



NATIONAL LAND COMMISSION

ANNUAL REPORT

2021/2022

Accelerating the Land Reform Agenda in Kenya



NATIONAL LAND COMMISSION

Our Vision

Excellent administration and management of land for improved livelihoods and sustainable development

Our Mission

To secure and manage public land and exercise oversight on use of land for the benefit of all Kenyans

Our Core Values

Professionalism
Integrity
Innovation
Sustainability
Inclusivity
Equity

Our Motto

Our Land, Our Wealth, Our Heritage
"Ardhi Yetu, Mali Yetu, Urithi Wetu"

TABLE OF CONTENTS

LIST OF TABLES.	v
LIST OF FIGURES.	vi
ACRONYMS.	viii
STATEMENT FROM THE CHAIRMAN.	xi
STATEMENT FROM THE SECRETARY/CEO.	xiii
EXECUTIVE SUMMARY.	xv
1. CHAPTER ONE: BACKGROUND INFORMATION.	1
1.1. Establishment of the Commission.	1
1.2. Mandate and Powers of the Commission.	1
1.3. Powers of the Commission.	2
1.4. Composition of the Commission.	2
1.5. County Offices.	2
2. CHAPTER TWO: PERFORMANCE AND ACHIEVEMENTS.	3
2.1. Management and Administration of Public Land.	3
2.1.1. Securing of Public Institutional Land.	4
2.1.2. Enhancing Access to Alienated and Unalienated Public Land for Development.	4
2.1.3. Regularization of Urban Land Allocation.	16
2.1.4. Formalization of Institutional Public Land.	16
2.1.5. Sustainable Management of Natural Resources.	17
2.1.6. Development of a Comprehensive Public Land Inventory and Databases.	35
2.1.7. Monitoring the Registration of Land Rights.	36
2.2. Use of Land and Security of Land Rights.	37
2.2.1. Mainstreaming Land Use Planning.	37
2.2.3. Promotion of Research on Land and Use of Natural Resources.	40

2.3. Revenue Generation from Land and Land-based Resources.	48
2.4. Land Dispute Resolution and Conflict Management.	49
2.4.1. Provision of Redress to Land Disputes by TDR, ADR and AJS Mechanisms...	49
2.4.2. Redress of Historical Land Injustice.	50
2.4.3. Strategies to Enhance Historical Land Injustice Process.	52
2.4.3. Civil Litigation.	53
2.4.4. Policy Briefs and Recommendations.	54
2.4.5. Review of Legislation.	54
2.4.6. Other Key Achievements of the Commission relating to Land Dispute Resolution and Conflict Management.	54
2.5. Institutional Strengthening.	56
2.5.1. Strengthening Human Resources Capacity.	56
2.5.2. Improvement of the Work Environment.	57
2.5.3. Enhancing the Corporate Image.	59
2.5.4. Enhancing Financial Sustainability.	59
2.5.5. Strengthening Internal Systems and Processes.	60
2.6. The Commission's Performance and Achievement at the County Coordination Offices.	61
3. CHAPTER THREE: COLLABORATIONS AND PARTNERSHIPS.	63
4. CHAPTER FOUR: CHALLENGES AND RECOMMENDATIONS.	70
5. CHAPTER FIVE: FINANCIAL REPORTING AND STATEMENTS.....	72
5.1. Introduction.	72
5.2. Budget Allocation and Utilization.	72
5.2.1. Financial Performance Summary.	73
5.2.2. Budget Utilisation.	73
5.2.3. Total Payment Breakdown.	74
5.3. Management and Administration of Land Compensation Fund.	75
COMMISSIONERS AND THE SECRETARY/CEO.	76
APPENDIX AND ANNEXURES.	82

LIST OF TABLES

Table 2.1: Summary of Guidelines and Procedure Manuals on Land Management and Disposition by Public Institutions.	4
Table 2.2: Summary of the Various Acquisition Projects in FY2021/2022.	8
Table 2.3: Distribution of Projects per Sector.	14
Table 2.4: Achievements of the Commission in Conducting Final Survey and Vesting of the Compulsorily-Acquired Land in FY2020/2021.	15
Table 2.5: Summary of Urban Areas where Regularization was done.	16
Table 2.6: Natural Resources Registers, Databases and Inventories.	19
Table 2.7: Advisories issued by the Commission in relation to Sustainable Management of Natural Resources.	32
Table 2.8: Land Acquisition Guidelines related to Monitoring the Registration of Land Rights.	36
Table 2.9: Advisories Issued by the Commission on Status of Land Use Planning.	40
Table 2.10: Summary of Research Reports done in the FY2021/2022.	41
Table 2.11: Research Proposals and Terms of Reference on Research on Land and Use of Natural Resources.	41
Table 2.12: Seminars held by the Commission for the Dissemination of Research Findings..	46
Table 2.13: Summary of the Commission's Performance in relation to Enhancing Peaceful Resolution of Disputes using the TDR/ADR/AJS Mechanisms in FY2021/2022.	50
Table 2.14: Summary of the Procedure for Investigating HLI Claims.	50
Table 2.15: Distribution of the Received HLI Claims Across Counties.	51
Table 2.16: Categorization of the Successfully Concluded Court Cases.	53
Table 2.17: Commission's Performance in Relation to Leveraging ICT in its Operations....	61
Table 3.16: Commission's Performance in establishing Networks and Collaborations.....	63
Table 5.1: Expenditure of the Commission's Budget by Sub-programmes.....	72
Table 5.2: Actual Performance against Budget for Year to 30th June 2022.....	73
Table 5.3: Budget Utilization by Various Economic Classification.....	73
Table 5.4: Total Payment Breakdown.	74
Table 5.5: A Breakdown of Transfers from Government Agencies.	75

LIST OF FIGURES

Figure 2.1: The Process of Compulsory Land Acquisition and the Corresponding Achievements.	6
Figure 2.2: NLC Team led by Commissioners Hon. Esther Murugi, Hon. Kazungu Kambi and Alister Murimi in their visit to Lower Nzoia Project.	7
Figure 2.3: Public Engagement by the Valuation and Taxation Directorate of the Commission.	7
Figure 2.4: Graphical Presentation on Status of the Projects Undertaken in the Period.....	13
Figure 2.5: Project Distribution Per Sector.	14
Figure 2.6: NLC Team led by Deputy Director Survey Services Mr. Sospeter Ohanya Conducting Final Survey for the Compulsorily-acquired land for Kimugu Water Treatment Plant in Kericho County.	15
Figure 2.7: NLC Partnered with the Ministry of Lands and Physical Planning and the County Government of Narok in carrying out Formalization/regularization exercise of Untitled Plots and Public Utilities within Narok Town.	17
Figure 2.8: Forests and Hills in Taita Taveta.	21
Figure 2.9: Forests and Hills in Makueni.	22
Figure 2.10: Lakes, Dams and Swamps in Taita Taveta.	23
Figure 2.11: Dams and Wetlands in Makueni.	24
Figure 2.12: Rivers and Springs in Taita Taveta.	25
Figure 2.13: Rivers in Makueni.	26
Figure 2.14: Springs in Makueni.	27
Figure 2.15: Seasonal Rivers and Laggars.	28
Figure 2.16: Seasonal Rivers and Gullies.	29
Figure 2.17: Volcanic Resources in Taita Taveta.	30
Figure 2.18: Volcanic Resources in Makueni.	31
Figure 2.19: Public Hearings for objection on Intention to Allocate LR No Usonga/ Usonga/Block 1 /4,7 and 8 in Siaya County to Lake Agro Limited at Distinction Garden Siaya County.	34
Figure 2.20: NLC Team led by Commissioner Esther Murugi and Ag. Secretary/CEO during the launch of the Bomet's County Spatial Plan (CSP) that was presided over by H.E. Governor Prof. Hillary Barchok.	37
Figure 2.21: Map of the 13 Counties Sampled for the Study.	42

Figure 2.22: Launch of the Research Reports on Effects of Land Fragmentation on Land Use and Food Security in 13 Counties and Large Scale Land Acquisition Safeguards on 7 th March 2022.	43
Figure 2.23: Opening Remarks by NLC Deputy Director for Research, Dr. Mary Wandia on 24 th November 2021.	44
Figure 2.24: NLC Chairman, Commissioners and Secretariat Staff during the National Research Conference on 24 th November 2021.	45
Figure 2.25: ADR Training on Conflict Sensitivity and Gender Responsiveness in Land Governance Programming, on 23 rd -25 th March 2022 in Uganda organized by IGAD.	48
Figure 2.26: Cumulative Revenue Generation from Issuance of Letters of Allotment Fees During the FY2021/2022 (in Millions).	49
Figure 2.27: Distribution of the received HLI Claims per Region.	52
Figure 2.28: NLC conducting Alternative Dispute Resolution (ADR) Hearings in Kilifi County on the Case of Kibabamshe Settlement Scheme and other Long-standing Cases in the County.	55
Figure 2.29: A Section of Members of Public that attended the ADR Hearings in Kilifi County.....	55
Figure 3.1: NLC Team led by Chairman, Gershom Otachi, during the Launch of the Digital Land Governance, a 5-year Programme funded by FAO, EU.	68
Figure 5.1: Graphical Presentation of Budget Allocation by Sub-programme.	72
Figure 5.2: Budget Utilization as per Economic Items.	74

ACRONYMS

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
ASAL	Arid and Semi-Arid Lands
AWWDA	Athi Water Works Development Agency
CBOs	Community-based Organizations
CCIOs	Constitutional Commissions and Independent Offices
CEPA	Communication, Education and Public Awareness
CETRAD	Centre for Training and Integrated Research in ASAL Development
CLAN	Community Land Action Plan
CoG	Council of Governors
CoK	Constitution of Kenya
COVID-19	Coronavirus Disease 2019
CPC	Corruption Prevention Committee
CSOs	Civil Society Organizations
CSP	County Spatial Plan
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
EIA	Environmental Impact Assessment
ELC	Environment and Land Court
ESAs	Ecologically Sensitive Areas
EU	European Union
FAO	Food and Agriculture Organization
FES	Friedrich Ebert Stiftung Kenya
FY	Financial Year
GoK	Government of Kenya
HLI	Historical Land Injustices
IAOs	Integrity Assurance Officers
ICT	Information Communication Technology
IGAD	Inter-Governmental Authority on Development
IMPACT	Indigenous Movement for Peace Advancement and Conflict Transformation
IPCC	Intergovernmental Panel on Climate Change
KCSAP	Kenya Climate Smart Agriculture Project

KELIN	Kenya Legal & Ethical Issues Network on HIV and AIDS
KeNHA	Kenya National Highways Authority
KeRRA	Kenya Rural Roads Authority
KETRACO	Kenya Electricity Transmission Company Limited
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KLA	Kenya Land Alliance
KNHRC	Kenya National Human Rights Commission
KoTD	Konza Technopolis Development Authority
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
LAN	Local Area Network
LEAF	Low Emission and Accelerated Forest Finance
LAPSSET	Lamu Port Southern Sudan Ethiopia Transport Corridor
LSLA	Large Scale Land Acquisition
LSK	Law Society of Kenya
LUP	Land Use Planning
MDA	Ministry, Department and Agency
MGR	Meter-Gauge Railway
MoLPP	Ministry of Lands and Physical Planning
MoU	Memorandum of Understanding
MTP	Medium Term Plan
M&E	Monitoring and Evaluation
NARIGP	National Agricultural and Rural Inclusive Growth Project
NELGA	Network of Excellence on Land Governance in Africa
NEMA	National Environmental Management Authority
NGOs	Non-Governmental Organizations
NLC	National Land Commission
NLUP	National Land Use Planning
NMS	Nairobi Metropolitan Services
NSP	National Spatial Plan
PAPs	Project Affected Persons
PIDs	Preliminary Index Diagrams
PLAAS	Poverty, Land and Agrarian Studies
PLI	Public Land Inventory
PLIM	Public Land Information Management
PLUPA	Physical and Land Use Planning Act
RIMs	Registry Index Maps
SGR	Standard Gauge Railway
SIP	Session Initiation Protocol

SLA	Service Level Agreement
TDR	Traditional Dispute Resolution
TEAM	Transform Empowerment for Action Initiative
ToL	Temporary Occupation License
UNFCCC	United Nation Framework Convention on Climate Change
UoE	University of Eldoret
WAN	Wide Area Network
WIBA	Work Injury Benefits Act
WWF	World Wildlife Fund



Statement from the Chairman

The National Land Commission is a Constitutional Commission that is privileged to spearhead land reforms in Kenya. The Commission is established under Articles 67 and 248 of the Constitution of Kenya and operationalized by the National Land Commission Act 2012. The establishment of this Commission spelt new dawn in land administration and management in Kenya and stimulated the hopes and expectations of the people of Kenya that the constantly recurring land issues would be addressed conclusively. The Commission remains fully focussed on meeting and exceeding these expectations and this Annual Report provides a critical opportunity to reflect on the achievements made towards this resolve in FY2021/2022. I consider this Annual Report as a special one because its publication corresponds with the marking of a decade long since the Commission was legally constituted. Additionally, this is the first Annual Report since the Strategic Plan 2021-2026 was launched and its implementation initiated.

Spearheading land reforms is known to be a difficult mandate to implement, not only in Kenya but the world over. As expected, the Commission encountered various challenges in carrying out this mandate during the year under review. However, it gives me pleasure to report that the Commission overcame many of these challenges and remained steadfast in pursuing its mandate as evidenced by its remarkable performance and achievements.

The Commission aligns its programmes and activities to the Constitution of Kenya and the country's development blueprint and agendas including Vision 2030 and its Medium-term Plans, and the Big Four Agenda as per the Strategic Plan 2021-2026. In this regard, the performance and achievements that are highlighted in this Report show that the Commission is not only an outstanding Constitutionally-mandated administrator and manager of public land but, also, a critical enabler of socio-economic development. The Commission facilitates socio-economic development in various ways including availing land for public purposes and in the public interest through compulsory acquisition. The Commission's power to acquire land compulsorily is premised on the provisions of Article 40(3) of the Constitution of Kenya 2010 and Section 107(1) of the Land Act No. 6 of 2012.

Additionally, the performance and achievements that are recorded in this Report depict the Commission as a prominent promoter of sustainable use of land and natural resources to support livelihood and promote food security for the present and future generations.

Equally important, the Commission has continued to promote national cohesion and peaceful coexistence among the Kenyan communities by encouraging the application of out-of-court settlements to resolve land-related disputes and conflicts. The main out-of-court settlement strategies include mediation, arbitration, negotiation and reconciliation among other strategies that are consistent with alternative dispute resolution and traditional dispute resolution mechanisms. Also, the Commission remains devoted to our responsibility of facilitating the provision of redress to historical land injustices.

The Commission's achievements, during the period under review, are innumerable, which makes it nearly impossible for me to capture them all in this statement. Going forward, the Commission intends to accelerate the land reform agenda in Kenya by developing more meaningful partnerships and collaborations with all stakeholders in the land sector including the government and development partners.



Gershom Otachi Bw'omanwa
Chairman - National Land Commission



Statement from the Secretary/CEO

This Annual Report is an account of the Commission's performance towards the realisation of its mandate and functions during the FY2021/2022. Being a Constitutional Commission, NLC derives its mandate from Articles 62(2) and (3) and 67(2) of the Constitution of Kenya, 2010, the National Land Commission Act, 2012 and all the Acts that have been legislated to offer a legal framework on public land administration and management in Kenya. In March 2021, the Commission launched the second Strategic Plan 2021-2026 to provide the roadmap for the implementation of the functional activities that would result in the realization of its mandate and functions. Therefore, the FY2021/2022 Annual Report documents the performance of the Commission during the first year of the implementation of this Strategic Plan.

I am pleased to report that in FY2021/2022, the various financial, administrative, policy/legislative challenges that the Commission faced did not profoundly derail our resolve to accelerate the land reform agenda in Kenya. We waded through these challenges and achieved many of the targets that we had set to achieve in FY2021/2022 as per the Strategic Plan. Among the most notable achievements during the period include the processing and issuance of thousands of letters of allotment to facilitate access to public land for settlement and development; regularization and formalization of thousands of plots in urban areas across the country; compulsory acquisition of over 30,000 hectares of land on behalf of various agencies for public purposes; giving numerous advisories to various agencies and organs of the national and county governments; and conducting several research studies aimed at promoting effective use of land and natural resources. Additionally, the Commission admitted and resolved many land disputes through alternative justice system/traditional dispute resolution/alternative dispute mechanisms and continued to provide redress to historical land injustices. Also, worth reporting in relation to achievements is that, with 51% of the staff establishment being females, this Commission prides itself as one of the few government institutions and organizations that have met and exceeded the Constitutional threshold on matters of gender balance.

I appreciate the Commissioners and staff members who, through creativity and innovativeness, enhanced resource mobilization initiatives, which helped in complementing the allocated government funds. As a result, the Commission's operations went undisrupted despite the challenge of inadequate funds. The Commission expanded the scope of its strategic

partnerships and collaborations by formalizing and signing more MOUs with development partners, learning institutions, NGOs, CSOs and land non-state actors. All these strategic partners supported the Commission in kind. Additionally, I take this opportunity to sincerely express my gratitude to our staff members who positively embraced the COVID-19 pandemic and turned around its disruptive effects by innovating new working modalities that the Commission continued to apply. For example, the Commission held a considerable number of its meetings virtually, which was both cost-effective and convenient.

Lastly, I thank the President, Parliament, National Treasury, MoLPP, CoG and other relevant government agencies/offices that accorded us the much-needed support to achieve our mandate during the reporting period. We look forward to a more collaborative financial year, 2022/2023, cognizant of the fact that the land reform agenda in Kenya is a synergistic mandate and not a sole role of NLC.



Kabale Tache Arero

Ag. Secretary/CEO.

EXECUTIVE SUMMARY

The National Land Commission is Constitutionally and Statutorily obligated to publish and publicize an Annual Report at the end of every financial year. Precisely, the publication of the FY2021/2022 Annual Report is in the fulfilment and compliance with Article 254(1) of the Constitution of Kenya and Section 33 of the National Land Commission Act 2012. This report captures the programmes, activities, and operations that the Commission undertook in the execution of its mandate and functions during the year under review.

The report is segmented into five chapters that are further broken down into subchapters that cover the various programmes and activities that the Commission carried out in FY2021/2022.

The First Chapter provides the Commission's background information including the fact that it was legally-constituted in 2012 as well as its mandate, functions and powers, composition and the 47 devolved offices.

Chapter Two documents the performance and achievements of the Commission during the reporting period. Among the achievements of the Commission include the preparation and issuance of 47 allotment letters to various schools and public institutions in a bid to secure public institutional land from illegal allocation and encroachment. Additionally, the Commission prepared and issued 10,505 allotment letters to facilitate access to alienated and unalienated public land for settlement and development. A significant number of these allotment letters resulted from the regularization of 5,046 plots in urban allocation. To support and enable the government's development agenda including Vision 2030 and its medium-term plans (MTPs) and the Big Four Agenda, the Commission, through compulsory acquisition of land, availed over 30,000 Hectares of land to various agencies for public purpose. Concerning sustainable management of natural resources, the Commission mapped ecologically-sensitive areas (ESAs) in four counties and issued over 10 advisories to various agencies including the advisory on the "Status of Gullies and Watercourses within Suswa ICD-Longonot Area (MGR/SGR Link)." To mainstream land use planning in Kenya, the Commission developed two tools to monitor the implementation of National Land Use Plan (NLUP) and National Spatial Plan (NSP); guided the preparation of eight county spatial plans by providing recommendations; undertook

NLC IN NUMBERS 2012

The Year NLC was Legally-constituted

Nine (9)

No. of Commissioners, including the Chairperson

47

No. of Allotment letters prepared and Issued to Schools (6) and Public Institutions (39) Across the Country

10,505

Number of Allotment Letters that the Commission Prepared and Issued to Facilitate Access to Alienated and Unalienated Public Land

Over 30,000

Size of land, in Hectares, that the Commission considered and approved for compulsory acquisition on behalf of agencies for public purpose.

5,046

No. of plots that the Commission regularized in urban allocation

Four (4)

No. of Counties that the Commission identified and mapped ESAs in

Over 10

No. of Advisories Issued by the Commission in relation to Sustainable Management of Natural Resources

Four (4)

No. of Advisories that the Commission issued in relation to the Status of Land Use Planning

field visits to eight counties to monitor land use planning; reviewed and issued comments and advise on improvement of 27 urban land use plans; and issued four (4) advisories on the status of land use planning. The Commission, also, developed four (4) research reports on land and use of natural resources and initiated five (5) other research/studies that are at different stages of completion and publication. The joint planning and holding of the inaugural National Research Conference in partnership with the National Research Fund (NRF) was, also, one of the key highlights of the Commission. In relation to revenue generation from land and land-based resources, the Commission generated Kshs. 163,641,679 from processing and issuance of allotment letters, which was a tremendous improvement compared to Kshs. 15 million generated from the same in FY2020/2021. Regarding land disputes and conflict management, the Commission admitted 1,700 disputed to be resolved through alternative dispute resolution, traditional dispute resolution and alternative justice system (ADR/TDR/AJS) mechanisms and 70 of these disputes were successfully resolved. Also, the Commission resolved and brought to a conclusion 97 cases that it had been enjoined in. The other key highlight of the year relates to providing redress of historical land injustice where the claim-receiving statutory period lapsed on 21st September 2021. The Commission received 3,663 historical land injustice (HLI) claims by the lapse of this period. Lastly on achievements, the Commission relocated its Headquarter offices to 316 Upperhill Chambers, which is more spacious, 57,700 Sq. Ft, and likely to positively impact service delivery to the people of Kenya.

Chapter Three is dedicated to partners and collaborators because they significantly helped the Commission in spearheading the land reform agenda during the reporting period. Over 42 partners, without whom the successes of the Commission would not have been as profound, have been identified, recognized and appreciated.

Chapter Four captures the main challenges that the Commission experienced in FY2021/2022 and makes respective practical recommendations. The identified challenges include: inadequate funding; inadequate technical manpower; continued risk of encroachment and loss of unsecured acquired public land; delayed remittance of compulsory acquisition compensation funds; and impediment in the revenue collection role. Lastly, Chapter Five presents the Commission's financial reports and statements, which tie the resources that were allocated and the activities undertaken during the year.

Four (4)

No. of Research Reports done on Promotion of Research on Land Use and Use of Natural Resources

163.3 million

Revenue (in Kshs.) the Commission generated from Land and Land-based Resources

1,700

No. of Disputes that the Commission admitted be resolved by ADR/TDR/AJS mechanisms.

70

No. of Disputes that the Commission resolved by ADR/TDR/AJS mechanisms.

3,663

No. of HLI Claims that the Commission had received by 21st September 2021.

57,700 Sq. Ft.

The size of the Commission New HQ Offices in 316 Upperhill Chambers

549

The current human resource establishment of the Commission.

1.725

Approved budget of the Commission in billions





CHAPTER ONE:

BACKGROUND INFORMATION

1.1. Establishment of the Commission

The National Land Commission is among the 10 Constitutional commissions that are listed under Article 248(2) of the Constitution of Kenya, 2010. The common mandate of these Commissions, as per Article 249(1) of the Constitution, include protecting the sovereignty of the people of Kenya, securing the observance by all State organs of democratic values and principles and promoting Constitutionalism. Specifically, the Commission is established under Article 67 of the Constitution of Kenya, 2010 and operationalized by the National Land Commission Act 2012 among other enabling statutes. The basis of the establishment of this Commission were the proposals made by Sessional Paper No. 3 of 2009 on National Land Policy that land be treated as a Constitutional issue and the National Land Commission be constitutionally established to carry out efficient, equitable and sustainable land administration and management. Additionally, specific recommendations of the three Commissions of inquiry – the Akiwumi Commission of 1998, the Njonjo Commission, and the Ndung'u Commission of 2003/2004 - that were established by the government in the attempt to address the ever-recurring land problems in Kenya were instrumental to the establishment of NLC. Therefore, the primary reason for the establishment of this Commission was to spearhead land reforms in Kenya.

1.2. Mandate and Powers of the Commission

The broad mandate of the Commission is to manage public land on behalf of the National and County governments. This mandate is carried alongside other Constitutional and statutory mandate. The mandate are derived from the Constitution of Kenya 2010; Sessional Paper No. 3 of 2009 on National Land Policy; the National Land Commission Act 2012; the Land Act 2012; the Land Registration Act 2012; the Community Land Act 2016; and Physical and Land Use Planning Act 2019.

