



2023/2024 ANNUAL REPORT NATIONAL LAND COMMISSION



IMPROVING LAND MANAGEMENT THROUGH INNOVATIVE
GEOSPATIAL DATA AND DIGITALIZATION TECHNOLOGIES



NATIONAL LAND COMMISSION

2023/2024

ANNUAL REPORT

**Improving Land Management through Innovative Geospatial Data and
Digitalization Technologies**



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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 land for the benefit of all Kenyans

CORE VALUES

Professionalism

Integrity

Innovation

Sustainability

Inclusivity

Equity

MOTTO

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

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
CCIOs	Constitutional Commissions and Independent Offices
CECM	County Executive Committee Member
CSOs	Community-based Organizations
CSP	County Spatial Plan
ELC	Environment and Land Court
EPRA	Energy and Petroleum Regulatory Authority
ESAs	Ecologically Sensitive Areas
FAO	Food and Agriculture Organization
GDC	Geothermal Development Company
HLI	Historical Land Injustice
ICD	Internal Container Depot
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information and Communications Technology
IGAD	Intergovernmental Authority on Development
IMPACT	The Indigenous Movement for Peace Advancement and Conflict Transformation
ISK	Institution of Surveyors of Kenya
KELiN	Kenya Legal & Ethical Issues Network on HIV and AIDs
KETRACO	Kenya Electricity Transmission Company Limited
LAPSSSET	Lamu Port, South Sudan, Ethiopia Transport Corridor
LUP	Land Use Plan
NLC	National Land Commission
NLUP	National Land Use Policy
NRF	National Research Fund
NSP	National Spatial Plan
PAPs	Project Affected Persons
PDP	Part Development Plan
RICS	Royal Institute of Chartered Surveyors
TARDA	Tana & Athi Rivers Development Authority
TDR	Traditional Dispute Resolution
UNDP	United Nations Development Program
WWF	World Wide Fund

GLOSSARY

Alternative Dispute Resolution – This is the use of negotiation, mediation, conciliation, or arbitration to manage disputes.

Alternative Justice System – This is the administration of justice by the people using their culture, customary law, practices and beliefs to resolve disputes. AJS are a form of restorative justice that aims to ensure social inclusion, and are generally more affordable, participatory and more expeditious than court processes.

Compulsory Acquisition – This means the power of the State to deprive or acquire any title or other interest in land for a public purpose subject to prompt payment of compensation.

Ecological Sensitive Areas - Portions with endangered or endemic species of flora and fauna, critical habitats or protected areas.

Formalization – This is land allocation in areas where people or institutions have some form of formal ownership document for public land that had already been planned and even developed.

Geo-reference – This means the reference of an object using a specific location either on, above or below the earth’s surface.

Historical Land Injustices – These are grievances which stretch back to colonial land administration practices and laws that resulted in mass disinheritance of communities of their land, and which grievances have not been sufficiently resolved to date.¹

Land – Land includes: 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.²

Land Administration – This is the process of determining, recording and disseminating information about ownership, value and use of land.

Land Allocation – This is the legal process of granting the right to public land.

Land Management – This is the process of managing land use and development in urban and rural settings.

Land Rights – These are legal and social rights of individuals, institutions, public or communities concerned in the bundle or continuum of land rights.

¹ Paragraph 178 of Sessional Paper No. 3 of 2009 on National Land Policy.

² Article 262 of the Constitution of Kenya, 2010

Natural Resources - Natural resources are 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.³

Public Land – Same meaning as one provided under Article 62(1) of the Constitution of Kenya, 2010.

Regularization – This is the allocation of urban public land, which has already been developed without planning, survey or documents that can be traced as formal from any authority.

Vesting – Confer property on someone/organization. To formally register the lease/property

³ Under Article 62 of the Constitution of Kenya, 2010

COMMISSIONERS' PROFILES

Gershom Otachi, EBS - Chairperson



Mr. Otachi 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



Ms. Nduku holds an LLB Degree from the University of Nairobi and a Master's of Advanced Studies in Peace and Conflict Studies from the European University Centre 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, Alternative Dispute Resolution (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 programmes for ministries, municipalities, police and international judges. She chairs the Legal Affairs and Dispute Resolution Committee.

Prof James K. Tuitoek - Commissioner



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 of the University, a position he held until he joined the Commission.

He 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 chairs the Audit and Risk Management Committee in the Commission.



Hon. Esther Murugi Mathenge, EGH - Commissioner



Hon. Murugi holds a Master's degree from UNIVERSITÀ 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 for Nyeri Town Constituency (2008-2017) and also served as a minister for Gender, Children and Social Affairs (2008-2010) and the Minister of Special Programmes (2010-2013). Hon Murugi has also worked with the Government of Kenya as a Land Administrator and several real estate companies. Importantly, she has worked very closely with the International organization, SORPTIMIST INTERNATIONAL Kenyan Chapter, where she worked with women to improve their social, economic and education standards. She served as the Chairperson of the Organization's Kenya Chapter between 1998 and 2001. She currently serves as a Council member of the University of Tangaza and is a Trustee of the Nairobi Hospital.

She chairs the Land Use Planning, Research and Counties Coordination Committee.

Hubbie Hussein Al-Haji , MBS - Commissioner



Ms Hubbie holds a Bachelor of Arts Degree in Developmental Studies from Kimmage Development Studies Centre – Kimmage Manor – Ireland, Diploma in Community Development – from Kenya Institute of Social and Community Development and Animal Health Diploma from Egerton University-Kenya.

In 2010, she received the prestigious award of the Order of the Moran of the Burning Spear (MBS), which was conferred on her by His Excellency President Mwai Kibaki. The UN Human Rights Office has recognized her outstanding performance in Human Rights Advocacy. In 2006, she was awarded the Ralph Stone Memorial Award on women leadership in Washington DC.

She chairs the Commission’s Human Resource & Administration Committee.

Hon. Samwel Kazungu Kambi - Commissioner



Hon. Kazungu holds a Master in Business Administration (MBA) from 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.

A former legislator, Hon Kazungu served the Kenyan Government and the public in the capacity of a member of Parliament, Assistant Minister and Cabinet Secretary. He chaired the Coast Development Authority and was a Director at the Betting Control and Licensing Board before joining the Commission.

He chairs the Finance, Corporate Planning and Supply Chain Management Committee in the Commission and a member of other Commission Committees.

Reginald Okumu - Commissioner



Mr. Okumu 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 Certificate in Land Administration in Africa Searching for Land Tenure Security from the World Bank Institute.

He is well conversant with the land estate sector, having specific expertise on land use and hands on experience in acquisition, development, valuation, management and disposal. He has chaired the Institution of Surveyors Kenya and a Board Member, National Housing Corporation. He chairs the Commission’s Land Administration & Management Committee.



Alister Murimi - Commissioner



Mr. Murimi is a Real Estate and Construction expert who holds a Master of Science Degree in Business Administration, Construction and Real Estate from the University of Reading’s Henley School of Business, in the United Kingdom. He also holds a Post Graduate Diploma in Project Management from Royal Institute of Chartered Surveyors (RICS). In addition, he has 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. Having worked in diverse fields in real estate, Commissioner Murimi brings a wealth of knowledge to the Commission on matters related to land economics, valuation and sustainable development in the land sector. He chairs the Commission’s Land Valuation and Taxation Committee.



Hon. Tiyah Galgalo, MBS - Commissioner

Hon. Tiyah holds a Masters in Educational Administration and Planning from the University of Nairobi and a Bachelors in Education from Kenyatta University.

She is a seasoned public administrator and an educationist in addition to being a champion for Disaster Risk Reduction (DRR), Governance & Gender, Monitoring & Evaluation and Resource Mobilization.

She previously served as a Commissioner at Interim Independent Electoral Commission (IIEC) besides being a member of the National Commission on Gender and Development and County Executive Committee member (CECM).

She chairs the Corporate Communication, Advocacy, Partnerships and Resource Mobilization Committee.



CHAIRMAN'S FOREWORD

It is my pleasure to be associated with the publication of the Annual report for the National Land Commission, documenting our efforts throughout the financial year 2023-2024.

This report comes in the middle of the implementation of the Commission's Strategic Plan 2021-2026 when the Commission is reviewing its performance over the first half of the Plan period, picking lessons learnt and charting a revised path for the remaining period of the Strategic Plan.

During the year under review, a number of strategic initiatives were implemented amidst operational challenges brought about primarily by limited budgetary resources. On behalf of the Commission, I am pleased to share our experiences, challenges and achievements in the hope that the lessons learnt will be useful in navigating future unforeseen crises with minimal disruption to service delivery.

The Commission has been unwavering in its dedication to validate its centrality in righting the land governance wrongs that bedeviled the pre-2010 constitutional order. For instance, the progress and achievements made in regard to redressing historical injustices exemplify the Commission's resolve to rectifying and remedying the land administration and management accountability ethos that had been eviscerated in the old constitutional dispensation.

As we embark on the second half of implementing the current strategic plan, the Commission is focused on deepening gains so far made by ensuring that the administration and management of public land of the future is people-centered and has an embedded natural predisposition of addressing the social and economic concerns of the citizens all underpinned by the values of respect for human dignity and equality.

We are encouraged by the remarkable progress we made in 2023/24 as highlighted in this report and that the challenges we encountered will be the pedestal upon which new lessons and opportunities for improved service delivery will be derived. We are confident that our commitment to the transformation agenda will ensure sustainability of our programmes and thereby guarantee the citizens of uninterrupted access to high quality standards in service delivery.

I sign off by assuring the people of Kenya that the Commission's commitment to finding a conclusive solution to the proverbial land question in Kenya remains ironclad.



Gershom Otachi, EBS

Chairperson – National Land Commission



COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER'S STATEMENT

I am pleased to present the CEO's statement for the FY 2023–2024. This year has been a testament of the National Land Commission's unwavering commitment to its mandate of public land management. This annual report highlights the key achievements of the Commission during the 2023/2024 financial year, demonstrating our sustained efforts to implement our Strategic Plan for 2021–2026, which aligns with Kenya's Vision 2030 and the Fourth Medium Term Plan (MTP IV). The report also outlines major achievements in support of the Bottom-Up Economic Transformation Agenda (BETA).

During the period under review, the Commission made significant strides in several areas. Key among which was the allocation of public land for critical government projects. We successfully issued 3,808 allotment letters for the allocation of public land and prepared and issued an additional 10,505 allotment letters, facilitating access to both alienated and unalienated public land. The Commission also oversaw the implementation of 14 county spatial plans (CSPs) and provided advisories and recommendations for the preparation of 11 CSPs, ensuring proper land use management at the county level.

We are proud to have achieved operational efficiency through effective performance management, supported by strategic planning, annual work planning, and a robust performance appraisal system. This approach has fostered a culture of excellence among the Commission staff, ensuring that we remain focused on our goals. Furthermore, we attained a 100% budgetary absorption rate, a key indicator of the Commission's financial efficiency in utilizing allocated resources.

Despite these achievements, the FY 2023/2024 was not without its challenges, particularly in terms of financial constraints. However, I am deeply appreciative of the resilience, creativity, and teamwork demonstrated by the Commission's staff. Their collective efforts and innovative solutions have allowed us to navigate these challenges and continue delivering on our mandate.

I would like to take this opportunity to express my deepest gratitude to the Chairman and the Commissioners for their visionary leadership, which has been instrumental in guiding the Commission towards the realization of its goals. I also extend my heartfelt appreciation to the entire Commission staff for their dedication and hard work, which have played a critical role in our continued success. Additionally, I thank our various stakeholders and development partners for their unwavering support and collaboration, without which our achievements would not have been possible.

As we look ahead, I am confident that the foundations we have laid will enable the National Land Commission to continue its vital work in public land administration, contributing to the broader development agenda of the country.



Kabale Tache Arero, MBS

Secretary/Chief Executive Officer

EXECUTIVE SUMMARY

This annual report presents a transparent assessment of the key activities carried out, performance and achievements made as well as the encountered impediments in the administration and management public land in Kenya. The report primarily covers the reporting period of 1st July 2023 to 30th June 2024, in fulfilment of the provisions of Article 254 (1) of the Constitution of Kenya 2010 and Section 33 of NLC Act 2012, which makes it mandatory for the Commission to submit an annual report to the President and to Parliament.

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 FY 2023/2024. The **first chapter** provides the Commission's background information including its mandate, functions and powers, composition and the 47 decentralized offices.

Chapter Two documents the performance and achievements of the Commission during the period under review. Among the achievements of the Commission in regards to the administration and management of public land include the preparation and issuance of 38 letter of allotment to secure public institutional; collaborating with Ethics and Anti-Corruption Commission (EACC) to recover three public land parcels; preparation and issuance of six consents to lease public land; preparation and issuance of 3,808 allotment letters on allocation of public land; issuance of 28 reservation orders for public land parcels in settlement schemes; facilitating the availability of approximately 44,824.02924 Ha of land for government projects through compulsory acquisition; conducting 11 ground and preliminary surveys in the processes of final survey and vesting of compulsorily-acquired land; finalizing and launching the Kenya Natural Resources Atlas, the first in the Continent; mapping of ecologically sensitive public lands; reviewing eight strategic

By Numbers

38

No. of letters of allotment to secure public institutional.

3,808

No. of allotment letters on allocation of public land.

10,505

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

≈44,824.02924

Size of land, in Hectares, that the Commission was facilitating agencies to acquire for public purpose through compulsory-acquisition during the review period

14

No. of county spatial plans (CSPs) whose implementation was monitored and overseen.

11

No. of CSPs whose preparation the Commission reviewed and issued advisories/recommendations

Over 9

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

8

No. of Strategic Environmental Impact Assessment Reports reviewed by the Commission to strengthen the governance of natural resources.

environmental impact assessment reports to strengthen the governance of natural resources; issued nine advisories to enhance sustainable management of natural resources; and carrying out various activities to mainstream climate change in land governance among others. Regarding mainstreaming land use planning, the Commission monitored and oversaw the implementation the 14 county spatial plans (CSPs); reviewed and made recommendations on the preparation of 11 CSPs; sensitized eight agencies on the implementation of the National Land Use Policy (NLUP) and National Spatial Plan (NSP); reviewed and issued advisories on the preparation and implementation of six part development as well as urban plans; received and deposited four finalized and approved CSPs; sensitized 16 counties on the importance of counties on the importance of land use planning and management; and issued 22 advisories on land use planning to various agencies. Further, in the promotion of research on use of land and natural resources, the Commission finalized three theme-based research studies; finalized the recommended National Land Policy and handed it over to the National Government; and disseminated research findings through research seminars and conferences. Importantly the Commission continued to generate revenue from land and land-based resources. The Commission generated Ksh. 98.354 million through issuance of allotment letters and issued 12 property valuation advisories. In relation to resolving land disputes and management of conflicts, the Commission admitted 271 land disputes to be resolved through out-of-court settlement mechanism; brought to a conclusion 58 court cases; made 45 resolutions with respect to redressing historical land injustices; and reviewed four bills and Acts and proposed amendments. Lastly, relating institutional strengthening, the Commission recruited four new staff members; facilitated staff members to attend over 33 training programmes; and carried

22

No. of Advisories Issued by the Commission on land use planning

16

No. of Counties sensitized on the importance of land use planning and management.

Three (3)

Research Report Published on Promotion of Research on Land Use and Use of Natural Resources

98.354 Million

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

\$307,692

Estimated Amount in dollar the Commission mobilized to complement budgetary allocation from Treasury

12

No. of Advisories Issued by the Commission on valuation of property

Over 9

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

271

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

45

No. of HLI Claims resolved.

Over 20

No. of partners engaged by the Commission in the execution of its mandate

out various initiatives to enhance corporate image among other achievements among others.

Chapter Three is dedicated to partners and collaborators who have been at the forefront in helping the Commission in the land reform agenda during the period under review. Over 20 partners have been identified, recognized and appreciated without whom the successes of the Commission would not have been as profound.

Chapter Four captures the main challenges that the Commission experienced in FY2023/2024 and makes respective practical recommendations. The identified challenges include: budget constraint, failure by the land-acquiring entities to remit vesting fund, delayed remittance of compulsory acquisition compensation funds, expired statutory deadlines of the Commission's mandate and climate change. 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.

135

No. of forums and dialogues held on various land themes and roles of various land institutions.

Over 147,000

No. of Kenyans reached by Commission's public education and awareness.

CHAPTER 1: BACKGROUND INFORMATION

1.1. Establishment of the Commission

Land is a key enabler in the realization of the Kenya Vision 2030 and the aspirations in the Bottom-Up Economic Transformation Agenda (BETA), being implemented by the Government. It plays a pivotal role in the development of Kenya's Economy as well as being a pertinent source of livelihood for Kenyans. This immense significance of land implies that the historical land administration and management problems including inequalities in distribution, disparities in ownership, irregularities in allocations and unsustainable utilization of land are subjects of great concern in Kenya. It's upon this background that Kenyans arrived at a common consent that land should be treated as a Constitutional issue and the National Land Commission (NLC) was established.

The idea to establish NLC as an autonomous body mandated to solve the proverbial land question in Kenya was mooted by various Commissions of Inquiries, particularly the Commission of Inquiry into Land Law Systems (the Njonjo Commission), the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land (the Ndung'u Commission) and the Constitution of Kenya Review Commission. This idea was cemented by Sessional Paper no. 3 of 2009 on National Land Policy, which expressly proposed that NLC be established, as a Constitutional body, in a bid to decentralize, simplify, reduce bureaucracy, eliminate corruption and enhance accountability in the administration and management of public land. The idea was actualized by the Constitution of Kenya, 2010, which established NLC with its functions and mandate entrenched under Article 67. The Commission was operationalized by the National Land Commission Act, 2012.

1.2. Mandate of the Commission

The Commission derives its mandate from the Constitution of Kenya 2010 and operationalized by the enabling statutes, which include: The National Land Commission Act 2012, The Land Act 2012, The Land Registration Act 2012, The Physical and Land Use Planning Act (PLUPA) 2019 among others, as envisioned by the National Land policy of 2009. The functions of the Commission as per Article 67(2) of the Constitution is to:

- a) Manage Public land on behalf of the national and county governments;
- b) Recommend a National Land Policy to the national government;
- c) Advise the national government on a comprehensive program for the registration of title in land throughout Kenya;

- d) Conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- e) Initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- f) Encourage the application of traditional dispute resolution mechanisms in land conflicts;
- g) Assess tax on land and premiums on immovable property in any area designated by law; and
- h) Monitor and have oversight responsibilities over Land Use Planning throughout the country.

The Commission performs any other functions prescribed by national legislation (Article 67(3)).

Additionally, the Commission is mandated to administer all public land, held in trust by the County and National governments on behalf of the people of Kenya, in line with Article 62(2) & (3) of the Constitution of Kenya.

1.3. Powers and Functions of the Commission

The Constitutional powers of the Commission fall under Article 252 of the Constitution of Kenya on General Functions and Powers of Constitutional Commissions. According to the provisions of this Article, the Commission:

- a) may conduct investigations on its own initiative or on a complaint made by a member of the public;
- b) has the powers necessary for conciliation, mediation and negotiation;
- c) shall recruit its own staff; and
- d) may perform any functions and exercise any powers prescribed by legislation, in addition to the functions and powers conferred by the Constitution.

Section 6(2) of the NLC Act 2012 operationalizes Article 252(1)(d) by giving the Commission the powers to:

- (a) 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;
- (b) Hold inquiries for the purposes of performing its functions under this Act; and
- (c) Take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60(1) of the Constitution.

In the exercise of its powers and the discharge of its functions, the Commission, as per Section 6(3) NLC Act 2012:

- (a) May inform itself in such manner as it may consider necessary;
- (b) May receive written or oral statements; and
- (c) Is not bound by the strict rules of evidence.

1.4. Reporting Requirement

The preparation of this report has been informed by the requirement of Article 254 of the Constitution of Kenya, 2010, that as soon as practicable after the end of each financial year, each commission and each holder of an independent office, shall submit a report to the President and to Parliament. The report is prepared in consistent with Section 33 of the National Land Commission Act, 2012.

1.5. Decentralization of the Commission Services

The National Land Commission, in line with its mandate, has established 47 County offices to ensure its services are accessible throughout the Republic, as required by Article 6 of the Constitution of Kenya and Section 16(5) of the NLC Act 2012. These County offices are responsible for coordinating the Commission functions at the County level. They do this through the identification, development, and maintenance of a comprehensive inventory of public land within their respective counties, guide and manage compulsory land acquisition processes in compliance with the law, and lead the preliminary investigation and documentation of claims related to Historical Land Injustices within their jurisdictions.

Additionally, these offices are tasked with coordinating the registration and administration of land disputes, utilizing Traditional Dispute Resolution (TDR) and Alternative Dispute Resolution (ADR) methods. They provide advice to government agencies, departments, and the public on the management and administration of public land at the county level. Furthermore, they offer leadership and act as liaisons in disseminating the Commission's land information, policies, and programmes through forums such as the County Development Implementation Committee (CDICC). The County offices also conduct preliminary investigations and compile reports on Historical Land Injustice claims, facilitate the identification and compilation of parcels of land for vesting, liaise with government agencies, departments, and other stakeholders on land-related matters, and safeguard, facilitate, and manage the Commission's assets and liabilities at the county level.

CHAPTER 2: ACHIEVEMENTS

During FY2023/24, the Commission continued to work towards the attainment of the targets spelt out in the five key result areas (KRAs) that are contained in the Strategic Plan 2021-2026. These KRAs are:

- Key Result Area 1: Management and Administration of Public Land;
- Key Result Area 2: Use of Land and Security of Land Rights;
- Key Result Area 3: Revenue Generation from Land and Land-based Resources;
- Key Result Area 4: Land Dispute Resolution and Conflict Management; and
- Key Result Area 5: Institutional Strengthening.

The achievement of the Commission during the review period are, therefore, pegged on the five KRAs.

Key Result Area 1: Management and Administration of Public Land

In managing and administering public land, the Commission identified key strategic objectives in accordance with the Strategic Plan (2021-2026). The strategic objectives include:

- Securing public institutional land;
- Enhancing access to alienated and unalienated public land for development; and
- Sustainable management of natural resources.

2.1.1. Securing Public Institutional Land

The Commission secured public institutional land through the issuance of allotment letters, which is a critical step towards facilitating public land titling. In this regard, the Commission issued 38 allotment letters (Table 1).

Table 1: Allotment Letters on Public Institutional Land

S/No.	Institution	No. of Letters of Allotment
1.	Public Institutions	19
2.	Churches	19
Total		38

Further, the Commission recovered three (3) public land parcels, in collaboration with Ethics and Anti-Corruption Commission (EACC), and issued three (3) allotment letters to secure them.

2.1.2. Enhancing Access and Use of Land for Socio-economic and Environmental development

The aim of this strategic objective is to improve access to public land. During the review period, the Commission:

- Developed land leasing and tenure framework;
- Allocated public land;
- Reserved public land in settlement schemes; and
- Acquired land through compulsory acquisition.

2.1.2.1. Land Leasing Framework for Public Land

The Commission finalized the development of Land Leasing and Tenure Framework for public land. Accordingly, the Commission issued six consents to various state agencies and organizations to lease public institutional land as listed in Table 2.

