administration Project. This involved an understanding of the types of land ownership in Ghana:

1. Individual/private lands: these are lands owned by individuals and private entities
2. Stool/ skin lands: these are lands under the custodianship of various chiefs
3. Family lands: these are lands managed by heads of families assisted by principal members of the families.
4. State and stool vested lands: these are lands managed by the Lands...
Theme 3. South-South partnerships for better land governance

The importance of this aspect was reinforced by the visit to Kwame Nkrumah University – Kumasi. South-South cooperation is a broad framework for collaboration among countries of the South in the political, economic, social, cultural, environmental and technical domains. Developing countries share knowledge, skills, expertise and resources to meet their development goals through concerted efforts. South-South Cooperation is an important and strategic partnership development tool capable of promoting sustainable growth and contributing to social development. The advantages of South-South cooperation compared to North-South Cooperation is about countries that have a lot more similarities, they have been struggling with similar issues e.g. Ghana and Kenya.

“Present land administration systems need re-engineering, they must continually evolve to cope with the ongoing developments”

Theme 4: Adding value to the land management and information system

Present land administration systems need re-engineering, they must continually evolve to cope with the ongoing developments. To ensure that land administration and management decisions are consistent with sustainable development principles, land information systems must integrate a wider range of data, information and knowledge. As witnessed in Ghana, the spatial information systems should become increasingly open and public from the highest level of government to the community level, as the societal knowledge bank upon which public and private sectors decisions are made becomes more complex.

In creating an efficient land administration system the policy issues should be addressed first. Policies must ensure equal access to real property to all people of both urban and rural society. The process for formalizing and subsequently transferring property rights should be as simple and efficient as possible.

Policy goals cannot be achieved unless there is an effective land administration infrastructure with modern information technology providing effective citizen access to information. This infrastructure also includes organizations, standards and technological processes, as well as laws and regulations for property rights, valuation and taxation. These regulations should be transparent and meet local requirements and needs.
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takeholder engagement is critical to successful delivery of development services for the people of Kenya. The NLC comes into daily contact with its stakeholders, including civil society organizations (CSOs), the community and other Government institutions.

The Commission has worked with key Organizations namely FAO, ACT, Action Aid Kenya, Kenya Land Alliance, Reconcile, Haki Jamii, Pamoja Trust, Kituo Cha Sheria, Muhuri, Haki Yetu, Ujamaa, World Vision Kenya among other stakeholders. Key area of focus has been community sensitization on various land laws and land transaction processes and resolution of various conflicts.

To achieve a high-quality development programming, the Commission has collaborated, formed and maintained inclusive relationships with its stakeholders. Engaging stakeholders with diverse experience, knowledge and opinions delivers strong outcomes for the NLC that extend beyond what it can achieve in isolation.

Since its inception the NLC leadership team identified the need for a more strategic and systematic approach to stakeholder engagement and management. The NLC Stakeholder Engagement process represents the Commission’s commitment to work effectively with its stakeholders, learn from past stakeholder engagement experiences and continue to improve performance.

The NLC stakeholder goals seek to:

- Ensure a customized and coherent approach to stakeholder engagement
- Enable better planned and more informed policies, projects, programs and services
- Position stakeholder engagement as core business for the Commission
- Facilitate effective collaboration and knowledge sharing
- Communicate the Commission’s commitment and principles of stakeholder engagement

For these benefits to be realized, we recognize that stakeholder engagement must be embedded within the culture and core functions of the Commission.
RECONCILE is a policy research and capacity building organization. The Institute conducts policy and legal research on environmental and natural resource governance, undertakes public interest environmental education and litigation and advocate for policies, laws and practices that empower resource dependent communities to influence policy processes and institutions that have a bearing on their access, use, ownership and management of natural resources and natural resource conflicts. In doing this, the Institute focuses on building the capacity of citizens/community groups and organizations on policy processes, advocacy, and collaborative natural resource governance and on how to negotiate conflict free and community empowering investments on natural resources.

RECONCILE, as a national NGO has the mandate to operate in all the counties in the country. Currently, the organization is actively implementing in Baringo, West Pokot, Turkana, Samburu, Laikipia, Isiolo, Kajiado, Narok, Nakuru and Siaya.

RECONCILE is coordinating efforts by Land Sector Non State Actors in promoting people centered land reforms. In this respect, RECONCILE has focused most of its interventions on the development of community land law. Community land is mostly found within the ASAL and it is emerging as the new frontier of development. Most Vision 2030 flagship projects such as LAPSSET, Resort Cities (Isiolo,Turkana), and airports among others are to be done on the community land. Therefore, Community Land is vital to the realization of Vision 2030. This land is the base to most minerals and other natural resources in the country.

Recognition, Registration and Protection of Community Land Rights is one of the fundamental things that Kenya must deal with comprehensively to secure her future. To secure community land rights in the country, RECONCILE has conducted community based forums to generate the issues communities want to see in the law, undertook policy analysis and reviews; generating policy or legislation options for consideration by the Task Force and Parliament, convening and facilitating multi-stakeholders’ consensus building dialogues and building of broad based alliances and networks to inform and influence the content and the process of the law. These processes are bearing fruits and RECONCILE continues to track, and engage with the legislation processes to ensure that the communities’ get the best community land law.

For effective policy influencing, RECONCILE partners with different stakeholders. For instance, in pushing for land reforms, RECONCILE has partnered with National Land Commission (NLC) to develop County Spatial Planning Guidelines.

Partnership with donors and organizations such as Act Change Transform (ACT), CORDAID and International Land Coalition have also been instrumental in providing technical and financial support. Also the support from Land Sector Non State Actors such as Kenya Land Alliance (KLA), Pamoja Trust, Haki Jamii, LDGI, Action Aid to mention just a few has been very important in pushing for relevant policy changes. These networks and partnerships need to continue so that we can ring fence the achievements even as we break new grounds.

Recognition, Registration and Protection of Community Land Rights is one of the fundamental things that Kenya must deal with comprehensively to secure her future.