The functions of the Commission as per Article 67(2) of the Constitution of Kenya 2010 are to:

- a. To manage public land on behalf of the national and county governments;
- b. To recommend a national land policy to the national government;
- c. To advise the national government on a comprehensive programme for the registration of title in land throughout Kenya;
- d. To conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- e. To initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;

- f. To encourage the application of traditional dispute resolution mechanisms in land conflicts;
- g. To assess tax on land and premiums on immovable property in any area designated by law;
- h. To monitor and have oversight responsibilities over land use planning throughout the country; and
- i. To perform any other functions prescribed by national legislation.

1.3. Powers of the Commission

Section (6)(1) of the National Land Commission Act 2012 obligates the Commission to exercise all the powers necessary for the execution of its functions under the Constitution, the same law and any other written law.

Under Section (6)(2) of the same law, the Commission, without prejudice to the generality of subsection (1), has the powers to:

- Gather, by such means as it considers appropriate, any relevant information including requisition of reports, records, documents or any information from any source, including any State organ, and to compel the production of such information where it considers necessary;
- Hold inquiries for the purposes of performing its functions under the NLC Act;
- Take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60 (1) of the Constitution.

1.4. Composition of the Commission

The composition of the Commission is informed by the relevant provisions of the National Land Commission Act 2012. Precisely, the Commission is structured in such a way that it comprises Commissioners and the Secretariat. In compliance with Section 7(1) of the National Land Commission Act 2012, the Commission has nine (9) Commissioners where one is the Chairperson. The primary role of the Commissioners is policy-making and, therefore, they operate in eight (8) different committees. On the other hand, the Secretariat is headed by the Secretary/CEO, who is the Accounting Officer of the Commission. The secretariat comprises six (6) Directorates, four (4) Departments and the 47 devolved County Coordination offices as shown in the organogram in Appendix 1.

1.5. County Offices

Pursuant to Section 16(5) of the National Land Commission Act 2012, the Commission has devolved its services by establishing 47 County Offices. This devolution of Commission's services was done as early as 2014 when County Land Management Boards were established in all counties across the Country. With the repeal of Section 18 of the National Land Commission Act 2012 by the Land Laws (Amendment) Act 2016, the County Land Management Boards were dissolved resulting in establishment of the County Coordination Offices. Therefore, the Commission's County Offices are headed by County Coordinators.

CHAPTER TWO:

PERFORMANCE AND ACHIEVEMENT

In March 2021, the Commission launched its second Strategic Plan (SP). This SP is for the period 2021-2026 and is intended to provide guidance and direction on how the Commission will achieve the objective of spearheading land reforms in Kenya. The SP emphasised the execution of the eight (8) mandate that are specified by Article 67(2) of the Constitution of Kenya as well as the other functions that are provided for by the various statutes, policies, directives, and Land Commissions' recommendations. This SP aligned the Commission's programmes, activities and operations to the National Development Priorities, particularly, the Kenya Vision 2030 and its MTPs and the Big Four Agenda. Therefore, this Chapter of the Annual Report reviews the achievements made by the Commission in the first year of the implementation of the SP 2021-2026. As per this SP, the Commission resolved to focus on five key strategic areas in carrying out its mandate and functions. As a result, the Commission finds it prudent to peg its achievements in FY2021/2022 on the five key result areas namely:

- i. Management and Administration of Public Land
- ii. Use of Land and Security of Land Rights
- iii. Revenue Generation from Land and Land-based Resources
- iv. Land Dispute Resolution and Conflict Management
- v. Institutional Strengthening

2.1. Management and Administration of Public Land

Upon the acknowledgment that land is the principal source of livelihood and a central category of property in Kenya, Kenyans decided to make it a Constitutional issue. As a result, land and land-based resources management are entrenched in the Constitution of Kenya that was promulgated in 2010. Consequently, the Constitution of Kenya, under Articles 62(2) and (3) and 67 (2) authorizes the Commission to manage and administer all public land in Kenya on behalf of the National and County Governments.

Broadly, as per Article 260 of the Constitution of Kenya, land comprises:

- The surface of the earth and the subsurface rock;
- Any body of water on or under the surface;
- Marine waters in the territorial sea and exclusive economic zone;
- Natural resources completely contained on or under the surface; and
- The air space above the surface.

As a result, the Commission has made the *management and administration of public land* as one of its strategic areas of focus. During the period under review, the Commission had five strategic objectives that it targeted to achieve in relation to the management and administration of public land. These strategic objectives include:

- Securing of public institutional land;
- Enhancing alienated and unalienated public land for development;
- Regularization of urban land allocations;
- Sustainable management of natural resources; and
- Development of a comprehensive public land inventory and databases.

2.1.1. Securing of Public Institutional Land

The Commission remained on course to securing public institutional land from encroachment and irregular allocation. The Commission acknowledges that lack of any form of ownership document is one of the key factors that increases the risk of public institutional land being grabbed or encroached. As a result, the Commission made significant strides towards achieving the strategic objective of securing public institutional land in FY2021/2022.

i. Development of Guidelines and Manuals

The Commission developed three (3) guidelines i.e., Guidelines on Renewal of Leases; Acquisition of Land by National Agricultural and Rural Inclusive Growth Project (NARIGP) and; Management of Land held by Public Institutions. These guidelines will help the Commission in effective management of public land and disposition by public institutions. The three guidelines are outlined and described in Table 2.1.

Table 2.1: Summary of Guidelines and Procedure Manuals on Land Management and Disposition by Public Institutions

S/No.	Guidelines	The Aims
1.	Renewal of Leases	Outlines the requirements used to support the applications for renewal of leases.
2.	Acquisition of Land by National Agricultural and Rural Inclusive Growth Project (NARIGP)	Increase agricultural productivity and profitability among selected small-holder farming communities in Kenya.
3.	Management of Land held Public Institutions	Guide all the public institutions to strengthen the management of public land that they hold.

ii. Documentation of Public Institutional Land

The Commission's performance towards the documentation of public institutional land was reflected in the preparation and issuance of allotment letters to six (6) public schools and 39 public institutions across the country.

2.1.2 Enhancing Access to Alienated and Unalienated Public Land for Development

In its Constitutional mandate of managing and administering public land, NLC has a significant role to play in improving access/availability of public land for settlement and development. During the reporting period, the Commission began the process of the development of the

Land Leasing and Tenure Framework for public land. The development of this framework is at an advanced stage and is expected to be complete in the FY2022/23.

Additionally, in its mandate to enhance access to public land under Section 134(5) of the Land Act 2012, the Commission reserved two (2) settlement scheme parcels of land for amelioration of disadvantaged persons. The two (2) settlement scheme parcels are in Nandi County. Further, the Commission is in the process of reserving other settlement scheme parcels in Taita Taveta, Kilifi and Kwale Counties. However, the number of parcels that the Commission reserves for settlement schemes is dependent on identification and demand-driven by Ministry of Lands and Physical Planning (MoLPP) or County governments. As a result, the Commission does not process or issue allotment letters for settlement schemes; this is the mandate of MoLPP.

The Commission, further, issued 10,505 allotment letters to facilitate access to alienated and unalienated public land during the year under review.

2.1.2.1 Compulsory Acquisition of Land for Development

The Commission implements the compulsory acquisition of land pursuant to Section 107(1) of the Land Act No. 6 of 2012. The compulsory acquisition of land for public purpose is premised on Article 40 (3) of the Constitution of Kenya 2010.

The fact that the mandate to avail land for public purpose or public interest through compulsory acquisition is bestowed upon the Commission means that the institution is a critical enabler of the national and county governments development agenda including Vision 2030, Medium-Term Plans (MTPs) and the Big Four Agenda.

During the period under review, the Commission, through compulsory acquisition, facilitated access of land for various public projects. The process of compulsory land acquisition is undertaken through an elaborate process as per Part VIII of the Land Act, 2012. The achievements made during the reporting period are as illustrated in Figure 2.1.

Step	Description and Achievement
A Receipt of Formal Request	<ul style="list-style-type: none"> The respective CS or CEC member makes formal request to the Commission by indicating the purpose for which land is to be acquired. The request should prove that the land is needed for public purpose. During the period under review, the Commission received 55 formal requests.
Consideration and Approval/Disapproval of the Request	<ul style="list-style-type: none"> The Commission considers the request and approves it if it meets the Constitutional and Statutory threshold, which is acquisition of land for public purpose. The Commission considered and approved 55 formal requests.
Publication of Notice of Intention to acquire land	<ul style="list-style-type: none"> The Commission publishes Notice of Intention to acquire land in the Kenya Gazette. The Commission undertakes public sensitization and participation by holding meetings, workshops and any other appropriate fora to inform the public about the proposed project and matters pertaining to procedure, expectations and responsibilities of stakeholders in the land acquisition process. The Commission published 55 notices.
Ground Inspections and Valuation	<ul style="list-style-type: none"> Ground inspections and valuation to record any improvements affected by the proposed project. The Commission conducted ground inspections and valuation exercises for 48 projects.
Publication of Notice of Inquiry	<ul style="list-style-type: none"> The Commission publishes Notice of Inquiry in Kenya Gazette, service of notice and holding of inquiry: This allows persons interested in the subject land to submit their claims. The Commission published 48 notices of Inquiry.
Issuance of an Award of Compensation	<ul style="list-style-type: none"> The Commission issues of an award of compensation to every person determined to have an interest in the land; Land Lord, Leaseholder (building) or Sublease Holder (Loss of profit). The Commission issued award of compensation for 24 projects.
Payment	<ul style="list-style-type: none"> Upon receipt of funds from the acquiring agencies/offices, makes payment. The Commission made payment for 11 projects.
Issuance of Notice	<ul style="list-style-type: none"> Issuance of Notice of Taking Possession. The Commission issued notices of taking possession and vesting for 10 projects.
Final Survey and Vesting	<ul style="list-style-type: none"> Subject to the remittance of funds by the acquiring bodies, the Commission conducts final survey and vesting of the compulsorily-acquired land to secure and protect it from illegal occupation. The Commission conducted preliminary survey for vesting one (1) project (Thwake Multi-Purpose Dam Project in Makueni and Kitui Counties).

Figure 2.1: The Process of Compulsory Land Acquisition and the Corresponding Achievements



Figure 2.2: NLC Team led by Commissioners Hon. Esther Murugi, Hon. Kazungu Kambi and Alister Murimi in their visit to Lower Nzoia Project



Figure 2.3: Public Engagement by the Valuation and Taxation Directorate of the Commission

The Commission received, considered and approved all the 55 requests to acquire land. Table 2.2 summarizes the said projects, sector, county of location, acreage acquired and status of the various acquisition projects in FY2021/2022.

Table 2.2: Summary of the Various Acquisition Projects in FY2021/2022

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
1.	Kenya Rural Roads Authority (KeRRA)	Transport & Infrastructure	Rehabilitation of the International School of Kenya-Gathiga Road.	Kiambu County	0.50110	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices
2.	KeRRA	Transport & Infrastructure	Roliondo-Kagaa-Captain Road.	Nyandarua County	0.45750	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices
3.	KeRRA	Transport & Infrastructure	Construction of Athi Kimongoro-Nkinja-Uguti-Katithine-Auki Thii-Gaiti Road & Access to Meru University Road Project.	Meru County	6.69990	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices
4.	KeRRA	Transport & Infrastructure	Construction of Coca Cola Mpuri-Kithaku-Kathena & Kithirune-Kariene-Kagumo-Giaki Road Project.	Meru County	13.59950	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices
5.	Ministry of Energy	Energy	Construction of Mini-Grids under the Kenya Off-Grid Solar Access Project (KOSAP)	Lamu, Tana River, Kwale, Garissa, Kilifi, Turkana, Marsabit, Samburu, Isiolo, Wajir, Narok & Mandera Counties.	182.74000	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices
6.	Kenya Electricity Transmission Company Limited (KETRACO)	Energy	Kamburu Embu Thika 220 KV Transmission Line (Embu-Thika Section)		-	Assessment of validity for gazette under Sec. 107 & 110 of Land Act & Publication of gazette notices

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
7.	KETRACO	Energy	Embu Kutus and Rabai-Bamburi Kilifi & Kipevu Link 132 KV 67 Km Transmission Line		-	Assessment of validity for gazettelement under Sec. 107 & 110 of Land Act & Publication of gazette notices
8.	Kenya Urban Roads Authority (KURA)	Transport & Infrastructure	Valley Road, Kenyatta Avenue, Ngong Road, Nyerere Road Interchange and Upper Hill Haile Sellassie Overpass and Associated Road Network.	Nairobi County	0.55210	Inspections
9.	Kenya Railways	Transport & Infrastructure	Naivasha ICD-Longonot New Metre Gauge Railway Link	Kiambu & Nakuru Counties.	195.58934	Inspections
10.	Kenya National Highways Authority (KeNHA)	Transport & Infrastructure	North Horr-Marsabit Road Project	Marsabit County	11.92160	Inspections
11.	KeNHA	Transport & Infrastructure	Second Dualling of Athi River-Machakos Turnoff	Machakos County	19.77240	Inspections
12.	KeNHA	Transport & Infrastructure	Isinya-Konza-Malili Road Project	Machakos & Kajado Counties.	125.64980	Inspections
13.	Ministry of Education	Education	Mama Ngina University	Kiambu County	15.66000	Inspections
14.	KeRRA	Transport & Infrastructure	Kabare-Gakoigo-Baricho Road		0.47960	Inspections
15.	Ministry of Trade, Industrialization & Enterprise Development	Industrialization & Trade	Proposed Kisumu/Miwani Special Economic Zone	Kisumu County	3,000.00000	Inspections
16.	Ministry of Water & Irrigation	Water & Sanitation	Mwache Multi-Purpose Dam Project	Kwale County	756.67000	Inspections & Inquiries
17.	Nairobi Metropolitan Services (NMS)	Transport & Infrastructure	Globe Roundabout Bus Terminal Project	Nairobi County	2.74130	Inspections & Inquiries

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
18.	KeRRA	Transport & Infrastructure	Umande Jua Kali Akorino Road Project	Laikipia County	0.24560	Inspections & Inquiries
19.	Athi Water Works Development Agency (AWWDA)	Water & Sanitation	Machakos Water Supply Project-Miwongoni Dam	Machakos County	79.71000	Inspections & Inquiries
20.	AWWDA	Water & Sanitation	Construction of Karimenu II Dam Water Supply	Kiambu County	231.00000	Inspections & Inquiries; payments on-going
21.	AWWDA	Water & Sanitation	Ruiru II Dam Water Supply Project in Kiambu County (Component - Dam Campsite & Disposal Areas).	Kiambu County	30.37160	Inspections & Inquiries
22.	AWWDA	Water & Sanitation	Construction of Water Pipeline from Thika Dam Kigoro Treatment Works to Gigiri Tanks.	Kiambu County	26.68870	Inspections & Inquiries
23.	KeRRA	Transport & Infrastructure	Muthatari-Siakago (C400) Road Project	Embu County	2.09850	Inquiries
24.	KeRRA	Transport & Infrastructure	Maparasha Bridge & Access Roads	Kajiado County	1.09500	Inquiries
25.	KENHA	Transport & Infrastructure	Kibwezi-Mutomo-Kitui-Migwani Road Project	Makueni & Kitui Counties	397.19400	Inquiries
26.	KENHA	Transport & Infrastructure	James Gichuru Junction-Rironi Junction (A104) Road Project	Kiambu & Nairobi Counties	1.78810	Inquiries
27.	KeNHA	Transport & Infrastructure	North Horr-Marsabi Road Project	Marsabit County	12.01100	Inquiries
28.	KeNHA	Transport & Infrastructure	Second Dualling of Athi River-Machakos Turnoff	Machakos County	22.84600	Inquiries

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
29.	Athi water	Water & Sanitation	Ngenda Water Supply	Kiambu County	3.43070	Inquiries
30.	KeNHA	Transport & Infrastructure	The Multi-National Bagamoyo-Horohoro/Lunga Lunga-Malindi Road Projects <i>(addendums, corrigendums and deletions)</i>	Mombasa & Kilifi Counties.	30.23790	Inquiries
31.	KeNHA	Transport & Infrastructure	Land for Project Oil Kenya Upstream Project	Turkana & West Pokot Counties	10,270.00000	Inquiries
32.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (Secondary Canals)	Siaya & Busia Counties	34.78060	Issuance of awards
33.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (Tertiary Canals 1, 2, 3 & 4)	Siaya & Busia Counties	4.72490	Issuance of awards
34.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (Main Canals 5, 6 & 7)	Siaya County	16.34700	Taking possession & vesting
35.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (part Northern Dyke)	Siaya & Busia Counties	40.19500	Taking possession & vesting
36.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (Main Canal 10)	Siaya & Busia Counties	16.56360	Issuance of awards
37.	Ministry of Water & Irrigation	Water & Sanitation	Lower Nzoia Irrigation & Flood Mitigation Project - Component (Southern Dyke)	Siaya & Busia Counties	16.89160	Issuance of awards

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
38.	KeRRA	Transport & Infrastructure	Gachami-Thuti Roads Project	Nyeri County	2.53000	Issuance of awards
39.	KENHA	Transport & Infrastructure	Mombasa-Mariakani (A104) Highway Project Lot 2	Mombasa, Kilifi & Kwale Counties	-	Issuance of awards. Valuation of structures on road reserve.
40.	KENHA	Transport & Infrastructure	Kenol-Sagana Road Project	Nyeri & Kirinyaga Counties	15.66000	Issuance of awards
41.	AWWDA	Water & Sanitation	Machakos Sanitation Project	Machakos County	7.04000	Issuance of awards
42.	AWWDA	Water & Sanitation	Ruabura Water Supply	Kiambu County	10.65000	Issuance of awards
43.	AWWDA	Water & Sanitation	Handege Water Supply Part I	Kiambu County	1.33000	Issuance of awards
44.	National Water Harvesting & Conservation Authority	Water & Sanitation	Soin Koru Multi-Purpose Dam	Kisumu Counties	863.81000	Issuance of awards
45.	KENHA	Transport & Infrastructure	Nairobi Western Bypass	Kiambu County	7.96000	Issuance of awards
46.	KENHA	Transport & Infrastructure	Mombasa Gate Bridge	Mombasa County	1.49740	Issuance of awards
47.	KENHA	Transport & Infrastructure	Nairobi Expressway	Nairobi County	24.03000	Issuance of awards
48.	National Water Harvesting & Storage Authority	Water & Sanitation	Muruny-Siyot Dam, Kapenguria Water Supply Project	West Pokot County	181.61000	Issued notices of taking possession
49.	KeRRA	Transport & Infrastructure	Ngorongo-Githunguri and Nazareth Hospital Road (D403)	Kiambu County	0.49760	Issued notices of taking possession
50.	KeNHA	Transport & Infrastructure	Mombasa Southern Bypass/ Dongo Kundu (Packages 1, 2 & 3)	Mombasa County	269.62000	Issued notices of taking possession

S/No.	Acquiring Agency	Sector	Project Name	County	Area of scope (Ha.)	Project status
51.	AWWDA	Transport & Infrastructure	Ruiru II Dam Water Supply Project (Dam Footprint Area).	Kiambu County	29.73760	Issued notices of taking possession
52.	Ministry of Defence	Defence	Uchumi Langata Road	Nairobi County	1.49800	Issued notices of taking possession
53.	Ministry of Defence	Defence	Kipini Military Land	Lamu County	12,190.37000	Issued notices of taking possession
54.	KeRRA	Transport & Infrastructure	Kipsigak-Serem-Shamakhokho Road	Vihiga & Nandi Counties	10.96210	Issued notices of taking possession
55.	Ministry of Housing & Urban Development	Water & Sanitation	Ruiru-Juja Sewerage Treatment Works	Kiambu County	76.55000	Issued notices of taking possession
TOTAL					29,266.60664	

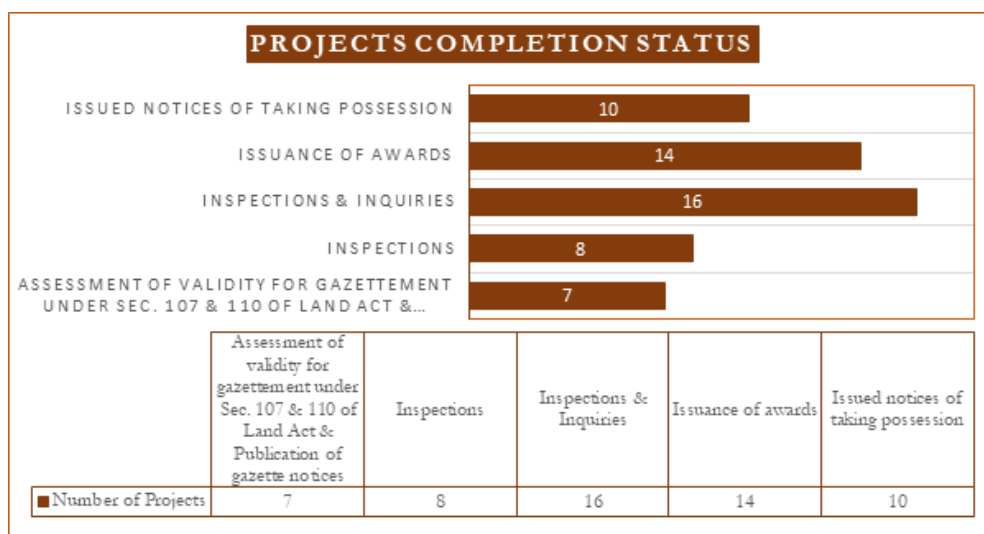


Figure 2.4: Graphical Presentation on Status of the Projects Undertaken in the Period

During the period, majority of the projects handled by the Commission were from infrastructure and transport sector (32), followed by Water & Sanitation Sector (19), energy (3), Defence (2) and both Industrialization & Trade and Education at 1 each. This sector-based project numbers have been graphically captured as per the chart in Figure 2.5.

Table 2.3: Distribution of Projects per Sector

S/No.	Sector	Number of Projects undertaken per sector	% of projects received per sector
1.	Transport & Infrastructure	30	55%
2.	Water & Sanitation	18	33%
3.	Industrialization & Trade	1	2%
4.	Energy	3	5%
5.	Defence	2	3%
6.	Education & others	1	2%
	TOTAL	55	100%

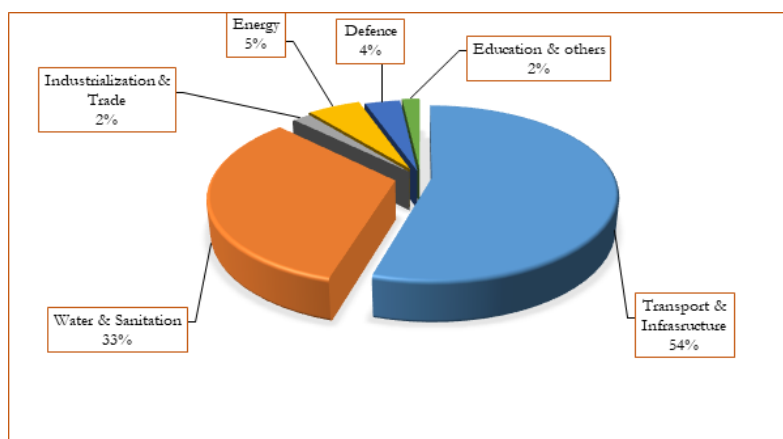


Figure 2.5: Project Distribution Per Sector

2.1.2.1.1 Final Survey and Vesting

The process of compulsory acquisition of land for development or public purpose is not complete until final survey and vesting are done as per Sections 107(8) and 111(1A) of the Land Act 2012. Final survey and vesting are critical processes that facilitate the georeferencing and authentication of the compulsorily acquired land in addition to reducing/eliminating the risk of this land being grabbed, illegally occupied or transacted by unscrupulous people. The processes of conducting final survey and vesting are costly and the Commission relies on acquiring agencies to remit funds to complete the exercises in accordance with Section 111(1A) of the Land Act 2012. During the period under review, the Commission made varying achievements in relation to final survey and vesting of the compulsorily-acquired land as summarized in Table 2.4.

Table 2.4: Achievements of the Commission in Conducting Final Survey and Vesting of the Compulsorily-Acquired Land in FY2020/2021

Project	Status	Remark
Kayafungu Group Ranch Survey	Preliminary Survey conducted	Preliminary survey already done but comprehensive survey pending.
Mumbaka Forest boundary survey	Complete	Final Survey completed thanks to the assistance accorded to the Commission by KFS, the County Government of Busia and the community.
Kimugu Dam 10 Acre Land Survey	10 acres compulsorily acquired for water treatment plant.	Final survey conducted in July 2021
Thwake Dam Project	Preliminary Survey done	Preliminary survey already done but comprehensive survey pending.