Table 2: Issued Consents

S/No.	Consent	Remark
1.	Consent to lease Parcel No. Kanyada/Kanyabala/3537.	The Commission gave the County Government of Homa Bay the consent to lease the identified land parcel to County Pension Fund (CPF) Registered Trustees for the development of new county Headquarters. This was a 31-year lease with effect from 7 th May 2024.
2.	Consent to lease Parcel No. Kiine/Thigirichi/3747	The Commission gave Consent Certificate to the County Government of Kirinyaga to lease out this land parcel for 50 years with effect from 26 th February 2024
3.	Consent to lease Parcel No. Kiine/Thigirichi/4042	The Consent to lease the named parcel for 50 years with effect from 26 th February 2024 was issued to the County Government of Kirinyaga.
4.	Consent to sub-lease Parcel No. Kisumu/Municipality Block II/52	The consent to sublease the identified parcel to Omilink Investment Limited for 45 years with effect from 31 st January, 2023 was issued to the County Government of Kisumu
5.	Consent to lease Parcel No. LR. No.27939	The Commission issued consent certificate to the County Government of Narok to lease the identified land parcel to Nguatat Tented Camp & Safaris Limited for 33 years with effect from 24 th May 2024
6.	Consent to lease Parcel No. Part of LR.MN/VI/12223	The Commission issued Consent Certificate to Kenya Petroleum Refineries Limited to lease the identified parcel for 31 years with effect from 24 th May 2024

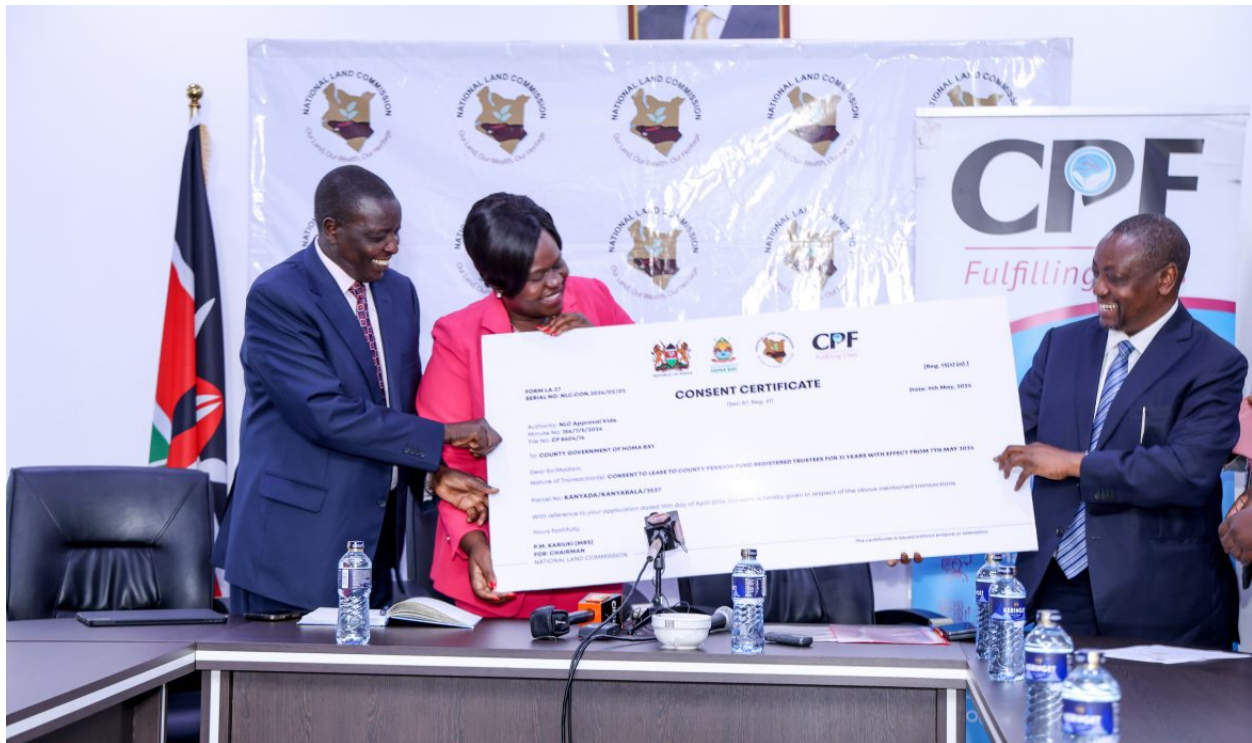


Figure 1: During the handing over of a Consent to Lease Parcel No. Kanyada/Kanyabala/3537

Additionally, as the body constitutionally responsible for approving all transactions on public land, the Commission was incorporated into the Technical Working Group (TWG) mandated to develop the land leasing framework and standard operating procedures to facilitate the realization of the Land Commercialization Initiative (LCI). In this TWG, the Commission provided technical guidance to the development of the Framework. The aim of the LCI project, which is spearheaded by the Ministry of Agriculture and Livestock Development (MoALD), is to lease underutilized public land to private sector for commercial agricultural projects. This will contribute to the realization of food security goal in the country in line with the BETA.

2.1.2.2. Allocation of Public Land

The Commission processes applications for allocations of public land upon request by the County and National governments in line with Section 12(1&7) of the Land Act 2012. The allocation of public land entails new allocations, formalizations, regularizations and renewal of leases. The process of allocation and that of renewal of leases culminates in the issuance of letters of allotment. Consequently, the Commission issued a total of **3,808** letters of allotment as summarized in Table 3.

Table 3: Breakdown of the Issued Letters of Allotment

S/No.	Category/Purpose of the Letters of Allotment	No. of Letters of Allotment Issued
1.	Allotment Letters Issued for New Allocations	629
2.	Allotment Letters Issued for Formalizations	6
3.	Allotment Letters Issued for Regularizations	3,090
4.	Allotment Letters Issued for Renewal of Leases	83
Total		3,808

These reservation letters conferred land ownership and are critical to securing land tenure. The issued allotment letters are a significant step towards securing land through titling. Further, the issued letters of allotment give Kenyans the confidence to invest in various economic activities such as agricultural production, thus, contributing to economic development.

2.1.2.3. Reservation of Public Land in Settlement Scheme

The administration of settlement programme is a shared responsibility involving the Commission, the national government and county governments, as per Section 134(3) of the Land Act 2012.

The Commission's responsibility in the establishment of approved settlement programmes (Section 134(5) of the Act) is:

- i. Reserve parcels of land for settlement schemes
- ii. Purchase private land in line with Public Procurement and Disposal Act, 2005
- iii. Reserve parcels of public land within settlement schemes

During the period under review, the Commission issued 28 Reservation orders for public land parcels in settlement schemes (Table 4). These reservation orders are central to securing public land in settlement schemes from encroachment.

Table 4: Reservation Orders

S/No.	Parcel No.	Locality	Area (Ha)	Reservee
1	LR 7547	Malindi	0.5274	State department for housing and urban development
2.	Malindi portion/10815	Malindi	0.1667	Malindi Marine National Reserve
3.	Kakamega Municipality Block III/261	Kakamega	0.10	State Department for Housing and Urban Development

S/No.	Parcel No.	Locality	Area (Ha)	Reservee
4.	Kakamega Municipality Block III/262	Kakamega	0.10	State Department for Housing and Urban Development
5	L.R NO. 33784	Wajir	2.34	Kenya Revenue Authority
6.	L.R NO. 33512	Mandera	13.14	Kenya Revenue Authority
7.	L.R 13139/144	Mandera	0.4638	National Drought Management Authority
8.	Kiine/Nyangio/1271	Kirinyaga	0.20	State Department for Internal Security and National Administration for Kiajege West Police Post
9.	Nairobi /Block 86/37	Nairobi	17.39	Nairobi City County
10.	Nairobi /Block 42/1200	Nairobi	1.007	Nairobi City County
11.	Kakamega Municipality Block III/64	Kakamega	0.4	State Department of Housing and Urban Development
12.	Homa Bay Block 1/842	Homa Bay	0.4350	Kenya Ports Authority
13.	Eldoret Municipality Block 2/115	Uasin Gishu	1.286	County Government of Uasin Gishu
14.	LR 11492/354	Kilifi	7.546	Mariakani Youth Polytechnic
15.	Kilifi Township Parcel No. 291	Kilifi	5.208	State Department for Social Protection and Senior Citizen Affairs
16.	Kisii Municipality Block III/665	Kisii	1.269	County Government of Kisii
17.	LR 11492/355	Kilifi	16.85	Board of Management for Mariakani Secondary School
18.	Nairobi Block 170/1385	Nairobi	1.000	Board of Management of Clay City Mixed Secondary School
19.	Mfangano/Wakinga/1203	Takawiri, Homabay	0.30	Rural Electrification and Renewable Energy Corporation
20.	Mahiga/Rokera/1004	Nyeri	6.74	Board of Governors of St. Agnes Secondary School
21.	Eldoret Municipality Block 6/311	Uasin Gishu	0.5716	County Government of Uasin Gishu
22.	Eldoret Municipality Block 6/232	Uasin Gishu	0.6380	County Government of Uasin Gishu
23.	Ruiru Kiu Block 6/1780	Kiambu	0.1424	County Government of Kiambu
24.	Ruiru Kiu Block 6/1808	Kiambu	0.0134	County Government of Kiambu
25.	Kabras/Kivaywa/610	Kaburengu, Kakamega	0.06	Kenya National Highways Authority
26.	LR No. 1692/282	Kajiado	6.08	Kenya Revenue Authority
27.	Lari/Kirenga/4709	Kiambu	0.3128	Lari Technical and Vocational College
28.	Isiolo Town Block 1/357	Isiolo	0.2541	Cabinet Secretary to the Treasury of Kenya as

S/No.	Parcel No.	Locality	Area (Ha)	Reservee
				Trustees of the Office of the Attorney General
Total			84.5412	

2.1.2.4. Acquire Land for Government Projects

Compulsory Acquisition of Land

Part VIII of the Land Act 2012 mandates the Commission to carry out compulsory acquisition of land subject for public purpose upon requests from the respective Cabinet Secretary or the County Executive Committee Member as the case may be. In carrying out this mandate, the Commission strikes a balance between the public need for land and complying with Article 40 of the Constitution on protection of right to property. Additionally, the Commission ensures that the affected persons are accorded just compensation in accordance with the Land (Assessment of Just Compensation) Rules, 2017.

Compulsory acquisition of land is critical to the realization of Government long-term, medium-term and short-term socio-economic development blueprints including Vision 2030, the Fourth Medium Term Plan (MTP IV) 2023-2027 and the Bottom-up Economic Transformation Agenda (BETA). In this regard, the Commission compulsorily acquired land for various projects during the period under review (Table 5).

Table 5: Summary of Status of Compulsory Land Acquisition Projects in FY2023/2024

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
1	Kenya Railways Corporation	Naivasha ICD – Longonot Station Meter Gauge Railway Line Link	Support transport by linking SGR & MGR at Longonot station	196.4358	Awarding issuance is done in Phase. Project ongoing
2	Kenya Railways Corporation	Standard Gauge Railway Line Project Phase 2a Nairobi-Naivasha Supplementary Acquisition	Support rail transport	56.86	Project ongoing. Conducted second inquiry for Supplementary acquisitions and preparing schedule II for issuance of awards
3	Athi Water Works Development Agency	Gatundu Water and Sewerage Project- Sewerage Component	Provide sewerage to Gatundu town and surrounding area	12.0000	Awards Issued save for addenda and corrigenda

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
					published in 2023 and 2024
4	Kenya National Highway Authority (KeNHA)	Construction Upgrading and Landscaping of Kenyatta Road	Thika Bound Bus Park & Nairobi Bound Bus Park & Access Road	2.6821	Awaiting gazettement of subsequent subdivisions.
5	Kenya National Highway Authority (KeNHA)	Dualling Of Kenol – Sagana- Marua (A2) Road Project	Transport/Road Network	21.815	Ongoing project. Awaiting facilitation to undertake inspections & publication of pending addendums, corrigenda & deletion.
6	Kenya National Highway Authority (KeNHA)	James Gichuru Road Junction – Rironi Highway (A8) Project	Transport/Road Network	-	Ongoing Project. Awaiting remittance of outstanding compensation funds.No activity undertaken FY 2023/2024 other than disbursements.
7	Kenya National Highway Authority (KeNHA)	Ahero-Kisii & Kisii Isebania (A1) Road Projects	Transport/Road network.	0.6463	Phased out, awarding, payment and vesting/taking possession.
8	Kenya National Highway Authority (KeNHA)	Construction Of Port/Reiz Moi International Airport Access Road, Phase Ii – Dualing Of Magongo & Oil Refinery (A109) Road	Transport/Road network.	5.8400	Phased out payment and vesting/taking possession.
9	Kenya National Highway Authority (KeNHA)	Construction Of Second Carriage Way Of Athi River- Machakos Turnoff (A109) Road Project.	Transport/Road Network	3.4139	Awaiting for official searches to facilitate approval to request funds & issue awards.
10	Kenya National Highway Authority (KeNHA)	Construction of Static Weighbrige at Kanyonyo on Thika-Garissa Road			Delete repetition check serial 13 below
11	Kenya National Highway	Dualling Of Mombasa-Mariakani	Transport/Road Network		Valuer Kaliamoi-0722584552 to

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
	Authority (KeNHA)	(A109) Road Project- LOT 1			provide area acquired & status
12	Kenya National Highway Authority (KeNHA)	Construction of Kwale – Kinango (B92) Road	Transport/Road Network	9.0702	Awaiting facilitation funds from KeNHA for inspections to be undertaken
13	Kenya National Highway Authority (KeNHA)	The Proposed Construction of Static Weighbridge at Kanyonyo Along Thika – Garissa (A3) Road	Weighbridge	7.5400	Awaiting disbursement of compensation funds by the acquiring agency
14	Kenya National Highway Authority (KeNHA)	Lot 2- Kwa Jomvu- Mariakani	Transport/Road network.	10.87904	Compensation ongoing, inspections for newly gazetted parcels ongoing
15	Kenya Rural Roads Authority (KeRRA)	Construction of Coca-Cola – Mpuri-Githaku-Gatheri and Kithurune-Kariene-Kguma-Giari Roads Project in Meru County	Transport/Road network.	15.038	Post Inquiry Stage/valuation pending corrigenda
16	Kenya Rural Roads Authority (KeRRA)	Construction of Muthatari – Siakago Roads Project	Transport/Road network.	2.0985	Awards issued.
17	Kenya Rural Roads Authority (KeRRA)	River Sio Bridge and Approach Roads long Amakura Namabale Road C825-Busia County	Transport/Road network.	0.4040	Awards Issued
18	Geothermal Development Company (GDC)	Baringo – Silali Geothermal Project	Support geothermal production	87.1800	Issuance of awards were approved. However, Paka, Korosoi and Silale community refused to pick them.
19	Geothermal Development Company (GDC)	Menengai Geothermal Project Access Roads	Support transport to gethermal fields	8.2200	Awards were served and files were forwarded to finance for payment
20	Kenya Rural Roads Authority (KeRRA)	Lamuria Ngobit-Withare-Jnct B5, Jnct B5 (Solio) – Lamuria And Jnct B5 (Gatemu)-Ngobit Girls High School – Kihara Primary School Road	Transport/Road network.	1.0300	Awaiting remittance of compensation funds from KeRRA for issuance of

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
					awards to be undertaken
21	Kenya Rural Roads Authority (KeRRA)	Toku Bridge and Approach Roads	Transport/Road network.	5.1560	Inspections were done in January 2024. Awaiting gazette for inquiry and re-inspection
22	Kenya Rural Roads Authority (KeRRA)	Construction of Athi Komongoro-Nkinja-Ugoti-Katithine, Auki, Thi-Gaithi The Kijiji Thi-Gaiti Roads and Access to Meru University Road Project	Transport/Road network.	6.8930	Awaiting remittance of compensation funds from KeRRA for issuance of awards to be undertaken
23	Kenya Rural Roads Authority (KeRRA)	Gatiiguru – Ithanga – Gakungu & Gakungu – Kamahuha – Mbombo Road Project	Transport/Road Network	4.4564	Awaiting facilitation from KeRRA to undertake inspections for valuation purposes.
24	Kenya Rural Roads Authority (KeRRA)	Gatundu – Karinga – Flyover Road Project - Outfalls	Transport/Road network.	0.7507	To be gazetted for Public Inquiries - Awaiting Inquiry Documentation from Acquiring Authority
25	Kenya National Highway Authority (KeNHA)	Land Acquisition for Isinya Static Weighbridge Station Holding Yard	Transport/Road network.	0.4584	Awaiting facilitation funds from KeNHA for inspections to be undertaken
26	Kenya Urban Roads Authority (KURA)	Storm Water Drain Outfall in Nakuru County	Transport/Road network.	0.1573	Approval granted for awarding. Awaiting remittance of funds from KURA
27	Kenya Urban Roads Authority (KURA)	Upgrading to Bitumen Standards of Syokimau-Katani Road	Transport/Road Corridor	0.48203Ha	To be gazetted for Public Inquiries - Awaiting Inquiry Facilitation from Acquiring Authority

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
28	Athi Water Works Development Agency	Machakos sanitation Project	Water treatment & Sanitation	10.49	Phase 1 complete and Notices of taking possession issued Phased 2 payment on going
29	Athi Water Works Development Agency	Construction of Gatundu Water Supply and Sewerage Project (Handege)	Water Treatment & Supply	1.7300	Phased out payment and vesting/taking possession.
30	Athi Water Works Development Agency	Construction of Solar Farm and Water Treatment Works in Wote		0.8043	
31	Athi Water Works Development Agency	Mwala Cluster Water and Sanitation Project	Water Supply & Sanitation	14.4	Awaiting compensation funds from acquiring agency.
32	Athi Water Works Development Agency	Construction of Raw and Treated Water Gravity Mains from Thika Dam to Kigoro Treatment Plant to Gigiri Tanks	Water	30.61	Complete, Notices of taking possession issued.
33	Ministry of Energy and Petroleum	Land for Project Oil Kenya Upstream Project	Oil exploration	11,185.0000	Inspection
34	Ministry of Defence	Nairobi Military land Project-Karen	Expansion of National Defence College-NDC	2.0235	Awaiting Compensation Funds.
35	Ministry of Water, Sanitation and Irrigation	Lower Nzoia Irrigation & Flood Mitigation Development Project Phase 1 In Siaya And Busia Counties; (Main Drains 1, Emergency Drains and Gaps in Other Project Components – Siaya & Busia Counties	Irrigation and flood mitigation.	11.3755	Phased out, payments, and public inquiry.
36	Ministry of Water, Sanitation and Irrigation	Mwache Multi-Purpose Dam Project	Water Treatment & Supply and Irrigation and flood mitigation	2,129.0000	Phased out: P1 & P2 vesting/taking possession; P3 awaiting compensation funds, awarding and payment
37	Ministry of Water, Sanitation and Irrigation	Construction of Thwake Multi-Purpose Dam Project	Water Supply	24.2654	Notices of Taking Possession

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
					Issued for Phase 2
38	Ministry of Water, Sanitation and Irrigation	Londiani Dam Water Project	Water Supply.	466.3622	At preliminary approval stage.
39	Ministry of Education	Mama Ngina University	Education	16.54	Acquisition declared Null and Void by the Land Acquisition Tribunal. Awaiting appeal on the matter.
40	Ministry of Interior and National Administration	Acquisition of Part of LR. No. Samburu/East Waso/1 In Samburu County	Security Infrastructure	2,183.9100	Awaiting facilitation to undertake service of notices, sensitization and inspections.
41	Lapsset Corridor Development Authority (LCDA)	Lapsset Project And Ancillary Facilities	Infrastructural project aimed at connecting Kenya to Ethiopia and South Sudan	27,446	Inquiry
42	County Government of Elgeyo Marakwet	Elgeyo Marakwet County Aggregation and Industrial Park	Aggregation and Industrial Park	40.5900	Awards Issued and awaiting remittance of compensation funds from Elgeyo Marakwet County
43	County Government of Tharaka Nithi	Solid Waste Management Site	Sanitation	7.303	Issuance of awards approved subject to remittance of compensation funds by the acquiring authority
44	County Government of Tharaka Nithi	Expansion of Itugururu Agricultural Training Institute	Education	4.012	Issuance of awards approved subject to remittance of compensation funds by the acquiring authority

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
45	County Government of Makueni	Construction of Itangini Business Centre	Provision of market for Roadside Traders	0.2023	Awaiting facilitation to undertake service of notice and inspections.
46	County Government of Tharaka Nithi	Expansion of Itugururu Airstrip	Transport	18.0471	Gazettement for intention to acquire
47	County Government of Makueni	Construction of Kwa Mbila Dam	Water Supply.	1.1938	Awards Issued and awaiting remittance of compensation funds from Makueni County
48	County Government of Mandera	Part of Mandera Youth Polytechnic	Education.	0.0720	Approval for Awarding.
49	Kenya Ports Authority (KPA)	Mombasa Special Economic Zone Project	Industrial Park	0.7344	Disbursement of Funds undergoing by KPA
50	Kenya Electricity Transmission Company Limited (KETRACO)	Makindu Lilo 400/132kv 9KM Transmission Line	Electricity Connectivity	22.1123	Gazettment done and KETRACO is implementing.
51	Kenya Electricity Transmission Company Limited (KETRACO)	81km Narok – Bomet 132kv Transmission Line	Electricity Connectivity	236.1851	Gazettment done and KETRACO is implementing.
52	Kenya Electricity Transmission Company Limited (KETRACO)	Mariakani – Dongo Kunndu 220 Kv Transmission Line	Electricity Connectivity	199.3860	Gazettment done and KETRACO is implementing.
53	Kenya Electricity Transmission Company Limited (KETRACO)	MALINDI – WERU - KILIFI 220kv 82.5KM TRANSMISSION LINE	Electricity Connectivity	289.7206	Gazettment done and KETRACO is implementing.
54	Kenya Rural Roads Authority (KeRRA)	Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago Road Project	Transport/Road Corridor	7.8629	Valuation ongoing
55	Coast Water Works Development	Construction of Makamini Dam (Phase 1) Project	Water Treatment & Supply	404.5260	Awaiting approval for Issuance of Awards

#	Acquiring Body	Project Name	Project Objective	Approx. Scope Area (Ha) of the Project	Status in the Acquisition Process
	Agency (CWWDA)				
56	Athi Water Works Development Agency	Construction of Gatundu Water Supply and Sewerage Project (Ngenda)	Water Treatment & Supply	5.2672	Phased out payment and vesting/taking possession.
57	Athi Water Works Development Agency	Construction of Gatundu Water Supply and Sewerage Project (Ruabura)	Water Treatment & Supply	10.5800	Phased out payment and vesting/taking possession.
58	Kenya Rural Roads Authority (KeRRA)	Construction of Mukuyu - Githambo - Kiruri (D440) Road Project	Transport/Road Corridor/Drainage	3.8400	Finalizing Valuation report for approval
59	Kenya Rural Roads Authority (KeRRA)	Construction of Kiaga - Mukinduri and Njegas - Mutitu - Kagumo - Kangaita Roads	Transport/Road Corridor/Drainage	0.0400	Awards Issued and awaiting remittance of compensation funds from KeRRA
TOTAL				44,824.02924	

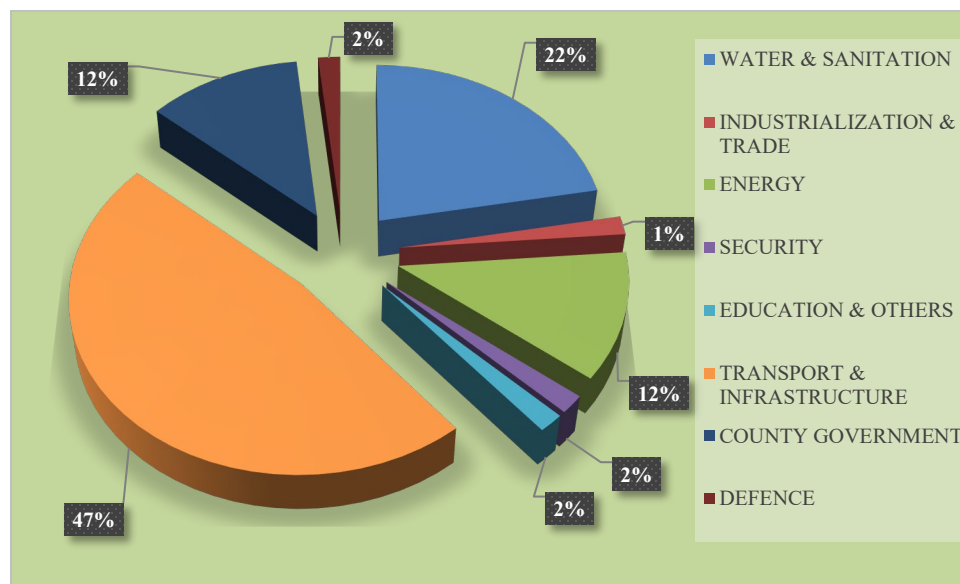


Figure 2: Graphical Presentation of Project per Sector

It is noted that 47% of the projects handled by the Commission during the review period were from the transport and infrastructure sector, constituting the majority.