Figure 2.6: NLC Team led by Deputy Director Survey Services Mr. Sospeter Ohanya Conducting Final Survey for the Compulsorily-acquired land for Kimugu Water Treatment Plant in Kericho County

In addition to the highlighted achievements, the Commission developed a database on the status of documentation of acquired but unvested public land.

2.1.3. Regularization of Urban Land Allocation

Regularization is considered in cases where urban public land is developed without planning or survey. The Commission derives its mandate to regularise urban land allocation from Section 32 of the Land (Allocation of Public Land) Regulations 2017. The process of regularization involves planning, surveying, and enumerating the occupants or claimants of such land before allocating it. Regularization is a pivotal process in securing land tenure. UN-HABITAT emphasizes security of tenure in land as critical to increasing individual, household and community savings and expenditure towards improvement and development of homes.

During the reporting period, the Commission developed the Standards and Procedures for regularization of urban land allocation. The Standards and Procedures are in the process of being converted to a policy document. Also, the Commission regularized urban allocation of 5,046 plots in the areas exhibited in Table 2.5.

Table 2.5: Summary of Urban Areas where Regularization was done

S/No.	Area	No. of Plots Regularized
1.	Narok Township Phase 1	986
2.	Nyandarua (Colonial Villages)	3,768
3.	Bulapesa in Isiolo	292
Total		5,046

Additionally, the Commission, in compliance to Section 8(1) of the Land Act 2012, developed a summary on the status of inventorised urban centres as listed below:

- Wote Township (Makueni County)
- Sultan Hamud (Makueni)
- Samburu Township (Samburu County)
- Nanyuki Township (Laikipia County)
- Narok Township Phase 2. (Narok County)

2.1.4 Formalization of Institutional Public Land

Formalization is considered in cases where the public land is planned, mainly developed and people/ institutions hold some form of documents either from the previous local authorities or allocation letters of allotments only.

The Commission in consultation with the National and County Governments identified areas where formalization was necessary and published 40 notices of intention to allocate public land and as result letters of allotment issued.



Figure 2.7: NLC Partnered with the Ministry of Lands and Physical Planning and the County Government of Narok in carrying out Formalization/regularization exercise of Untitled Plots and Public Utilities within Narok Town

2.1.5 Sustainable Management of Natural Resources

Natural resources are part of land and land is the first key natural resource that Kenyans cherish as their heritage. Land discourse must therefore be weaved with natural resources as the two imperatives are closely linked and tied together as a highly connected web-like system. According to Article 260 of the Constitution of Kenya, natural resources comprise the physical non-human factors and components, whether renewable or non-renewable, including sunlight; surface and groundwater, forests, biodiversity and genetic resources; and rocks, minerals, fossil fuels and other sources of energy.

Land hosts natural resources which are vital for socio-economic development. However, land is also a source of conflict. The rapidly growing population has put more pressure on land-based resources. The situation has been worsened by the impacts of climate change such as drought and wetland and forest degradations among others. Threatened natural resources have devastating effects on food security, which is a critical pillar of the Big Four Agenda. As a result, the Commission, in the spirit of Articles 67(2)(d) and 69 of the Constitution of Kenya among other relevant Constitutional provisions and land laws, remains committed to developing and executing various strategies that lead to the protection and sustainable management of natural resources for the benefit of the current and the future generations. This is part of the land reform agenda in line with Chapter Five (5) of the Constitution on Land and the Environment.

The Commission carried out various activities towards the achievement of the Natural Resources Management functions. These activities are bundled within the following five key areas:

- 1) Development of Natural Resources Inventory and Databases;
- 2) Development and Implementing Natural Resources Governance Frameworks;
- 3) Mapping Ecologically Sensitive Areas in the Country;
- 4) Issuance of Advisories to Sustainably Manage Natural Resources;
- 5) Mainstreaming Climate Change in Land Management and Administration.

2.1.5.1. Natural Resources Registries, Databases and Inventory

The Commission derives the mandate of developing natural resources inventory and databases from Section 15(3) of the Land Act 2012. The natural resources inventory and databases aim to provide a coherent, systematic, up-to-date and reliable information on the country's natural resources. Consequently, this will promote a sustainable planning and informed choices and decisions on policies and management priorities about these key ecosystems and landscapes that are vital in supporting socio-economic and ecological development.

The Commission remained on course in the development of Natural Resources registers, databases and inventories. These inventories will inform advocacy and policy decisions on natural capital. The creation of these inventories currently stands at 80% as at the close of FY2021/2022 and it is expected to be completed in the FY2023/2024 as per the Commission SP. The Commission has, equally, created 16 theme-based natural resources registers, databases and inventories as indicated in Table 2.6.

The major categories of these natural resources as captured in the registries and databases include:

- i. Water and wetland resources (lakes, aquifers, swamps, permanent and seasonal rivers including *laggas*, dams, estuaries and streams);
- ii. Biodiversity and genetic resources (Forests and wildlife);
- iii. Agro-based resources (topographical, climatic conditions, soils, crops, livestock);
- iv. Fisheries and blue economy Resources;
- v. Extractive Resources (Minerals, Petroleum and Energy);

Table 2.6: Natural Resources Registers, Databases and Inventories

S/No.	Major categories of natural resources	Registers	Databases	Inventory
1.	Water and wetland resources	Lakes, aquifers, swamps, rivers and dams	Lakes, aquifers, swamps, rivers and dams	Lakes, aquifers, swamps, rivers and dams
2.	Biodiversity and genetic resources	Forest, wildlife and caves	Forest, wildlife and caves	Forest, wildlife and caves
3.	Agro-based resources	Topographical, climatic conditions, soils, crops, animals	Topographical, climatic conditions, soils, crops, animals	Topographical, climatic conditions, soils, crops, animals
4.	Extractive Resources	Minerals, petroleum and Energy	Minerals, petroleum and Energy	Minerals, petroleum and Energy

The details of these resources, the changing trends and patterns as well as the pressures and intervening policy actions are captured in the draft Kenya Atlas for Natural resources.

2.1.5.2. Natural Resources Governance Frameworks

The Commission has finalised the development of Land Access Guidelines for Kenya Climate Smart Agriculture Project (KCSAP), which is domiciled in the State Department for Agriculture and supported by the World Bank (WB). Developed through a highly consultative and participatory process, the overall purpose of the guidelines is to enhance the management and governance of natural resources through provision of quick and easy-to-understand land administration and management processes and procedures for accessing land in the context of the three distinct yet inter-dependent categories of land as provided under Article 61 of the Constitution.

2.1.5.3. Mapping of Ecologically Sensitive Areas

Section 12(2) of the Land Act 2012 categorically prohibits the allocation of specific areas of public land especially the Ecologically-Sensitive Areas (ESAs) by the Commission. Regionally, the East African Community (EAC) and specifically the main governance body - the Lake Victoria Basin Commission (LVBC) defines ESAs as “*landscapes that provide ecosystem services but are fragile and vulnerable to human impacts and thus require special protection*”. The Commission has demonstrated its commitment to identifying and mapping of all ESAs in the country, which is in line with the activities in the SP 2021-2026.

The Commission identified and mapped ESAs in four counties (Taita Taveta, Makueni, Kakamega and Nandi). The major themes of these maps are:

- i. Forests and hills;
- ii. Water and wetland resources;
- iii. Biodiversity and forest resources;
- iv. Volcanic resources.

Forests and hills are catchment areas for water and wetland resources. Majority of the ESAs are found within these protected areas such as National parks, National Reserves, Sanctuaries and forests. Similarly, some of these ESAs are also found outside the protected areas. The forests and hills are catchment for the ESAs. The water and wetland resources are interconnected and interdependent. Equally, the volcanic resources play a critical role in supply of underground water. Therefore, degradation of one of the resources destabilises others.

Further, the Commission, compiled three (3) ESAs monitoring reports that covered Lake Naivasha riparian lands, Malindi riparian lands and Seregeya forest in Likuyani (Turbo). The identification and mapping of ESAs is a significant step towards their sound conservation and protection as emphasized in Article 60(1)(e) on Principles of Land Policy. Critical advisories emanating from the mapping exercises are developed and shared with relevant stakeholders including National and County Governments for action and implementation.

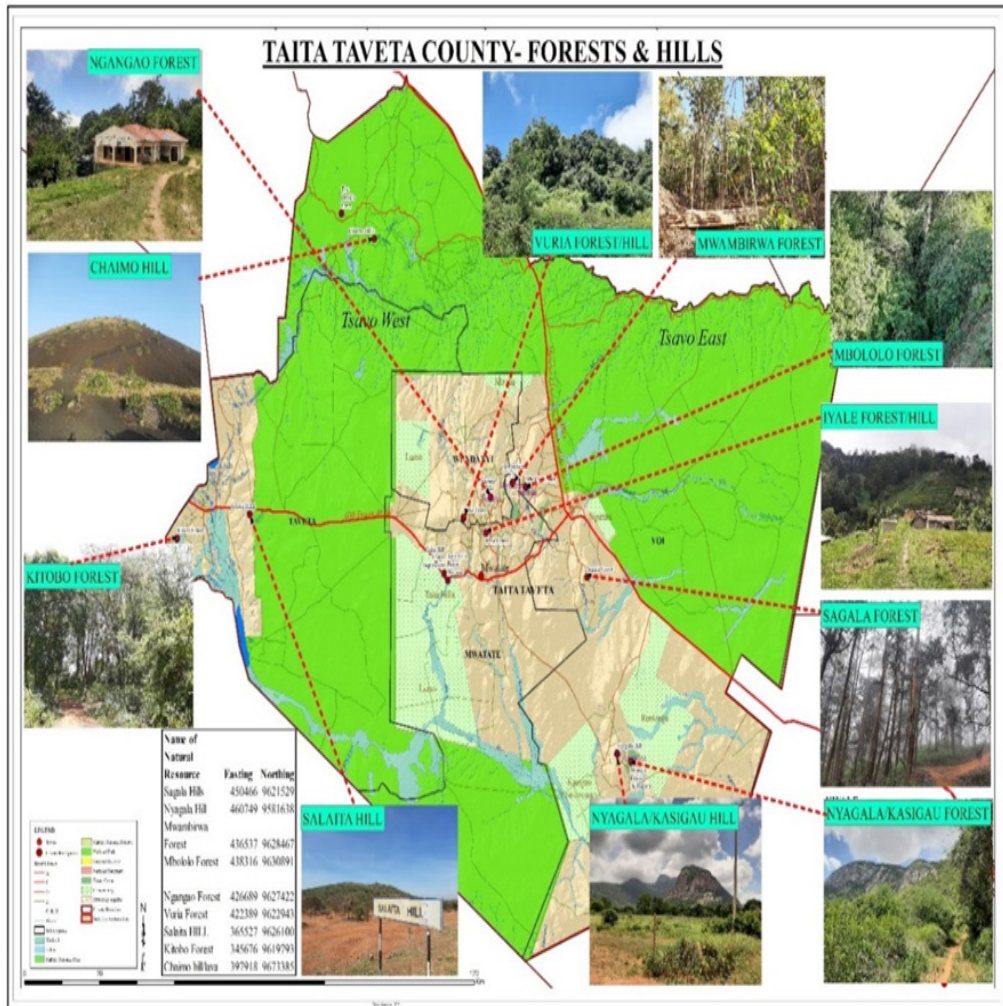


Figure 2.8: Forests and Hills in Taita Taveta

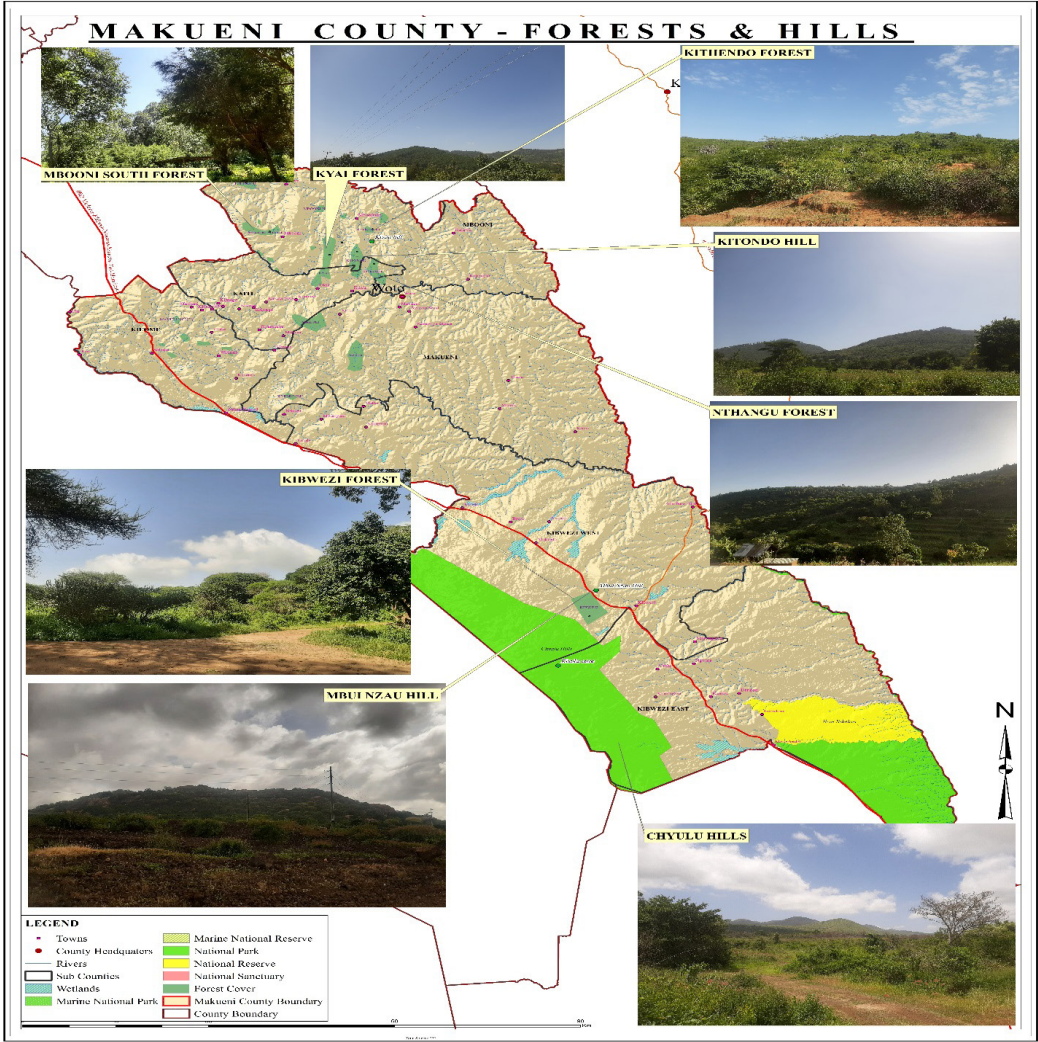


Figure 2.9: Forests and Hills in Makueni

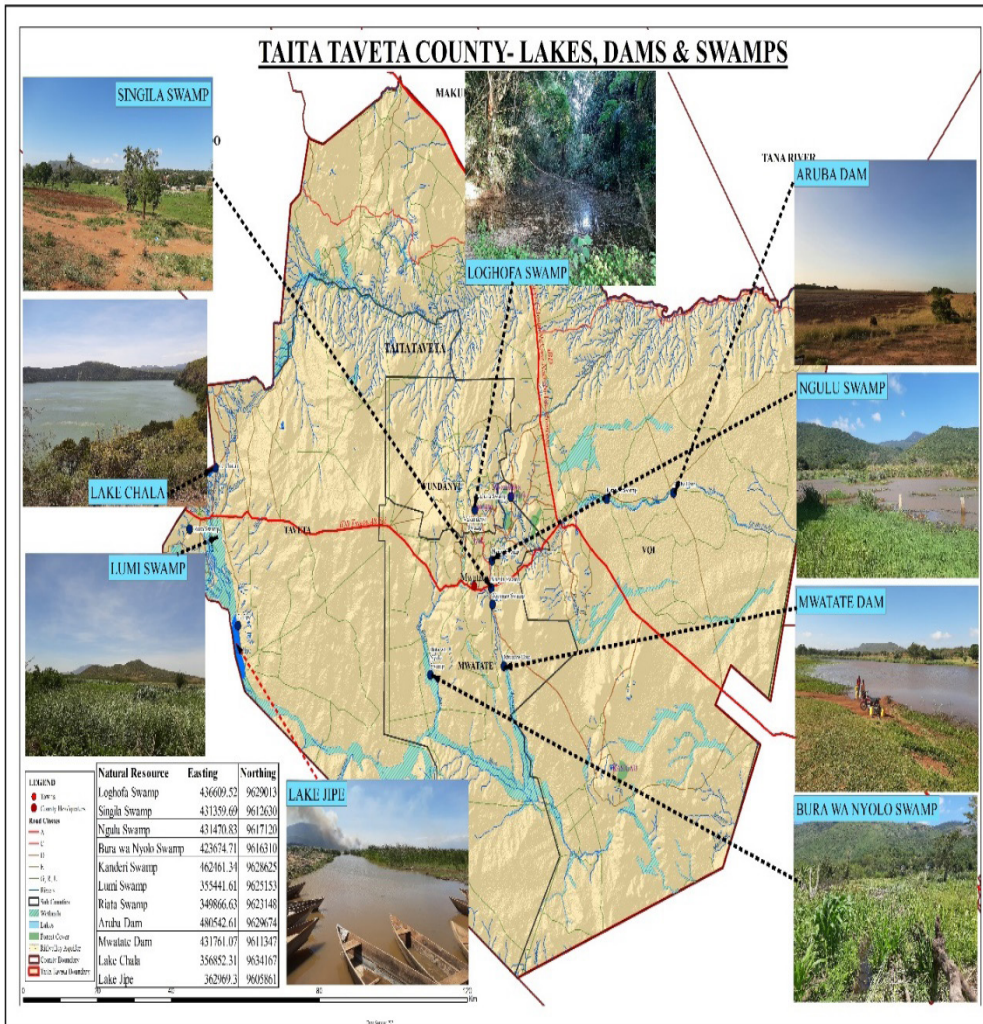


Figure 2.10: Lakes, Dams and Swamps in Taita Taveta

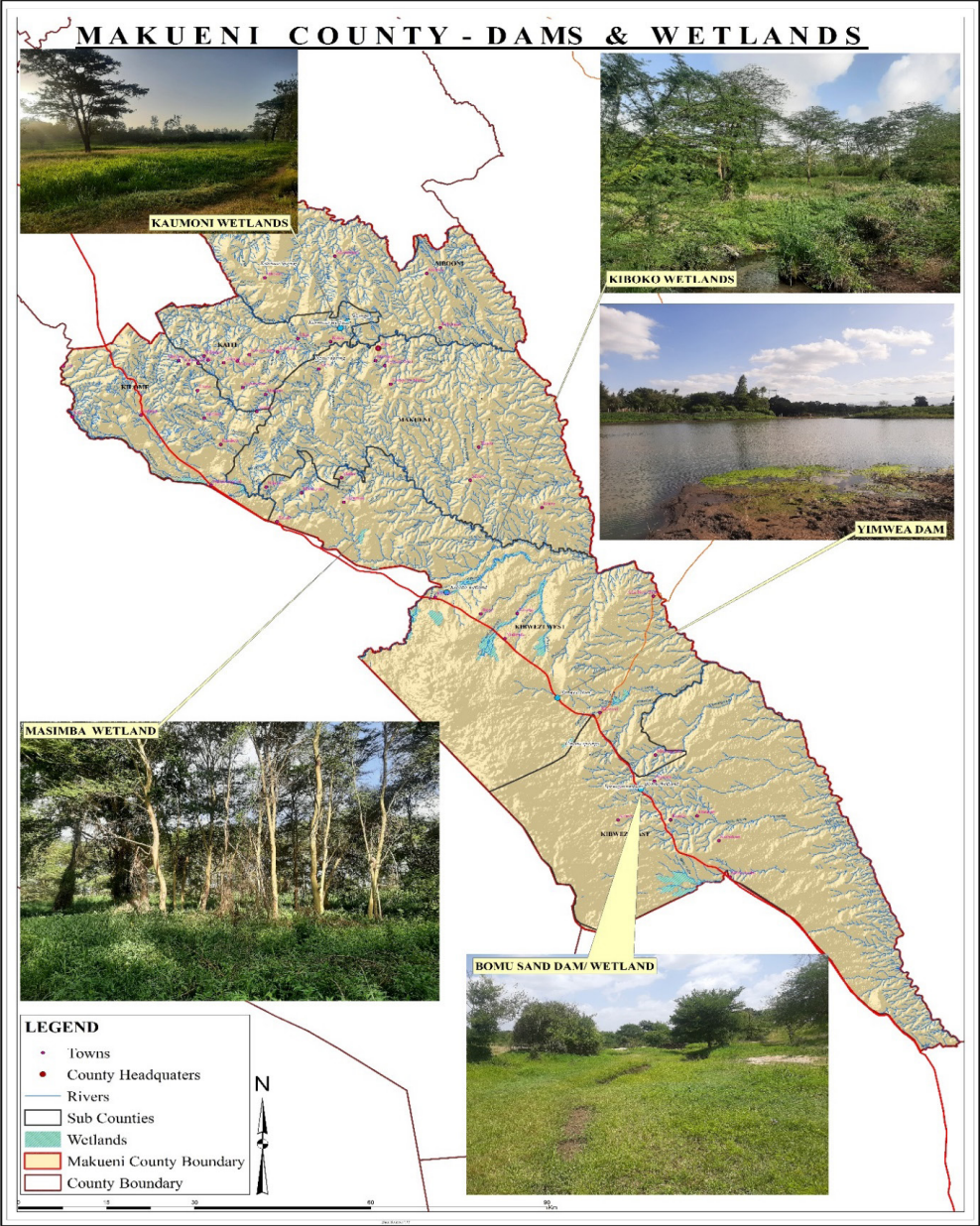


Figure 2.11: Dams and Wetlands in Makuani

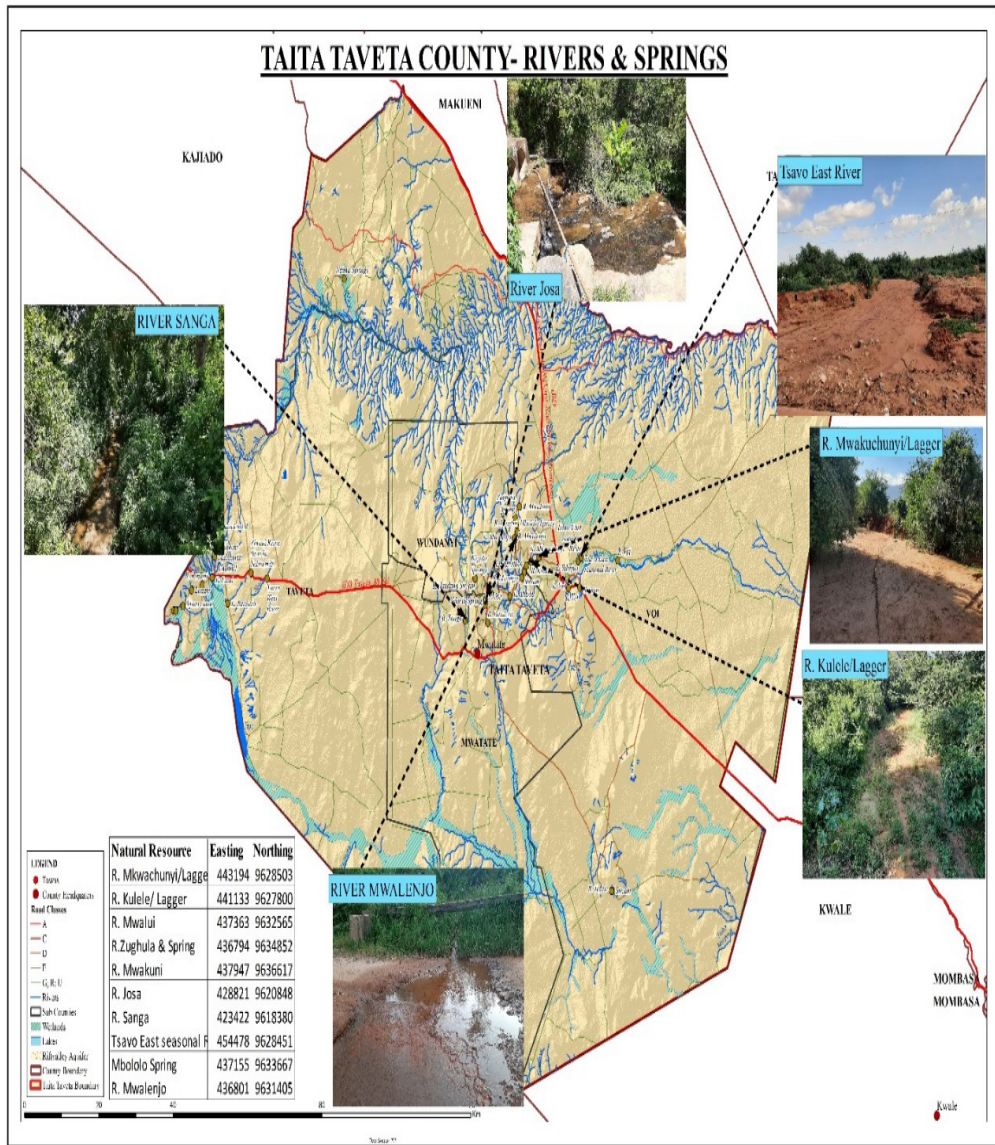


Figure 2.12: Rivers and Springs in Taita Taveta

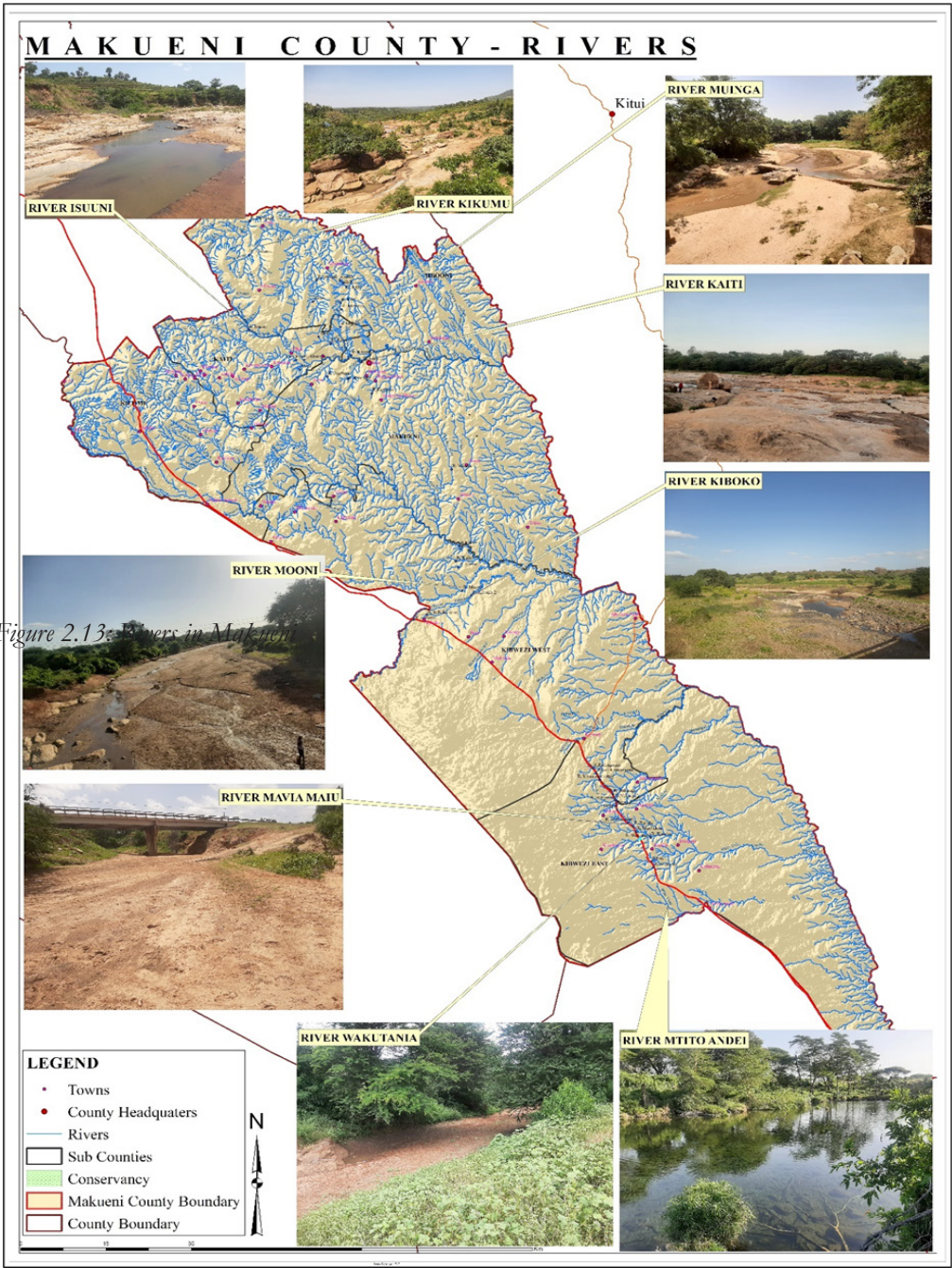


Figure 2.13: Rivers in Makueni

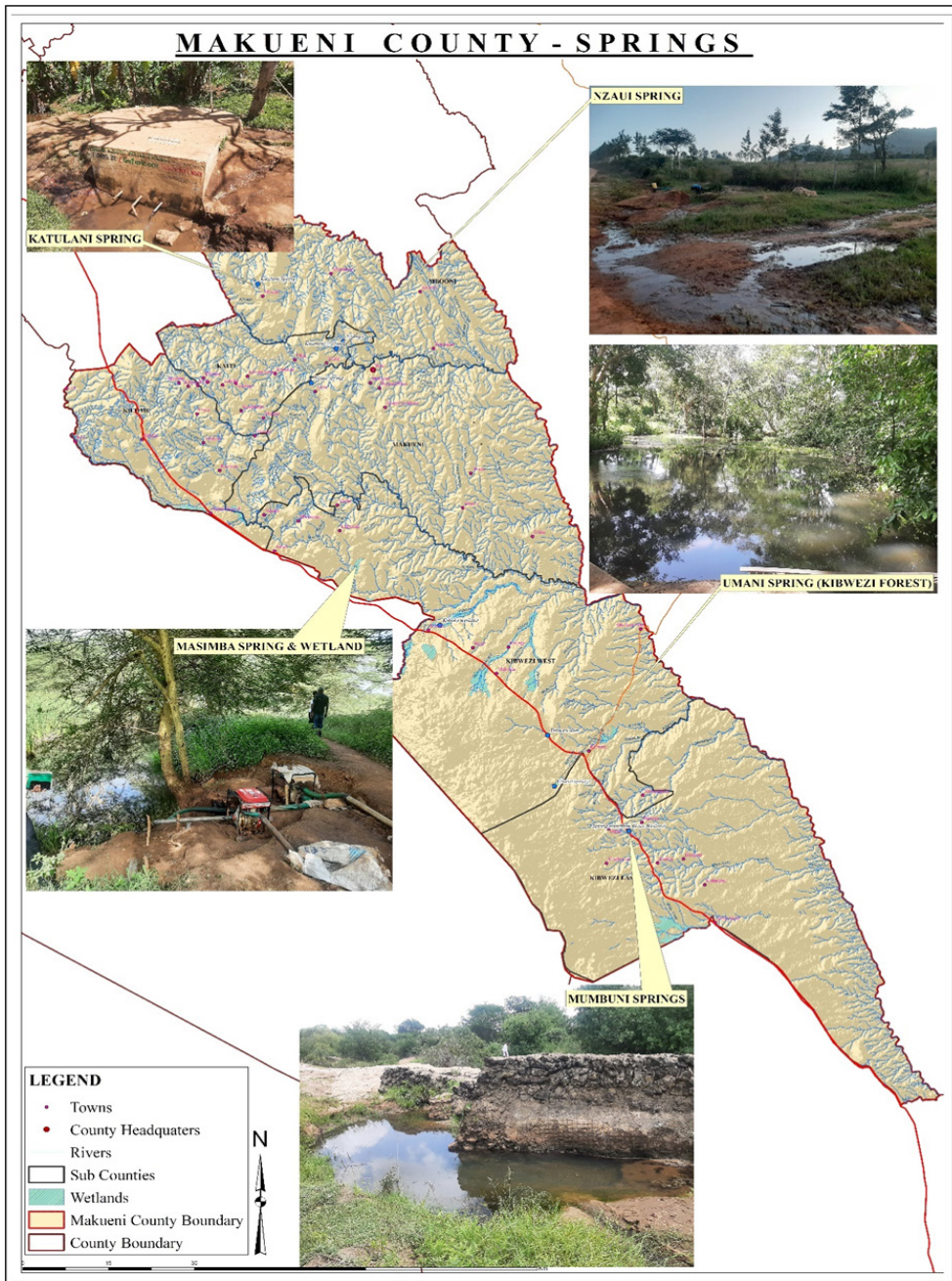


Figure 2.14: Springs in Makueni

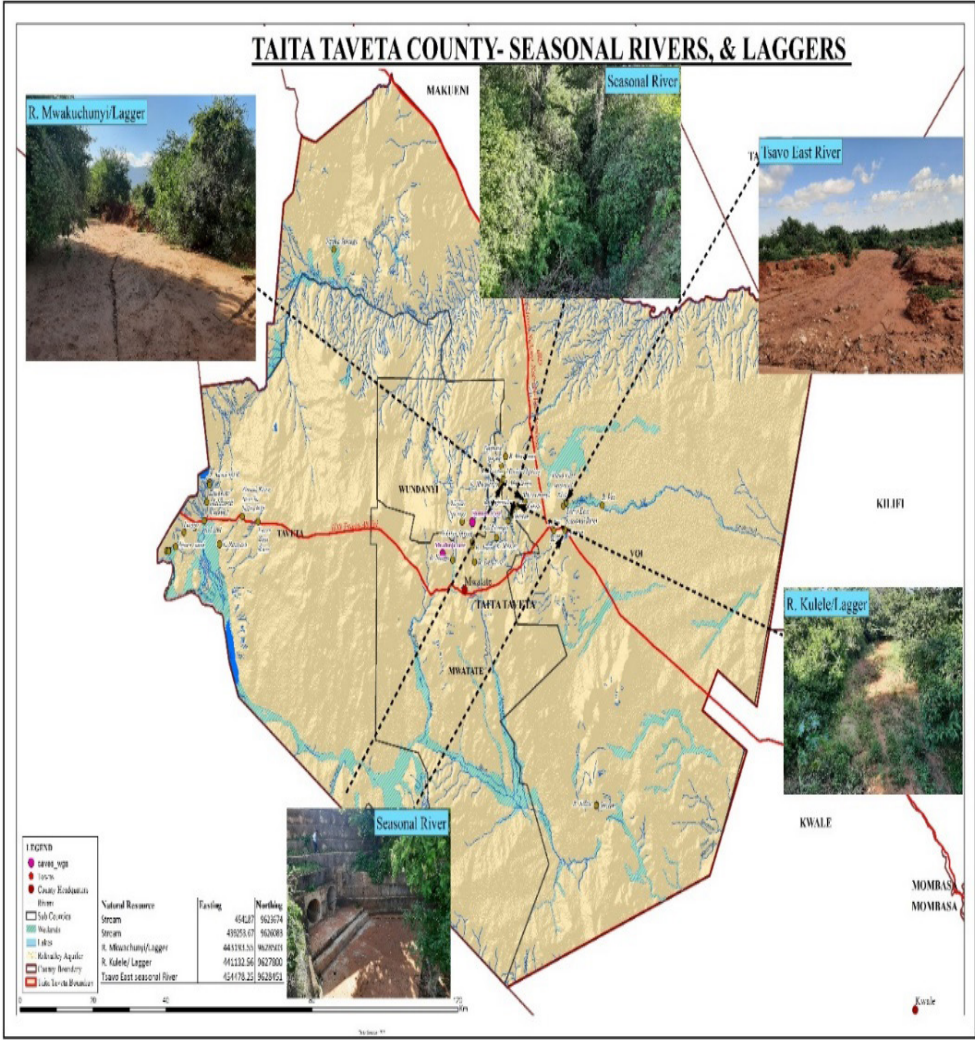


Figure 2.15: Seasonal Rivers and Lagggers

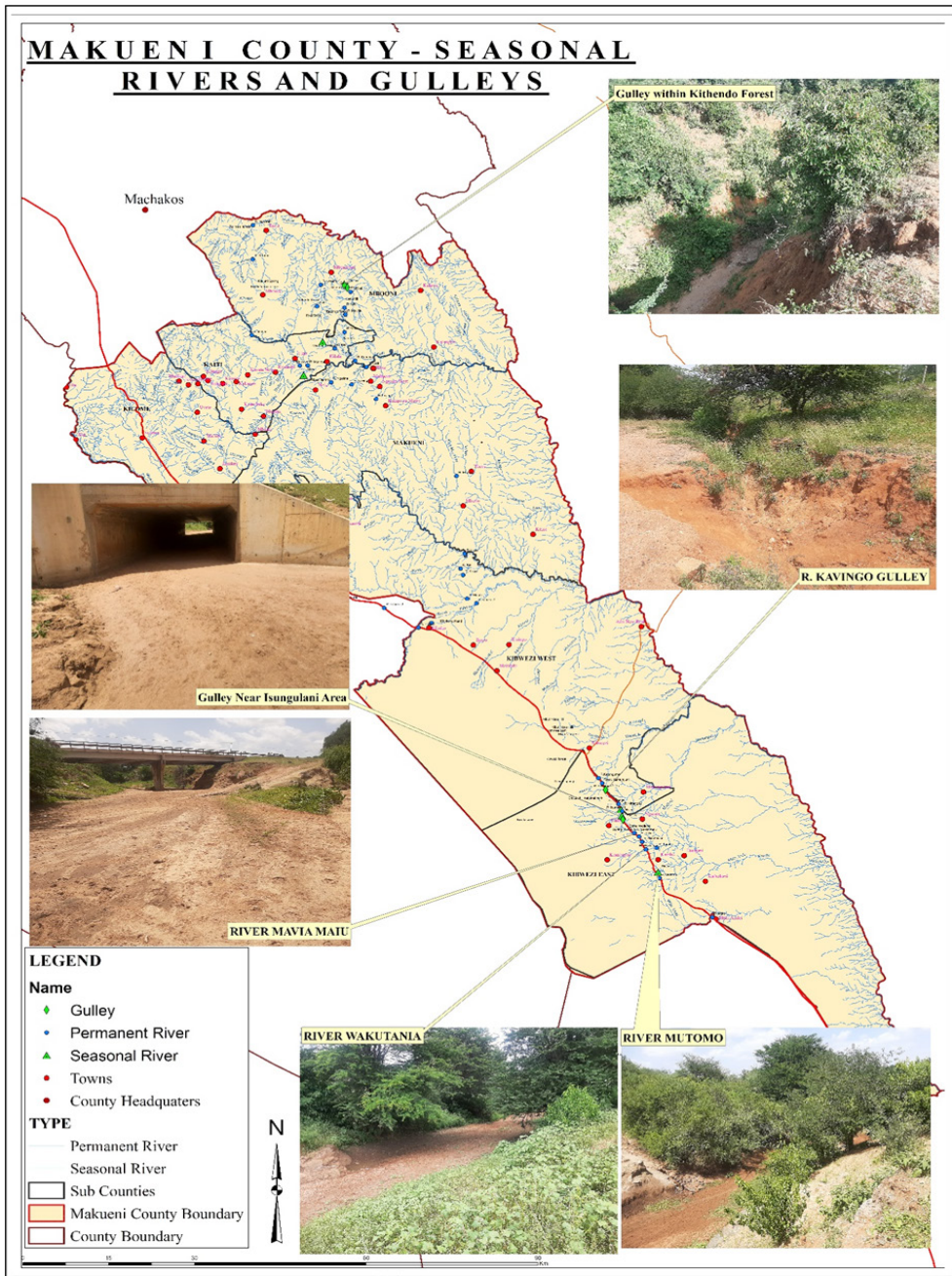


Figure 2.16: Seasonal Rivers and Gullies

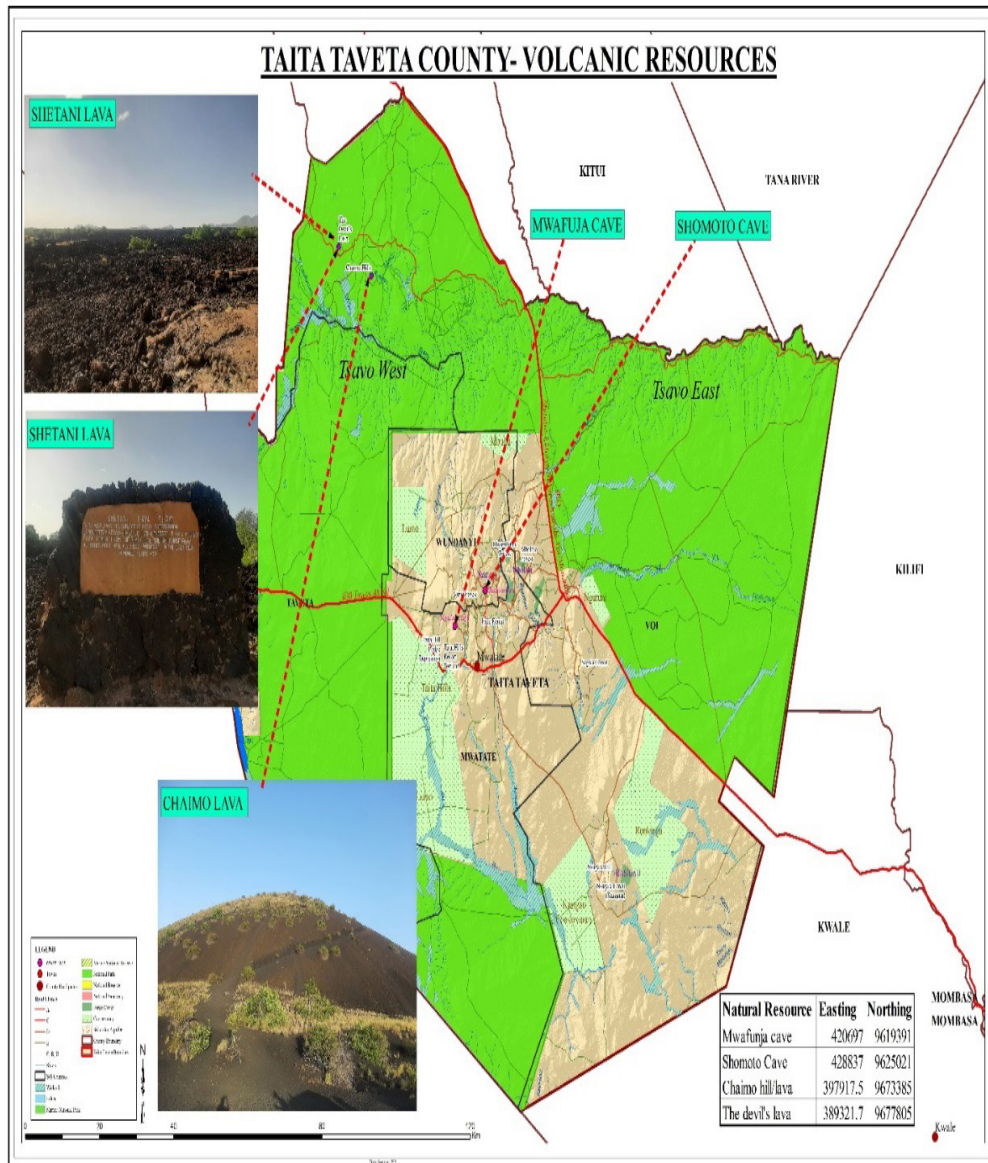


Figure 2.17: Volcanic Resources in Taita Taveta

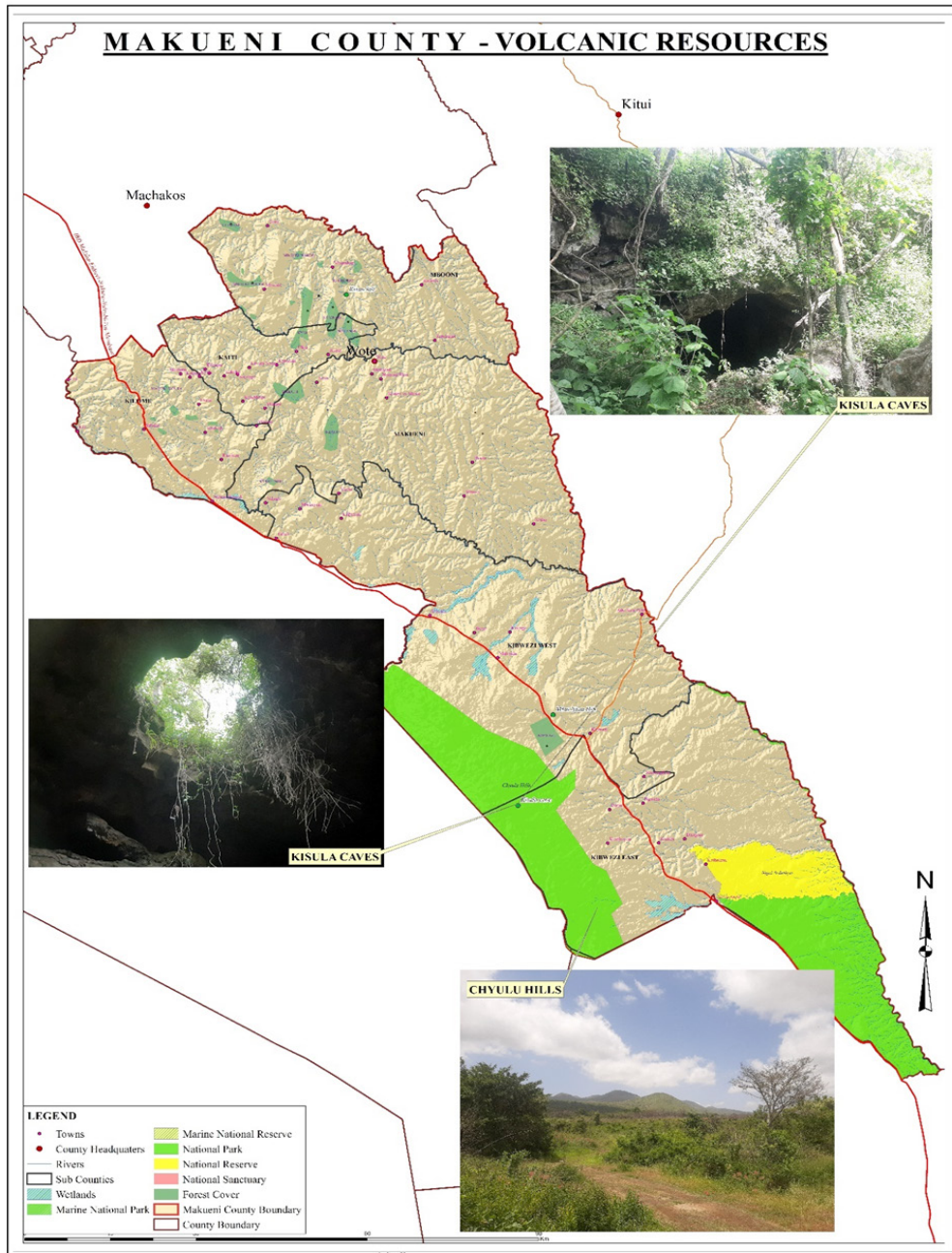


Figure 2.18: Volcanic Resources in Makueni

2.1.5.4. The Advisories issued by the Commission in relation to Sustainable Management of Natural Resources

The Commission developed concrete and science-led advisories to inform actions and decisions by the Government. This is part of the Commission's core oversight responsibility in the management and administration of public land. Over ten (10) advisories were developed and shared with the public. Some of the key advisories are provided in Table 2.7.

Table 2.7: Advisories issued by the Commission in relation to Sustainable Management of Natural Resources

S/No.	Advisory	The Authority/ Agency Issued to	Purpose of the Advisory
1.	Status of Gullies and Watercourses within Suswa Inland Container Depot (ICD)-Longonot Area (Metre-Gauge Railway (MGR)/Standard Gauge Railway (SGR) Link)	Kenya Railways Corporation, Water Resource Authority, County government of Nakuru and other relevant agencies.	<p>The Commission developed this advisory to guide the Kenya Railways Corporation and other relevant agencies on the status, management and governance of natural earth formations such as gullies, riparian areas, faults and water courses in the larger Mai Mahiu, Longonot and Suswa ecosystem. Precisely, this advisory aims to;</p> <ul style="list-style-type: none"> • Provide the governance frameworks for the management, conservation and acquisition of parcels of land abutting gullies, riparian areas, faults and water courses. • The status of these features as they existed before and currently for informed decision making, planning and management. • Determine the status of these features in relation to eligibility in relation to land acquisition and compensation for public purpose.
2.	Kihoto Homeowners Displacement Petition	National Assembly	The Commission gave a detailed response in relation to the Kihoto Home Owners Petition in regards to their displacement from the rising water levels. In this advisory the Commission opines that the displaces encroached into riparian lands (which are public land) of the Lake and therefore are not eligible for compensation under the law.