Final Survey and Vesting of the Compulsorily-Acquired Land

The Commission's mandate to conduct final survey and, subsequently, vest compulsorily-acquire land for public purpose is provided for under Section 118 & 121 of the Land Act 2012. This mandate is premised on the fact that the Commission is, by law, the administrator of public land in Kenya and compulsorily acquired land automatically becomes public land after the affected persons are fully compensated by dint of Article 62(1)(c) of the Constitution of Kenya, 2010. Therefore, the mandate is pivotal to securing the compulsorily-acquired land against potential illegal occupation or double acquisition.

During the review period, the Commission was unable to conduct final surveys and vesting of the acquired land parcels due to budget constraints. However, the Commission undertook various preliminary surveys in preparation of the actual detailed final survey as presented in Table 6 below. Preliminary survey is usually the first phase of the final survey vesting project as it guides the next processes of the project surveys for vesting and conducted.

Table 6: Summary of Ground Surveys and Preliminary-surveyed Projects

S/No.	The surveyed Project/Land	Remark
1.	Preliminary surveys for GDC Project, Paka and West Pokot	To facilitate land acquisition for the Geothermal Power project.
2.	Preliminary Survey of Menengai-Solai Access Road & GDC Project	To facilitate land acquisition for the access to the existing Solai Geothermal Power.
3.	Preliminary Survey for KOSAP Sites (in Kwale, Tana River, Kilifi, Garissa and Currently Wajir)	The KOSAP is a flagship project of the Ministry of Energy and Petroleum financed by the World Bank, aimed at providing electricity and clean cooking solutions in the remote, low density, and traditionally undeserved areas of the country. The Survey department supported land acquisition of KOSAP project by undertaking ground survey and inspection of specific sites within; Turkana, Marsabit, Wajir, Tana River, Mandera, Kilifi, Kwale, Narok, Garissa and Samburu
4.	Preliminary Survey –Mwache Dam	
5.	Inter-County Boundary Survey (Makueni Vs Taita Taveta)	Joint Survey comprising of National Government Surveyors, County surveyors from both Makueni and Taita Taveta, National Land Commission. The Survey was conducted to guide the Court proceeding with regard to the boundary dispute
6.	Inter-County Boundary Survey (Kwale Vs Taita Taveta)	Joint Survey comprising of National Government Surveyors, County surveyors from both Kwale and Taita Taveta, National Land Commission. The Survey

S/No.	The surveyed Project/Land	Remark
		was conducted to guide the Court proceeding with regard to the boundary dispute
7.	Ground status report LR NO. 209/13678 Tanzania High Commission property-Upperhill	A survey undertaken to determine spatial status of the land
8.	Survey of Wajir Peace University LR NO. 33549	This was done to facilitate allocation of the land parcel to the university.
9.	Ground Survey of Portland	The preliminary survey covered six projects sites, commonly known as Polygons, namely Ngamia, Amosing, Agete, Etom, Twiga and Ekales. Preliminary survey having been conducted, the Upstream Petroleum Projects will proceed to inquiries.
10.	Survey of L.R No. 27405 in Nakuru County, Naivasha Subcounty	This survey was done in response to a court order (MILIMANI ELC CASE No. 384 OF 2019), in case by Naivasha Quarry Ltd against NLC, KWS and Ministry of Lands. It was ordered THAT the Director of Survey visits the subject properties in the two matters together with surveyors appointed by the parties in the two cases, identify the boundaries and make a joint report on the situation on the ground and file the said report within 60 days from the date of the order.
11.	Land for Project Oil Kenya Upstream Project	Ground inspection of oilfields polygons to support valuation and acquisition of the oilfields



Figure 3: Preliminary field survey of Mwache Dam

Dispute Resolution Surveys

Survey is a fundamental aspect of dispute resolutions particularly in disputes involving land boundaries. In addition to conducting ground visits and preliminary survey, the Commission conducted various surveys aimed at resolving land disputes particularly the disputes involving land boundaries. The Commission’s performance in relation to conducting survey aimed at providing redress to land disputes is summarized in Table 7.

Table 7: Summary of Survey Conducted to Support Land Dispute Resolution

S/No.	Area where Survey was Conducted	Disputing Parties and Aim of the Survey
1.	Kisumu County Survey and Spatial Analysis of LR 16344, LR 96243	Otom vs KITE: The National Land Commission was enjoined in a court case no ELC NO 747 of 2015 as 5 th defender regarding LR No.16344 and LR No. 67384. Subsequently, NLC Survey Department was tasked to establish the spatial relation between

S/No.	Area where Survey was Conducted	Disputing Parties and Aim of the Survey
		the land parcels LR 16344, LR 96243 and LR 67384. Further, the NLC surveyor represented the commission in the Court as expert witness.
2.	Miritini. Spatial analysis of LR NO. 1040/2, MN/VI/1040 & LR 31357	This survey was done to establish spatial location of LR 1040, MN/1040 and LR 31357 and if there is any relationship among them and the Standard Gauge Railway (SGR). Subsequently, the report was used in the Court of Law.
3.	Embakasi-Nairobi Survey of LR No. 24910	Sato Nyumbaz property Vs Kenya Railways Corporation The survey was in response to The Land Acquisition Tribunal on 16 th May 2024 ordered the Commission to compensate the complainants, (Sato Nyumbaz) within 30 days from the date of the said judgment. The Survey was therefore to confirm the actual spatial position.
4.	Survey and Status Report on the Land Acquisition of L.R. NO. 13139/660,	Abbas Vs Manderu Youth Polytechnic. The survey report was in response to the Land Valuation and Compensation Committee Commission Meeting No. 151 of 13 th March, 2024 (MIN.8/13/03/2024 (h) and a subsequent ground visit/inquiry between 8 th July 2024 and 11 th July 2024.
5.	Survey of Dagoretti/Riruta 921, 922 & 923	Angelicah vs Njanja Kinyanjui Vs Rose Maiga, Nairobi ELC No. 541

2.1.3. Sustainable Management of Natural Resources

Natural resources are the foundational ingredients and pillars for socio-economic development resilience. In Kenya, Article 260 of the Constitution of Kenya defines land to include natural resources completely contained on or under the surface. Ideally, the entire spectrum of the meaning of land encapsulates vital natural resources such as rocks, water bodies, marine waters, and the airspace which includes wind resources. In the same vein, natural resources are defined to mean the physical non-human factors and components, whether renewable or non-renewable.

Consequently, land in its entirety, is a natural resource, that not only supports socio-economic development but also anchors other vital resources and ecosystems that support people's well-being and resilience. Therefore, the natural resources include forests, minerals, oil and gas, wildlife and biodiversity, sunlight, fisheries and aquatic resources, water and wetlands, soil, weather and topographical resources, grasslands, rangelands, among others. Land and natural resources are intertwined variables, always reinforcing each other. Thus, the recognition of the nexus between land and natural resources/environmental resources constitute a hall mark social construct in the manner in which land administration, management and governance should be executed.

The Commission has a functional jurisdiction of ensuring sustainable management and conservation of Kenya's natural resources within the ambit of public land management and oversight responsibility in line with Article 67 (2) of the Constitution of Kenya as read with Articles 60 and 62 of the Constitution among other Constitutional underpinnings. In order to operationalize the Constitutional provisions relating to natural resources management, Section 4 of the Land Act 2012 provides fundamental principles and values for land management and administration which include inter-alia under Section 4(2);

- (a) equitable access to land;
- (b) security of land rights;
- (c) sustainable and productive management of land resources;
- (e) conservation and protection of ecologically sensitive areas;

In addition, Sections 11 and 12 of the Land Act 2012 provides for the conservation of ecologically sensitive lands and allocation of public land by the Commission respectively; with the latter disallowing allocation of fragile/sensitive and strategic lands such as wetlands, riparian lands etc. In addition, apart from Section 15(3) that requires the Commission to establish an inventory of natural resources, Section 19 of the Land Act 2012 tasks the Commission with the conservation of land-based resources through the

development of rules and regulations for better and sustainable conservation of management of Kenya's natural wealth. These are some of the direct legal provisions that empower the Commission in executing natural resource management function. In this regard, during the FY under review, the Commission continued to discharge various activities in relation to natural resources management, elucidated within the broader perspectives of;

- Inventorying and monitoring of natural resources in Kenya;
- Governance Frameworks for Management of Natural Resources;
- Mainstreaming Climate Change in Land Governance;
- Securing Wildlife Connectivity Corridors and Dispersal Areas;
- Advising on Sustainable Management of Natural Resources;
- Engaging natural resource actors and stakeholders on sound and sustainable pathways and patterns for natural resources management

2.1.3.1. Inventorying and Monitoring of Natural Resources in Kenya

The critical milestones and achievements of the Commission with respect to inventorying and monitoring natural resources during the FY under review entailed conserving of ecologically sensitive public land, finalizing and launching the first comprehensive Kenya Natural Resources Atlas and geoportal; clearly positioning the Commission as the First public body under the Constitution to delve into the delicate big data space for natural resources management and governance. The two milestones are briefly described hereunder to provide context and situate the imperatives therein.

Conservation of Ecologically Sensitive Public Land

In the execution of its land administration and management mandate, the Commission identifies, monitors and maps ecologically sensitive areas (ESAs) in line with Section 11 of the Land Act 2012. In consultation with other existing institutions dealing with conservation, the Commission, then, develops reports with advisories on how ESAs that are within or constitute public land should be sustainably managed, used and conserved. This is equally meant to prevent environmental degradation and climate change in line with Section 11(2) of the Land Act 2012. The identification, monitoring, mapping and issuance of advisories are also critical strategies in preventing the allocation of public land categories prohibited under Section 12(2) of the Act.

In this regard, the Commission identified, monitored, mapped ESAs including wetlands within the KIU catchment in Chyulu Hills, Makueni county. The identification and mapping

of these wetlands was in line with the Presidential Directive during launch of National Tree Planting Day in KIU, Makueni. Indeed, it was during this exercise that the Commission established that the launching of the tree planting was conducted in private land (freehold titles Figure 5), contrary to the expectation that was held by stakeholders whereof the KIU wetland was thought to be public land (asset). Consequently, the Commission advised the Ministry of the Environment and stakeholders to either compulsorily acquire the private interests or facilitate the conversion of the private lands into public so as to enable public resource investments into the restoration initiative for the Kiu catchment/ecosystem.

MAP SHOWING KIU WETLAND AND THE AFFECTED PARCELS

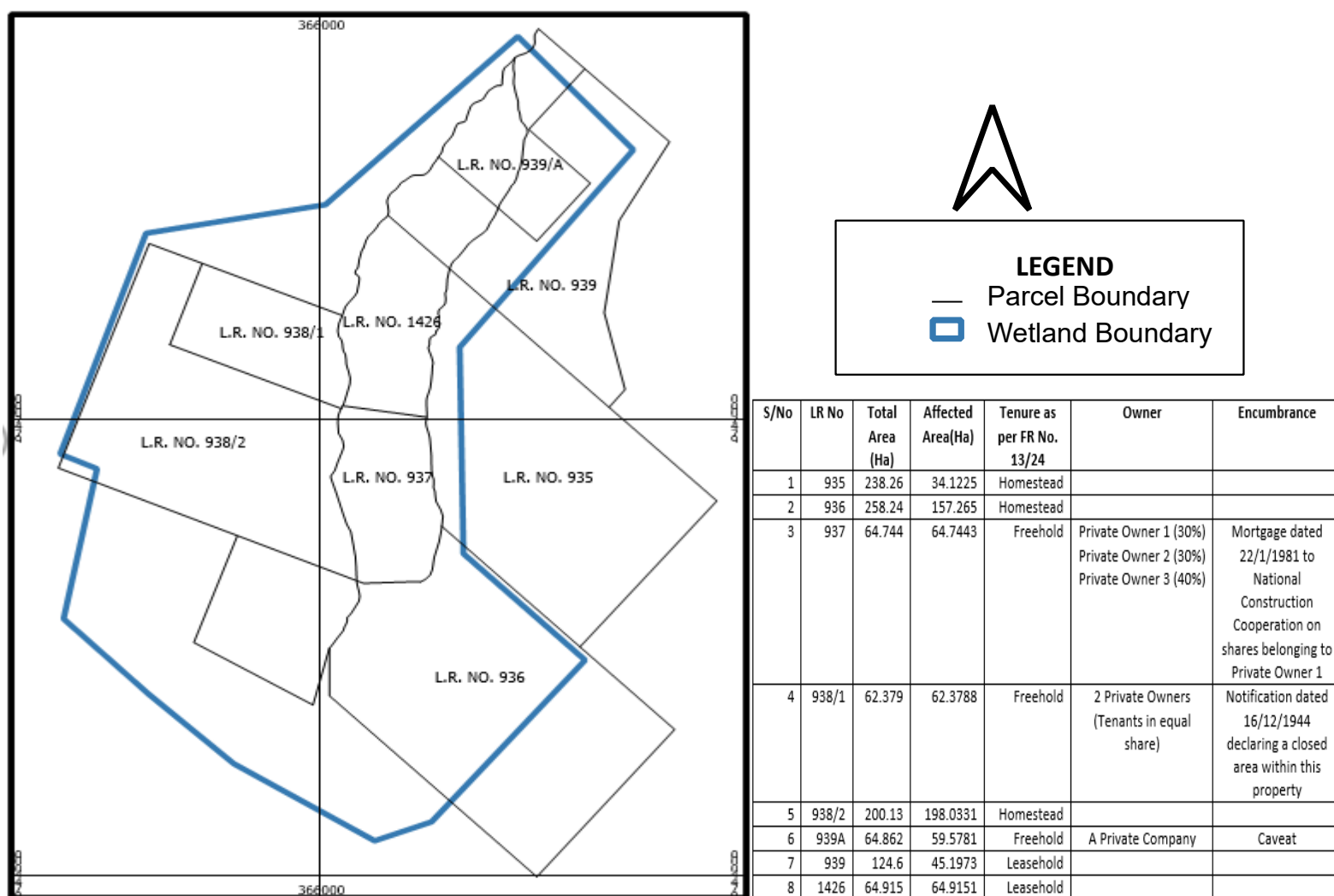


Figure 5: The Map of Kiu Wetland

The Finalization, Validation and Launch of Kenya Natural Resources Atlas

The Commission finalized the rigorous participatory and multi-stakeholder inclusive exercise of developing the first ever and comprehensive Natural Resources Atlas for Kenya. This Atlas depicts the distribution, interconnectedness and the changing pattern of the Country's natural resources, which actualizes the requirement of Section 15(3) of the Land Act 2012. Importantly, by consolidating all the available information and data on Kenya's natural resources, the Atlas makes Kenya natural resources information accessible to all Kenyans in a manner that is clear, easy, understandable and comprehensible in line with Article 35 of the Constitution of Kenya on the right of every Kenyan to access information held by the state. This consolidation is also critical to the attainment of sustainable development in Kenya because it expedites and facilitates informed investment decision-making and policy awareness on sustainable management and use of natural resources. In addition, the Atlas is a Vision 2030 Flagship Project that was scheduled to be delivered under the Third Medium Plan (MTP) implementation phase (2018-2022). This Policy Document and an information hub, steered by the Commission, was developed by an interagency technical committee (IATC) with members drawn from relevant MDAs, representatives from County Governments, academia and non-state actors. The invaluable financial and technical support of the Food and Agriculture Organization (FAO) of the United Nations (UN), through the Digital Land Governance Programme (DLGP) was pivotal to the development of this Atlas. The Atlas was launched and shared with relevant stakeholders who will implement the proposed intervening measures contained therein. The launch of this Atlas was no mean feat as Kenya became the first country in the continent to achieve this prestigious milestone. This Atlas will be reviewed periodically and updated to align it with the changing times.



Figure 6: A Working Session of the Inter-Agency Technical Team Finalizing the Development of the Atlas



Figure 7: A Group Photo of the Inter-Agency Technical Team that Finalized and Internally Validated the Atlas



Figure 8: The Launch of the Kenya Natural Resources Atlas, Presided Over by the Deputy Chief of Staff & Deputy Head of Public Service, Hon. Josphat Nanok EGH

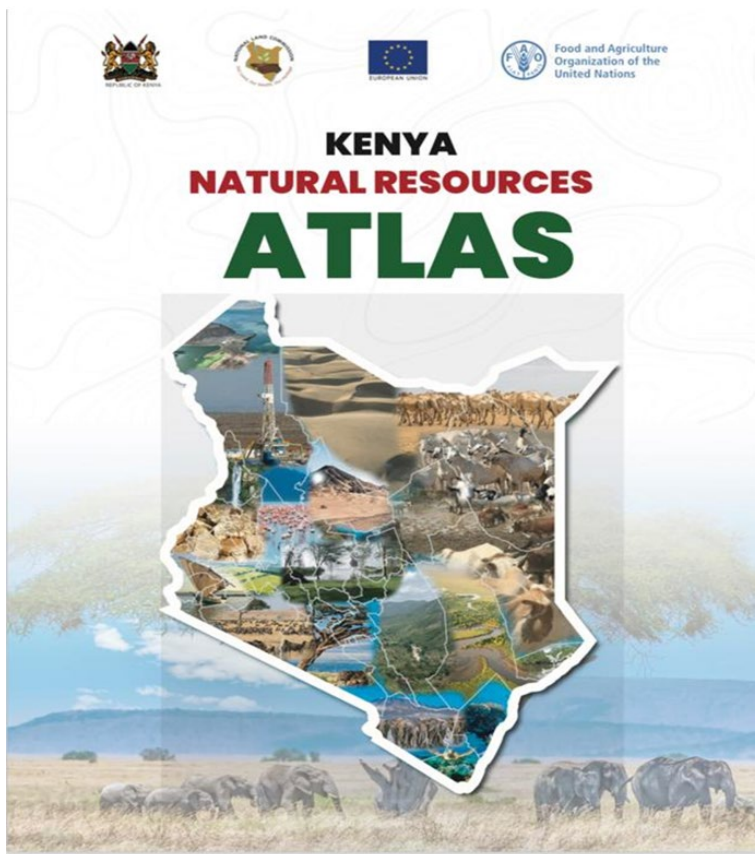


Figure 9: The Atlas

Natural Resources Geoportal

The Natural Resources Geoportal for the Kenya Natural Resources Atlas is active and hosted in the Commission's website. This is an interactive version of the static atlas that provides an avenue for updating the Atlas with current information and data from natural resources players and actors. As a dynamic tool, the geoportal encourages institutional (data custodian) responsibility and accountability in regards to data driven development (DDD); the geoportal can be accessed via <https://atlas.landcommission.go.ke:444/> (Figure 10).



Figure 10: Photo of the Geoportal

2.1.3.2. Strengthening the Governance of Natural Resources

In the course of carrying out its function of strengthening good governance, the Commission reviewed various Strategic Environment Impact Assessment (SEIA) Reports, which culminated in the issuance of advisories to relevant agencies. Table 8 summarizes the reviewed SEIA Reports. The SEIA reports reviewed, largely related to various facets of land and environmental projects that have significant impacts on the ecosystem well-being and ecological integrity.

Table 8: The Reviewed SEIA Reports

S/No.	The SEIA Report	Remark
1.	Proposed Solid Waste Management Site in Ntuntuni Area, in County Government of Tharaka Nithi	The Commission recommended a due diligence in identification of the project affected persons (PAPs) to be compensated or resettled. There was further advice on adherence to the mitigation plan to reduce impacts on the two significant rivers.
2.	Proposed Subati group commercial plantation forest (phase 2) on Makueni/ Kitengei Scheme 'B' /1594 in Kitengei Location, Kibwezi Sub-County, Makueni County.	The Commission advised for Strict adherence to the management plans by the proponent throughout the three phases of the project due to the potential threats to biodiversity mainly avifauna.
3.	Proposed Construction of Residential Units, Shops, Office and Lettable Spaces on Nairobi Block 72/3174	The commission recommended the construction to proceed while adhering to the Environment Management Plan by the proponent.
4.	Proposed asbestos disposal site (land fill) on plot LR. No. 1250B in Minjila area within Garsen sub-county.	The Commission recommended a prudent disposal procedure that conforms to the procedures and strict adherence to the Environment Management Plan proposed.
5.	Proposed Construction of Beregei Dam by Central Rift valley Water Works Development Agency (CRWWD)	The Commission recommended a detailed Resettlement plan for the PAPs and for the proponent to attach land ownership documents by the proponent.
6.	Proposed Mbirikani Group Ranch Land Use and Subdivision Plan, Kajiado South Sub-County, Kajiado County	The Commission recommended the wildlife migratory and dispersal corridors be surveyed, demarcated, and finally be gazetted as a safeguard measure for their prosperity.
7.	Olgulului Ololarashi Group Ranch Land Use and Sub-Division Scheme Plan, Kajiado South Sub-county, Kajiado County.	The Commission recommended that the wildlife migratory and dispersal corridors be curved out and secured to avoid any future claim through survey, demarcation, and gazettelement.
8.	The proposed Kangema town sewerage project Murang'a County	The Commission recommended a Resettlement Action Plan documenting all the likely Persons to be affected for purposes of compensation for loss of land and livelihood.

Further, the Commission contributed to the strengthening of the natural resources governance by:

- i. Participating in and guiding the development of Lake Victoria Spatial Plan, which is spearheaded by State Department for Fisheries and Blue economy;
- ii. Participating and making contributions in various relevant meetings including: The International Fund for Animal welfare (IFAW); Superma (China); State Department for Wildlife in relation to the conceptualized Integrated Natural Resources Policy (Figure 11); currently domiciled under the Executive Office of the President and Head of Public Service; and
- iii. National Treasury's FLOCCA programme for Climate Change as well as Nuclear Energy agency, among others.



Figure 11: Consultative Forum on Integrated Natural Resource Policy for Kenya

2.1.3.3. Mainstreaming Climate Change in Land Governance

As articulated in the Intergovernmental Panel on Climate Change (IPCC) Report 2023, land and climate change are two mutually reinforcing variables. The Report warns that the combination of climate and land use changes can lead to a decline in land cover in drylands, land degradation, and, eventually, food insecurity in the future. In this regard, NLC, being the public body constitutionally mandated to administer and manage public land, remained

resolutely committed to integrate climate change adaptation and resilience strategies into land management and administration. The Commission made progress towards achieving this milestone through:

- I. Development of climate smart conditions that guide the use of land. The general conditions include:

General Climate Smart Conditions Embedded in Land Administration

- The lessee shall ensure that at least 10% of the land is covered by trees and vegetation as part of the Constitutional requirement towards achievement of at least 10% tree cover and green growth agenda.
 - The lessee shall comply with the ideals and principles governing circular economy including waste elimination, refusal, recycling, re-use, remanufacture and composting.
 - The lessee shall support and adopt systems and mechanisms for nature regeneration and sustainable landscape management.
 - The lessee shall adopt climate smart technologies for operations and processes that reduce carbon footprints and emissions.
 - The lessee shall adhere to the Global Industry Practices (GIPs) that promote good environmental and public health standards.
 - The lessee shall ensure proper documentation, stock-take, monitoring and reporting of the land-scape level critical biodiversity resources including measures taken towards their protection and conservation.
- II. Provided strategic leadership in the land technical team in advising the State Department for Environment and Climate Change on how to mainstream climate change in land governance such as restoration and the Presidential Initiative of planting 15 billion tree by 2030;
 - III. Participated in the African Climate Summit (ACS), which was held on 4th - 6th September, 2023 in Nairobi;
 - IV. Participated in the post-Climate Change virtual conference (COP 28) for the development of Kenya Country Position papers on climate change.

2.1.3.4. Securing Wildlife Connectivity Corridors and Dispersal Areas

The major milestones under this theme in regards to securing wildlife connectivity corridors and dispersal areas by the Commission were as follows:

- I. Finalized mapping of ecological assets including wildlife corridors and dispersal areas in three pilot counties: Laikipia, Isiolo, and Samburu with a view to facilitating the gazettment and providing legal protection to these vital landscapes (See photos and maps in Figure 12).
- II. Made presentations to stakeholders on priority wildlife corridors to be secured, presented at the Kenya Wildlife Conference at the Kenya Wildlife Research Training Institute in Naivasha;
- III. Held Consultative meeting with International Fund for Animal Welfare (IFAW) and State department for wildlife to prioritize funding of activities of common interest in Nairobi.
- IV. Made a recommendation for wildlife migratory and dispersal corridors survey, demarcation, and gazettment as a safeguard measure in relation to the proposed land use and sub-division of the Ololarashi and Mbirikani Group Ranches in Kajiado County.

2.1.3.5. *Advisories on Sustainable Management of Natural Resources*

As part of its responsibility of managing and administering public land, the Commission developed solid and cutting-edge advisories to inform actions and decisions related to the management of the country's natural resources. These advisories include:

- I. An advisory regarding the Implementation of the African Court on Human and Peoples Rights judgement relating to the OGIEK's of Mau forest, Nakuru; a judgement against the Republic of Kenya in a case filed by the African Commission on Human and Peoples' Rights (the Commission) pursuant to an application to the Commission by the Centre for Minority Rights Development (CEMIRIDE) acting on behalf of the Ogiek community of Mau Forest. The Commission filed the Application in the African Court on learning that the Ogiek community and settlers of the Mau forest had in October 2009 been issued with an eviction notice by the Kenya Forest Service (KFS) to leave the forest within 30 days. The Republic of Kenya therefore became a Respondent in the case by virtue of it being a State Party to the African Charter on Human and Peoples' Rights (the Charter) on the 25th July 2000 and to the Protocol on the 4th February 2004. In this case, The African Court delivered its judgment on merit on the 26th May 2017 and established that the Government of Kenya violated the above-mentioned Articles 1,2,8,14,17(2) & (3), 21 and 22 of the African Charter on Human and Peoples' Rights. The African Court further found that there was no violation of article 4 (right to life) due to lack of sufficient proof. However, Kenya, as a party, has found itself in a precarious situation in the implementation of some of the orders granted by the Court, particularly, the orders relating to delimitation of Mau forest land for settling the ogieks, which contradicts Kenya's commitment to environmental protection goals and the judgement by the local courts. The specific orders are;

Pecuniary Reparations

- a) Ordered the Republic of Kenya to pay the sum of KES 57,850,000 (Fifty-seven million, eight hundred and fifty thousand Kenya shillings), free from any government tax, as compensation for the material prejudice suffered by the Ogiek;
- b) Ordered the Republic of Kenya to pay the sum of KES 100,000,000 (One Hundred Million Kenya shillings), free from any government tax, as compensation for the moral prejudice suffered by the Ogiek;

Non-Pecuniary Reparations

- c) Ordered the Republic of Kenya to take all necessary measures, legislative, administrative or otherwise to identify, in consultation with the Ogiek and/or their representatives, and delimit, demarcate and title Ogiek ancestral land and to grant collective title to such land in order to ensure, with legal certainty, the Ogiek's use and enjoyment of the same;
- d) Ordered the Republic of Kenya where concessions and or leases have been granted over Ogiek ancestral land, to commence dialogue and consultations between the Ogiek and their representatives and the other concerned parties for purposes of reaching an agreement on whether or not they can be allowed to continue with their operations by way of lease and/or royalty and benefit sharing with the Ogiek in line with all applicable laws. Where it proves impossible to reach a compromise, the Republic of Kenya is ordered to compensate the concerned third parties and return such land to the Ogiek;
- e) Ordered that the Republic of Kenya must take all appropriate measures within one year to guarantee full recognition of the Ogiek as an indigenous people of Kenya in an effective manner, including but not limited to according full recognition to the Ogiek language and Ogiek cultural and religious practices;
- f) Ordered the Republic of Kenya to take all necessary legislative, administrative or other measures to recognize, respect and protect the right of the Ogiek to be effectively consulted, in accordance with their tradition/customs in respect of all development, conservation or investment projects on Ogiek ancestral land;
- g) Ordered the Republic of Kenya to ensure the full consultation and participation of the Ogiek, in accordance with their traditions/customs, in the reparation process as ordered in the judgment;
- h) Ordered the Republic of Kenya to adopt legislative, administrative and/or any other measures to give full effect to the terms of the judgment as a means of guaranteeing the non-repetition of the violations identified;
- i) Ordered the Republic of Kenya to take the necessary administrative, legislative and any other measures within twelve months of the notification of the judgment to establish a community development fund for Ogiek which should be a repository of all the funds ordered as compensation in the case;

- j) Ordered the Republic of Kenya within twelve months of notification of the judgment to take legislative, administrative or any other measure to establish and operationalize the committee for the management of the development fund ordered in the judgment
- II. Advisories issued to National Environment and Management Authority (NEMA) on various development projects within land-based resources;
- III. An advisory regarding request for allocation for marshland Parcel No. West Mugirango/Bogichora/884 for the construction of a proposed university in Nyamira County. In this regard, the Commission advised that the said piece falls into the category of land that are not available for allocation in line with Section 12(2) of the Land Act 2012.
- IV. An advisory regarding the transfer of Amboseli National Park to Kajiado County government; in this case, the Commission holds the view that there is no express legal provision for transfer of the National Park to the County Government unless a conversion of the Park, which is public land is changed to community, in form of a National Wildlife reserve.
- V. In regards to Cage culture advisory in Lake Victoria, the Commission advised on suitable areas for carrying out cage culture practices within lake and provided letters of no objection where required.
- VI. Advisories for Olgulului- Ololarashi and Mbirikani Group Ranches in Kajiado County on the proposed land use and sub-division scheme plan; whereof the Commission provided guidance on effective land use options that are environmentally sustainable.
- VII. An advisory regarding sub-division of Ndalani/Mavoloni Block 1/371 located in Yatta, Machakos County, to incorporate section of the land portion for the Community Water point (protected spring) and assign a land title to it; whereof the Commission recommended for the protection and reservation of critical water source within the private land.
- VIII. Advisory to Intergovernmental Relations Technical Committee (IGRTC) on transfer of land and buildings in public primary schools and Early Childhood Development Education (ECDEs) in seven counties: Trans Nzoia, Kisumu, Mombasa, Nakuru, Kiambu, Nairobi and Uasin Gishu culminating into an interparty agreement (IPA) in line with Article 187(1) of the Constitution of Kenya.

- IX. Advisory to Intergovernmental Relations Technical Committee (IGRTC) on transfer of functions and assets relating to the six regional authorities eg. Lake Victoria Development Authority (LVDA), Rift Valley Development Authority (TARDA) among others to either national or county governments.

2.1.3.6. Natural Resource-Based Conflicts Resolutions

The Commission held a high-level consultative meeting with Marsabit County leadership in relation to mining operations by Rotor Systems Company and later on did an affidavit for a court case on the same matter. Further, the Commission developed an affidavit to the ongoing case on rising water levels in Baringo, a petition filed by the Ilchamus community where the Commission is a respondent.

Key Result Area 2: Use of Land and Security of Land Rights

Appropriate land use practices and secure land tenure rights are critical land management components with direct and immense bearing on the Country's sustainable economic development, poverty reduction and enhanced food security. The constitution mandates the Commission to undertake monitoring and oversight responsibilities in promoting sustainable land use practices and security of land rights in Kenya.

The Commission has set out three specific strategic objectives that it aspires to achieve during the Strategic Plan (2021-2026) implementation period. The three strategic objectives are:

- i. Mainstreaming land use planning in the national and county development agenda;
- ii. Promoting research on land use and use of natural resources; and
- iii. Promoting good land governance (Monitor the implementation of the National Land use policy (NLUP) and National Land policy (NLP).

2.2.1. Mainstreaming Land Use Planning in the National and County Development Agenda

Land Use Planning is an interdependent mandate of the National Government, the County Governments and the National Land Commission. Figure 13 illustrates the distribution of the land use planning mandate among the three authorities.

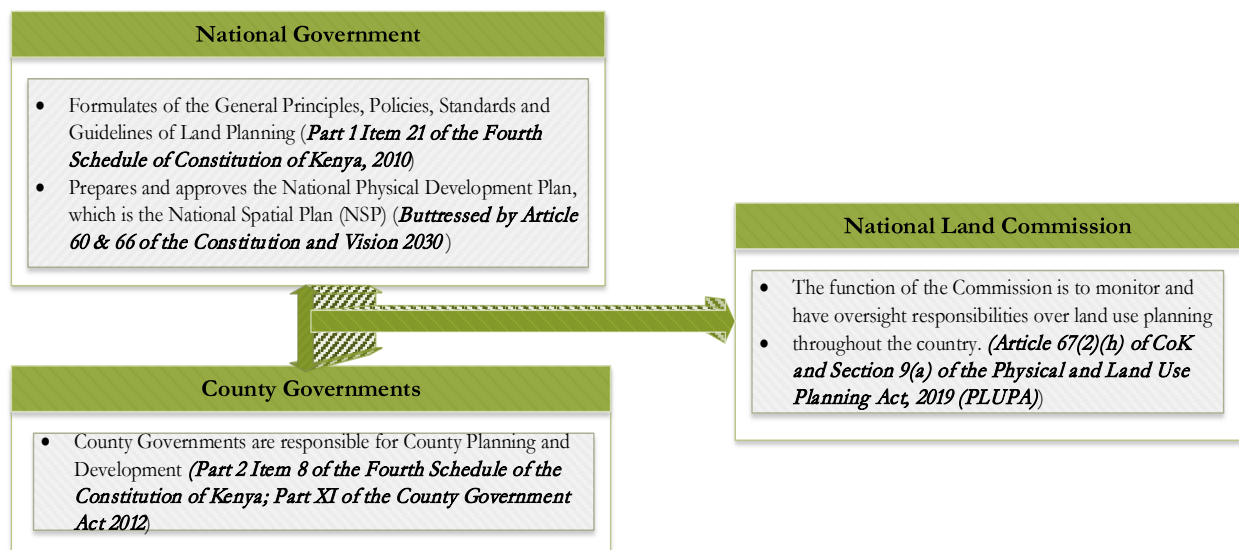


Figure 13: The Distribution of the Land Use Planning Mandate

Pursuant to Article 67(2)(h) and Section 9(b) of PLUPA 2019, the Commission made remarkable strides in regard to:

- Monitoring and Overseeing the Preparation and Implementation of County Spatial Plans (CSPs);
- Monitoring and Overseeing the Implementation of the National Spatial Plan (NSP);
- Monitoring and Overseeing the Preparation and Implementation of Local Physical & Land Use Plans - Urban Plans/PDPs;
- Compilation of the Status of Land Use Planning Report;
- Development of a Land Use Plans Depository; and
- Sensitization of County Governments on importance of Land Use Planning and Management.

2.2.1.1. Monitoring and Overseeing the Preparation and Implementation of County Spatial Plans (CSPs)

County governments are required to prepare GIS based County spatial plans pursuant to Sec 104 of the County Government Act of 2012. The Act further stipulates in Section 103 (1) (a) that the objectives of the County planning is to ensure harmony between national, county and sub-county spatial planning requirements. The County spatial plans are thus supposed to interpret and implement the policy directions that are outlined in the National Plan thus ensuring conformity and harmony.

Pursuant to Article 67(2)(h) of the Constitution of Kenya, the Commission monitored and oversighted the implementation of the approved 14 CSPs. These include: Lamu, Makueni, Baringo, Bomet, Kericho, Kwale, Nakuru, Kilifi, Narok, Kajiado, Bungoma, Siaya, Trans Nzoia and Kirinyaga.

Additionally, the Commission guided the preparation of 11 CSPs by reviewing and making recommendations/advisories to their respective counties. The counties that were reviewed include: West Pokot, Isiolo, Samburu, Wajir, Taita Taveta, Mandera, Nyamira, Nyandarua, Migori, Tharaka Nithi, and Machakos counties. The commission executed its monitoring function through participating in various workshops including data needs assessment for Mandera County and sensitization for the preparation of Taita Taveta County Spatial plan in 20 wards.



Figure 14: CSP Sensitization Workshop for Machakos County

2.2.1.2. Monitoring and Overseeing the Implementation of the National Spatial Plan (NSP)

As reported in FY2022/2023, the Commission developed and launched tools for monitoring and overseeing the implementation of NLUP and NSP. These tools identified all the agencies including public, private, communities, non-state actors and individual responsible for implementing the two policy documents. During the review period (FY 2023/24), the Commission sensitized and engaged the implementing agencies on their functions as provided for under Paragraph 5.7(5) of NSP. These engagements and sensitization sessions culminated in the development of engagement reports for use by the implementing agencies. Table 9 lists the agencies the Commission engaged and sensitized during the review period.

Table 9: List of NLUP/NSP Engaged/Sensitized Implementing Agencies

S/No.	Engage/Sensitized Agency	Remark
1.	Ministry of Lands, Physical Planning, Public Works, Housing and Urban Development	Formal notification of engagement sent to the agency
2.	Ministry of Mining, Blue Economy and Maritime	Formal notification of engagement sent to the agency
3.	NLP Steering Committee	Engagements were made during review of National Land Policy.
4.	NLP National Coordinating Committee Forum	
5.	NLP Technical Working Groups Forum	
6.	Migori County	The county was sensitized during the preparation of their CSP

7.	West Pokot County	The County was sensitized on the two documents and were advised to localize their CSP towards the policy recommendation given in the NLUP and NSP
8.	Mandera county	Sensitization on NSP & NLUP was undertaken during data assessment workshop for CSP preparation

2.2.1.3. Monitoring and Overseeing the Preparation and Implementation of Local Physical & Land Use Plans - Urban Plans/Part Development Plans (PDPs)

The Commission monitored the plans listed below by reviewing, issuing comments and advisories. The plans include:

- Kiwayu Local Physical Development Plan in Lamu county
- Sagana Industrial City plan in Kirinyaga County
- PDP on LR No. 4637/7 in Voi, Taita Taveta county
- Plans for seven (7) urban centres in Laikipia County namely Kona Mbaya A, Kona Mbaya B, Ihiga-ini, Nakwang, Makutano, Veterinary (ex-lonolosis) and Naibor.
- Plans for two (2) urban centers in Nyeri County namely Ruthagati Village and Ngorano Market.

Further, the Commission prepared request letters to Kenya Informal Settlement Improvement programme (KISIP) & CECM in the respective counties for the submission of the following plans:

- Kibokoni M27(LPUDP NO.55.MLD.2023.2)-Kilifi County
- Mazeras Informal Settlements-Kilifi County
- Shimo la Tewa -Transzoia County
- Kijiji cha Chewa – Kilifi county
- Majengo Mapya- Kilifi County
- Mjini in Kibwezi Township - Makueni County
- Misongeni in Makindu Township
- Soko Mjinga in Emali Township
- Three (3) local physical development plans in Kitui County: Zombe, Migwani and Kabati

2.2.1.4. Report on Status of Land Use Planning

The Commission prepared a status report on land use planning in line with requirements of section 9 (b) of Physical and Land Use Planning Act, 2019. This report is published in

accordance with Article 35(3) of the Constitution that requires the publication and publishing of any important information affecting the nation. The nation made remarkable progress on land use planning, since the promulgation of the constitution of Kenya 2010. Land use plans are usually prepared at three main levels namely; national, county, and urban/local.

i. National Spatial Plan (2015-2045)

The country has a long term national physical and land use plan (NSP) prepared in 2015 and its implementation is ongoing. The commission prepared a tool on monitoring the implementation of the plan to ensure various agencies are compliant with the policy recommendations outlined in the plan. In this regard county governments have prepared CSPs conforming to the national plan.

ii. County Spatial Plans

Out of the 47 counties the Commission recorded that 14 counties have approved county spatial plans whereas Nairobi and Mombasa have prepared City County urban development plans as per Urban areas and cities Act of 2011. This, therefore means about 34% of the 47 counties have approved plans.

About eleven (23%) of counties are awaiting approval of their CSPs at their respective county assemblies, while 2 counties have their CSPs at situational analysis stage. On the other hand, a total of eighteen (38%) counties have only initiated the CSP preparation process. The status on preparation of county spatial plans is as illustrated in Figure 15.

iii. Urban plans

The Commission compiled a list of 2634 urban areas that are distributed across the 47 Counties. It was established that only 7% (202) of the urban centers in the Country have approved urban areas plans. However, it is noted that there are significant efforts in preparation of land use plans for urban areas in the country whereby 389 centers are recorded to be in the various stages of plan preparation. This progress is attributed largely to the Commission's engagements with the Counties.

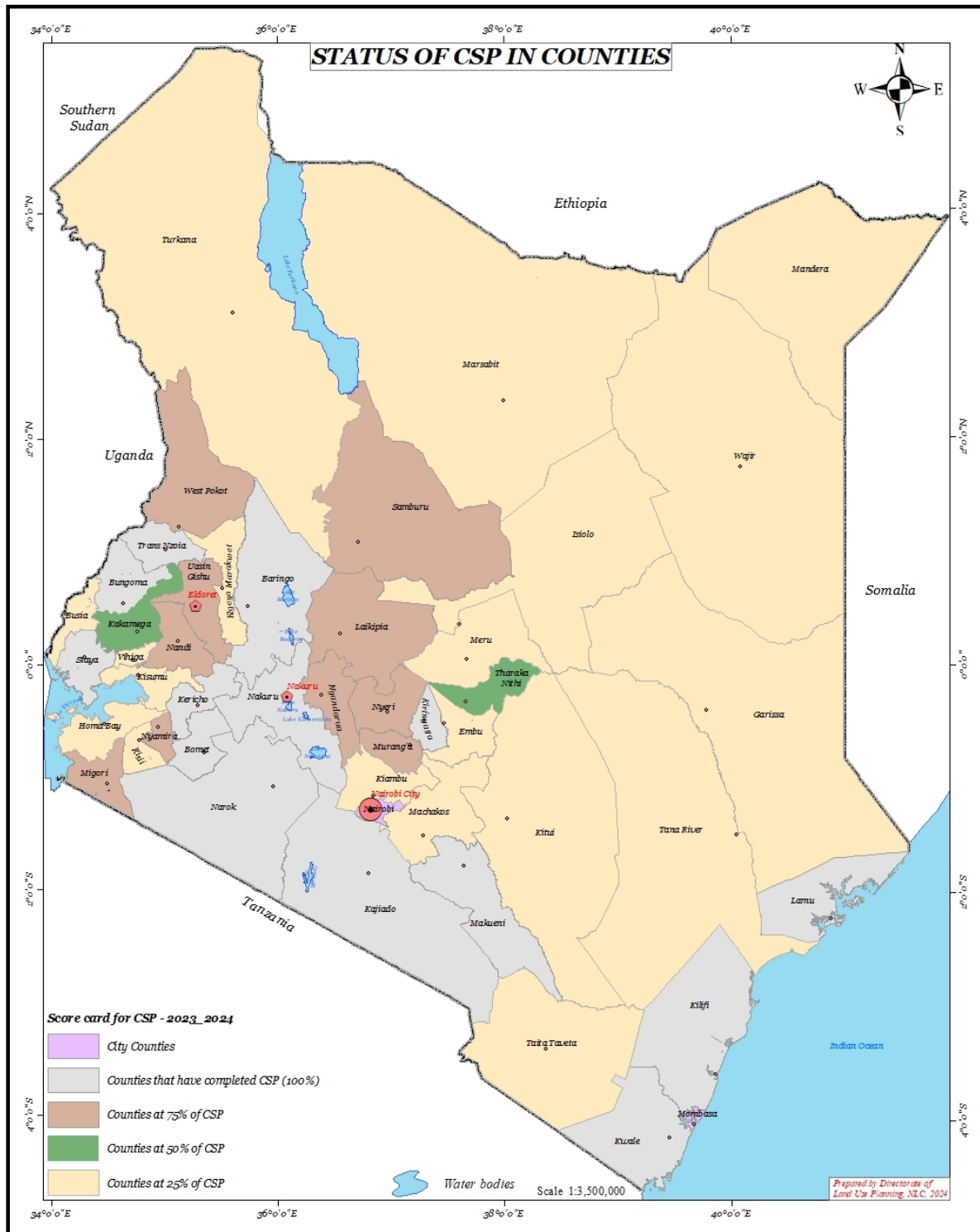


Figure 15: Status of CSP in Counties

2.2.1.5. Development of a Land Use Plans Depository

During the year under review, the Commission received and deposited approved CSPs from Siaya, Bungoma, Trans Nzoia and Narok counties. The plans form the basis of the next phase of monitoring the implementation of the plans by the responsible agencies.

2.2.1.6. Sensitization of County Governments on importance of Land Use Planning and Management



Figure 16: Sensitization of Lamu County Assembly

With regards to enhancing capacity of land use planning matters, the Commission sensitized and trained County government officials through various workshops imparting necessary knowledge related to the importance, processes and procedures of land use planning and management, types of plans and their importance in land management, role of the National land Commission in monitoring and overseeing land use planning responsibilities, role of other stakeholders as well as public participation process in land use planning . The sensitization was undertaken in two-fold; National level and County specific:

- At the national level, County Executive Committee Members (CECMs) responsible for planning and other technical officers from all the 47 counties were sensitized on the mandate of NLC in relation to CSP and Local Physical and Land Use Planning in a

forum held in Naivasha in February 2024. The forum was funded by FAO of the UN under the Digital Land Governance Programme.

- The county specific trainings and sensitization was undertaken on need basis to 16 counties. These sensitization workshops were funded by FAO under the Digital Land Governance programme. These counties were: Vihiga, Embu, Meru, Tharaka Nithi, Muranga, Nyeri, Kirinyaga, Nyandarua, Mandera, Kakamega, Isiolo, Homabay, Kisii, Marsabit, Kisumu and Wajir.

2.2.1.7. Land Use Planning Advisories

During the period under review, the Commission issued 22 advisories presented by Table 10.