S/No.	Advisory	The Authority/ Agency Issued to	Purpose of the Advisory
3.	Lake Naivasha Riparian Land	Lake Naivasha Riparian Association (LNRA)	The Commission received complaints pertaining access to, use, management and ownership of riparian lands across the Country. The purpose of the advisory was to ascertain if the land in question is within the Riparian areas of Lake Naivasha and to provide policy direction. Equally, the Commission filed an elaborate affidavit at the Nakuru ELC over this subject.
4.	Intended allocation of Yala Swamp to Lake Agro	Community members, Conservation Organizations, National Environment Management Authority (NEMA), Kenya Wildlife Service (KWS), and Water Resources Management Authority (WRMA)	Allocation of Yala swamp: Usonga/ Usonga Block1/4,1/7 and 1/8 in Siaya County to Lake Agro Limited. The Commission has been advised through an expert-based technical opinion to re-consider its position following objections of the intended allocation of this fragile land for private purpose. In this regard, the swamp is ecologically sensitive and not available for allocation as restricted by Section 12 (2) of the Land Act 2012. Similarly, issuing a 99 lease is equivalent to allocation and therefore in contravention of the law
5.	2 Africa Project	The State Department for Information, Communication Technology (ICT) and Innovation	The 2 Africa project is a continent-wide ICT project that traverses Kenya's coastline (seabed cable network) and expected to land near Nyali and Shanzu beaches, Mombasa. The Commission advised that the seabed constitutes public land under its administration and management and that this is not available for allocation but a reservation can be done by the Commission in line with section 15 and 16 of the Land Act. Further, the Commission guided the applicant on the required documentation to enable the reservation.

The other significant achievements that the Commission made in relation to sustainable management of natural resources in Kenya include:

- i. Hosting the first ever Lake Region Economic Block (LREB) Natural Resources Forum (NaRF) in partnership with Kenya Legal & Ethical Issues Network on HIV and AIDS (KELiN) and Council of Governors (CoG).¹ This forum aimed to promote good governance, sustainable management and administration of Kenya's natural resources including water and wetlands; fisheries and blue economy; forestry and wildlife and; Agro-based and extractive resources.

¹ The Forum was held in Grand Royal Swiss Hotel, Kisumu County on 24th -25th February 2022. Over 75 participants were provided with the opportunity to engage in a strategic conversation on creating a functional and effective platform for building capacity and awareness about sustainable management and prudent use of natural resources.

- ii. Resolving conflicts relating to natural resources: For example, in its advisory regarding “the Status of Gullies and Watercourses within Suswa ICD-Longonot Area (MGR/SGR Link),” the Commission demarcated riparian areas associated with gullies and other related water courses, which was a significant step towards resolving the compensation-related disputes and conflicts in this land-scape. Additionally, the Commission heard the petitions and public views of the Yala Swamp Community that is objecting the Siaya County Government’s intention to lease L.R No Usonga/Usonga/Block 1/4, 1/7 and 1/8 in Siaya County to Lake Agro Limited at the Distinction Garden. Lastly, the Commission held a dialogue session with James Finlay and County Government of Kericho to address the conflict involving Mau Forest encroachments and related matters.
- iii. Guided various Environmental Impact Assessments (EIAs) such as Ngai Ndeithya National Reserves and Ngong Hill forest among others.
- iv. The Kenyan National Natural Resource Atlas has been developed at 90% during the financial year 2021/2022. The Atlas is awaiting public participation and validation.



Figure 2.19: Public Hearings for objection on Intention to Allocate LR No Usonga/Usonga/Block 1 /4,7 and 8 in Siaya County to Lake Agro Limited at Distinction Garden Siaya County

2.1.5.5. Climate Change Mainstreaming

The acceleration of climate change effects has dangerously impacted land use and land cover as well as terrestrial ecosystems. The impacts of climate change have shaped and continue to reshape land use practices. For instance, farmers are shifting to growing crops that are more resilient to the changing climatic conditions. Additionally, forest land is on the decline as farmers look for fertile land with better soil quality to grow crops. These are some of the ramifications of a changing climatic regime in Kenya. Consequently, the reduction in land cover exposes soil to both wind and water erosion and, causing intensified soil /land degradation. As the administrator and manager of all public land in Kenya, the Commission has a pivotal role to play in mainstreaming climate change, especially in land and natural resources governance including land ownership.

In this regard, the Commission developed Climate Smart Conditions that were infused in temporary occupation license (ToL) for dredging Sondu-Miriu River mouth and Kobala in Kisumu and Homa Bay Counties respectively.

Further, in a bid to mainstream climate smart imperatives in land administration and management, the Commission held/participated in over ten climate smart land sessions with stakeholders. These sessions were held both virtually and physically including the design of Low Emission and Accelerated Forest Finance (LEAF) initiative under the Ministry of Environment and Forestry. Equally, the Commission is leading the Land and Climate Change submissions (spearheaded by the Climate Change Directorate) to the United Nation Framework Convention on Climate Change (UNFCCC). The submissions are a culmination of rigorous negotiations at the global level where UNFCCC invited views of contracting parties on the relationship between land and climate change in accordance with the intergovernmental panel on climate change (IPCC) special report (2019) on the relationship between land and climate change. The views of parties will be discussed and/or adopted during the upcoming UNFCCC Conference of the Parties (COP 27) session that will be held in Sherm El Sheik, Egypt at the end of the year 2022.

2.1.6. Development of a Comprehensive Public Land Inventory and Databases

Paragraph 61(2) of the National Land Policy, 2009 mandated the government to secure tenure to public land in Kenya by identifying and keeping an inventory of all land and place it under NLC. On the other hand, Section 8(a) of the Land Act 2012 mandates the Commission to identify, prepare and keep a database of all public land in Kenya. It is against these policy and statutory backgrounds that the Commission developed a functional geoportal of natural resources interface. The geoportal only awaits deployment to the Commission's servers.

The Commission digitized several parcels of public land and, consequently, compiled one report. Equally important, the Commission compiled the report on georeferenced Preliminary Index Diagrams (PIDs) and Registry Index Maps (RIMs) on public land. The Commission, also, compiled the status report on acquired maps and plans.

The other achievement in FY2021/22 was the development and review of Public Land Inventory (PLI) guidelines that would help the Commission in implementing Sections 8 & 10 of the Land Act 2012. The enhancement of the PLI portal is still ongoing.

2.1.7. Monitoring the Registration of Land Rights

Under the powers vested on it by Section 5(2)(b) of the National Land Commission Act 2012, the Commission monitors the registration of all rights and interests in land. During the period under review, the Commission developed the framework for monitoring registration of land rights and interests. The Framework awaits validation and launch though the Commission used it in its functions in the reporting period.

The other achievement the Commission made in respect to the monitoring of the registration of land rights was conducting a study titled “Monitoring the Transition of Group Ranches to Community Land in Kenya” in partnership with NAMATI. The report of the study is ready and awaiting approval and subsequent adoption. Once approved by the Commission, the report will become an advisory to the National Government.

Equally important is that the Commission developed two guidelines on land acquisition in marginalized areas or areas within community lands in Kenya. The guidelines are discussed in Table 2.8.

Table 2.8: Land Acquisition Guidelines related to Monitoring the Registration of Land Rights

S/No.	Guidelines	Uses/Significance/Aims
1.	Guidelines on Large Scale Land Acquisition (LSLA)	LSLA aims to engender some principles of land governance relevant to security of land rights such as environmental conservation and equitable access to land. Secondly, LSLA purposes to protect the interests of communities as well as critical ecosystems. Thirdly, LSLA aims to ensure that communities are food secure and have sustainable livelihoods. Lastly, LSLA aims to provide standard and procedure in dealings entailing acquisitions of large scale land, particularly, in community land.
2.	Guide on Public Land Acquisition within Community Land	This guide was developed in partnership with Kenya Land Alliance (KLA). The guide aims to help communities, particularly those living in areas of unregistered community land, to maximize the benefits by referring to it whenever they are approached to provide land for investments or public purpose. Precisely, the guide will help communities in community land to knowledgeably engage with the investors or acquiring bodies at arm's length for maximum benefits or compensation.

2.2. Use of Land and Security of Land Rights

2.2.1 Mainstreaming Land Use Planning

With the rapidly growing population that is increasingly affecting land uses especially diminishing farmland and, consequently, threatening food security, the Commission has a critical role to play in enhancing its monitoring and oversight responsibility over land use planning throughout the country as per Article 67(2) (h) of CoK. The Commission should, particularly, enhance its efforts of liaising with county governments and local planning agencies in the preparation, implementation and monitoring of County Spatial plans and urban land use plans.

As at the end of FY2021/2022, only seven counties i.e., Lamu, Makueni, Baringo, Kericho, Bomet, Kilifi and Kwale had developed and approved their county spatial plans, which adversely affected the Commission's mandate to monitor and oversee land use planning throughout the country. Bomet being the fifth county to officially launch CSP in Kenya became the first County to translate CSP into the local dialect, Kipsigis version. This has ensured a wider range of awareness and ownership by the residents in regard to the proposals that are outlined in the spatial plan.



Figure 2.20: NLC Team led by Commissioner Esther Murugi and Ag. Secretary/CEO during the launch of the Bomet's County Spatial Plan (CSP) that was presided over by H.E. Governor Prof. Hillary Barchok

2.2.1.1 Monitoring and Oversight of the Implementation of the National Land Use Policy and National Spatial Plan

The Sessional Paper No. 1 of 2017 on National Land Use Policy (NLUP) sets out long term goals on land use management to promote the best land use practices for optimal utilization of land resources. Paragraph 4.1.6 of NLUP vests the responsibility for ensuring its implementation to the Commission.

National Spatial Plan (NSP) provides a national spatial structure that defines how Kenya's territory should be utilised to ensure optimal and sustainable use of land and national development. Paragraph 5.7(5) of the NSP 2015-2045 assigns the Commission the responsibility to monitor and oversee its implementation so that it is carried out in an effective and efficient manner. The two policy documents have assigned specific roles to various implementing agencies, both at the national and county levels.

The Commission has developed this NLUP framework as basis to monitor, oversee and guide reporting on performance of various public, private, communities and non-state actors in performing their obligations as outlined in the policy. This tool provides a series of parameters for monitoring, overseeing and reporting on the implementation of the sessional paper No. 1 of 2017 on National Land Use Policy.

The NSP framework serves as an instrument to be used by the Commission to ensure that the plan is implemented in line with the clarion call by government to prioritize the implementation of the plan. This ensures effective and efficient implementation of the Plan to facilitate the country to attain: optimum utilization and sustainable management of land and land-based resources; strengthened global competitiveness; economic efficiency; balanced regional development; livable and functional urban and rural human settlements; and safeguard the natural environment for high quality of life. This tool outlines parameters, processes and procedures for monitoring and overseeing the implementation of NSP to ensure its effective implementation.

Efficient and effective implementation of the NLUP and NSP will ensure the promotion of best land use practices and optimal utilization of land resources. It will also, help in addressing the presently experienced challenges of food security, environmental degradation, urbanization, transportation, regional inequalities and unsustainable use of natural resources thus transforming how land, in Kenya, will be used and managed.

2.2.1.2 Review of County Spatial Plans

While County Governments are the planning authorities responsible for preparing, approving and implementing County Spatial Plans (CSPs), the Commission is the agency responsible for monitoring and overseeing the preparation and implementation of the plans. The Commission reviewed and made recommendations on nine (9) draft CSPs. The nine include: Nyandarua, Nyeri, Kirinyaga, Kwale, Samburu, Kajiado, Narok, Kilifi and Bomet. Three (3) of the plans have already been finalized and approved: Kwale, Kilifi and Bomet.

2.2.1.3 Review of Urban Land Use Plans

The Commission reviewed and recommended improvement of various urban land use plans. The reviewed plans include:

- Eldama Ravine Urban Plan in Baringo county
- Eighteen in Kajiado County including Ongata Rongai, Sultan Hamud-kajiado, Oltepesi, Kumpa, Lower Matassia, Saikeri, Sholinke, Loitoktok, Masimba, Mishuuru, Nkoile, Knukuon, Noonkopir Block I, Noonkopir Block II, Olchorro Block I, Olooitoikishi, Oloosirkon and Orum.
- Five in Lamu namely: Mikindunii, Kiangwe, Vumbe, Gazi and Kiziwa Cha Paka
- One in Sultan Hamud in Makueni County.
- The Konza Technopolis City local physical and land use development plan for phase 2 and 3.
- Kaloleni trading center plan in Kilifi County.

2.2.1.4 Monitoring and Oversight Reports

The Commission compiled Monitoring and oversight reports covering the status of the preparation, approval and implementation of land use plans. These reports highlighted the findings and provided recommendations that were shared with the respective County Governments. The Commission compiled monitoring reports for Kisumu and Nyandarua Counties. Further, the oversight reports for Narok, Kilifi, Bomet, Kwale, Baringo and Lamu were successfully completed and shared with the respective County Governments.

2.2.1.5 Sensitization and Capacity-Building on Land Use Planning

The Commission sensitized various stakeholders and Planning Authorities on land use planning during the period under review. The sensitization and capacity building forums were carried out for Nyandarua, Marsabit, Isiolo and Embu County Governments.

2.2.1.6 Advisories on Status of Land Use Planning

The Commission issued four (4) advisories as captured in Table 2.9.

Table 2.9: *Advisories Issued by the Commission on Status of Land Use Planning*

S/No.	Advisory	Description	Actors
1.	Advisory on plans to be used to allocate public land	The process of alienating public land through Part Development Plans (PDP) was provided for in the Physical Planning Act, Cap 286 which has since been repealed by the Physical and Land Use Planning Act, 2019. This necessitated the Commission to issue an advisory on the plans to be used in allocation of public land. It should be noted that Legal Notice No. 248 of the Physical and Land Use Planning Act, (Local Physical and Land Use Development Plan) Regulations, 2021 now provide for PDPs under short terms plans	Ministry of Lands and Physical Planning
2.	Advisory on the Implementation of approved County Spatial Plan	The Commission developed an advisory to the Counties which have prepared and approved CSP to guide the implementation process.	Lamu, Makueni, Kericho, Baringo, Bomet through Council of Governors
3.	Advisory on PDP for Ngong Veterinary Farm	Advisory on issues to be reviewed before approval	MoLPP
4.	Advisory for Shauri Yako Informal Settlement	This was advisory on the amalgamation and subdivision for regularisation of the existing informal settlement	County Government of Meru

2.2.3. *Promotion of Research on Land and Use of Natural Resources*

The National Land Commission is mandated by the Constitution of Kenya under Article 67(2) (d) and National Land Commission (NLC) Act Section 5(1) (d) to conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities. The Commission continued to implement this mandate guided by the SP and the Commission Research Framework. Through this the Commission endeavored to promote dialogue on land, interaction, inquiry and participatory research between researchers, communities and policy makers with a view of informing land reforms, sustainable development, development of a knowledge repository on matters land in Kenya and implementation of the “Big Four” Agenda, and Vision 2030.

2.2.3.1. *Research on Land and Use of Natural Resources*

The Commission has undertaken several research projects on land and use of natural resources and disseminated the findings as shown in table 2.10.

Table 2.10: Summary of Research Reports done in the FY2021/2022

S/No.	Research Title	Status
1.	Effects of Land Fragmentation on Land Use and Food Security. Case Study of Nyamira, Laikipia, Nandi, Trans Nzoia, Taita Taveta, Kiambu, Kajiado, Nakuru, Tana River, Makueni, Isiolo, Kisumu and Vihiga	The report was completed and research findings disseminated. A policy brief has been developed.
	Youth Access to Land in Rural Kenya	Conference paper done and presented at the Land Policy in Africa (CLPA) conference held in a hybrid format on November 2- 4, 2021.
	Cultural Dynamics and nature of land conflicts in Kilifi and Kajiado, Kenya.	Conference paper done and presented at the Land Policy in Africa (CLPA) conference held in a hybrid format on November 2- 4, 2021.
	Tenancy-at-will Land Tenure System; its sustainability and place in Kenya's Legal Framework (Case study of Mombasa and Lamu Counties). ¹	Draft Report developed and internal validation done. Awaiting stakeholder validation.

The Commission has also developed various concepts and terms of reference for research projects to be undertaken jointly with research institutions and partners as shown in Figure 2.11.

Table 2.11: Research Proposals and Terms of Reference on Research on Land and Use of Natural Resources

S/No.	Title of the Research Project	Status
	Sustainable Use and Exploitation of the Blue Economy to Support Livelihoods. Case Study of Kilifi, Kwale, Mombasa, Kisumu and Lamu Counties.	Data collection undertaken in Kisumu County and ongoing data analysis and Report writing. Data collection in the other study areas to be carried out in the FY22/23.
	Innovative Ways of Revenue Generation from Land Based Natural Resources, Forest and Waters.	Concept note and terms of reference developed.
	Optimal Use and Protection of Fragile Ecosystems and Wetlands	Concept note developed and terms of reference developed.
	Communities' role in Managing Natural Resources; A Focus on Forests.	Research proposal and terms of reference done.
	Sustainable use and Protection of Wetlands in Kenya using Traditional and Indigenous Knowledge; Case of Yala and Ondiri Swamps	Concept note developed.

2.2.3.2. Highlights on Research on the Effects of Land Fragmentation on Land Use and Food Security in 13 Counties

The multi-agency research study on “*The Effects of Land Fragmentation on Land Use and Food Security in 13 Counties*,” supported by FAO, was completed and the report launched and disseminated. The distribution of the 13 sampled counties is shown in Figure 2.20. According to the National Land Policy 2009, land fragmentation is a significant threat to agricultural productivity in Kenya. Equally important, the attainment of the economic pillar goal of Vision 2030 is dependent on effective agricultural development and proper land use. The study had four main objectives that are outlined below:

- i. Investigating the status of land fragmentation in the study areas;
- ii. Identifying the drivers of land fragmentation in the study areas;
- iii. Analysing the effects of land fragmentation in the study areas;
- iv. Recommending sustainable ways of addressing land fragmentation.

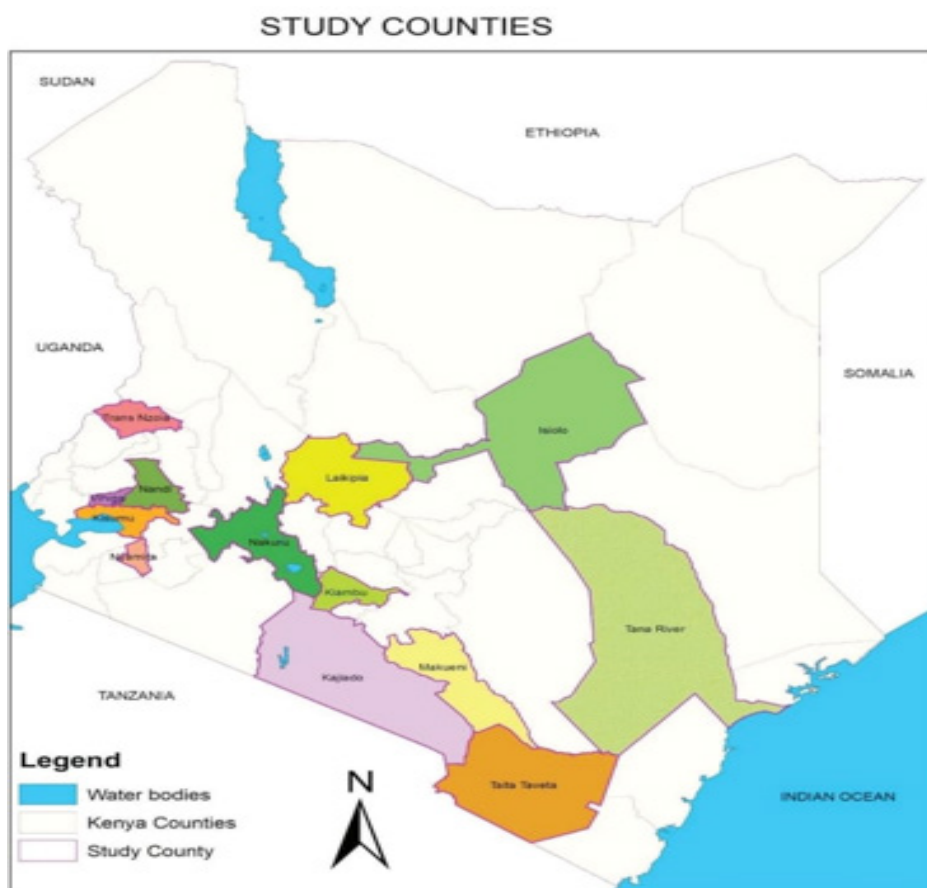


Figure 2.21: Map of the 13 Counties Sampled for the Study

Guided by these objectives, two sets of data were collected. The first set of data was the land use, land cover (LULC) mapping for the 13 study areas, which aimed at identifying LULC changes over the years. These data were collected from Landsat satellite images for the years 1990, 2000, 2010 and 2019. The second set of data was collected from 2,719 respondents/participants from across the 13 counties/study areas using a questionnaire. Also, secondary data were collected from the Kenya National Bureau of Statistics. The aim of the second set of data was to accomplish the socio-economic module thematic area of the study.

The study found that agricultural land across the 13 counties is widely fragmented. According to the study, this fragmentation of agricultural land is attributable to the rapid population growth; inheritance of agricultural land; uncontrolled urbanization; and the lack of/or weak implementation of agricultural protection policies; and land speculation and development due to big public projects.

Among the recommendations of the study included:

- development of guidelines on viable minimum agricultural land sizes for all counties;
- enhancing sensitization and awareness about negative impacts of land fragmentation;
- enforcing the existing processes and procedures in land transactions among others.

The recommendations of the research will contribute immensely to enhancing agricultural productivity and, consequently, food security in Kenya, which is a key pillar in the Big Four Agenda and achievement of Vision 2030.



Figure 2.22: Launch of the Research Reports on Effects of Land Fragmentation on Land Use and Food Security in 13 Counties and Large Scale Land Acquisition Safeguards on 7th March 2022

2.2.3.3. Land Conference

I. National Research Conference

The National Land Commission in partnership with the National Research Fund planned and held the Inaugural National Research Conference. This two-day hybrid Research Conference was held at Safari Park Hotel, Nairobi on 24-25 November 2021, and attended by over 450 participants and 26 presenters made presentations. The theme of the conference was “Sustainable use of land and natural resources to enhance food security in Kenya.” The Conference was aimed at collating, synthesizing and sharing knowledge on the sustainable use of land and natural resources. The Conference was the first of its kind and it opened the door for an annual research conference. The eight broad thematic areas of discussion at the Conference included:

- Sustainable use of land to enhance food security in Kenya;
- Sustainable food systems in Kenya;
- Climate crisis and food security;
- Land-based natural resource conflicts;
- Land governance and management in the use of land and natural resources;
- Sustainable utilization of land-based natural resources;
- Innovative technologies for sustainable agricultural production;
- Youth and women in the context of sustainable land use.



Figure 2.23: Opening Remarks by NLC Deputy Director for Research, Dr. Mary Wandia on 24th November 2021

The key outputs of the conference were the Conference Report and Proceedings and a documentary and the declaration of the conference to be held annually. The conference created an avenue for researchers drawn from government agencies, NGOs, Academia and the private sector to share their research findings related to the conference theme.



Figure 2.24: NLC Chairman, Commissioners and Secretariat Staff during the National Research Conference on 24th November 2021

II. 2021 Conference on Land Policy in Africa

Conference on Land Policy in Africa (CLPA) was held in a hybrid format on 2- 4 November 2021, under the theme: “Land governance for safeguarding art, culture and heritage towards the Africa We Want”. The Commission presented the following papers:

- a) Youth Access to Land in Rural Kenya.
- b) Cultural Dynamics and nature of land conflicts in Kilifi and Kajiado, Kenya.

2.2.3.4. Commission Research Seminars

The Commission in its endeavour to boost the dialogue and interaction on land and natural resources held several research seminars. The seminars are also a forum through which stakeholders disseminate and validate their research findings related to land and natural resources. Due to the challenges that resulted from COVID-19, many of these seminars were held virtually. Table 2.12 summarizes these seminars.