Table 10: Land Use Planning Advisories

S/No.	Plan Title where the Advisory was Issued	Description of the Advisory	Agency to/Actor
1.	Advisory on Kibwezi (MKN/193/22/1)	Authority to prepare PDP	County government of Makueni
2.	Advisory on Gatanga (LR. 10875)	Public purpose land.	County government of Muranga
3.	Advisory on Lunga Lunga Ranch (LR No.14210)	Comments on Draft Land Use Plan for Lunga Lunga	County of Government of Kwale
4.	Advisory on PDP for Kadenge TVC (Nyabasi/Bomerani/545)	Request for preparation of PDP for Kadenge TVC	Deputy County Commissioner, Kuria East Sub-County
5.	Advisory on PDP Ref. no. NRB/21/22/01(LR. NO. Embu Municipality/379,380 and 381) on CIVIL SERVANTS Housing	Public purpose land	County government of Embu & Director civil servants housing scheme, Nairobi.
6.	Advisory on Delmonte Estate	Physical Development Plan.	County Government of Murang'a
7.	Advisory on illegal acquisition of public land on Naivasha Municipality block 5/227	Advisory on illegal acquisition of public land on Naivasha Municipality block 5/227	Nakuru County Government
8.	Advisory on Project Affected Parcels for the Construction of Valley Road Overpass on LR. No. 209/11142	Advisory on due diligence on project affected parcels	State Department of Lands and Physical Planning
9.	Comments on Inception Report Machakos County PLUPD	Review comments on the inception report for Machakos county spatial planning	Machakos County Government

S/No.	Plan Title where the Advisory was Issued	Description of the Advisory	Agency to/Actor
10.	Request for Authority to Prepare a PDP for Existing Site for a Commercial Plot in Kutus, Kirinyaga East Sub County	Authority to prepare PDP	Kirinyaga County Government
11.	CIDP/CSP Advisory	Advisory on CSP preparation and its importance to county development	National Treasury
12.	Comments for Mazeras Informal Settlement	Comments on local physical and land use plan for Mazeras informal settlement	County Government Kilifi
13.	Kibokoni Informal Settlement	Comments on local physical and land use plan for Kibokoni M27 informal settlement	County Government of Kilifi
14.	Advisory on Sagana Industrial Plan	Advisory on suitability of the site and the supporting infrastructure	County Government Kirinyaga
15.	Advisory to Prepare PDP for National Drought Management Authority	Authority to Prepare PDP	National Drought Management Authority
16.	Advisory to prepare PDP for Agricultural Finance Corporation (AFC) offices in Nyahururu	Authority to Prepare PDP	Agricultural Finance Corporation
17.	Advisory on Regularization of Unsurveyed Residential Land, Nanyuki	Regularization of Unsurveyed Residential Land	County Government Laikipia
18.	Advisory for Existing Site for Civil Servants Housing, Kisumu	Authority to Prepare PDP	County Government Kisumu
19.	Authority to Prepare PDP for parcel no.373 in Naivasha for residential	Authority to prepare PDP	County Government Nakuru
20.	PDP for Existing residential plot No.20 in Naivasha Municipality	County Coordinator to prepare ground status report to advise the Commission	County Government Nakuru
21.	PDP for Affordable housing site in Kianyaga	Authority to Prepare PDP for Affordable housing site in Kianyaga	County Government of Kirinyaga
22.	PDP for LR NO. 4637/7 in Taita Taveta county	Verification of PDP	Kenya National Highways Authority (KENHA)
23.	Adisory on change of user for LR. No. 8394/4	Advisory on no objection to the proposed change of use	National Director of Physical Planning

S/No.	Plan Title where the Advisory was Issued	Description of the Advisory	Agency to/Actor
	&8396/12 located in Olkaria Naivasha Sub County.		

2.2.2. Promoting Research on Use of Land and Natural Resources

Article 67(2)(d) of the Constitution of Kenya 2010 bestows upon the Commission the responsibility of conducting research related to land and the use of natural resources and making recommendations to the appropriate authorities. In this regard, the Commission carried out various research activities aimed at accelerating the formulation of a conclusive solution to Kenya's land question through evidence-based decisions and policies. Research within the National Land Commission is guided by the Research Policy Framework. This Policy framework provides information about the Commission research agenda and highlights research thematic areas including Land Governance and Land Management, Land use planning and land use conflict resolution, Land Rights and Security of Tenure, Emerging Global and Strategic Land Issues, Historical Land Injustices and Legal Research, Sustainable Conservation of Land Based Natural Resources and Valuation and Taxation Thematic Area.

These research activities are bundled within the following areas:

- Research Reports on Land and Natural Resources
- Dissemination of Research Findings

2.2.2.1. Research Reports on Land and Natural Resources

The Commission undertook various research as follows;

1. Monitoring Land Administration and Management in Kenya for Inclusive Land Governance in the Region

Kenya in the recent past, has been involved in land monitoring activities including Land Governance Assessment Framework (LGAF) by the World Bank and the Global Land Indicators Initiative (GLII) by UN Habitat. The reporting under these monitoring activities have been affected by unavailability of data.

To address the existing gaps, Kenya, with support from IGAD, undertook a National Land Monitoring exercise in 2023. The exercise sought to establish baseline land related information on the six indicators namely: policy development/reform; land tenure security; land conflicts and disputes; land administration services; capacity of land administration systems and sustainable land use.

This report was finalized and published in the African Journal on Land Policy and Geospatial Sciences February, 2024.

Table 11: Main Findings and Recommendations on Monitoring Land Administration and Management in Kenya for Inclusive Land Governance in the Region

Main Findings	Main Recommendations
<ul style="list-style-type: none"> • Kenya has a comprehensive National Land Policy in the name of Sessional Paper No. 3 of 2009 (under review). • Kenya has developed and adopted Sessional Paper No. 1 of 2017 on National Land Use Policy (NLUP), which addresses issues relating to the use of land and its resources. • The total size of land that had been adjudicated/titled by November 2022 in rural areas and Nairobi stood at approximately 11,288,916.12 hectares, representing approximately 19.38% of the total land area. The variance of 46,975,683.88 hectares (80.62%), comprise of ongoing adjudication sections, community land, land in other urban areas, large scale land under leases, water bodies, forests and roads, which could not be ascertained. • The data on the proportion of women and men with legally recognized documentation or evidence of secure rights to land could not be retrieved as the land ownership data was not segregated at the point of collection. • The Country has three (3) types of County Plans: (i) The County Integrated Development Plans (CIDPs), (ii) Sector Plans prepared by various sectors of a county every 5 years and; (iii) Physical and Land Use Development Plans (PLUDPs) that consist of County Physical and Land Use Development Plans (CPLUDP) and Local Physical and Land Use Development Plans (LPLUDPs). Out of the 47 Counties 11 (23.4 percent) have prepared and approved CPLUDPs. 	<p>Among the recommendations include:</p> <ul style="list-style-type: none"> • The data on the proportion of women and men with legally recognized documentation or evidence of secure rights to land could not be obtained because these are not segregated at the point of collection. A deliberate effort is required to ensure that the data is captured at source. • Data on the total land size titled within the urban areas could not be obtained in a short period of time because records are manual hence the accelerated need for digitization. • Continuous research on preparation of the various types of Physical and Land Use Development Plans by the various counties.

2. Report on Monitoring Transition of Group Ranches to Community Land in Kenya

Article 67(2)(c) of the Constitution of Kenya 2010 requires that the National Land Commission advises the National Government on a comprehensive programme for the registration of title in land throughout Kenya. Section 5(2)(b) of the National Land Commission Act 2012 on the other hand requires the commission to monitor registration of all rights and interests in land. To realize this mandate, the National Land Commission in Partnership with Namati Kenya, Ministry of Lands, Public Works, Housing, and Urban Development monitored the transition of undissolved group ranches to community land and

highlights the challenges facing communities in the process of registering their rights. This report was a case study of Laikipia, Kajiado, West Pokot and Samburu counties.

Table 12: Main Findings and Recommendations in the Report on Monitoring Transition of Group Ranches to Community Land in Kenya

Main Findings	Main Recommendations
<ul style="list-style-type: none"> The study found out that only 46 out of 315 undissolved group ranches, equivalent to 14.6% of the country’s undissolved group ranches, had successfully transitioned to community land. The study further established that Elders and Men form majority of the influential groups during the transitioning process at 40.9% and 18.2 % respectively. Women have the least influence during the process at 9.1%. In terms of who’s with the least influence, those cited were Women (62.5%), Youth (25%), and PWD (12.5%) Land tenure rights and governance in Kenya remains a realm for men and inaccessible to the majority of women despite their immense contribution to agricultural production in regard to labour force. 	<p>Among the recommendations include:</p> <ul style="list-style-type: none"> Allocating sufficient resources (both human and financial) to the community land registration exercise; Reviewing the existing statutory forms, including the Community Land Act, CLA 2, and CLA 3 to make them more inclusive; Enhancing coordination among all actors involved in the transition process; and Enhancing sensitization and awareness campaigns to raise the level of awareness among all parties involved in the transition process.



Figure 17: The Launch of the Monitoring Transition of Group Ranches to Community Land in Kenya Report by PS State Department of Lands, Hon. Generali Nixon Korir. 3rd October 2023



Figure 18: A Group Photo during the Launch of the Monitoring Transition of Group Ranches to Community Land in Kenya Report

3. Research on the Challenges and Successes of Transitioning Group Ranches in Kenya to Secure Community Land Rights

This research explored the challenges and successes on the transition of group ranches in Kenya and reviewed similar processes in other countries.

The main challenges affecting transitioning process are disputes within and among the group ranch members, financial constraints and inadequate information on the processes and procedures and challenges related to registration process.

Involvement of the women during the transition process was still low. Eight (8) group ranches achieved a third representation of women in the Community Land Management Committee (CLMCs) while 3 group ranches fell short of the legally required a third representation. 1 did not have women, youth, ethnic minorities represented.

The research recommended the Government to adequately resource transitioning process; review the statutory forms; strengthen co-ordination of relevant State and Non-State Actors. The study also recommended need for targeted and continuous sensitization and awareness campaigns by County Governments.

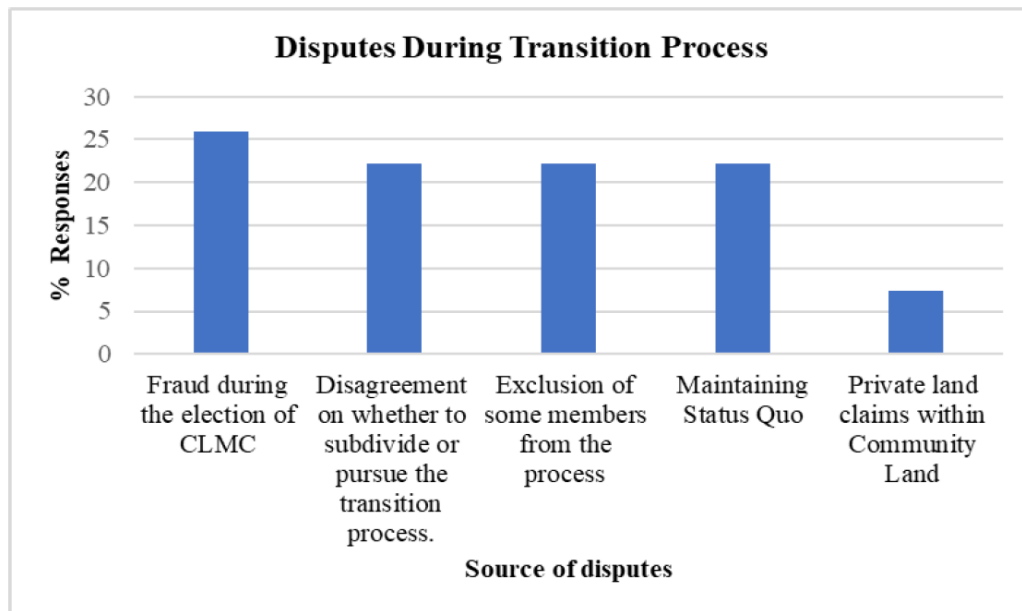


Figure 19: Disputes during the transition process from group ranches to Community Land 2016.

The recommendations were shared at the Conference on Land Policy in Africa held on 21st-24th, November 2023 in Addis Ababa, Ethiopia. This report was finalized and published in the African Journal on Land Policy and Geospatial Sciences February, 2024.

2.2.2.2. Dissemination of Research Findings

The Commission disseminates the research findings through Research Seminars, Conferences, Workshops and preparing policy briefs to the appropriate agencies.

Research Seminars

The Commission organized research Seminars as platforms to disseminate research findings and discussing topical issues in the land sector. The Commission held 3 Research Seminars during the review period that are analyzed in Table 13.

Table 13: Research Seminars

S/No.	Research Presentation Title	Presenter(s)	Platform & Date	Summary of the Presentation
1.	Land Value Index as a Safeguard Tool for Sustainable Land Acquisition.	Commissioner Hon. Esther Murugi Mathenge, EGH	ISK Pre-AGM Conference: 3 rd August 2023	This explored where we are as a country in development of the Land Value Index and its use as a tool for land acquisition.

S/No.	Research Presentation Title	Presenter(s)	Platform & Date	Summary of the Presentation
2.	Gender Inclusion in the Context of Group Ranch Transition to Community Land in Kenya	NLC in Partnership with NAMATI. Panelists included Commissioner Reginald Okumu, Eileen Wakesho of NAMATI, Gordon Wayumba of the Technical University of Kenya and Kennedy Njenga of the State Department of Lands and Physical Planning	Zoom Webinar 14 th March, 2024	The presentation underscored the importance of women inclusion in Community Land Management Committees and gender inclusivity in the
3.	ESG Compliance in Land Management and Administration	Commissioner Reginald Okumu	The 55 th Institution of Surveyors of Kenya (ISK) Pre-AGM Conference 2024: 8 th May 2024	The presentation emphasized the need to adopt blockchain and Artificial Intelligence (AI) to make land registries more transparent as well as to reduce fraud and ease property transactions.

3rd Regional Research Conference on Land

The Commission partnered with National Research Fund (NRF), Ministry of Lands, Physical Planning, Public Works, Housing and Urban Development, Technical University of Kenya (TUK), the University of Nairobi, Food and Agriculture Organization (FAO), KELIN, National Bank of Kenya and Directorate of Resource Surveys and Remote Sensing (DRSRS) to organize and convene the 3rd Regional Research Conference on 12th-13th June 2024 at Kenya School of Government. The Conference’s theme was “*Data, Innovation, and Technology for Land Governance.*”

The Conference was opened by Cabinet Secretary for Information, Communications & Digital Economy, Eliud Owalo, EGH.



Figure 20: Former Cabinet Secretary for Information, Communications & Digital Economy, Eliud Owalo, EGH at the opening Session of the 3rd Research Conference together with NLC Chairman, Commissioners and CEO

The Conference attracted leading experts, researchers, policymakers, and industry leaders who engaged in dynamic discussions touching on various topics that included Land Information Management Systems and Innovative Technologies for Effective Land Governance. Importantly, this hybrid (both physical and virtual) Conference emphasized and highlighted the transformative potential of data, innovation, and technology in tackling various land governance related challenges such as urbanization and climate change. Therefore, the Conference was held at an opportune time when the adoption of technology has become an acceptable inevitable in tackling the evolving and increasingly complex land governance issues.



Figure 21: A Group Photo of a Section of the 3rd Regional Research Conference’s Participants

Table 14: Workshops to Disseminate Research Findings

S/No.	Research Report	Targeted Stakeholders
1.	Findings of the Study Titled <i>Land Use and Environmental Effects of Land Fragmentation</i> . There were various meetings to share recommendations.	Council of Governors, Members of County Assembly and County Land Technical staff of Embu, Kisumu, Kisii, Marsabit, Isiolo, Vihiga, Homabay Samburu, Laikipia and Kitui Counties.
2.	Research report on <i>Monitoring the Transition of group ranches to community land in Kenya</i>	Samburu and Laikipia Counties.

The other notable land conferences and workshops that the Commission attended include:

- The Kenya Land Alliance Baraza, held on 14th November, 2023 in Nairobi and made a brief on the Guide on Public Land Acquisition within Community land;
- The Community Land Summit, which was held on 14th-17th November 2023 in Maralal (Samburu County);
- The Regional Conference on Customary Tenure Rights, which was held on 17th-19th November 2023 in Nairobi;
- The Conference on Land Policy in Africa, held on 21st-24th November 2023 in Addis Ababa, Ethiopia;

- The 55th Institution of Surveyors of Kenya (ISK) Pre-AGM Conference 2024;
- The 8th Annual National Indigenous Women Conference in Isiolo County, hosted by Samburu Women Trust; and
- IGAD meeting held in Entebbe, Uganda in January 2024.

2.2.3. Promoting Good Land Governance

The Commission carried out two main activities in relation to promoting good land governance during the review period. The two activities are:

- i. Monitoring the implementation of the National Land Use Policy (NLUP); and
- ii. Recommending the National Land Policy

2.2.3.1. Monitor the Implementation of the National Land Use Policy (NLUP)

The Commission sensitized and engaged the implementing agencies under Table (9) on their functions as provided for under Paragraph 4.1.6 of NLUP. These engagements and sensitization sessions culminated in the development of engagement reports

2.2.3.2. National Land Policy

Article 67(2)(b) of the Constitution of Kenya, 2010 bestowed the responsibility of recommending a national land policy to the National Government to National Land Commission. The Sessional Paper No. 3 of 2019 on National Land Policy was enacted in August, 2009 and was therefore due for review in 2019 after ten (10) years. In reviewing the National Land Policy, 2009, the Commission predominantly followed the methodology elaborated in the *Framework for Formulating a National Land Policy for Kenya, Concept Paper 2018*, though some adjustments were made to factor in the issues that have emerged between 2018 and the Policy review period. The review was developed through a collaborative, consultative and participatory approach. As a result, the Recommended Policy incorporated comments and contributions of various state and non-state actors including MDAs, County Governments, development partners, academicians, civil society organizations, professional bodies and the members of public in line with Article 10 of the Constitution of Kenya 2010.



Figure 22: Left -A Working Session during Public Participation; Right- A Group Photo of Participants of the Public Participation Session

The finalized policy document, containing recommendations to improve land governance in Kenya, was handed over to the National Government through the Ministry of Lands, Public Works, Housing and Urban Development.



Figure 23: Hand Over of the Recommended National Land Policy to the National Government by the Chairman NLC to CS, Ministry of Lands

The Ministry of Lands, Public Works, Housing, and Urban Development is set to complete review and development process of the Policy by subjecting it to a further public participation exercise before submitting it to the Cabinet for approval. This will be followed by its presentation before Parliament for debate and subsequent approval, after which it becomes the Country's second National Land Policy.

Key Result Area 3: Revenue Generation from Land and Land-based Resources

The Commission carries out various activities aimed at generating revenue from land and land-based resources pursuant to Article 67(2)(g) of the Constitution of Kenya. Therefore, the Commission complements the revenue generation endeavors of the National and County Governments. The Commission executed various strategies to generate revenue from land and land-based resources during the review period. These strategies are categorized as outlined below:

- i. Determining Fees on Processed and Issued Letters of Allotment, Stand Premiums, Annual Rent, Approvals and Consents;
- ii. Valuation of Properties for Various Purposes; and
- iii. Developing Framework for Collection of Revenue from Emerging Economies.

2.3.1. Determining Fees on Processed and Issued Letters of Allotment, Stand Premiums, Annual Rent, Approvals and Consents

The Commission generates but does not collect revenue. It determines the fees payable in letters of allotment. During the period under review, the Commission generated Ksh.98.354 million, representing a 42.8% decline compared to the 171.958 million generated in the FY2022/23. The revenue generation plunge was attributable to a decline in the number allocation requests.

2.3.2. Valuation of Properties for Various Purposes

The Commission undertook valuation of properties and developed reports which were shared with various relevant authorities as advisories. Table 15 summarizes these property valuation reports/advisories and the authorities they were shared with.

Table 15: Property Valuation Advisories

S/No.	Advisory	Purpose of the Advisory	Agency/Authority to
1.	Rabai and Ganze Sub-Counties Advisory Valuations; Valuation of Dede/Dabaso/2193 (Originally, 1085)	Development of Ruruma Youth Polytechnic in Rabai Sub-County, Ruruma Modern ECDE in Rabai Sub-County and Jaribuni County Administration	Kilifi County Government

S/No.	Advisory	Purpose of the Advisory	Agency/Authority to
		Offices in Ganze Sub-County	
2.	Valuation of Kenya Towns Sustainable Water Supply and Sanitation Program- Chogoria Sewerage Project	To provide a value estimate of the parcel earmarked for acquisition through purchase by private treaty	Tana Water Works Development Agency
3.	Valuation of Makueni County Fruit Development and Marketing Authority (MCFDMA) and the Makueni County Intergrated Grain Value Addition Plant (MIGVAP)		County Government of Makueni
4.	Advisory Valuation and Report on Gogo Hydropower Redevelopment Project	Expansion of the current Kengen Gogo Power Sub-Station.	KenGen
5.	Advisory Valuation for Budgeting of Loiyangalani Water and Sanitation Project in Marsabit County	To provide a value estimate of the affected parcels for project budgeting purposes	Northern Water Works Development Agency
6.	Advisory on Valuation of Parcel No. Samburu/Lkuroto Ward/1 for Maralal Sewerage Project (45 Ha)	To provide a value estimate of the parcel for project budgeting purposes	Northern Water Works Development Agency
7.	Advisory of Embakasi Garrison Land Parcel L.R. No. 11344/R	To guide in the transfer of a portion of the land from Nairobi City County to the Ministry of Defense.	Nairobi City County and the Ministry of Defense
8.	Advisory on the Market Value of Kilifi/Mtondia 5332 (1.04 Ha)	To provide a value estimate of the parcel earmarked for acquisition through purchase by private treaty	County Government of Kilifi
9.	Advisory on Land Parcel No. Kilifi/Ngerenyi/664	To provide a value estimate of the parcel earmarked	County Government of Kilifi

S/No.	Advisory	Purpose of the Advisory	Agency/Authority to
		for acquisition through purchase by private treaty	
10.	Advisory on Land Parcel No. Kilifi/Miyuni/Mleji B 224 & Kilifi/Miyuni/Mleji A 1408 (0.4 Ha and 0.1376 Ha, respectively)	To provide a value estimate of the parcel earmarked for acquisition through purchase by private treaty	County Government of Kilifi
11.	Advisory on Land Parcel No. Vinagoni/Majajani 215 (3.37 Ha)	To provide a value estimate of the parcel earmarked for acquisition through purchase by private treaty	County Government of Kilifi
12.	Valuation of Kenya Towns Sustainable Water Supply and Sanitation Program- Chuka Water Supply Project – Ikuu Tank	To provide a value estimate of the parcel earmarked for acquisition through purchase by private treaty	Tana Water Works Development Agency

2.3.3. Developing Framework for Collection of Revenue from Emerging Economies

The Commission undertook a consultative meeting for the development of a framework on revenue generation from land based natural resources. The Framework will contribute to the expansion of the tax base to increase revenue collection to 19.7% of GDP by 2027/2028 in line with one of the objectives of the Bottom-up Economic Transformation Agenda (BETA).

Key Result Area 4: Land Dispute Resolution and Conflict Management

In Kenya, land is not only an emotive but an explosive issue. Land was, arguably, the single-most important issue that provoked Kenyans to fight fiercely for independence. Land is a scarce resource and the perpetual population and economic growth in Kenya continues to make it even scarcer. The continued scarcity of the land resource compounds the short and protracted disputes related to its access, ownership and usage. Factors such as delays, opacities, incompetence, complex bureaucracies and political interferences in resolving land disputes have had far-reaching disastrous consequences. The need to manage and resolve land conflict efficiently, transparently, expeditiously and cost-effectively was a major factor that informed the establishment of the National Land Commission. Alive to the fact that land dispute management and resolution is one of its Constitutional and statutory mandate, the Commission continued to:

- Apply Alternative Dispute Resolution (ADR), Traditional Dispute Resolution (TDR) and Alternative Justice System (AJS) Mechanisms in Land Dispute Resolution and Conflict Management;
- Actively participate in Court Cases (Civil Litigations);
- Provide Redress to Historical Land Injustices (HLI);
- Review of land Bills and Acts; and
- Carry out other Activities that Enhance Land Dispute Resolution and Conflict Management.

2.4.1. The Application of ADR, TDR and AJS

The Constitution of Kenya, under Article 67(2)(d) and Article 159(2)(c), encourages the use of alternative and traditional mechanisms to resolve disputes. These mechanisms help in resolving disputes more quickly and cheaply whilst forestalling the expensive, adversarial and protracted court processes. During the review period, the Commission admitted 271 disputes to be resolved by the same mechanisms.

Among the disputes that were received and admitted for hearing and resolution with ADR/TDR/AJS were the disputes between Kenya Defense Forces and the local residences in Uasin Gishu County and the longstanding Chelimo land dispute.



Figure 24: Alternative Dispute Resolution (ADR) Meeting with Squatters of Chelimo Area, Kericho

In furtherance of its mandate relating to the application of ADR/TDR/AJS to resolve land disputes, the Commission:

- i. Attended a workshop on the formulation of the Isiolo AJS County Action Plan, where it partnered with the judiciary and IDLO to train attendees on Court Users Committee (CUC).
- ii. Partnered with the National Steering Committee on Implementation of AJS to train NLC and Ministry of Lands officials in Nanyuki.
- iii. Attended AJS National Steering Committee meeting in Uasin Gishu; a sensitization forum aimed at promoting AJS.
- iv. Attended the launch of Turkana AJS Suite (Ukumbi), which was launched by the Hon Chief Justice and president of Supreme Court.
- v. Participated in the 3rd National Annual AJS Conference that was held at Kabarak University that discussed how Kenya should expand and retool AJS. Importantly, the Commission constituted the experts panel session that discussed the AJS Typologies and Practices. The Commission shared its experience with AJS.
- vi. Initiated the establishment of Court Annexed Mediation Centre at the Commission's Head Offices and in other eight (8) regions. In this regard, the AJS Secretariat

Commission carried out an internal sensitization exercise that involved training legal officers on AJS.

- vii. Participated in ADR Sessions in Laikipia County that emphasized the significance of ADR as a viable tool in land conflicts. The sessions were organized by KELIN.
- viii. Participated in Nairobi Environment and Land Court Users Committee (E&L CUC) AJS benchmarking visit of Ngong cosmopolitan segment at Ngong law courts.

2.4.2. Civil Litigation

Under Article 253(b), the Commission is capable of suing and being sued in its corporate name. In this regard, the Commission is enjoined in many in many court cases. During the review period, the Commission was enjoined in 394 new cases. As a result, the Commission has been enjoined in 3779 cases touching on various land matters and its mandate since its inception in 2013. The distribution of the 3779 cases per county is indicated in Figure 25.

58 cases were successfully concluded after judgments during the period under review. The summary of activities undertaken by the Commission with respect to civil litigation is shown in Table 16.

Table 16: Summarized Civil Litigation Activities

S/No.	Activity	No.	Remarks
1.	Number of Cases successfully Concluded	58	58 Cases were successfully concluded
2.	Court Attendance	95%	The court attendance for hearing was spread across all the 47 Counties.
3.	Registered Court Cases	394	The omission was enjoined in 394 new cases
4.	Mentions	569	Mentions across the financial year
5.	Hearings	378	Hearings on various matters
6.	Rulings	37	Rulings made

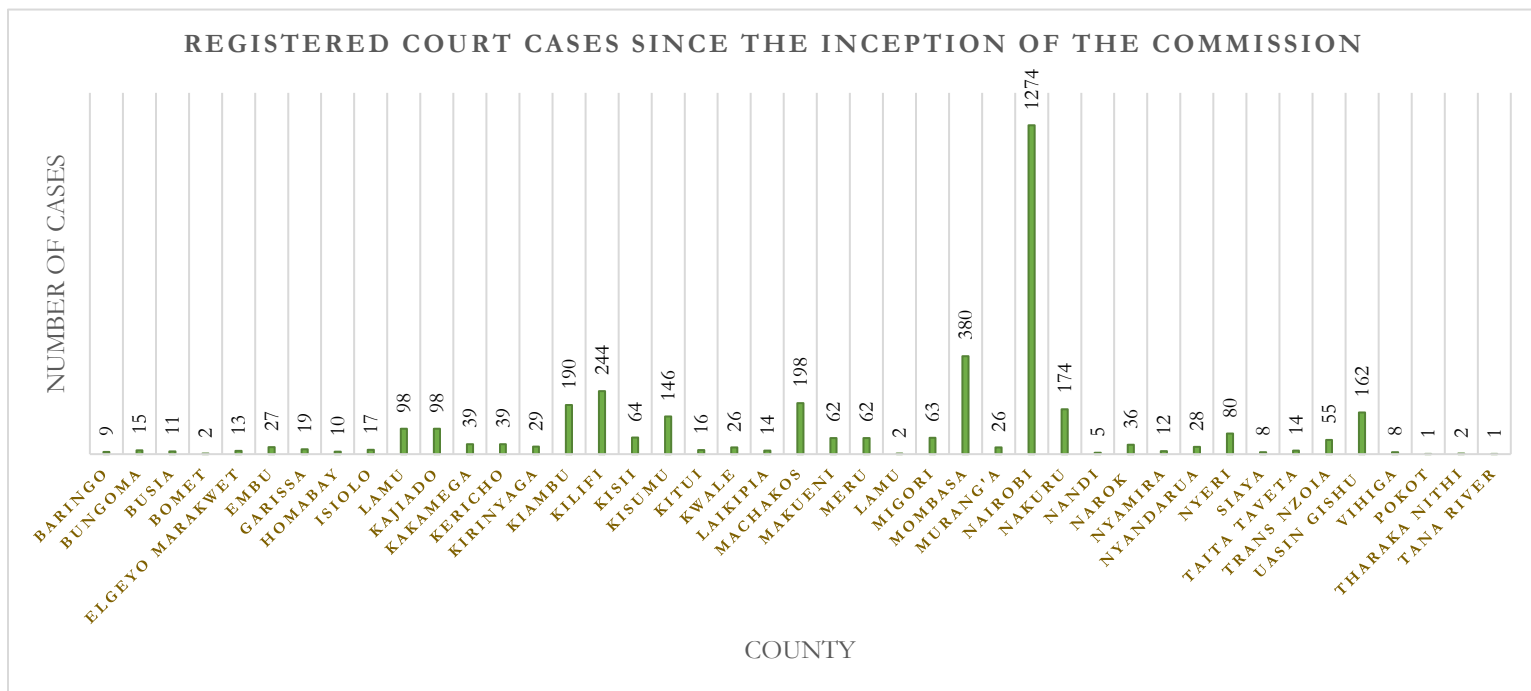


Figure 25: Registered Court Cases Since the Inception of the Commission

2.4.3. Provision of Redress to Historical Land Injustices

Pursuant to Article 67(2)(e) of the Constitution of Kenya 2010, the Commission shall receive, admit and investigate all Historical Land Injustice (HLI) complaints and recommend appropriate redress. Similarly, Section 15(2) of NLC Act 2012 provides an inclusive characterization of grievances that constitute HLI.

The Commission through the HLI Secretariat undertook a number of activities in order to provide appropriate redress for the claims received. The claims are at various stages of processing. Specifically, some of the claims are currently undergoing investigative hearings, research and in-depth analysis of the submissions as well as drafting of the determinations, reports and recommendations.

Precisely, the Commission held (164) status conferences, conducted (168) investigative hearings on various HLI claims, made (3) rulings and, eventually, made 45 resolutions during the review period. The determinations of the 41 Ogiek Community claims were consolidated into one determination report. Tables 17-20 outline the performance of the Commission in relation to HLI status conferences, investigative hearings, rulings and determinations.

Table 17: Some of the Status Conferences

S/No.	Status Conference	Date
1.	Virtual Status Conference Hearing of Historical Land Injustice claim between Kiima Kimwe Residents -Vs- Machakos County Government	25th July 2023
2.	13 Virtual Status Conferences on boundary dispute between Hon. Okiya Omtatah Okoiti Vs Makeni, Kwale and Taita Taveta County	5/10/2023; 18/10/2023; 2/11/2023; 22/11/2023; 21/12/2023; 08/01/2024; 01/02/2024; 15/02/2024; 27/02/2024; 18/03/2024; 21/03/2024; 08/05/2024; 3-6 June 2024;
3.	Status Conference on the Ruling for Kazungu Molu Chogo Vs. African University Trust of Kenya Claim	11/10/2023
4.	Status Conference concerning all HLI Claims by 13 Parties against Kakuzi Limited	31/01/2024
5.	Status Conference of the 7 HLI Matters- Panel 2 Claims	05/02/2024
6.	HLI Virtual Status Conference on Nyaimbo Welfare Association and Other matters	25/03/2024
7.	HLI Virtual Status Conference for Musa Kituri vs Others	22/04/2024
8.	HLI Virtual Status Conference for Kogony, Nyaimbo & Samburu	26/04/2024
9.	HLI Virtual Status Conference for Musa Kituri for the Estate of Malakwen Arap Sisiwa Vs Others	6/05/2024
10.	HLI Virtual Status Conference for Mbari ya Mbogo (Kasarini)	26/06/2024

Table 18: Some of the HLI Investigative Hearings

S/No.	Hearing	Venue	Date
1.	Investigative Hearing for Complaint relating to NLC/HLI/3668/2021 between Kiima Kimwe Residents and Machakos County Government	NLC Head Office; 316 Upperhill Chambers	4th July, 2023
2.	Investigative Historical Land Injustice Hearing of the Torobeek Community Association of Kenya- NLC/HLI/1117/2021	Deputy County Commissioner's Office in Nakuru County	7th July, 2023
3.	Investigative Hearing of Historical Land Injustice Claim between Kiima Kimwe Residents -Vs- Machakos County Government	ASK Machakos Showground	13th September 2023

S/No.	Hearing	Venue	Date
4.	Investigative Hearing for Facts Finding of the 127 HLI claims in Madogo, Hola and Minjila in Tana River County	Madogo, Hola and Minjila	25th -29th Sept, 2023
5.	Mbari ya Muirikia Family Hearing	NLC Head Office; 316 Upperhill Chambers	18/12/2023
6.	HLI Physical Investigative Hearing for Complaint on Kakuzi KPLC and Other Parties	Kenya Utalii College	28th and 29th Feb 2024
7.	HLI Physical Investigative Hearing between Keiyan Self Help Group and Oloontare Sinkare and Oldanyi	NLC Head Office; 316 Upperhill Chambers	06/03/2024
8.	Coastal/Mombasa HLI Investigative Hearings (58)	Bandari College	17th -22nd March 2024
9.	HLI Physical Investigative Hearing between Musa Kituri and Others for the Estate of Malakwen Arap Sisiwa	NLC Head Office; 316 Upperhill Chambers	25th March 2024
10.	HLI Physical Investigative hearing of Keiyan Self Help Group and Others	NLC Head Office; 316 Upperhill Chambers	8/04/2024
11.	HLI Physical Investigative Hearing of the Kakuzi PLC vs Others	Kenya Utalii College	12/04/2024
12.	HLI Physical Hearing of the Mbari ya Mbogo (Kasarini) vs Others	NLC Head Office; 316 Upperhill Chambers	16/04/2024
13.	Physical Hearing between Bohra Primary School and Starehe Boys Centre	NLC Head Office; 316 Upperhill Chambers	25/04/2024
14.	HLI Physical Investigative hearing between Kakuzi PLC & Kituamba Internally Displaced Persons (IDPs)	NLC Head Office; 316 Upperhill Chambers	3/05/2024
15.	HLI Physical Investigative Hearing for Mbari ya Mbogo vs other	NLC Head Office; 316 Upperhill Chambers	7/05/2024
16.	HLI Physical Investigative Hearing of Tana River County Claims	The Red Cross Centre in Malindi	27th – 31st May 2024



Figure 26: On a Site Visit in Mtito Andei to Identify the Beacons on the Boundary between Taita Taveta and Makueni in the Okiya Omtatah vs. County Governments of Kwale, Makueni & Taita Taveta HLI Claim



Figure 27: On a Site Visit at MacKinnon Road in the Investigations of the Taita Taveta and Makueni in the Okiya Omtatah vs. County Governments of Kwale, Makueni & Taita Taveta HLI Claim

Table 19: Summary of HLI Resolutions and Rulings

HLI REF No.	The HLI Claim/Case Title	Claim/Case Summary	Determination Recommendation
NLC/HLI/3670/2021	Okya Omtatah vs. County Governments of Kwale, Makueni & Taita Taveta (Commission Ruling)	This matter was referred to the National Land Commission by the Mombasa Environment and Land Court. The Court ordered the Commission to initiate investigations into the historical land injustices and instant boundary dispute involving Taita Taveta County and the two Counties of Makueni and Kwale. The Court required the Commission to prepare a detailed report with recommendations on appropriate redress to conclusively resolve the boundary dispute involving Taita Taveta and the two Counties. However, Makueni and Kwale counties filed preliminary objections arguing that the Commission did not have the jurisdiction to hear and determine the matter as directed by the Court.	After analyzing all the material and presented submissions, the Commission determined that it had the jurisdiction to entertain the matter, thereby dismissing the preliminary objections and ordering that the claim proceeds to investigation and hearing.
NLC/HLI/3668/2021	Kiima Kimwe Residents vs. The County Government of Machakos & 2 Others (Commission Ruling)	This matter was referred to the National Land Commission by the Machakos Environment and Land Court. The claimants in this matter were Kiima Kimwe Residents and the subject matter was 3,679 acres parcel LR No. 1491, which they claimed was taken from them by colonialists in 1920 and declared part of Machakos Township in 1924. The claimants filed a preliminary objection against the proceedings before the Commission.	After analyzing all the material and submissions by the involved parties, the Commission declined to uphold the preliminary objection and, therefore, dismissed the preliminary objection and ordered the matter to proceed for hearing.
NLC/HLI/104/2017	Residents of Gakurungu Location Vs Title owners of Tunyai “B” Adjudication Section & Ministry of Lands and Physical Planning (Ruling)	This HLI Case involved the Claimant (Residents of Gakurungu Location) challenging the land adjudication process that was conducted in their area in the 1980s. They claimed that the process was flawed and resulted to non-residents being granted land and issued with title deeds. Precisely, the Claimants prayed to the National Land Commission to order that the land adjudication process on Tunyai “B” Adjudication Section be declared illegal, flawed and null and void; and order that a fresh and proper land adjudication process on Tunyai “B” Adjudication Section.	After hearing and findings, the Commission, under Section 15(9) of the National Land Commission Act: <ul style="list-style-type: none"> • Found that the Claim met the admissibility criteria under section 15(e) of the National Land Commission Act but found no ground for ordering the nullification and repeating of the adjudication process. • Advised the claimants with specific issues to submit those issues individually to the Commission for redress by 24th May, 2023, which was 21 days after the date of determination on the Claim.

HLI REF No.	The HLI Claim/Case Title	Claim/Case Summary	Determination Recommendation
NLC/HLI/007/2017	Kazungu Moli Chogo & Others vs African University Trust of Kenya	The Commission made this ruling regarding the HLI claim filed by claimants that land parcel LR No. MN/1/5141 had been secretly and unlawfully allocated to the then powerful Provincial Commissioner, the late Senator Hon. Yusuf Haji, in 1996 in disregard of consent from the ancestral/indigenous occupants, the family of Utange-Majaoni. According to the Claimants, the late Senator sold the land to the Zayed Bin Sultan Alnahayan Charitable and Humanitarian Foundation who, in 2018, leased it to African University Trust of Kenya. The Case by the Respondent, African University Trust of Kenya, was an objection to participate in the proceedings before the Commission citing <i>sub-judice</i> since there was an active case before a competent court touching on the same subject matter.	<ul style="list-style-type: none"> Advised the claimants who has not picked their certificate of titles to pick them from the Tharaka Nith County Land Registry. <p>After its analysis, the Commission found that it had no jurisdiction to hear the matter that was before the court touching on the ownership of the subject land parcel on the basis of the <i>sub-judice</i> rule. The Commission, therefore, ruled that the Claim cannot be sustained and, subsequently, upheld the objection held by the Respondent.</p>
NLC/HLI/656/2020	Rift Valley Enterprises vs Pauline Nekesa Koda & Joseph Kipangas	In this HLI Case, the claimant, Rift Valley Enterprises Ltd claimed that Paulina Nekesa Koda (1 st Respondent) and her son Joseph Kipangas (2 nd Respondent) acquired land parcel No. Miti Mingi/Mbaruk/BL3/4123 fraudulently. The prayer of the Claimant was, therefore, that the Commission cancels the title of the land.	<p>After investigations, the Commission determined and recommended:</p> <ul style="list-style-type: none"> The Deputy County Commissioner of Nakuru West supervises the revocation of any subdivision on land parcel No. Miti Mingi/Mbaruk/BL3/4123. Further, the Commission determined and indicated how the land parcel should be subdivided into three portions (A, B & C: Annex 1) with two portions (A & C) being reserved for public purposes as intended and one portion (B) being allocated to the first respondent (Paulina Nekesa Koda). The Claimant (Rift Valley Enterprises Ltd) relocates the water pipes passing underneath the 1st Respondent's homestead to the public access road and direct to one the portions (Portion C) of the subdivided land parcel No. Miti Mingi/Mbaruk/BL3/4123. Land Portions A & C be public land, which shall vest in and be held by the County Government of Nakuru in trust of the local residents.

HII REF No.	The HII Claim/Case Title	Claim/Case Summary	Determination Recommendation
Ogiek Community and Related Claims (41 Claims)	Ogiek Community of Mau Forest Complex March 2024	The Claimant (the Ogiek Community) presented HII claims, between 2017 and 2021, against the government for what they said was forceful eviction from their ancestral land in October 2009.	<p>After investigations, the Commission:</p> <ul style="list-style-type: none"> Adopted a comprehensive list with 25,019 members of the Ogiek Community and recommended that the Ministry of Land, Housing, Public Works and Urban Development and Ministry of Interior and Coordination of National Government verifies and identifies members, from this list, who have not benefited from any settlement scheme so that they can be settled; Recommended that the Ministry of Land, Housing, Public Works and Urban Development identifies the appropriate land(s) to resettle the Ogiek Community members identified from the list to have not benefited from any settlement scheme; Recommended that any land that shall be identified for the settlement of the Ogiek Community members be given as community land under the Community Land Act, 2016; and Recommended that the Kenya Forest Service considers giving licenses or permits to the Ogiek Community for user rights or community rights within the Mau Forest Complex for purposes of extracting medicinal properties, bee keeping and religious activity within the framework of the Forest Conservation and Management Act, 2016. <p>Upon analyzing the pleadings and submissions by the Applicant and Respondents, the Commission ruled that:</p> <ul style="list-style-type: none"> The Applications as consolidated be dismissed The pending investigative hearings to proceed Each party bear their costs
NLC/HII/168/2018 as Consolidated with NLC/HII/006/2017 & NLC/HII/580/2019 ⁴	Kakuzi Ruling (Commission Ruling)	The Commission made this ruling upon prayers by the Applicant (Kakuzi Plc) in the ongoing investigations on the HII Claims filed by 13 claimants who alleged that the land owned by Kakuzi Plc was their ancestral land taken unlawfully from them. The Applicant, Kakuzi Plc, made three Applications with prayers to the Commission relating to how proceedings should be conducted, including ground visits. The respondents objected the Applications in their entirety.	

⁴ Read Full Ruling via <https://landcommission.go.ke/download/kakuzi-ruling/?wpdmdl=20370&refresh=6692ddfd9c21720901119>

HII REF No.	The HII Claim/Case Title	Claim/Case Summary	Determination Recommendation
NLC/HII/1117/2021 and NLC/HII/1462/2021	Torobeek Community Association of Kenya Determination ⁵	In this Case, the Claimant (Torobeek Community Association of Kenya) presented a HII claim arguing that the Torobeek Community members were forcefully evicted and displaced from their original forest habitats spread across 27 counties, including the Mau Complex without any form of compensation or resettlement. The Respondents in this Claim were Kenya Forest Service and the Attorney General as 1 st and 2 nd Respondents, respectively.	The Commission dismissed the Claim after finding that the Claimant's complaint cannot be verified and/or ascertained whether the complainant suffered displacement or any form of HII

⁵ Determination Accessible from <https://landcommission.go.ke/download/torobeek-community-association-of-kenya-determination/?wpdmdl=20383&refresh=6686776a5cdad1720088426>

Noteworthy, the Commission had received 3,742 HLI claims as at the lapse of the statutory claim deadline, which was 21st September 2021, in line with Section 15(1) of the National Land Commission Act 2012. Consequently, the Commission assessed the received claims for admissibility resulting in 1,164 claims being admitted. The achievement made by the Commission during FY2023/2024 and cumulative performance so far in regard to investigative hearings and resolutions is as indicated in Table 20.

Table 20: Summary of Achievements in the Provision of Redress for HLI

S/No.	HLI Particulars	Total During FY2023/2024	Cumulative Total
1.	No. of HLI claims received as at Sept. 2021	-	3742
2.	No. of HLI claims admitted	-	1137
3.	No. of Status Conferences/Meetings	164	429
4.	No. of Investigative Hearings	168	410
5.	No. of HLI Resolutions (Determinations and Reports)	45	184

2.4.4. Review of land Bills and Acts

Table 21 summarizes the bills and legislation the Commission reviewed and proposed amendments during the review period.

Table 21: Reviewed Bills and Acts

S/No.	Title of the Bill Legislation	Remarks
1.	Land Laws(amendment) Bill 2023	This bill sought to amend the Registration of Document Act, Land control Act, Land Registration Act, Land Act, Community Land Act 2016 and Sectional Property Act 2020 Comments Published and submitted to the Parliamentary Departmental Committee on Lands. The bill has since been withdrawn.
2.	National Assembly Bill no 76 of 2023	Comments Published and submitted to the Parliamentary Departmental Committee on Lands. The bill has since been withdrawn.
3.	Land Laws (amendment) Bill 2023 Published Vide Kenya Gazette Supplement No 194(National Assembly Bills no 65)	It sought to amend the National Land Commission Act, The Land Act and the Land Registration Act Comments Published and submitted to the Parliamentary Departmental Committee on Lands. The bill is at the Parliamentary Land Committee.
4.	The National Rating Bill 2022	Comments Published and submitted to the Parliamentary Departmental Committee on Lands. The Bill provides for a framework for imposing of

		rates and valuing of all rateable properties including land and buildings, among others.
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2.4.5. Other Key Achievements of the Commission relating to Land Dispute Resolution

- i. *Development and Launch of the National Land Commission Investigation and Inquiry Practitioner’s Guide in line with the provisions of Article 252(1):* The Guide is a practical advisory handbook to be used by the Commissioners and technical staff responsible for the conduct and support of investigations and inquiries. They use it to resolve land disputes and conflicts and determine rights and interests in land. The guide includes objectives, methods and procedures to support structures that effectively detect the underlying causes of the dispute, gather evidence and produce investigation reports. The reports support litigation, prosecution, inquiries, policy direction and any other appropriate responses. The Guide also identifies the roles and responsibilities of diverse internal and external actors and the interface of their roles for effective investigation and inquiries. The purpose of the guide is anchored on Section 5 (b) of the Fourth Schedule of the NLC Act which provides that NLC shall determine rules of procedure for the conduct of its business.

The Guide seeks to provide guidance on conducting land related investigations and inquiries. With this Guide, NLC Commissioners and the technical support team will be able to gather and process evidence aimed at supporting court cases and out-of-court settlements within the precincts of the applicable legal and procedural frameworks. Furthermore, the Guide identifies the roles and responsibilities of various critical actors and the point at which they complement and help the Commission in the effective resolution of land disputes and sustainable policy implementation. Therefore, the Guide supports a multi-stakeholder resolution to land disputes.

The Guide, which NLC launched in partnership with FAO of the UN under the Digital Land Governance Programme, will be pivotal in restoring trust and confidence of Kenyans in the land reforms agenda as a result of facilitating timely resolution of land disputes.