Table 2.12: Seminars held by the Commission for the Dissemination of Research Findings

S/No.	Research Title	Presenter
1.	Comprehensive Programme for Registration of Title to Land in Kenya	Mr. Samuel Odari from NLC
2.	Managing Agricultural Land for Food and Livelihood Security	Dr. Fridah Mugo from the University of Nairobi
3.	Land Use and Land Cover Changes in Kenya	Dr. Frank Masese from University of Eldoret
4.	Enhancing Management of Land Resources in Kenya	Ms. Beverly Musili from KIPPRA
5.	Presentation on the Effects of Land Fragmentation on Land Use and Food Security in 13 Counties	Dr. Mary Wandia from NLC
6.	Public Lecture on Celebrating a Decade of Promoting Constitutionalism and Observance of Democratic Value and Principles.	Constitutional Commissions and Independent Offices (CICOs)

2.2.3.5. Policy Briefs and Recommendations

The Commission guided by the various researches undertaken developed policy briefs to further disseminate research finding, inform policy and create awareness on matters sustainable use of land and natural resources in Kenya. These are;

i). Enhancing mobilization of Land to support Government Agenda

The policy brief identifies challenges and issues undermining land mobilization in Kenya including corruption, speculation, inadequate information on status of land, trespass and illegal occupation of land, breach of conditions imposed on land and encroachments by the private developers on public land. The policy recommendations in the brief include the following;

- The need for the Government to develop guidelines to harmonize frameworks and process among all agencies and county governments;
- Establishment of a clear monitoring framework for alienation, allocation, disposal or acquisition of public land including ownership, locations and changes in ownership;
- Regulation of compulsory acquisition through Land Value Index;
- The need to clarify procedures and factors for compulsory acquisition and apply them consistently;
- The commission to trace the status of properties identified in the Ndung'u Report, audit their current ownership and use and recover them;
- Develop an institutional framework to govern and regulate land banking, its composition, function, status and process;
- Regulate minimum and maximum acreage of land holding and establish land value capture.

ii). Comprehensive programme for registration of title in Kenya

The policy brief is based on the advisory on the comprehensive programme for registration of title in Land in Kenya, published by the Commission and also based on its updated information on their implementation.

The brief recommends the following;

- The need to focus on a comprehensive planning to cater for urban unregistered land, formalization of all plots allocated and use of alternative dispute resolution (ADR) and traditional dispute resolution (TDR) mechanisms to resolve conflicts in urban areas;
- Address the land adjudication cases with that are pending and provide adequate staff, equipment and financial support;
- Focus to modernize county cadaster development and strengthen county governments' capacity to uptake survey and mapping in accordance with schedule 4(8)(b) of the Constitution of Kenya, 2010;
- Document all allocations and leases and coordination of mechanisms for school titling programme;
- Formation of the beneficiary identification committees at sub county levels;
- Slum upgrading programmes and biometric identification of squatters to monitor informal settlements.

2.2.3.4. Other Notable Achievements that the Commission made towards the Promotion of Research on Land and Use of Natural Resources

These achievements include:

- Participating in training sessions and seminars aimed at strengthening the capacity of the Commission staff in land governance. Among them include training on Political Economy of Land Governance in Africa, which was organized by Network of Excellence on Land Governance in Africa (NELGA) and Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of Western Cape virtually on 6th-10th September 2021; GIS Training for planning and Occupational Safety and Health in Environmental Social Impact Assessment (ESIA) process organized by Kenya Institute of Planners and Environmental Institute of Kenya; ADR training on conflict sensitivity and gender responsiveness in land governance programming, on 23rd-25th March 2022 in Uganda organized by IGAD.
- Participation in Conferences and workshops to promote and build partnerships in the land sector locally and internationally. Participation in the workshop on validating a tool on Gender sensitive ADR on 29th August 2021 held in Ethiopia organized by IGAD; Participation in the Conference on Land Policy in Africa on 1st -4th November 2021; Participation in the KIPPRA conference held on 15th -17th June 2022 and presented a paper on the National Wetlands Conservation and Management Policy; Participation in the Land Use Planning for Sustainability workshop in Nanyuki organized by Center for Training and Integrated Research in ASAL development (CETRAD) on 3rd -4th May 2022.



Figure 2.25: ADR Training on Conflict Sensitivity and Gender Responsiveness in Land Governance Programming, on 23rd-25th March 2022 in Uganda organized by IGAD

2.3. Revenue Generation from Land and Land-based Resources

One of the Constitutional functions of NLC is *to assess tax on land and premium on immovable property in any area designated by law*. This function is provided for in Article 67(2)(g) of the Constitution of Kenya, 2010. The function suggests that the Commission is instrumental to enhancing the National and County governments' revenue collection. Recognizing that revenue generation is a crucial role to the implementation of Government Agenda including the Kenya Vision 2030 and its MTPs and the Big Four Agenda, the Commission included "Revenue Generation from Land and Land-based Resources" as one of its key areas of focus in the SP 2021-2026.

The Commission carried out various activities and implemented programmes geared towards enhancing the generation of revenue from land and land-based resources. One of these activities was the reviewing of the Land Value Act 2010. Subsequently, a report on proposed amendments to the Act in a bid to enhance revenue generation from land and land-based resources was developed.

In addition to carrying out activities that would enhance revenue collection, the Commission is legally mandated to receive rents, royalties and other payment under lease or licences as per Section 28(1) of the Land Act 2012. However, due to some challenges, the Commission only generates revenue from processing and issuing letters of allotment. During the year under review, the Commission generated Ksh. 163.63 million compared to Ksh.15 million generated in FY2020/2021. The cumulative performance of the Commission with respect to revenue generation is summarized in the graph below.

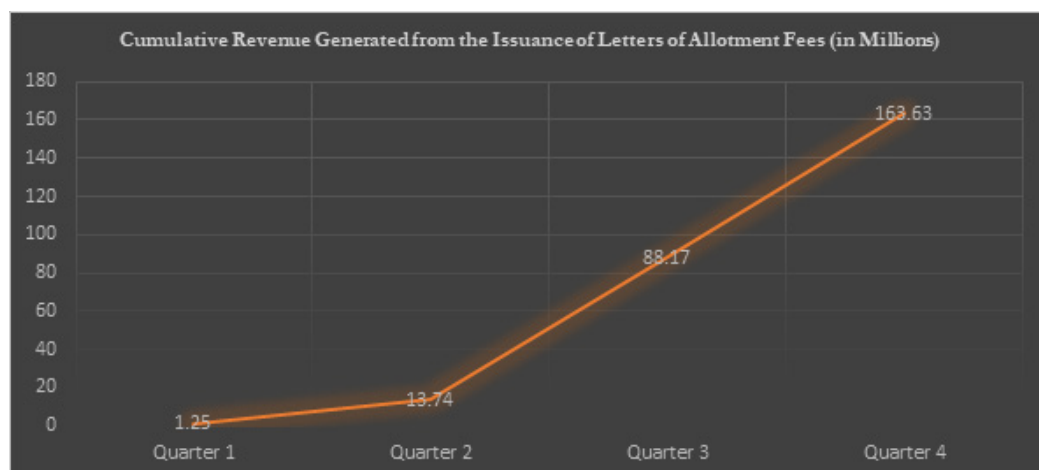


Figure 2.26: Cumulative Revenue Generation from Issuance of Letters of Allotment Fees During the FY2021/2022 (in Millions)

2.4. Land Dispute Resolution and Conflict Management

Pursuant to Article 67(2)(e) & (f) of the Constitution of Kenya, the Commission has the mandates of initiating investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress; and encouraging the application of traditional dispute resolution mechanisms in land conflicts. Additionally, under Article 252(1)(b) of the Constitution of Kenya, the Commission has the necessary powers for reconciliation, mediation and negotiation. These Constitutional mandates suggest that the Commission has critical role to play in fostering conflict resolution on land matters throughout the country by applying the practices of civil litigation, TDR/AJS models and ADR. The effective accomplishment of these mandates is very important to achieving the Commission's core goal of implementing land reforms in Kenya. As a result, the Commission identified "Land Dispute Resolution and Conflict Management" as a key result area of focus in the SP 2021-2026. During the period under review, the Commission identified two strategic areas of focus in relation to this key area of focus. The two strategic objectives are the provision of redress to land disputes and provision of redress for HLI. In addition to the two strategic areas, the Commission was enjoined in various court cases concerning land matters and its mandates in line with Article 253 of the Constitution of Kenya, 2010.

2.4.1. Provision of Redress to Land Disputes by TDR, ADR and AJS Mechanisms

In the spirit of Article 252(1)(b), Article 60(1)(g) of the Constitution of Kenya, and Section 170(c) of the National Land Policy 2009, the Commission continued to promote and facilitate the use of ADR, TDR and the alternative justice system (AJS) to enhance a peaceful, speedy and cost-effective access to justice during the period under review. The Commission's efforts to provide redress to land disputes using the two mechanisms were evidenced by the development and implementation of draft Regulations, Guidelines and Standard Operating

Procedures for AJS/TDR as well as ADR.

Table 2.13: Summary of the Commission's Performance in relation to Enhancing Peaceful Resolution of Disputes using the TDR/ADR/AJS Mechanisms in FY2021/2022.

S/No.	Activity	No. of Cases	Remarks
1.	Disputes received and admitted to be resolved by ADR/TDR/AJS mechanisms	1700	We were able to admit 1700 disputes in all the 47 counties
2.	Disputes successfully resolved through ADR/TDR/AJS mechanisms	70 properties	We Successfully resolved 70 cases using the mentioned Alternative means of dispute resolution
3.	Investigative hearings ongoing	1	For Isiolo County

2.4.2. Redress of Historical Land Injustice

The Commission derives its mandate to investigate the current and Historical Land Injustices (HLI) from Article 67(2) (e) of the Constitution of Kenya (CoK). Precisely, the CoK empowers the Commission to initiate investigations on its own initiative or in response to a complaint and make recommendations for appropriate redress. Section 15 of the National Land Commission Act 2012 as amended by Section 38 of the Land Laws (Amendment) Act 2016 operationalizes this article. The procedure for investigating HLI claims in accordance with Section 15 is as summarized in the table below:

Table 2.14: Summary of the Procedure for Investigating HLI Claims

Steps	Activity	Explanation
Step 1	Receiving Claims	The Commission receives claims subject to the powers conferred on it by Section 15(1) of the NLC Act 2012.
Step 2	Admitting Claims	Claims are admitted subject to admissibility criteria under the NLC Act Section 15(3).
Step 3	Investigations	Enquiries and Investigative hearings are conducted using the powers provided for under Section 6 of the NLC Act.
Step 4	Recommendations	After hearing any admitted HLI case the Commission makes recommendations.

The Land Laws (Amendment) Act of 2016 gave the Commission five (5) years to receive HLI claims. This period lapsed on 21st September, 2021. The Commission received 3,663 claims from 2017 to 2021. Kilifi County had the highest submitted claims (54%) while Nyamira had the lowest (1%). The distribution of the claims across the Counties is as shown in Table 2.15.

Table 2.15: Distribution of the Received HLI Claims Across Counties

S/No.	County	No. of claims	Percent (%)	S/No.	County	No. of claims	Percent (%)
1.	Kilifi	1,978	54%	26.	Busia	15	0.4%
2.	Mombasa	234	6%	27.	Makueni	15	0.4%
3.	Kwale	184	5%	28.	Meru	13	0.4%
4.	Kiambu	179	5%	29.	Embu	11	0.3%
5.	Tana River	121	3%	30.	Kakamega	11	0.3%
6.	Nandi	84	2%	31.	Kirinyaga	10	0.3%
7.	Murang'a	79	2%	32.	West Pokot	10	0.3%
8.	Trans-Nzoia	78	2%	33.	Bomet	7	0.2%
9.	Nakuru	66	2%	34.	Kisii	7	0.2%
10.	Narok	65	2%	35.	Siaya	6	0.2%
11.	Nairobi	61	2%	36.	Tharaka Nithi	6	0.2%
12.	Baringo	55	2%	37.	Migori	5	0.1%
13.	Taita Taveta	40	1%	38.	Garissa	4	0.1%
14.	Uasin Gishu	39	1%	39.	Mandera	4	0.1%
15.	Elgeyo Marakwet	31	1%	40.	Nyandarua	4	0.1%
16.	Kisumu	26	1%	41.	Turkana	4	0.1%
17.	Nyeri	25	1%	42.	Vihiga	4	0.1%
18.	Laikipia	24	1%	43.	Marsabit	3	0.1%
19.	Kajiado	23	1%	44.	Homabay	2	0.1%
20.	Machakos	23	1%	45.	Kitui	2	0.1%
21.	Kericho	22	1%	46.	Wajir	2	0.1%
22.	Isiolo	20	1%	47.	Nyamira	1	0.0%
23.	Lamu	18	0.5%	48.	Trans-County	8	0.2%
24.	Bungoma	17	0.5%	Totals		3,663	100%
25.	Samburu	17	0.5%				

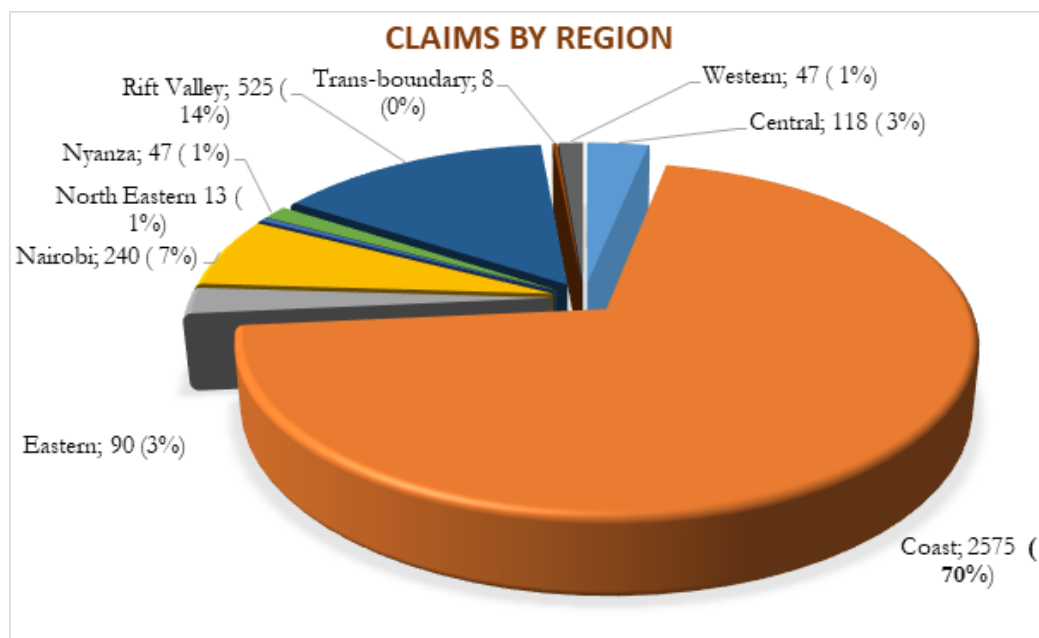


Figure 2.27: Distribution of the received HLI Claims per Region

As exhibited by pie chart in Figure 2.26, Coast region leads in relation to the number of HLI claims with 70%, followed by Rift Valley and Nairobi with 14% and 7%, respectively.

2.4.3. Strategies to Enhance Historical Land Injustice Process

Cognizant of the fact that the deadline for hearing, determining and gazetting of admitted HLI claims is set for September 2026, which is so close, the Commission has developed several strategies for hastening this process. These strategies include:

- Establishment of HLI Committee and HLI Secretariat;
- Digitization of HLI documents;
- Encouragement of AJS and ADR mechanisms;
- Enhanced external and internal synergy for handling HLI claims;
- Developed jurisprudence in court;
- Invoking Section 16(2) of the National Land Commission Act 2012 to co-opt experts into the HLI Committee;
- Bridging the existing staff gap by hiring more Lawyers, Land Administrators, Surveyors, Planners; Settlement and Adjudication Officers, Historians, Researchers and Environmentalists and;

- Seeking the extension of the HLI timeframe of 10-years as provided for by Section 15(11) of NLC Act 2012. The Commission intends to pursue the Omtatah case of 2021 and the Malindi Law Society case that challenged the Constitutionality of the statutory period limits (based on Article 67(2) (e) of the CoK) of HLI victims making compensation claims and the Commission hearing, determining and recommending the appropriate redress.

The Commission conducted investigative hearings for 58 claims in which four (4) have been concluded awaiting determination and 54 are ongoing. However, the Commission has identified several obstacles that may obstruct its focus to conclusively address all the admitted HLI claims by the set statutory timeframe. The main challenges include: insufficient budget, court actions/injections, lack of documentations and co-operation reluctance from state agencies.

2.4.3. Civil Litigation

The Constitution, particularly under Article 159(c), encourages the use of reconciliation, mediation, arbitration and TDR mechanisms to resolve disputes and conflicts. Unfortunately, Kenyans have not confidently and fully embraced these mechanisms when it comes to resolving land disputes. As a result, NLC has been enjoined in various court cases that relate to land matters across various levels of courts. Precisely, the Commission had 3,060 ongoing cases as of the end of FY2021/2022. Of these court cases, the Commission resolved and brought to a conclusion 97 cases, some on out of court settlement. This success rate in concluding court cases can be attributed to the significant improvement that the Commission's advocates made in court attendance during the year under review, which stood at 80%. The 97 concluded court cases are as distributed in Table 2.16 based on the type of land dispute that resulted in the institution of these cases.

Table 2.16: Categorization of the Successfully Concluded Court Cases

S/No.	The Type of Land Dispute that caused the Institution of the Court Cases	No.
1.	Illegal Disposition of Public Land.	31
2.	Encroachment of Road Reserve	20
3.	Encroachment of Riparian Land	17
4.	Encroachment on Public Land and Public Utility Land	22
5.	Others	7
Total		97

As a result of the successful conclusion of the 97 court cases, the Commission contributed to the recovery and reversion of public land to the relevant institutions.

2.4.4. Policy Briefs and Recommendations

The Commission develops and issues policy briefs to various government agencies and appropriate authorities on matters related to land dispute resolution and conflict management. During the reporting period, the Commission made a policy brief and recommendation on ADR Policy Guidelines to be implemented in all the 47 Counties.

2.4.5. Review of Legislation

The Commission reviewed and proposed amendments to seven pieces of legislation and regulations namely:

- The National Rating Bill, 2022;
- The Valuers Bill, 2022;
- Alternative Dispute Resolution (ADR) Bill 2019;
- The National Land Commission Act, 2012;
- Review regulations under the Land Act, Land Registration Act to align to the Land Value (Amendment) Act, 2019;
- Sectional Properties Act;
- Regulations on the Urban areas and Cities Act 2011 (As amended 2016 and 2019).

2.4.6. Other Key Achievements of the Commission relating to Land Dispute Resolution and Conflict Management

The other significant achievements that the Commission made in FY2021/2022 concerning land dispute resolution and conflict management include:

- i. Drafting AJS, ADR and TDR regulations;
- ii. Alternative Justice (AJS) guidelines for Kajiado county AJS mechanism;
- iii. Guidelines and Standard Operating Procedures for Case management;
- iv. Preparation of the legal framework to operationalise Likoni Cable Car reservation;
- v. Training community Elders, Chiefs, non-governmental organisations (NGOs) and relevant stakeholders on AJS. These training sessions were conducted in Isiolo, Kajiado and Nakuru Counties;
- vi. Development and implementation of a legal framework for conducting land use planning disputes under section 9(e) of the Physical and Land Use Planning Act (PLUPA), 2019;
- vii. Development of one Guideline and Standard Operating Procedures for case management.
- viii. Development of ADR Policy Guidelines.

- ix. Successfully concluded Lake Victoria Sewerage Project Mediation case.
- x. Through ADR the Directorate was able to recover Tononoka Children's Court and Tononoka Police Station Land (Mombasa).
- xi. AJS Framework for Mombasa- Mariakani duelling project.
- xii. Conducted ADR hearings in Mombasa, Kwale, Kilifi, Kajiado and Isiolo Counties.
- xiii. Conducted AJS hearings in Kajiado.
- xiv. Preparation of collaboration agreements with National Environment Complaints Council (NECC), Law Society of Kenya (LSK), GIZ and IDLO.
- xv. Held stakeholder consultations with the judiciary to enhance efficiency in litigation.



Figure 2.28: NLC conducting Alternative Dispute Resolution (ADR) Hearings in Kilifi County on the Case of Kibabamsbe Settlement Scheme and other Long-standing Cases in the County



Figure 2.29: A Section of Members of Public that attended the ADR Hearings in Kilifi County

2.5. Institutional Strengthening

Institutional Strengthening is a strategic area of focus that is aimed at enhancing the effectiveness, efficiency and sustainability of the National Land Commission in relation to service delivery. During the period under review, the Commission developed and implemented various Institutional Strengthening strategies that were instrumental to the achievement of the established strategic objectives, which ultimately, resulted in improved corporate image and service delivery to Kenyans. These strategies were broadly grouped into five categories namely Strengthening Human Resources Capacity; Improvement of the Work Environment; Enhancing the Corporate Image; Enhancing Financial Sustainability; and Strengthening Internal Systems and Processes.

2.5.1. Strengthening Human Resources Capacity

2.5.1.1. Recruitment of Staff

Article 252(1)(c) of the CoK gives the Commission the power to recruit its own staff. The current human resource staff complement stands at five hundred and forty-nine (549) against an approved establishment of one thousand two hundred and sixteen (1,216). During the reporting period, the Commission recruited 14 members of staff and also advertised eighty-one (81) jobs for internal promotions/re-designations.

2.5.1.2. Career Progression Guideline

In order to strengthen HR management systems, the Commission embarked on the process of developing Career Progression Guidelines in partnership with the State Department for Public Service. The draft Career Progression Guideline has been finalised and is awaiting approval by the Commission.

2.5.1.3. Organizational Structure, Grading Structure, Staffing Level

The Commission requested for assistance from the State Department for Public Service to review the organization structure, grading structure and staffing levels. The same having been brought about by changes in various legislations touching on the Commission and the enactment of a new SP 2021-2026. The team from the State Department for Public Service has since finalised the review of organisation structure, grading structure and staffing levels and the same was approved by the commission for implementation.

2.5.1.4. Staff Performance Management

The Commission is committed in the enactment and implementation of Commission Performance Management Policy. To actualize the same, the Commission established a Staff Performance Management Committee (CPMC) that has been mandated to; ensure that there is fairness and consistency between the various directorates, departments and counties on how targets have been set and how the reports have been prepared compared to the general

performance of the Commission; consider and moderate individual performance scores and make recommendations to the Secretary/CEO. During the period under review, staff complied with the Commission Performance Management System by way of filling staff performance appraisals.

2.5.1.5. Training Revolving Fund

The Commission commenced the process of developing a policy framework on training revolving fund. Benchmarking was done with other Government Agencies with the aim of establishing the best practice in development and operationalization of a training revolving fund. The development and operationalization of the fund will be finalised in the FY 2022/2023.

2.5.1.6. Human Resource Policies and Procedures Manual

The Commission Partnered with the State Department for Public Service to review Human Resources and Administration Policies and Procedures Manual. The Human Resources and Administration Policies and Procedures Manual has been finalised and its undergoing approval by the Commission.

2.5.1.7. Epidemic Mitigation Tools

The Commission continued to mitigate and fight the COVID-19 pandemic through provision of various tools and infrastructure throughout the period under review. The following measures among others were adopted; facilitation of staff to work from home, installation and distribution of sanitizers, distribution of face masks to employees, regular office fumigation and provision of spacious working space.

2.5.1.8. Youth Empowerment

In support of the Government's Youth Empowerment Initiative to develop a pool of young talent for the Kenyan labour market, the Commission engaged 128 interns and 16 students on attachment. This has seen the engaged youth being well trained and ready for the job market.

2.5.1.9. Staff Training

To enhance staff members' skills in their areas of work, increase productivity and reduce the rate of turnover the Commission trained 534 staff members on various thematic areas.

2.5.2. Improvement of the Work Environment

2.5.2.1. Office accommodation

A spacious and quality workspace is instrumental to creating a productive atmosphere and preventing employees' likelihood of developing work stress. Premised on this understanding,

the Commission leased 57,700 sq. feet office space at 316 Upper Hill Chambers Building, 19th floor, Nairobi in which it moved its HQ Offices. However, the Commission still faces the challenge of office space at the County offices.

2.5.1.2. Acquisition of Commission's vehicles

The Commission acquired twenty-two (22) vehicles during the year under review, of which two (2) were donated by the Food Agriculture Organization (FAO). The vehicles will support and promote efficiency in staff movement, which will ultimately enhance service delivery to the people of Kenya.