Figure 28: Launch of the Practitioner's Investigation and Inquiry Guide, which was Presided over by the Chief Justice, represented by Justice Smokin Wanjala of the Supreme of Kenya

- ii. Undertaking various inquiries and investigations including the ground verification on Mombasa Road on behalf of KeNHA.
- iii. Partnering with the energy sector under the leadership of the Kenya Electricity Transmission Company Limited (KETRACO) and Kenya Law Reform Commission (KLRC) to deliberate on formulation of regulation for creating a public right of way and to improve the outcome of county suites.
- iv. Conducting training for the Land Acquisition Tribunal members.
- v. Attending Court Users Committees and bar bench meetings in all 37 Environment and Land Court stations spread across the country
- vi. Collaborated with the judiciary, Nairobi City County, Ministry of Lands, Attorney General and Ministry of Interior and National Administration among others to launch the Nairobi Land Justice Working Group to identify the root causes and address systemic and endemic challenges in the administration of land justice in Nairobi.
- vii. Participated in and providing advisory to series of meetings of the working group on operationalization of the World Health Organization (WHO) regional emergency hub

- and Africa Centers for Disease Control and Prevention (CDC) Regional Coordination Centre (RCC) at Kenyatta University Teaching and Referral Hospital.
- viii. Participated in hearings at the Land Acquisition Tribunal to represent the Commission and defend cases relating to compulsory acquisition for various government projects including the Standard Gauge Railways, Mombasa Port Area Road Development Project (MPARD), Malindi Airport Expansion, National Irrigation Authority, KeNNHA, KURRA, Mama Ngina University College,
 - ix. Participated in the multiagency team to discuss appropriate way forward with regard to parcels encroaching Mombasa road/Nairobi expressway buffer zones (road reserves).
 - x. Spearheaded governance and Reforms in accordance with statutory requirements of a MDAs including Export Processing Zones Authority and Special Economic Zones Authority.

Key Result Area 5: Institutional Strengthening

The Commission continued to develop capacity to improve the quality of service and enhance efficiency in the delivery of services during FY2023/24. In this regard, therefore, the Commission continued to strengthen its human resources capacity; improve the work environment; enhance corporate image; strengthen its internal systems; and enhance accessibility of services throughout the country.

2.5.1. Strengthening the Human Resources Capacity

2.5.1.1. Attract and Retain Competent Human Capital

The Commission identified skills gaps and vacant positions that resulted from voluntary and involuntary turnovers and, subsequently, successfully recruited four (4) staff members including the Director and Deputy Director Land Administration and Management, Director Human Resource and Administration and Deputy Director Finance and Accounts. Further, the Commission conducted interviews for 29 positions.

2.5.1.2. Staff Training and Development

Cognizant of the fact that enhanced knowledge, skills and competencies contribute immensely to the attainment of consistent performance improvement and quality of service delivery, the Commission facilitated and supported its staff members to undertake training and participate in sensitization programmes on various thematic areas as summarized in Table 22.

Table 22: Training and Sensitization Sessions Staff Members Attended

S/No.	Type/Name of the Training & Development Programme	No. of Staff Members Trained
1.	Sustainable Land Governance & Climate Change	53
2.	File Classification Schedule in the Commission	59
3.	Workshop on Procurement	8
4.	Finance for HR Professional & Payroll Administrators	4
5.	Certified HR Auditors	3
6.	ICT Systems Audit	12
7.	IPPD/IFMIS/iTAX/CBK System Integration	2
8.	Men in HR Workshop	6
9.	Annual Records and Archives Management Conference	6
10.	7 th National Lady Accountants Conference	22
11.	ISK Africa Regional Conference	3
12.	ICPAK 40 th Annual Seminar Conference	12
13.	Kenya Institute of Planners	18
14.	Public Relations Society of Kenya (PRSK)	2

S/No.	Type/Name of the Training & Development Programme	No. of Staff Members Trained
15.	Sensitization on Contemporary Land Administration and Management Issues	159
16.	Strategic leadership Development Program (SLDP)	7
17.	Senior Management Course	7
18.	Financial Inclusion and Digital Transformation	1
19.	Records Management	2
20.	Energy Systems, Security and Net Zero Emissions	1
21.	Training on application of NLC Practitioners' Investigation and Inquiry Guide	39
22.	Hansard Conference	3
23.	"Whole Government approach" for performance Improvement in the Government Sector	7
24.	Applied Governance 2024 Seminar	1
25.	Sensitization of Independent Offices and Commission on Asset Management Practices	6
26.	Land Acquisition and Resettlement Management	16
27.	Course on ADR/TDR/Mediation-Mitigating Disputes in compulsory Land acquisition.	8
28.	Annual Seminar of Internal auditors	7
29.	Management Skills Training	1
30.	Annual ICPAK (Audit Unit)	4
31.	Annual ICPAK Conference (Finance Unit)	20
32.	Sensitization/Training on Transition from Cash to Accrual Basis of Accounting.	35
33.	Public Policy Formulation, Implementation and Analysis	3

2.5.1.3. Performance Management

The Commission remains resolutely committed to cultivating a culture of improved accountability, performance and service delivery to contribute productively to the actualization of the Bottom-Up Economic Transformation Agenda (BETA), which intends to achieve the country's economic turnaround. In this regard, the Commission made a significant leap forward towards implementing performance contracting (PC), which is a critical performance management tool with far-reaching positive impacts on continuous improvement in efficiency, accountability, responsiveness and stewardship of public resources. The Commission facilitated the training of its senior management and other technical staff members on the critical steps and components of performance contracting. The training was delivered by officials from the Public Service Commission.



Figure 29: During the Performance Contracting Training Session

Consequently, the Commission developed Draft Performance Contracting Guidelines. The Draft Guidelines awaits consideration and approval of the Commission to pave way for the implementation of performance contracting in the Commission.

In addition to making a significant stride towards the implementation of PC, the Commission continued to assess the annual performance of individual staff members using performance appraisals. Performance appraisal reports have been instrumental to identifying the employee's skills to utilize for an expedited attainment of the overall organizational goals and the skills gap to fill through training for future performance improvement

The entrenchment of a performance improvement culture has paid off. During the review period, the Commission scooped the "Excellence in Land Administration Award in Public Sector" during the Africa Public Sector Conference & Award (APSCA) 2023 ceremony. Moreover, the Commission Secretary/CEO was feted with the 2023 Public Sector CEO of

the year Award during the same ceremony, courtesy of her excellence and outstanding leadership and innovativeness in the public sector.



Figure 30: The Commission CEO flanked by Commissioner Reginald Okumu and Secretariat Members during the APSCA Ceremony

2.5.1.4. Improving Staff Welfare

Improved welfare of staff in workplace is not only a retention booster but a magnet of top talents. Conscious of this fact, the Commission implemented various strategies aimed at elevating the staff members' welfare. The Commission sourced and availed funds for mortgage and car loans, which resulted in a number of staff members benefiting. Furthermore, the Commission procured/renewed and operationalized four insurance covers namely Medical, Group Life, Group Personal Accident and Work Injury Benefits Act (WIBA).

Finally, yet importantly, the Commission realized the long-awaited aspiration of establishing a savings and credit cooperative society (SACCO). In this regard, the Commission registered the Tume SACCO, which aims to cultivate a savings and investment culture among the employees in addition to availing to them affordable financial and credit facilities.



Figure 31: Director HRA, CHRP Ben Bett, Presents the Certificate of Registration of Tume SACCO to the Interim Chairman

The motto of this SACCO is *Partner for Accelerated Development*, which embodies the spirit of a collaborative and shared prosperity. The SACCO invites membership from staff members of other Constitutional Commissions and Independent Offices (CCIOs) and Kenyans from all walks of life.

2.5.2. Improving the Work Environment

The positive impact of a conducive work environment on employee performance and productivity is empirically proven and repeatedly documented. In view of this fact, the Commission devised and effected several strategies aimed at improving the work environment. As per the Commission Strategic Plan (2021-2026), these strategies fall under two broad categories namely:

- Develop and implement human resource frameworks, policies and procedures; and
- Acquire and maintain appropriate infrastructure.

2.5.2.1. HR Policies, Frameworks and Strategies

The draft Succession Management Policy and Framework were developed and presented to the Commission Human Resources and Administration Committee for consideration and approval. The Policy and Framework will be instrumental to promoting the continual development of the Commission employees as well as ensuring that key positions within the organization remain stable even in the event of gaps that arise from voluntary and involuntary turnovers.

2.5.2.2. Acquisition and Maintenance of Appropriate Infrastructure

Simple real estate return-on-investments calculations suggest that construction is less costly, in the long run, than leasing. In this regard, the Commission is dedicated to constructing County Offices albeit the obstacles presented by budgetary constraints. During the review period, the Commission acquired land to construct its offices in two counties: Bomet and Nyandarua. In relation to records management infrastructure, the Commission acquired 3-Bay Bulk filers for Land Administration files and 4-Bay Bulk filers for Historical Land Injustices files.

2.5.3. Enhancing Corporate Image of the Commission

The Commission performance with respect to enhancing corporate image is as shown in Table 23.

Table 23: Enhancing Corporate Image

S/No.	Activity	Achievements
1	Promoting Good Corporate Governance	Spearheaded the development of the Commission's Service Charter, which outlines the standards it commits to achieve in the service delivery to the people of Kenya. The Service Charter awaits the consideration and approval of the Commission plenary before it is formally adopted. In addition, the Commission drafted the Commission Charter, yet another tool of good corporate governance.

2	Improving Commissions visibility	<ul style="list-style-type: none"> ✓ Published content on social media and analyzed social media trends to respond to public demand on Land Administration, Valuation & Taxation, Land Use Planning and any other function of the Commission which is critical to effective and accountable land governance. ✓ Positive media coverage. For example, commission activities such as the site visits by the Commission in Mackinnon Road and Mtito Andei to resolve the boundary disputes between Taita Taveta and the Counties of Kwale and Makueni and the 3rd Research Conference were covered and aired in various major print and broadcast mainstream media including KBC TV, Citizen TV, Mt. Kenya TV, the Star Newspaper, KNA, Radio Msenangu, Radio Kaya and Pwani FM among others. The Commission, also, attended interview sessions and responded to questions from journalists. ✓ Branding of the Commission’s Head Office at 316 Upper hill Chambers, Nairobi, as well as installation of signage to communicate our brand identity to the members of public who visit to seek our services.
3	Communication & Advocacy Policies, Frameworks and Strategies for the Commission	<ul style="list-style-type: none"> ✓ Developed the Hansard Manual which has been approved by the Commission Plenary and is currently in use. ✓ Drafted the Communication & Advocacy Policy.
4	Hansard Activities	Recorded and transcribed 34 Virtual status conferences and Physical commission hearings on Historical Land Injustices.

2.5.3.1. Enhancing Corporate Image through Public Education and Awareness

Public education is the cornerstone of flourishing communities. The awareness was aimed at ensuring equal access to education, provide quality learning opportunities, foster social cohesion, develop critical thinking skills, drive economic growth, reduce inequality, invest in the future, and nurture active citizenship. During the review period the Commission enhanced strategic public education in all the 47 counties covering thematic land topics and dialogues.

- Conducted 135 public education forums and dialogue forums on various land themes and the roles of various land institutions in Samburu, Baringo, Tana River, Mombasa, Kilifi, Taita - Taveta, Makueni, Isiolo, Wajir, West-Pokot, Kajiado, Laikipia, Marsabit, Homa Bay and Kisumu Counties. A total of 147,600 people were reached.

- Key emphasis was conducting public education on the role of NLC in the implementation of Community Land Act 2016 and the process of Compulsory Land acquisition within Community land.
- Developed and distributed 4,000 thematic information, education, and communication (IEC) on various mandate of the Commission including public land management, compulsory land acquisition, and natural resources management and dispute resolution.
- Participated in 4 tradeshows and exhibitions to interact with members of public and respond to their queries regarding public land. The exercise was undertaken in Nyeri, Nakuru, Elgeyo Marakwet and Nairobi counties



Figure 32: NLC interacts with Members of Public at the Nyeri Agricultural Society of Kenya (ASK) Trade Fair

2.5.4. Ensuring Financial Sustainability

2.5.4.1. Enhancing Resource Mobilization

Pursuant to Section 26(1) of NLC Act 2012, the funds of the Commission shall consist of monies allocated by parliament; monies or assets as may accrue to the Commission when executing its mandates; and all monies from any other sources, whether provided or donated or lent. The Commission has generally been underfunded since its inception, which impedes

a seamless delivery of its mandate. In this regard, the Commission has continually engaged partners to seal the funding gaps. During the review period, the Commission reinvigorated its resource mobilization efforts.

Importantly, the Commission developed the draft Resource Mobilization Strategy, which once approved and adopted, will enhance the Commission's effectiveness in securing and managing financial and non-financial resources.

Additionally, the Commission organized one donor roundtable meeting with stakeholder's/development partners to share achievements made for the period of 10 years since the establishment of the Commission and also highlight the strategic areas of focus as per the Commission's Strategic Plan 2021 - 2026.

To ensure sustainability and growth the commission entered into work partnership with 13 non- state actors namely, FAO, KeLiN, NAMATI, IGAD, IMPACT Kenya, WWF, Pamoja Trust, Habitat for Humanity, Samburu Women Network, Kituo Cha Sheria, CLAN and Natural Justice. An estimated total of 307,692 Dollars was mobilized from the partnerships.

2.5.4. Strengthening Internal Systems and Processes for Efficient Service Delivery

2.5.4.1. Effective Performance Management

The Commission continued to monitor the implementation of the Strategic Plan 2021-2026, and subsequently, developed four quarterly performance reports. The recommendations contained in these reports were critical to enhancing the Commission's compliance with the relevant Constitutional and statutory provisions as well as aligning its activities to the government development blueprints and agendas, particularly, Kenya Vision 2030 long-term development blueprint, the Fourth Medium Term Plan (MTP IV) and BETA. Additionally, the Commission developed the Annual Workplan for FY2024/2025 with realistic objectives and goals that are in line with SP 2021-2026 as well as the current long-, medium, and short-term country's development blueprints.

2.5.4.2. Leveraging ICT in the Commission's Operations

ICT is critical in developing, implementing digitized & digitalized systems and infrastructure in the Commission. The Commission therefore leverages on ICT to improve land governance systems in Kenya. Table 24 highlights the performance of the Commission during the review period.

Table 24: Highlights of Performance in ICT

S/No.	Activity	Achievement
1.	Upgrading of the Computing Infrastructure	The Commission upgraded the Computing Infrastructure, which comprises shared storage, data protection equipment, virtualization software and back-up software. The Computing Infrastructure was installed in the primary data Centre and help in replication of commission information the disaster recovery site.
2.	LAN/WAN Connectivity at Headquarters and County offices	The Commission has integrated One Government Network (OGN) and established point to point connectivity to its head office and 23 county offices so to ensure seamless communication and data integration which is essential for the Commission's operations. The counties are: Samburu, Isiolo, Kitui, Muranga, Kirinyaga, Nyeri, Meru, Tharaka Nithi, Kiambu, Laikipia, Machakos, Makueni, Elgeyo-Marakwet , Nandi , Nakuru, Busia, Uasin Gishu, Kisii, Nyamira, Bungoma, Trans-ngoia, Migori and Embu
3.	Service Level Agreement	The Commission renewed contracts for Service Level Agreements (SLAs) of Computing Infrastructure, Enterprise Resource Planning (ERP) and Haki Kwa Ground System to ensure continued availability of quality services
4.	Purchasing & renewal of Licenses; Upgrading of Software; Purchasing and Maintaining of Hardware	The Commission renewed (8) licenses that secures data and information for Commission's digitalized processes. Further, the Commission procured (200) software licenses, (300) anti-virus licenses and 15 computers.
5.	Vulnerability Testing	To prevent its ICT infrastructure from possible cyberattacks, the Commission undertook a vulnerability test and developed a report on areas the Commission need to address.
6.	SIP Trunk services	To ensure continues cross-team communication for efficient service delivery to the people of Kenya, the Commission renewed the contract with the ISP on provision of SIP Trunk services
7.	Re-engineering, Automation and Digitization of Processes and Procedures	To reduce operational cost while expediting the attainment of land reforms in Kenya, the Commission prepared and approved workflows on processes and procedures.
8.	ICT Policy	The Commission reviewed the ICT Policy which will help to provide guidelines and procedures to NLC members of staff and third parties on matters related to ICT use, and also to ensure compliance to the same.
9.	ICT Standard and Operating Procedures	The Commission reviewed ICT SOP which sets out the aims, principles and strategies for efficient service

S/No.	Activity	Achievement
		delivery and forms the basis for the development and integration of ICT in the Commission’s operations and processes.

2.5.4.3. Enhancing Risk Management and Guaranteeing Quality of Services

Several audit reviews were conducted and reports compiled with recommendations that enhanced corporate governance, risk management and the internal control processes of the Commission during the review period. The efforts of Commission, regarding, internal audit did not go unrewarded. The Institute of Internal Auditors Kenya recognized and awarded the Commission at the inaugural Internal Audit & Risk Awards, 2024 after emerging the First-runners up in the category of CCIOs that have achieved high standards in internal audit governance.

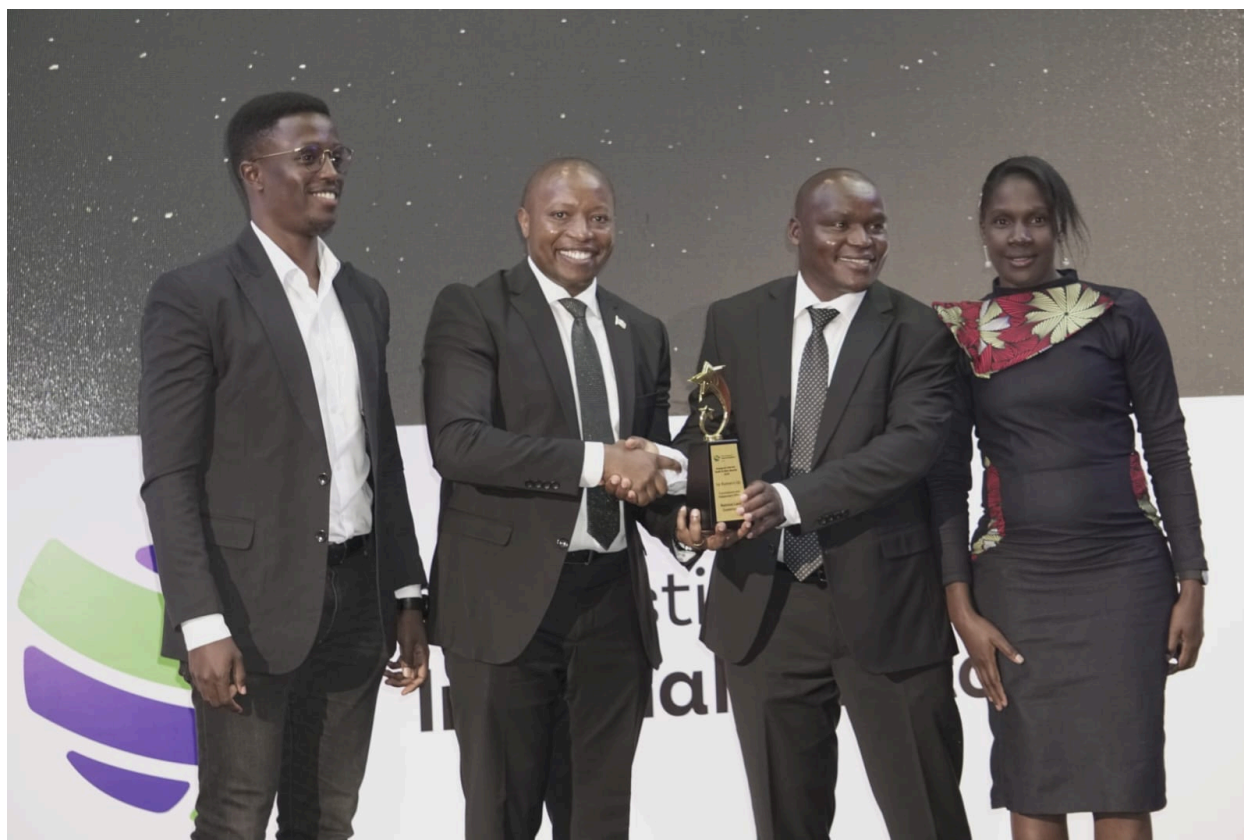


Figure 33: The Commission’s Head of Internal Audit & Risk Management receives the Audit Award

2.5.5. Enhance Accessibility of Services throughout the Country

NLC has established 47 County Offices across Kenya to enhance the management and administration of public land and ensure the Commission’s services are accessible at the

grassroots level. These offices play a critical role in securing public land, managing natural resources, overseeing land use planning, resolving land disputes, and strengthening institutional frameworks. The following performance review highlights key achievements of the County Offices in various strategic areas, demonstrating their impact and contribution to the Commission’s overall mandate.

Table 25: Summary of Performance from County Offices

Key Result Area	Strategic Objective	Performance Indicators	Achievements
Management and Administration of Public Land	Securing public institutional land	Number of parcels identified and submitted to Headquarters for processing	2,493
		No. of Public Institution Land Identified for Recovery	308
	Mainstream final survey in the vesting process for compulsorily acquired lands	No. of Parcels identified	536
	Sustainable management of Natural resources	Number of Ecologically sensitive sites identified	94
	Update Updated/ground verification county/comprehensive public	Number of parcels identified	1,101
Status Report/Verified List of Beneficiaries on the Documentation of Rights in Urban Areas		58	
Monitor and Oversight Land Use Planning throughout the Country	Planning and Surveying/Urban Centers Planning & Surveying Status Report in County	No. of Reports on the Status of Land Use	25
		No. of Urban Centers undergoing Planning and Surveying/Urban Centers Planning & Surveying	72
Land Dispute Resolution and Conflict Management	Conflict Resolution	No. of Disputes Handled through ADR/TDR mechanisms (Received and	192
		No. of Preliminary Investigations of HLI Matters Conducted	120
Institutional Strengthening	Improved visibility	No. of Awareness Forums/Meetings held	205

The performance review of the County Offices reveals significant achievements across various key result areas. From identifying and securing thousands of public land parcels to

resolving numerous land disputes through Alternative and Traditional Dispute Resolution mechanisms, the County Offices have played a pivotal role in advancing the Commission's goals.

Their efforts in sustainable natural resource management, land use planning, and institutional strengthening through awareness forums have further solidified the NLC's presence and effectiveness at the county level. These accomplishments underscore the essential role of the County Offices in fulfilling the Commission's mandate and ensuring sustainable land management across the country.

CHAPTER 3: PARTNERSHIPS

The Commission encourages inclusive multi-stakeholder partnerships to confront the intricate, multifaceted land issues in Kenya. During the review period, the Commission continued to forge partnerships with relevant state and non-state actors. These partnerships gave the Commission the requisite capability and agility to partly deliver on its mandate. Table 26 analyses the Commission performance in relation to partnerships and collaborations.

Table 26: Partners and Areas of Partnerships

Partners	Area of Partnership and Achievement
Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> • Developed of the National Land Policy • Establishment of settlement schemes. • Resolving of Historical Land Injustices • Land Administration and Management
KENHA, KURA, and KERRA	The Commission and the three legally-established Road authorities collaborated on various aspects of compulsory acquisition for the development of road infrastructure.
Geothermal Development Authority (GDC)	<ul style="list-style-type: none"> • GDC partnered with NLC to hold public education and dialogue forums on Compulsory Land Acquisition Process ahead of the first ever acquisition community land for the the Baringo-Silali Geothermal Development Project. This was done within Paka Community Baringo County.
Department of Film services	<ul style="list-style-type: none"> • Production of Documentaries of the 3rd regional research conference and LAPPSET project
Parliament	<ul style="list-style-type: none"> • Jointly, the Commission and National Assembly Departmental committee on Lands engaged in a verification exercise of Project affected Persons (PAPs) at Dongo Kundu; • Deliberations on budget estimates, reviews and approvals; • Targeted public education and stakeholder engagement forums (public barazas) on HLI and other land matters such as succession, title processing and lease renewals. • Land disputes resolution. • Parliamentary House Committee engagements.
National Environment Management Authority	Collaborated on matters relating sustainable management of natural resources particularly the protection of riparian lands and other fragile ecosystems.

Judiciary	<ul style="list-style-type: none"> Operationalization of AJS mechanism CUCs bar bench meetings Nairobi Land Justice working group
Food and Agriculture Organization (FAO) and European Union (EU)	<p>Under the programme dubbed “Digital Land Governance Programme (DLGP),” FAO and EU continued to fund critical activities within the Commission including:</p> <ul style="list-style-type: none"> The development and launch of Kenya Natural Resources Atlas; Provision of GIS lab equipment; The formulation of the Recommended National Land Policy; Development and Launch of the Practitioner’s Investigation and Inquiry Guide Sensitization Workshops and consultative meetings in Counties on the Digital Land Governance Programme and fast tracking the completion of CSPs; The organization and convening of the 3rd Regional Research Conference; Convening workshops to disseminate research findings to relevant agencies/stakeholders; and Historical land injustice investigative hearings in Mombasa
World Bank	Engagement on matters touching on the funding of the Horn of Africa Gateway Project and capacity building programmes.
Swedish International Development Cooperation Agency (SIDA)	Training of the Commission staff members under the 5 th Cohort of International Training Program (ITP5).
NAMATI	Development and launch of the Report on <i>Monitoring the Transition of Group Ranches to Community Land in Kenya</i> .
KELiN	Public education and awareness sessions IEC printing and dissemination Capacity Building Development of the Advisory to National land Policy.
IMPACT Kenya	Media Engagements
Kituo Cha Sheria	Development of thematic land IEC materials
WWF	Development of Land use planning guidelines
Habitat for Humanity	Public education and awareness Development of Land use planning guidelines
Pamoja Trust	Development of Land use planning guidelines Convening of HLI Forums
Natural Justice	Convening of HLI Forums

National Research Fund (NRF)	Annual Regional Research Conference.
Universities	Annual Regional Research Conference.
Media	
<p>The media continued to:</p> <ul style="list-style-type: none"> • Provide coverage on the activities of the Commission such as the 3rd Regional Conference and land dispute resolution e.g. the Taita Taveta - Makueni – Kwale boundary dispute; • Help in public education and awareness in relation to land matters such as matters relating to land administration and management, compulsory acquisition of land for government projects; and • Help in the strengthening of synergies with partners. 	
CoG and County Governments	
<p>The Commission continued to cooperate and consult with county governments on various matters aiming at addressing and resolving outstanding public land issues in line with Article 6 of the Constitution of Kenya. Key collaborative interventions include:</p> <ul style="list-style-type: none"> ✓ Land allocation of public purpose plots ✓ Land use and spatial planning initiatives ✓ Dispute resolution on land and natural resources ✓ Public land management ✓ Support HLI Hearings 	
Constitutional Commissions and Independent Offices (CCIOs)	
<p>The Commission continued to collaborate with other CCIOs listed under Article 248 of the Constitution of Kenya to execute their common objective of: protecting the sovereignty of the people; securing the observance by all State organs of democratic values and principles; and promoting constitutionalism. Moreover, the Commission joined other CCIOs in a 3-day consultative forum with the Executive to develop a framework for coordination and engagement among themselves.</p>	



Figure 34: Signing of the Letter of Agreement with FAO

Further, the Commission continued to engage with other organizations/agencies/stakeholders with shared vision with the aim of broadening the scope of partnerships. Among the parties that the Commission engaged include:

- The Directorate of Resource Surveys and Remote Sensing (DRSRS) – The Commission hopes to partner with DRSRS on matters relating managing land resources.
- Intergovernmental Authority on Development (IGAD) – Engagements are ongoing on the possibility of the Commission collaborating with IGAD in carrying out research on land and use of natural resources as well as other activities of the Commission.
- SuperMap Software Company – NLC had discussions with the world’s third largest Geographic Information System (GIS) software manufacturer on possible areas of partnership, including:
 - the development of public land Inventory
 - development of Natural Resource Geoportal
 - Mapping of ESAs
 - Development of capturing tool at county level for properties that are not surveyed

- GIS Laboratory and survey equipment
- Training developments
- Research and information dissemination
- Monitoring Land rights
- monitoring of land use planning in Kenya

Also, the Commission held consultative meetings with International Fund for Agriculture (IFAD), RECONCILE, Kenya Land Alliance, Habitat for Humanity, International Land Coalition (ILC) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) to explore possible areas of partnership and collaboration.

CHAPTER 4: CHALLENGES AND RECOMMENDATIONS

In the course of executing the mandate of resolving the land question in Kenya, the Commission encountered a manifold of challenges. This chapter reports some of these challenges in compliance with Section 33(1)(e) of the NLC Act, 2012.

Financial/Budgetary Constraints

The Commission continued to face financial challenges owing to the low budgetary allocation by the government. The financial/budgetary insufficiency significantly curtailed the Commission from implementing its mandate. For example, the Commission could not conduct final survey and vesting of the compulsorily-acquired land; develop the web-based public land inventory portal; effectively monitor land use planning throughout the country; conduct the scheduled and targeted research studies on use of land and natural resources; and effectively and conclusively resolve land disputes and manage conflicts among others.

Recommendation: The Commission will continue to petition Parliament and the Treasury to allocate sufficient funds to the Commission. Further, the Commission will continue forging strategic partnerships and expedite the approval and implementation of the draft Resource Mobilization Strategy developed during the Financial Year under review. The implementation of this Strategy will enhance the Commission's effectiveness in securing and managing financial and non-financial resources.

Failure by the land-acquiring Entities to Remit Vesting Fund

Section 111(1A) of the Land Act 2012 requires the acquiring authorities to deposit with the Commission the Compensation funds in addition to survey fees, registration fees and any other costs including the vesting costs. Vesting is a critical process to securing the compulsorily acquired land. Unfortunately, no compulsorily-acquired land has been vested in Kenya since independence due to various reasons with the chief one being the failure of acquiring entities to remit vesting funds. This exposes the land to risks such as illegal occupation, double acquisition, use of the land for private purposes and sale of the land to unsuspecting investors.

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

Delayed Remittance of Compulsory Acquisition Compensation Funds

Acquiring bodies have delayed in remitting compensation funds due to many project-affected persons (PaPs). This delay continues to increase the land acquisition cost and, also, constitutes a violation of Article 40(3) of the Constitution of Kenya, which requires prompt payment in full, of just compensation to the person whose land has been acquired by the state for a public purpose.

Recommendation: The Commission will continue petitioning the acquiring bodies to remit compensation funds.

Expired Statutory Deadlines of the Commission’s Mandate

Section 14 of the NLC Act of 2012 expired on 1st May 2017, which ties the hands of the Commission in regard to carrying out the mandate of reviewing grants or dispositions of public land to establish their propriety or legality. The Commission faces this statutory encumbrance despite the mandate being Constitutional under Article 68(c)(v) of the Constitution of Kenya. Additionally, Section 15(3) of the same Act expired on 21st September 2021, which implies that the Commission can no longer admit historical land injustices claims. Despite these statutory deadline lapses, the Commission continues to receive a large number of complaints relating to illegalities and irregularities in the acquisition of public land and historical land injustices that need to be addressed. This lack of a legal framework to address Kenyans’ land issues delays the efforts of the Commission to expedite the formulation of a solution to the land question in Kenya.

Recommendation: The Commission need to continue appealing to Parliament to amend Section 15 of NLC Act to extend the HLI statutory deadlines in addition to granting back the mandate to review grants and dispositions of public land.

Climate Change

The last two years have seen Kenya caught between two weather extremes. Last year, the Commission reported how its mandate was disrupted by the severity of the longest drought that Kenya has experienced in 40 years. The drought subsided and ushered in heavy rains accompanied by devastating floods that resulted in 228 lost lives and the displacement of over 212,630 persons. These devastating floods are extreme weather conditions attributable to climate change and have caused changes in land use land cover patterns. Additionally, these floods caused soil and bed erosion, landslides, vegetation damage and destruction of habitats resulting in physical displacement of flora and fauna, which shook the stability of

the affected ecosystems. Such detrimental impacts evince that floods adversely impacted the Commission's land use planning and natural resources management mandate.

Recommendation: The Commission will continue assessing its environmental integrity to determine the extent to which it is contributing to the achievement of Kenya's climate target of reducing emissions by 32 per cent by 2030, in line with Article 6 of the Paris Agreement.⁶ The findings of this assessment will offer a critical insight into how the Commission need to integrate climate adaptation strategies into land management and administration.

⁶ Kenya's Updated Nationally Determined Contributions (NDC). Accessible from <https://unfccc.int/sites/default/files/NDC/2022-06/Kenya%27s%20First%20%20NDC%20%28updated%20version%29.pdf>

CHAPTER 5: FINANCIAL PERFORMANCE AND STATEMENTS

5.1. Budget Allocation and Utilization

During FY2023/24, National Land Commission spent **Ksh. 1,749,496,163** against an approved budget of **Ksh. 1,753,858,475** representing absorption of rate of **99%**. Utilization of the budget was carried out through various activities (economic classifications). The Commission spend the allocation in the four sub-programmes under the Land Administration and Management Programme (Table 27).

Table 27: Expenditure of the Allocated Budget by Sub-programmes

Programmes	Approved Budget Allocation	Actual Payments	Variance
	KShs	KShs	KShs
General Administration	139,2682,448	1,402,785,702	(10,103,254)
Land Administration	206,272,906	198,837,246	7,435,660
Public Land Information System	110,346,720	107,278,343	3,068,377
Conflicts and Resolutions	44,556,401	40,594,872	3,961,529
Land Administration and Management	1,753,858,475	1,749,496,163	4,362,012

5.2. Financial Performance Summary

Table 28: Actual Performance against Budget for FY2023/24

Financial Performance	Printed Estimates	Actual	Variance	%
	KShs	KShs	KShs	Utilisation Variance
Total Receipts	1,753,858,475	1,743,200,591	10,657,884	99%
Total Payments	1,753,858,475	1,749,496,163	4,362,312	100%
Surplus for the Year		(6,295,572)		

Actual receipts and payments by the NLC stood at **99%** and **100%** utilization respectively.

Budget Utilisation

The Commission spent **Ksh. 1,749,496,163** against an approved budget of **Ksh. 1,753,858,475** representing absorption of **99%**. Utilisation of the budget was carried out through various activities (economic classifications) as shown in Table 29:

Table 29: Budget Utilization by various Economic Classification

Economic Classification	Approved Budget Allocation	Actual Payments	Variance
Compensation of Employees	1,041,885,223	1,005,036,327	36,848,896
Use of goods and services	341,228,012	326,094,284	15,133,728
Transfers to Other Government Units	165,000,000	165,000,000	-
Social Security Benefits	28,953,018	28,953,018	
Acquisition of Assets	176,792,222	224,412,534	(47,620,312)
Total Payments	1,753,858,475	1,749,496,163	4,362,312

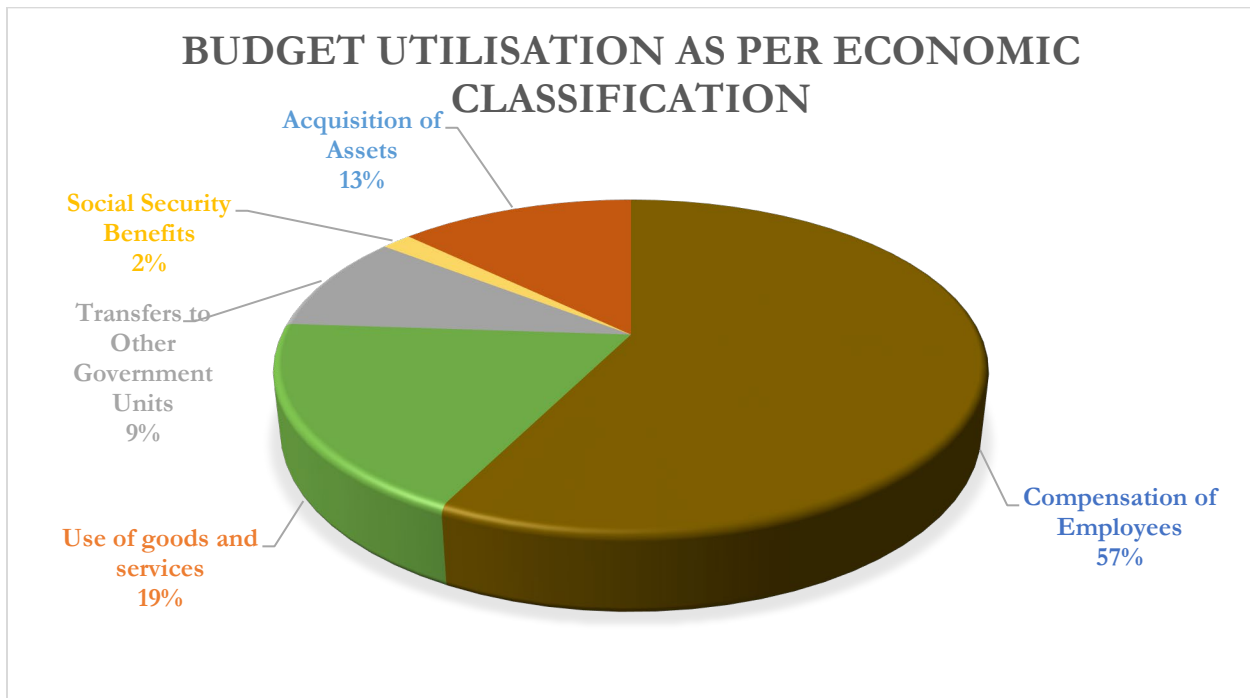


Figure 35: Budget Utilisation per Economic Classification

It is noted that 57% of the National Land Commission's budget was used on compensation of employees, 19% on use of goods and services, 13% utilised in Acquisition of assets and 9% and 2% on transfers to other government agencies and social security benefits, respectively.

Total Receipts Breakdown

Table 30: Total Receipts Breakdown

	2023/2024	2022/2023	Change	%
	Kshs	Kshs	Kshs	Change
Transfers from National Treasury	1,578,200,591	1477,653,243	100,547,348	7%
Transfers from Other Government Entities	222,881,012	48,916,847	173,964,165	356%
Other Revenues	176,939,282	219,388,291	(42,449,010)	-24%
TOTAL REVENUES	1,978,020,885	1,745,958,382	232,062,503	13%

The increase in total receipts is attributable to increase in exchequer funding and an increase in transfers of compensation receipts.

Total Payment Breakdown

Table 31: Total Payment Breakdown

	2023-2024	2022-2023	Change	Change
	Kshs	Kshs	Kshs	%
PAYMENTS				
Compensation of Employees	1,005,036,327	1,076,088,076	(71051,750)	-7%
Use of goods and services	326,094,284	352,285,377	(26,191,093)	-7%
Transfers to Other Government Entities	-	-	-	-
Social Security Benefits	28,953,018	16,020,962	12,932,056	81%
Acquisition of Assets	217,572,534	32,930,908	184,641,626	561%
Other Expenses-Compensation	424,713,646	688,458,500	(263,744,854)	-38%
TOTAL PAYMENTS	2,002,369,809	2,165,783,823	(163,414,015)	-8%

Further analysis is here below

- Use of goods decreased by 7% due to increased budgetary allocation by the National Treasury
- Acquisition of Assets increased by 561% due to allocation from the National Treasury transferred to compensation fund account being refund of Kshs 165 million out of Kshs 900 million owed by the National Treasury for Payment of PAPs. Ksh 165 million relates to Eldoret bypass Road.
- Compulsory Acquisition Compensation decreased by 38%.

5.3. Management and Administration of Compensation Fund

Section 111(1A) of the Land Act 2012 requires 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.

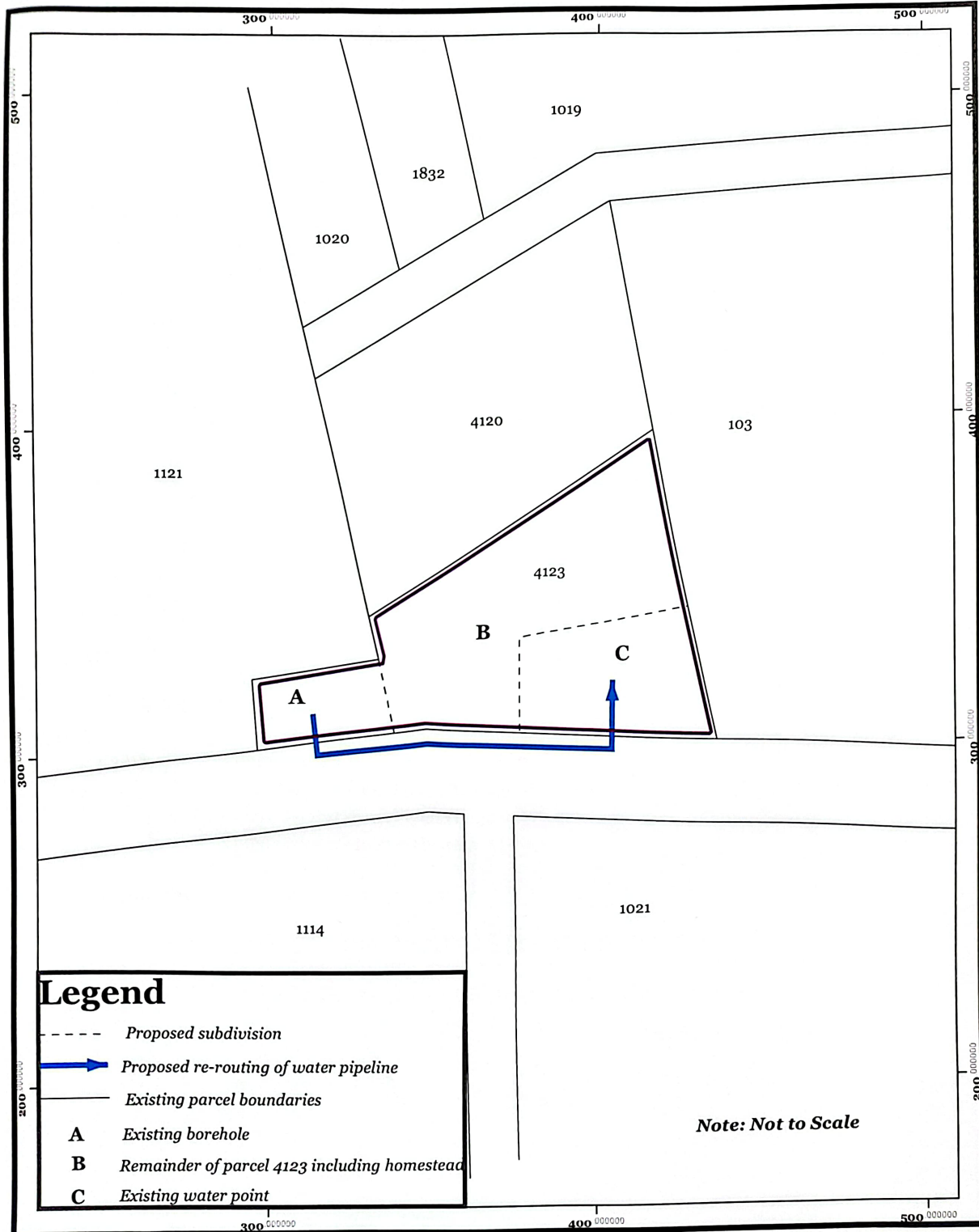
The Commission received Ksh. 228,881,012 from acquiring bodies during FY2023/2024 compared to Ksh. 48,916,847 received in FY2022/2023 (Table 32).

Table 32: Compensation Fund

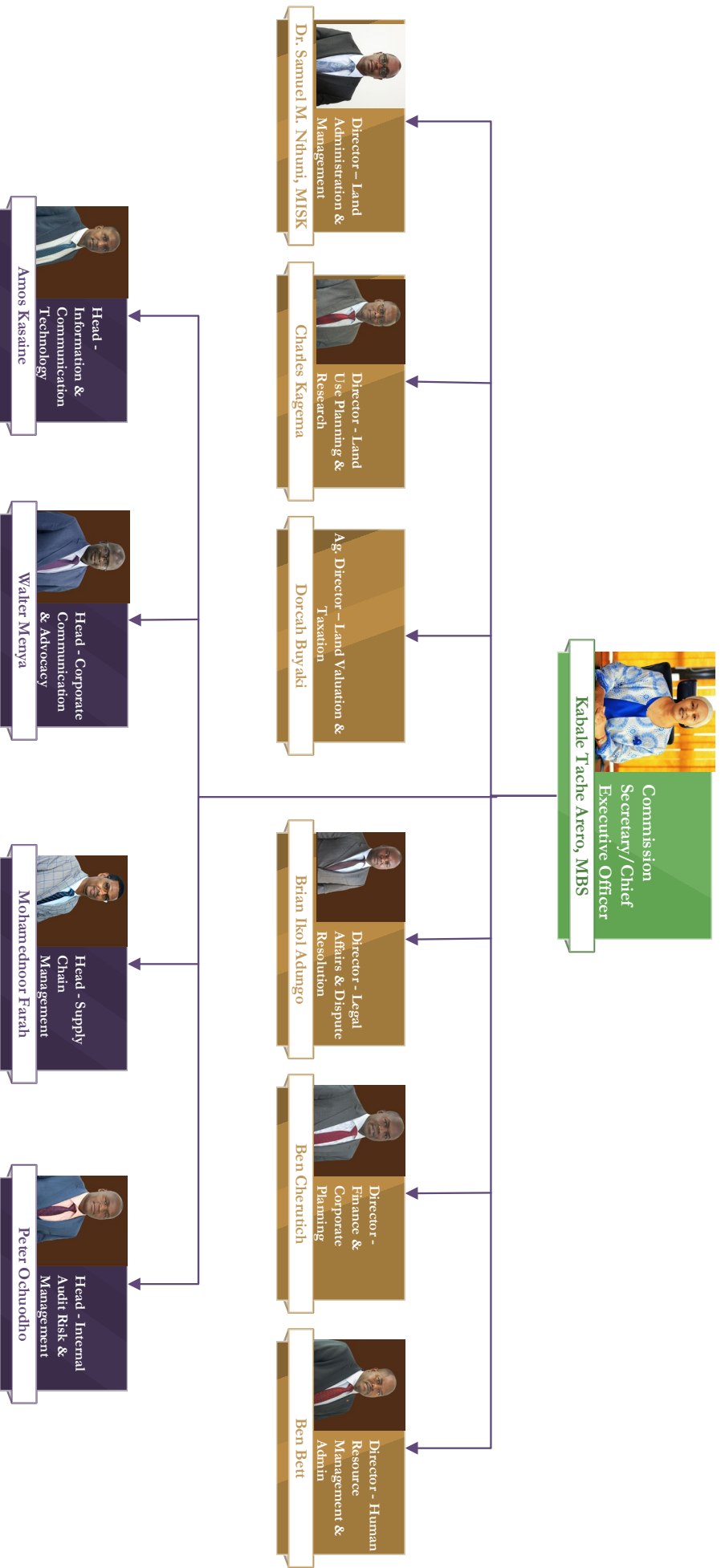
	2023-2024	2022-2023	Change	%
	Kshs	Kshs		Change
Transfers from Other Government Entities	222,881,012	48,916,847	173,964,165	356%

Annexures

Annex 1: Sketch Map of the Recommended Subdivision of the Land Parcel No. Miti Mingi/Mbaruk/BL3/4123



Annex 2: Secretariat





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