2.5.1.3. Staff Occupational Health and Safety Standards

The Commission maintained a conducive work environment for all its staff members in compliance with the Occupational Health and Safety Standard and, subsequently, developed a compliance report on the same during the year under review.

2.5.1.4. Staff Welfare Matters

The improvement of staff welfare to enhance their productivity was, also, a key area of focus during the period under review. In FY2021/2022, the Commission enhanced staff welfare by procuring four (4) insurance covers namely; Staff Medical Cover, Group Life Cover, Group Personal Accident Cover and WIBA Cover.

2.5.1.5. Staff House & Car loans

Further, the Commission extended its duty of care to staff members by sourcing funds for house mortgage and car loans. In FY2021/2022, seven (7) staff benefited from house loans while six (6) from car loans. However, the greatest impediment to this low disbursement is attributed to under-funding of these two (2) schemes.

2.5.2.6. Anti-Corruption Policy Framework

Integrity is one of the Commission's core values, which explains why it strives to make its work environment corruption-free. In this regard, the Commission initiated the development of an Anti-Corruption Policy Framework which will be finalized in FY 2022/2023. The same will promote a culture of integrity in the organisation. However, the Corruption Prevention Committee (CPC) comprising 12 members has been formed and 14 Integrity Assurance Officers (IAOs) appointed. It is anticipated that Ethics and Anti-Corruption Commission (EACC) will train members of the CPCs and IAOs in FY2022/2023.

2.5.3. Enhancing the Corporate Image

NLC is cognizant of the fact that a positive corporate image is a crucial asset that enhances public confidence in the services that it offers. Premised on this knowledge, the Commission identified the enhancement of corporate image as one of its strategic objectives and, consequently, invested a significant amount of resources and time towards the achievement of the same.

The Commission developed a Communication and Advocacy Strategy 2021-2025 to align its communication with the organizational objectives so as to produce meaningful results. This strategy aims to raise public awareness about the Commission's activities, mandate and functions as well as to improve public confidence in the Commission and keep the hopes of Kenyans alive that the Commission is on track to achieving land reforms in Kenya. The draft is to be launched and adopted by the Commission in FY2022/2023.

Still on the aspect enhancing public awareness on its activities, the Commission conducted Public Education and Awareness Campaigns including media briefings, meetings, seminars, conferences, exhibitions trade fairs and summits. Further, to improve the visibility and improve awareness on its activities, the Commission developed, printed and disseminated over 10,000 Communication, Education and Public Awareness (CEPA) materials on various thematic areas relating to the management and administration public land. The Commission has embraced social media and now has a strong presence in Facebook, Twitter and Instagram.

In a bid to strengthen partnerships and collaborations and mobilize resources to compliment the funds allocated by the government, the Commission prepared thematic concept notes and held various donor round table meetings with various stakeholders. Additionally, signing of MOUs and partnership agreements with various partners was instrumental to enhancing the Commission's financial sustainability in FY2021/2022. During this reporting period, the Commission signed MOUs with CLAN, KELiN and Samburu Women Trust to supplement the allocated budget from the National Treasury.

2.5.4. Enhancing Financial Sustainability

According to Section 26 (1) (a) and (c) of the National Land Commission Act 2012, the Commission's fund consist monies allocated by Parliament for the purposes of the Commission and monies from any other sources or donated or lent to the Commission.

To enhance financial sustainability, the Commission participated in the National Treasury sector resource bidding resulting in almost 100% of its budget being funded by the government. Additionally, signing of MOUs and partnership agreements with various partners was instrumental to enhancing the Commission's financial sustainability in FY2021/2022. In the course of this yearly period, the Commission signed MOUs with various partners to supplement the allocated budget from the National Treasury.

2.5.5. Strengthening Internal Systems and Processes

The Commission implemented various strategies aimed at enhancing efficiency in service delivery. As per the Commission's SP 2021-2026, these strategies were broadly classified into three categories namely:

- i. Effective Performance Management;
- ii. Leveraging ICT in all Operations;
- iii. Enhancing Risk Management and Guaranteeing Quality of Services.

I. Effective Performance Management

The Commission has adopted the good management practice of performance management to ensure that its strategic priorities are aligned to government development blue prints and agendas such as Vision 2030 and its medium-term plans (MTPs) and the Big Four Agenda. Additionally, the Commission's performance management initiative aims to improve performance in relation enhancing land governance and reforms in Kenya. As a result, the Commission developed four quarterly/performance progress reports of the Commission. The objective of these reports was to monitor, review, assess and evaluate the implementation of the Strategic Plan 2021-2026. This Strategic Plan was prepared to guide the Commission in implementing its Constitutional and statutory mandate and functions. This Strategic Plan is aligned to Kenya Vision 2030, Sustainable Development Goals (SDGs), Africa's Agenda 2063 and the Big Four Agenda.

In addition to generating the four quarterly reports, the Commission developed two monitoring and evaluation (M&E) frameworks namely Strategic Plan M&E framework and Project Compensation M&E framework. The former M&E framework aims to monitor and evaluate the implementation of the SP while the latter is for monitoring and evaluating the progress of compensation for PAPs.

Lastly, the Commission developed the Annual Workplan for FY 2022/23. This workplan sets the Commission's priorities, targets, programmes, activities and annual resource allocation for the coming FY.

II. Leveraging ICT in all Operations

The Commission remained focused on enhancing the use of ICT in all operations during the reporting period. Table 2.17 highlights some of the major achievement that the Commission made in leveraging ICT in its operations.

Table 2.17: Commission's Performance in Relation to Leveraging ICT in its Operations

S/No.	Activity	Achievement
1.	ICT Disaster Recovery site (Cloud Computing)	The Commission established ICT Disaster Recovery site to prevent service breakdown if the Commission's primary data becomes unavailable. The Commission migrated 15 servers in this Disaster Recovery Site in FY2021/2022.
2.	Local Area Network/Wide Area Network (LAN/WAN) Connectivity at the New Headquarter Offices	The establishment of the LAN/WAN Connectivity ensured that service delivery was not disrupted before, during and after the relocation to the new offices, which are located at 316 Upperhill Chambers.
3.	Data Centre Infrastructure	The Commission established data centre infrastructure at the new HQ offices, which is operational.
4.	Service Level Agreement	The Commission completed SLA for Computing infrastructure and networking equipment and SLA for Enterprise Resource Planning.
5.	Session Initiation Protocol (SIP) Trunk Channel	The Commission established a SIP trunk channel. The aim was to improve the quality of services that the Commission provides to Kenyans.
6.	Automation and Digitization of the Commission's Operations	The Commission initiated the process of automating the Asset & Inventory Processes and Integrated Internal Audit & Risk Management System. The aim of this automation and digitization is to reduce operational cost and increase productivity.

III. Guaranteeing Quality of Operations and Services

The Commission undertook financial, operational and compliance audit reviews. The recommendations from the reviews enhanced governance, risk management and internal control systems.

2.6. The Commission's Performance and Achievement at the County Coordination Offices

National Land Commission has decentralized its services across the country by establishing 47 County Coordination Offices pursuant to Article 6(3) of the Constitution of Kenya 2010 and Sections 4(2) and 16(5) of the National Land Commission Act 2012.

During the year under review the County Coordination units significantly supported the HQ office by initiating various processes and functions and submitting them for processing and finalization. These included identifying and submitting public institution land parcels for documentation, submitting applications for extension/renewal of leases, inventorising public land parcels in community settlements, reporting on the Status of Land Use Planning within the counties and receiving, handling and forwarding land disputes for resolution where necessary.

The County offices also carried out 207 public awareness forums/ meetings/campaigns on the commission's activities during the period under review with the aim of improving the Commission's visibility countrywide. They also took part in the dissemination of Communication, Education and Public Awareness (CEPA) materials on various thematic areas relating to the management and administration public land. View Appendix 2 for the summarized Commission's performance and achievement at the county coordination offices.

CHAPTER THREE:

COLLABORATIONS AND PARTNERSHIPS

The Commission recognises and appreciates that the land reform agenda is not a preserve of a single institution but requires a collaborative and synergistic approach. Strategic partnerships bring together a broader range of resources and expertise that contribute to improving and expediting the land reforms. Additionally, strategic partners contribute immensely to the achievement of the Commission's mandate. The Commission would not have achieved many of its achievements that were discussed in Chapter Two without the support of its strategic partners. Cognizant of this fact, the Commission remained resolutely committed to cementing/formalizing the existing and establishing new strategic collaborations, networks and partnerships with different government agencies, development partners, CSOs, professional bodies and private sector. Table 3.16 summarizes the Commission's performance in relation to networks and collaborations.

Table 3.16: Commission's Performance in establishing Networks and Collaborations

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
Ministry/Department/Agency (MDA)	
Ministry of Lands and Physical Planning	NLC and MoLPP partnered in accomplishing various land management and administration tasks. One of these tasks was carrying out an exercise to formalize/regularize untitled plots and public utilities within Isiolo, Nyandarua and Narok counties in preparation for the issuance of Title Deeds in accordance with the approved Narok Town Zoning Plan No. 112 of 2016. Additionally, NLC and the Ministry continued to collaborate in sensitising communities on matters of registration of community land.
County Governments and CoG	NLC partnered with CoG and KELiN to host the first Lake Region Economic Block forum on natural resource management and governance on 22-24 February 2022. Additionally, during the reporting period, NLC and county governments enhanced their collaboration and adopted a multi-agency approach to the development and implementation of County Spatial Plans. Also worth noting is that CoG continued helping and facilitating NLC to monitor government projects in respective counties.
Parliamentary Committees <ul style="list-style-type: none"> • Senate-Departmental Committee on Land • National Assembly-Budget and Appropriation Committee. 	The areas of collaborations between NLC and these committees included: <ul style="list-style-type: none"> • Engagements on sustainable land management and land reform agenda. • Collaboration in formulation of legislations, regulations and amendments • Budgets reviews and approvals • Parliamentary questions and resolutions of land disputes
Office of the Attorney General and Department of Justice	Implementation of AJS in Kajiado and Kisumu

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
Judiciary, Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI)	NLC and judiciary, EACC and DCI continued to collaborate with judiciary on matters relating to enhancing management of land disputes.
Kenya Law Reform Commission	The two Commissions partnered in these areas: <ul style="list-style-type: none"> • Technical assistance and information with regard to land policies and guidelines. • Public Education and awareness campaigns.
Kenya National Commission on Human Rights	The two Commissions partnered in the investigations relating to illegal/irregular allocation of land.
National Gender Commission	The two Commissions partnered in the promotion of women ownership, use and access rights to land
Ministry of Water, Sanitation and Irrigation	NLC and the Ministry collaborated in holding a consultative meeting with Chiefs of the seven sub-locations that were affected by the Thwake Multi-Purpose Dam on 30 th May 2022. The meeting was supported by Snowy Mountain Engineering Corporation and aimed to plan the final survey and vesting of the compulsorily acquired land parcels. Also, NLC and the ministry held several consultative meetings to discuss the status of ongoing dam projects such as Mwache and Lower Nzoia Dam.
Ministry of Petroleum and Mining	NLC, jointly with Ministry of Petroleum and Mining and other Ministries including MoLPP and the Ministry of Water, held public participation exercise for land acquisition for project oil Kenya upstream project in Turkana and West Pokot Counties.
State Department of Agriculture	During the period under review, the State Department of Agriculture, under their World Bank-supported programme, helped the Commission in holding consultative sessions for developing <i>Climate Smart Agriculture Land Access Guidelines</i> . These sessions were held on 27 th September-31 st October and 13 th -18 th December 2021 in Kisumu and Machakos, respectively.
Kenya Wildlife Service (KWS)	Protection of Riparian Areas and wildlife migratory routes
Kenya Railways	Compulsory acquisition of land for the Standard Gauge Railway (SGR) additional land.
KeNHA, KURA and KERRA	During the year under review, NLC and the three road authorities continued to discuss modalities for the execution of the final survey of road corridors and vesting of road reserves that have been compulsorily acquired. Additionally, NLC and these agencies partnered in holding consultative meetings with people living in places with ongoing projects. These meetings aim to sensitize the public about the benefits of the ongoing projects. For example, the Commission held a consultative meeting in Sagana with the aim of fast tracking the acquisition of land for public purpose.
LAPSSET	The partnership and collaboration between NLC and LAPSSET revolved around land acquisition for the corridor program and status of the ongoing projects.
Athi Water Works Development Agency (AWWDA)	NLC helped AWWDA conduct inquiry on compensation claims by interested parties concerning the land that will be eminently acquired compulsorily for the construction of Machakos Water Supply.

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
NEMA	On 5 th June 2022, NLC participated in a tree planting exercise with NEMA in Makueni County. The tree-planting exercise aimed to restore the ecosystem as the world marked the World Environment Day.
KoTDA	Provision of Disaster Recovery and Cloud-computing platform.
Professional Bodies in Kenya (ISK and LSK among others)	NLC partnered with professional bodies in these areas: <ul style="list-style-type: none"> • Conducting research on land. • Drafting and Validation of policies and guidelines • Public education and awareness on land and related issues
Kenya National Audit Office (KENAO)	Audit and report in respect to each financial year on NLC accounts, Certification of account to ensure fiscal responsibility, continuous audit presence and performance audit to ensure service delivery to Kenyans.
Development Partners	
Food and Agriculture Organisation (FAO) and the European Union (EU)	During the period under review, FAO of the United Nations, within their Land Programme that is financed by the European Union, continued supporting various activities of the Commission including: <ul style="list-style-type: none"> • Research report on Effects of land fragmentation on land use and food security in 13 counties. The Commission partnered with FAO to conduct the research, publish and launch the research report; • FAO, with the funding of European Union (EU), partnered in the preparation of the Large Scale Land Acquisition (LSLA) guidelines. • Under the “Digital Land Governance Programme” that is budgeted for €20.8 million and runs until 30th March 2027, FAO is considering some of the Commission’s activities for funding beginning the next financial year. Already, FAO, under this programme, has donated two (2) vehicles to the Commission.”
World Wildlife Fund (WWF)	WWF confirmed that it will fund the printing of the <i>National Land Use Implementation Monitoring and Oversight Tool</i> and the <i>National Spatial Plan Implementation Monitoring and Oversight Tool</i> . The two partnering parties scheduled to launch the two tools together in the early FY2022/2023. WWF, also, supported the Commission in compiling the oversight report for the Review of the County Spatial Plans for Bomet, Kilifi and Narok.
Intergovernmental Authority on Development (IGAD)	IGAD supported the training of NLC staff on conflict sensitivity and gender responsiveness in land governance programming. The Commission collaborated with IGAD to validate the tool on Gender-sensitive ADR in Ethiopia on 29 th August 2021.
Universities and Research Institutes	
University of Eldoret (UoE)	On 23 rd August 2022, the Commission, jointly with UoE, held a virtual research seminar titled “Land use and land cover changes in Kenya: Case Studies on effects on Water Sources and Biodiversity in Streams and Rivers.” The presenter was Dr. Frank Masese from UoE.

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
Kenya Institute for Public Policy Research and Analysis (KIPPRA)	NLC's partnership with KIPPRA is formalized by an MOU. The two institutions continued to collaborate in undertaking joint research, capacity building for members of staff, and joint publications on areas of mutual interest among others. Also, the Commission granted a forum to disseminate the Research findings on the study titled "Enhancing Management of Land Resources in Kenya." The presentation was made by KIPPRA's Beverly Musili on 13th September 2021.
National Research Fund (NRF)	Jointly held a two-day (24-25 November 2021) research conference named the National Research Conference with the Commission at Safari Park Hotel, Nairobi. The research was themed " <i>Sustainable use of land and natural resources to enhance food security in Kenya</i> ." The aim of this research Conference was collating, synthesizing and sharing knowledge on the sustainable use of land and natural resources.
Centres for Training and Integrated Research in ASAL (CETRAD)	The Commission participated in a three-day, 3 rd -5 th May 2022, workshop on "Land Use Planning for Sustainability" that was organized by CETRAD.
International NGOs	
NAMATI	NLC and NAMATI continued to collaborate in the areas of monitoring registration of all land rights and community interests. The two institutions are in the process of generating an advisory to the National Government based on a study they conducted titled: "Monitoring the Transition of Group Ranches to Community Land in Kenya".
Friedrich Ebert Stiftung Kenya (FES)	NLC, the County Government of Kisumu, FES and TEAM partnered in a week-long public education and awareness exercise that ended on 3 rd June 2022. The exercise aimed to sensitize the residents of various informal settlements within Kisumu on seven key land themes namely: <ul style="list-style-type: none"> • The Role of Land Institutions; • Land Use Planning; • Land Allocation; • Land Tenure; • Land Acquisition; • Succession Planning; • Land Regularization.
CSOs, CBOs and NGOs	
Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT)	NLC and IMPACT partnered to hold the first ever Community Land Summit 2021 in Sportsman's Arms Hotel, Nanyuki on 22 nd -24 th November 2021. The voices of 200 persons from communities with unresolved communal lands were amplified. Additionally, IMPACT continued supporting the Commission in monitoring land rights in five counties: Laikipia, Samburu, Isiolo, Turkana and Marsabit.
Kenya Land Alliance (KLA)	NLC and KLA, with the financial support of Trocaire, developed the Guide on Public Land Acquisition within Community Land. The Guide addressed the complex issue of land access, acquisition and compensation on community land.

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
Community Land Action Now (CLAN)	<p>NLC and CLAN formalized their partnership through MOU in November 2021. The two organizations continued to collaborate in areas of:</p> <ul style="list-style-type: none"> • Monitoring of Community Land Rights; • Registration of Community Land; • AJS; • HLI; • Monitoring of Natural Resources.
Kenya Legal and Ethical Issues Network on HIV/AIDS (KELiN)	<p>NLC and KELiN formalized their partnership through MOU in November 2021. NLC, KELiN and COG hosted the first Lake Region Economic Block forum on natural resource management and governance on 22-24 February 2022. This forum attracted 75 participants from the 14 counties in the lake region. The forum agreed that advocacy on natural resources and blue economy policies are instrumental to an enabling legal environment for management and governance of natural resources matters. Additionally, NLC and KELiN continued to collaborate in the area of disseminating of communication, education and public awareness materials to community members on various matters related to land such as how they can acquire clean land title. The other areas of focus in this partnership include:</p> <ul style="list-style-type: none"> • Women Land Rights; • Natural Resource Management; • Registration of Rights. <p>For example, on 27th May 2022, NLC and KELiN collaborated in holding dialogue meeting in Kajiado County to discuss AJS as a mechanism of dispute resolution.</p> <p>NLC and KELiN, also, held a community dialogue meeting that aimed to advance women land rights in community land context in Kajiado County.</p> <p>Also, NLC, KELiN and CoG partnered to host the first ever Lake Region Economic Block (LREB) Natural Resources Forum (NaRF)</p>
Samburu Women Trust	<p>NLC and Samburu Women Trust formalized their partnership through MOU in August 2021. The two organizations collaborate in areas of:</p> <ul style="list-style-type: none"> • Establishing a community land media training center, among other things; • Training bloggers and alternative local media; • Organising thematic stakeholder forums; • Promoting ADR mechanisms; • Developing advocacy strategies; • Developing thematic communication, education and public awareness materials.
Kituo Cha Sheria	<p>NLC and Kituo cha Sheria partnered to hold a two-day retreat at the Four Points Sheraton Hotel on June 2-3, 2022. The purpose of the retreat was to review the booklet titled “Know Your Land Rights” that intends to sensitize the public on land rights.</p>
Transform Empowerment for Action initiative (TEAM)	<p>TEAM partnered with NLC and FES in the earlier discussed activity in Kisumu.</p>
Media	

Partners/Collaborating Organisation	Area of Collaboration/Achievement in FY2021/2022
Media continued to give NLC coverage through a series of radio, television and newspaper interviews. As a result, the Commission has been able to engage with the public. Additionally, the partnership with media has allowed the Commission to sensitize the public on good land governance, equitable land rights and security of land tenure in Kenya and the common Constitutional mandate of CCIOs. Notably, the Commission held a media breakfast, at Sarova Panafric Hotel, in liaison with NAMATI and IMPACT Kenya. The theme of the Media Breakfast was “Efficient and Comprehensive Security of Land in Kenya.”	
Constitutional Commissions and Independent Offices	
Constitutional Commissions and Independent Offices (CICOs)	In their 10 th year since they were legally-constituted, CCIOs, under the leadership of NLC’s chairman Gershom Otachi, continued to collaborate in carrying their common Constitutional mandate under Article 249(1) of CoK. These mandate include: protecting the sovereignty of the people of Kenya; securing the observance by all State organs of democratic values; and principles and promoting Constitutionalism. During the period under review, the CCIOs, jointly held the 10 th anniversary of their establishment. This Anniversary forum allowed the CCIOs to reflect and take stock on the journey they have travelled so far, milestones reached and lessons learnt.



Figure 3.1: NLC Team led by Chairman, Gershom Otachi, during the Launch of the Digital Land Governance, a 5-year Programme funded by FAO, EU

NLC is on course to expanding the scope of establishing strategic collaborations, networks and partnerships. For example, during the period under review, the Commission met with the Kenya National Human Rights Commission (KNHRC) on 7th June 2022 to discuss potential areas of collaboration.

The two Commissions discussed how they should enhance collaboration on strengthening AJS, Land Rights, Communication and Advocacy and Legal Affairs and Dispute Resolution.

Secondly, the Commission met with the Royal Institute of Chartered Surveyors on 28 June 2022 to identify the possible areas of collaboration on matters of research on land valuation and the practice of land valuation. Lastly, the Commission met with the Danish Institute for Human Rights where the two parties discussed on partnership opportunities that they can explore. The main focus of the discussion was the applicability of the Danish Institute for Human Rights' Community Justice Model to the NLC's mandate of resolving land disputes in Kenya.

CHAPTER FOUR:

CHALLENGES AND RECOMMENDATIONS

The Commission faced various challenges that affected its performance during the period under review. The reporting of these challenges is in the fulfilment and compliance with Section 33(1)(e) of the National Land Commission Act 2012. The main challenges that the Commission encountered during FY2021/2022 are as discussed below with corresponding recommendations:

1. Inadequate Funding

During the reporting period, the National Treasury allocated the Commission Kshs. 1,725,900,615 against the requested Kshs. 5.4 billion, which suggests that the Commission had a budget deficit of approximately Kshs. 3.7 billion. This budgetary deficit immensely impeded the Commission from carrying out its operations and implementing many of the activities that were planned for FY2021/2022 as per the SP 2021-2026 and the annual workplan.

Recommendation:

The Commission will continue to engage Parliament and National Treasury to increase funding. Moreover, the Commission will heighten its resource-mobilization initiatives by establishing more partnerships.

2. Inadequate Number of Technical Manpower

Presently, the Commission has 549 staff members against an approved establishment of 1,216. This understaffing adversely affected the Commission's productivity, implementation of the planned activities and, eventually, the achievement of the set goals and objectives.

Recommendation:

The Commission will continue to forge partnerships and enhance collaborations with partners and stakeholders to bridge the human resource capacity gap. Additionally, the Commission will continue to engage the National Treasury for more funds to support the recruitment of additional staff members.

3. Continued Risk of Encroachment and Loss of Unsecured Acquired Public Land

The Commission is mandated to compulsorily acquire land including mapping, valuation and vesting of land that is to be used by acquiring bodies for public purposes. However, the vesting process is delayed due to lack of remission of fund by the acquiring bodies for this purpose as required by Section 111(1A) of the Land Act 2012. As a result, the Commission did not conduct final survey and vesting for six projects² that it had planned in FY2021/2022.

² These projects include the SGR Phase 2, Southern Bypass Road, Yatta and Thiba Dams, Kakamega-Webuye Road and Kisumu Kakamega Road.

Recommendation:

The Commission will continue to sensitize the acquiring bodies on the need to plan and budget for attendant costs relating to acquisition of land for public purpose in line with Section 111(1A) of the Land Act 2012. In addition, the Commission will develop a framework to guide the acquiring bodies on the same.

4. Delayed Remittance of Compulsory Acquisition Compensation Funds

The Untimely remittance of funds by the acquiring bodies leads to delayed payment/compensation to project affected persons, which results in increased cost of land acquisition i.e. accrued interests, litigation costs and contractors' claims relating to idle time.

Recommendation:

The Commission will continue to sensitize the acquiring bodies on the need to remit funds promptly in compliance with Article 40(3)(b) of CoK and Section 5(1)(b) of the Land Value Amendment Act 2019.

5. Impediment in the Revenue Collection Role

Article 67(2)(a) mandates the Commission to manage and administer public land on behalf of the National and County governments. Section 28(1) of the Land Act 2012 mandates the Commission to collect revenue from rents, royalties and other payment under lease or licences. However, it has become difficult to fulfil the role due to the absence of a framework to collect revenue from land leases and allocations. Despite the centrality of the Commission in revenue generation from land and land-based resources, the Commission is manifestly overlooked in the processes involving the renewal/extension of leases.

Recommendation:

In this regard, therefore, the Commission's CEO should be appointed as collector of revenue by the National Treasury.

CHAPTER FIVE:

FINANCIAL REPORTING AND STATEMENTS

5.1. Introduction

This Chapter presents the financial performance of the Commission towards the realization of targets set for FY2021/2022 in line with SP 2021-2026. Below is an overview of the financial performance for the year ended 30th June 2021 as reported in the detailed financial statements together with the commentary and comparative analysis against budget and prior year for the key items in the financial statements.

5.2. Budget Allocation and Utilization

In FY2021/22, the Commission had a gross budget of Ksh. 1,725,900,615 with Ksh. 1,687,003,829 being recurrent and Ksh. 38,896,786 development budget. The Commission was to spend the gross budget under the programmes as broken down in Table 5.1:

Table 5.1: Expenditure of the Commission's Budget by Sub-programmes

Sub-programmes	Approved Budget Allocation	Actual Payments	Variance
	Ksh.	Ksh.	Ksh.
General Administration	1,344,425,571	1,334,922,627	9,502,944
Land Administration	54,224,185	49,615,541	4,608,644
Public Land Information System	51,118,845	49,980,802	1,138,043
Conflicts and Resolutions	276,132,014	277,626,421	(1,494,407)
Land Administration and Management (Total)	1,725,900,615	1,712,144,520	13,756,095

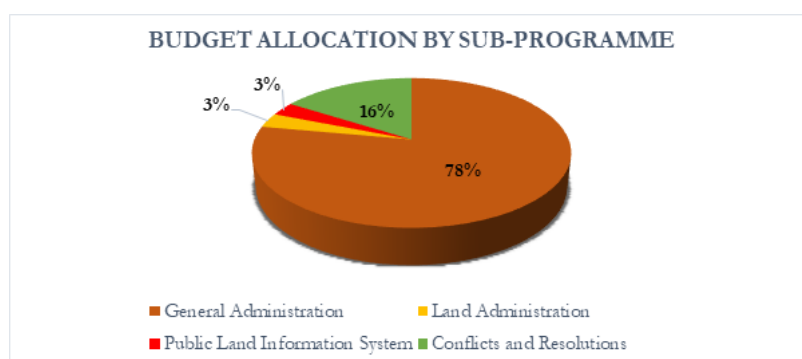


Figure 5.1: Graphical Presentation of Budget Allocation by Sub-programme

As Table 5.1 and Figure 1.5 exhibit, 100% of the gross budget, Ksh. 1,725,900,615, was

allocated to the Land Administration and Management under four sub-programmes. A total of Ksh. 1,712,144,520 was spent under this Programme.

5.2.1. Financial Performance Summary

Table 5.2: Actual Performance against Budget for Year to 30th June 2022

Financial Performance	Printed Estimates	Actual	Variance	%
	KSh.	KSh.	KSh.	Utilisation Variance
Total Receipts	1,725,900,615	1,712,475,921	13,424,694	99%
Total Payments	1,725,900,615	1,712,144,520	13,756,095	98%
Surplus for the Year		331,401		

Actual receipts by the NLC stood at 99% that is 99% utilisation while actual payments were 98% that is also 98% utilisation.

5.2.2. Budget Utilisation

The Commission spent Ksh. 1,712,144,520 against an approved budget of Ksh. 1,725,900,615 representing absorption of 98%. Utilisation of the budget was carried out through various activities (economic classifications) as shown Table 5.3.

Table 5.3: Budget Utilization by Various Economic Classification

Economic Classification	Approved Budget Allocation	Actual Payments	Variance
Compensation of Employees	991,451,625	988,938,745	2,512,880
Use of goods and services	618,329,059	589,814,663	28,514,396
Social Security Benefits	3,548,375	3,548,375	
Acquisition of Assets	112,571,556	111,909,766	661,791
Board Expenses		17,932,972	(17,932,972)
Total Payments	1,725,900,615	1,712,144,520	31,689,067

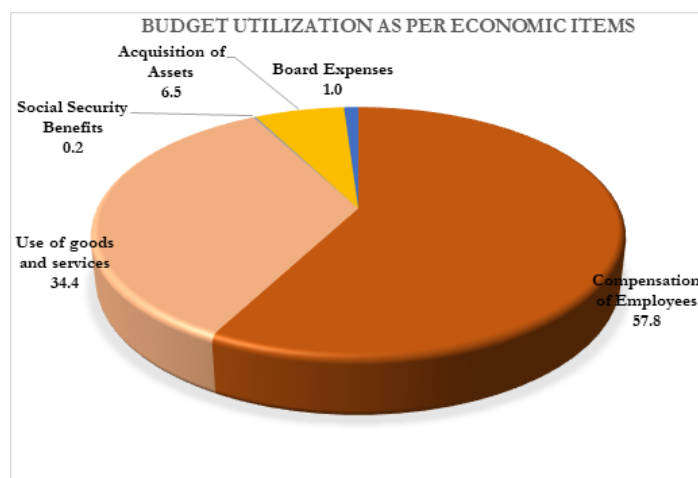


Figure 5.2: Budget Utilization as per Economic Items

It is noted that 57.8% of the National Land Commission's budget was used on compensation of employees, 34.4% on use of goods and services, 6.5% utilised in Acquisition of assets less than 1% on board expenses and social security benefits.

5.2.3. Total Payment Breakdown

Table 5.4: Total Payment Breakdown

	2020-2021	2019-2020	Change	% Change
	Ksh.	Ksh.		
PAYMENTS				
Compensation of Employees	988,938,745	895,675,066	93,263,679	10%
Use of goods and services	589,814,663	181,495,370	408,319,293	225%
Social Security Benefits	3,548,375	-	3,548,375	
Acquisition of Assets	111,909,766	19,975,970	91,933,796	460%
Other Expenses- Compensation	13,790,912,829	20,760,665,076	(6,969,752,247)	(34%)
Board Expenses	17,932,972	14,210,129	3,722,843	26%
TOTAL PAYMENTS	15,503,057,350	21,872,021,610	(6,368,964,260)	(29%)

Further analysis is here below:

- Use of goods decreased by 225% due increased budgetary allocation by the National Treasury.
- Acquisition of assets increased by 460% is due to purchase of assets budgeted for FY 2021/2022

Compulsory Acquisition Compensation decreased by 34% is due to decrease in funds received from acquiring Entities for projects.

5.3. Management and Administration of Land Compensation Fund

Article 40 (3)(b)(i) of the CoK 2010 requires the state to make prompt payment in full, of just compensation to persons whose properties, including land, have been compulsorily-acquired for a public purpose. Premised on this Constitutional requirement, Section 111(1) of the Land Act 2012 the acquiring bodies, in the case of compulsory land acquisition, to deposit compensation funds with the Commission in addition to survey fees, registration fees, and any other costs before the acquisition is undertaken. The same Section of the Land Act gives the Commission the power to make rules that regulate the assessment of just compensation.

The Commission received Kshs. 8,300,559,635 from acquiring bodies and brought forward Kshs. 15,284,674,090 from FY2020/2021, making a total of Kshs. 23,585,233,725 in compensation fund during the year under review. The Commission made payments to the tune of Kshs. 13,790,912,829 to project-affected persons (PAPs).

Table 5.5: A Breakdown of Transfers from Government Agencies

Description	2021-2022
	Kshs.
Transfers from Government Entities	
Kenya Railways Corporation	1,773,618,670
KENHA	3,199,190,991
Ministry Of Water & Irrigation	2,004,433,826
Ministry of Education	797,370
Marsabit County	545,847
Administrative Receipts-Various	95,636,681
Total	7,074,223,386
CBK SGR compensation	1,226,336,249
Total	8,300,559,635

COMMISSIONERS AND THE SECRETARY/CEO



Gershom Otachi
Chairperson

Gershom Otachi was appointed the chairperson of the National Land Commission (NLC) in October 2019 and sworn into office in November, the same year, for a six-year term. He holds an LLB Degree from the University of Nairobi. He has been in legal practice as an Advocate for 29 years, appearing before all levels of Courts and Specialized Tribunals in Civil, Criminal, Land and property, Succession and Election disputes besides practice in other aspects of Commercial law and Conveyancing.

Previously, he served as the chairperson of two state corporations; Policy Holders' Compensation Fund (PHCF) and Geothermal Development Company (GDC) for a total of six years. He is a member of the Law Society of Kenya, East African Law Society, International Commission of Jurists (Kenya), International Criminal Bar (ICB), International Association of Defence Lawyers (IADAD), Association of Defence Lawyers at the UNICTR (ADAD) of which he was Vice –Chairman for 6 years and is on the ICC list of Counsel.



Gertrude Nduku Nguku
Vice Chairperson

Gertrude Nduku Nguku was sworn into office in November 2019. She holds an LLB Degree from the University of Nairobi and a Master of Advanced Studies in Peace and Conflict Studies from the European University Center for Peace Studies in Austria. She was admitted to the bar in 1990 and is a recognized United Nations legal and judicial reform expert with over 30 years of national and international experience. She has advised governments on issues of land management, adjudication, settlement, investigations, registration, ADR and historical injustices. She has also represented public and private clients during litigation and arbitration of land cases in Kenya. She has served with United Nations missions in Europe and Asia to develop and manage complex government programs for ministries, municipalities, police and international judges. She is the chair of the Legal Affairs and Regulatory Committee.



**Prof James K Tuitoek
Commissioner**

Prof. James K. Tuitoek was sworn into office in November 2019. Prof. Tuitoek holds a PhD from the University of Guelph and a Master's degree in Animal Science from the University of Manitoba both in Canada and a Bachelor of Science in Agriculture from the University of Nairobi.

He is a research specialist with key competencies in the areas of animal science. In his career, he has served in various senior management roles at Egerton University for a combined period of 19 years. He was a Lecturer, Dean of Faculty, Deputy Vice-Chancellor and later the Vice-chancellor, a position he held until he joined the Commission.

Prof. Tuitoek played a key role in the management of University Pension Plans. He was also instrumental in establishing favourable employee/labour relations and corporate governance. He heads the audit and risk management committee in the commission.



**Hon. Samwel K. Kambi
Commissioner**

Hon. Samwel Kazungu was sworn into office in November 2019. He holds a Master in Business Administration (MBA) from the University of East Africa, Baraton and a Bachelor of Arts Degree in Development Studies from the same University. He is currently pursuing his PhD at Maseno University.

He was a Cabinet Secretary (CS) for the Ministry of Labour and Social Services between 2013 and 2015 and, therefore, was instrumental in spearheading the transition of staff from the National to 47 County governments. He was also a former member of parliament and has, previously, served in the capacity of the assistant minister in the Kenyan government.

Additionally, he has, previously, chaired the Coast Development Authority and was a Director at the Betting Control and Licensing Board. He worked as a Manager at Post Bank in his early years. He is in charge of the Finance Planning and Supply Chain Management Committee in the commission and is a member of other Commission Committees.



Hubbie Hussein Al-Haji
Commissioner

Hubbie Hussein Al-Haji was sworn into office in November 2019. She is an adept gender and human rights specialist with outstanding experience in sustainable development, livelihood and food security. She holds a Bachelor of Arts Degree in Developmental Studies from Kimmage Development Studies Centre – Kimmage Manor, Ireland. She also holds a Diploma in Community Development from the Kenya Institute of Social and Community Development Animal Health Diploma from Egerton University.

She is a former executive director and a founding member of WomanKind Kenya (WOKIKE), which has helped in eradicating poverty, promoting human rights and empowering women. She was the County Executive Committee member in Garissa County between 2013 and 2017 where she served in the Agriculture, Livestock, Fisheries and Irrigation Department and the Department of Health Services. Under the Health department, Garissa County was ranked as the best County in Kenya in the area of maternal and new borne health.

In 2006, she was awarded the Ralph Stone Memorial Award on women leadership in Washington DC and in 2010, she was awarded the prestigious award of the Order of the Moran of the Burning Spear (MBS), which was conferred by His Excellency the President of the Republic of Kenya. The UN Human Rights Office recognized her outstanding performance in Human Rights Advocacy as well. She is the chair of the Commission's Human Resource, Administration and County Coordinators Committee.



Alister Murimi
Commissioner

Alister Murimi was sworn into office as a Commissioner of the National Land Commission in November 2019. He has a Bachelor of Science Degree in Land Economics from the University of Nairobi, Kenya. He holds a Master of Science Degree in Business Administration, Construction and Real Estate at Henley School of Business from the University of Reading, United Kingdom. He also holds a Post Graduate Diploma in Project Management in 2006 from the Royal Institute of Chartered Surveyors (RICS). He also acquired several Diplomas and Certificates related to planning and management.

He is a Registered Estate Agent (2004), Registered Valuer (2003) and a Full Member of the Institution of Surveyors of Kenya. He has gained over seventeen (17) years of experience in diverse and dynamic Real Estate and Construction sectors and, therefore, brings extensive knowledge and expertise to the Commission in matters related to land economics, valuation and sustainable development in the land sector. He is the chair of the Commission's Land Valuation and Taxation Committee.



Reginald Okumu
Commissioner

Reginald Okumu was sworn into office in November 2019. He has over 20 years of experience leading both profit and non-profit organizations. He holds a Master's Degree in Business Administration from Strathmore Business School, a Bachelor's Degree in Land Economics from the University of Nairobi, a Post Graduate Diploma in Valuation and Estate Management Surveying from the Institution of Surveyors of Kenya and a Certificate in Land Administration in Africa Searching for Land Tenure Security from the World Bank Institute.

He has served as the Chairman of the Institution of Surveyors Kenya and a Board Member of the National Housing Corporation. Additionally, he has served in various capacities including Chief Operating Officer, Director, Senior Valuer, Real Estate Development Advisor and Commercial Negotiator in different private sector organizations and professional services/consultancy firms. He is a Full Member of the Institution of Surveyors of Kenya, a Practicing Valuer and an Estate Agent by profession. He is well versed in the land estate sector, having specific expertise in land use and experience in acquisition, development, valuation, management and disposal.

He is the chair of the Commission's Land Administration & Management, Natural Resources, Survey and Geo-Information Management Committee.



**Hon. Esther Murugi
Mathenge, EGH
Commissioner**

Hon. Esther Murugi Mathenge was sworn into office in December 2020. She is a holder of Master's degree from the Univesita Cattolica Del Sacro Cuore in Global Business and Sustainability in Social Entrepreneurship. She attained her first degree in Land Economics from the University of Nairobi, and is a registered member of the Institute of Surveyors in the Valuation and Estate Agents' Chapter and Land Management Chapter.

She has been a member of parliament and also served as a minister for Gender, Children and Social Affairs and the Minister of Special Programmes. Also, she worked with Government of Kenya as Land Administrator and several real estate companies.

Her outstanding passion for women empowerment were demonstrated when she closely worked with SORPTIMIST INTERNATIONAL Kenyan Chapter. This is an international organization that works with women to improve their social economic and education standards. She served as the Chairperson of the Kenya Chapter between 1998 and 2001. She is in charge of the Land Use Planning, Research and Counties Coordination Committee.



**Hon. Tiyah Galgalo
Commissioner**

Hon. Tiyah Galgalo was sworn into office in December 2020. She is a former legislator, seasoned public administrator, an educationist and is passionate about mentoring pastoralist girls. She has vast experience in Consultancy work in Research, Governance, and Education among others. In addition to that, a champion for Disaster Risk Reduction (DRR), Governance & Gender, Monitoring & Evaluation and Resource Mobilization.

Hon. Tiyah holds a Bachelors in Education from Kenyatta University and a Masters in Educational Administration and Planning from the University of Nairobi and previously served as the Women Representative for Isiolo County from 2013-2017. In 2009-2011, Hon. Tiyah served as a Commissioner at Interim Independent Electoral Commission (IIEC) Kenya. 2004-2009 a member of the National Commission on Gender and Development. 2017-2019 a County Executive Committee Member (CECM).

During the period of 2008-2009 she served as a Commissioner of Poverty Eradication Commission from. In addition, she was an Emergency Educational Officer and Head of Kisumu Field Office (UNICEF: Kenya County Office) 2008-2009, a Program Officer (Pastoralist Development Network) 2005-2009, also served as the Principal Isiolo Girls High School from 1992-2004. She is a founder member of Foundation for Pastoralists Women (FOPOWA) and patron of Baliti FM Community Radio (Isiolo). She chairs the Corporate Communication, Advocacy, Partnerships and Resource Mobilization Committee.



Ms. Kabale Tache Arero
Ag. Secretary/Chief
Executive Officer

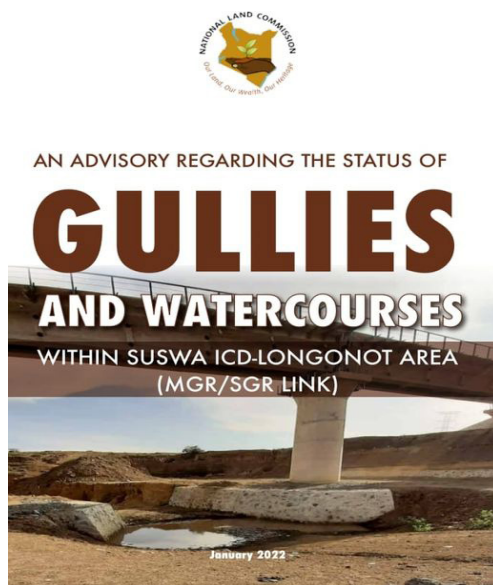
Ms. Kabale Tache Arero was appointed as the Acting Secretary/CEO of the National Land Commission on 18th December 2018. She was instrumental in managing the transition following the exit of former commissioners and the incoming of the, then, newly appointed commissioners. Before her appointment to her current position, she was Director of Human Resources and Administration. She holds a Master's Degree in Business Administration (MBA) from Kenyatta University and a Bachelor's Degree in Human Resources. She is a full member of the Institute of Human Resource Management among other professional bodies.

Ms. Kabale is a seasoned career professional with over 20 years' wealth of successful experience providing Human Resources, Operational and Strategic leadership in uniquely challenging environments. Dynamic, results-oriented leader with a strong track record of performance in both Government and quasi-Government institutions including the banking sector.

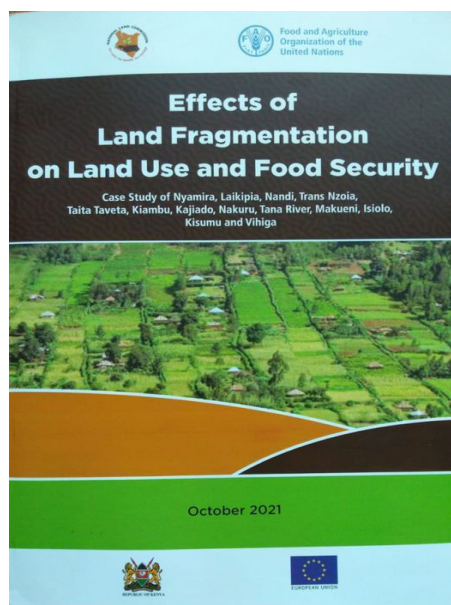
She is exemplary at the utilization of keen analysis, insights and team approach to drive organizational improvements and implementation of best practices. Her superior interpersonal skills have in the past, enabled her to resolve multiple and complex issues while also motivating staff to peak performance.

APPENDIX AND ANNEXURES

Annex 1: Advisories Documents

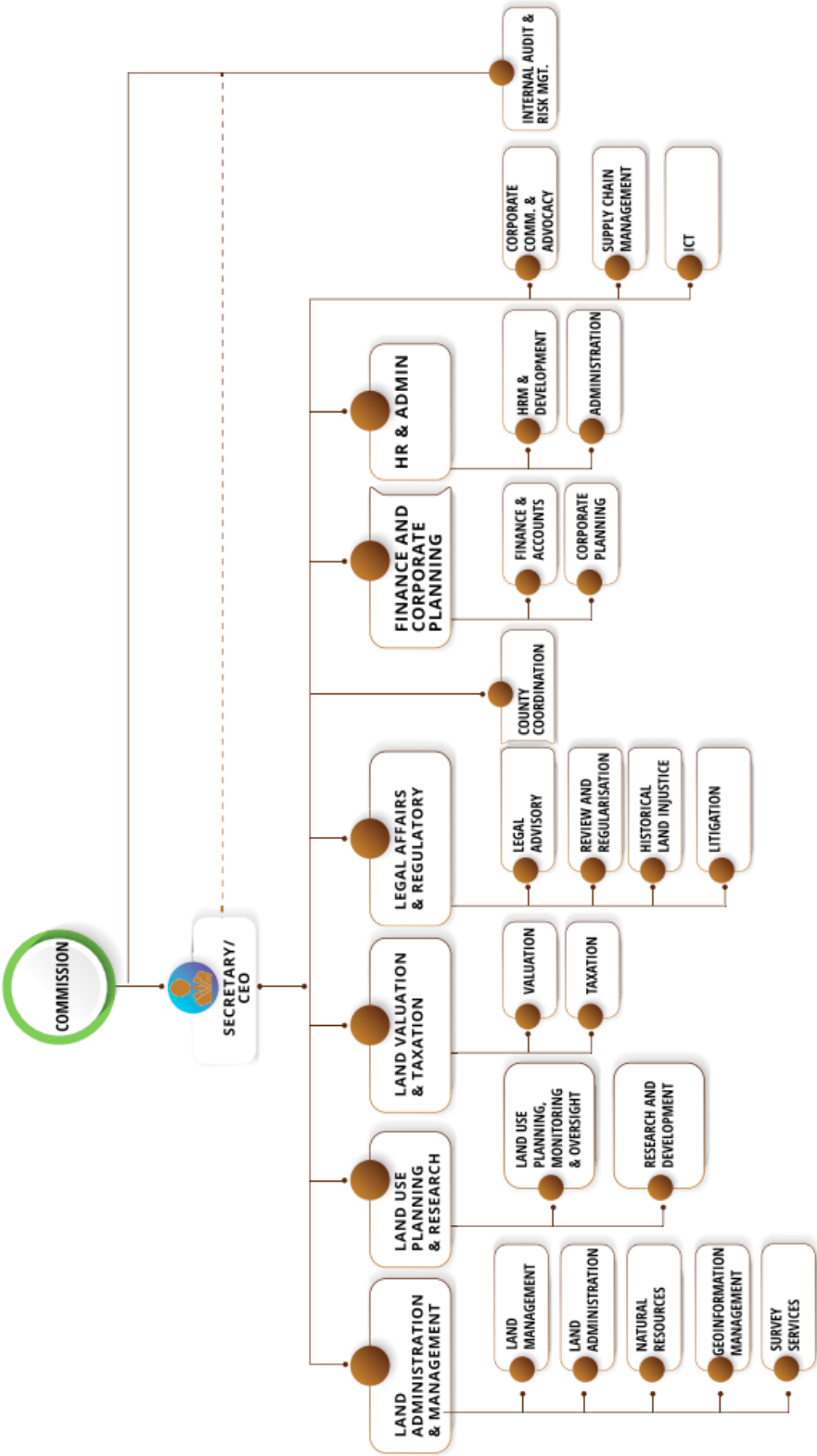


Annex 2: Research Reports



Annex 3: Guidelines





Appendix 1: The Commission's Organogr

Appendix 2: Commission's Performance and Achievement at the County Coordination Offices

KRA	Performance Indicators	Achievements
Management and Administration of Public Land	No. of parcels (on documentation of Public Institutions Land) identified and submitted to Land Administration (the Headquarters) for Processing	4,550
	No. of Public Institution Land Identified for Recovery	265
	No. of applications for Renewal and Extension of Leases on Public Land Submitted to Land Administration	79
	No. of Public Land Parcels in Community and Settlements Schemes Inventoried	212
	Update Updated/ ground verification county comprehensive public	1,370
	No. of Urban Centres undergoing Planning and Surveying/Urban Centres Planning & Surveying Status Report in County	80
	Status Report/Verified List of Beneficiaries on the Documentation of Rights in Urban Areas.	45
Monitor and Oversight Land Use Planning throughout the Country	No. of Reports on the Status of Land Use Planning	19
Land Dispute Resolution and Conflict Management	No. of Disputes Handled through ADR/TDR mechanisms (Received and Processed)	290
	No. of Preliminary Investigations of HLI Matters Conducted	97
Institutional Strengthening	No. of Awareness Forums/Meetings held	207

