



REPUBLIC OF KENYA

# NATIONAL LAND USE POLICY IMPLEMENTATION

## MONITORING AND OVERSIGHT TOOL





## *Contact Us*

### **NATIONAL LAND COMMISSION**

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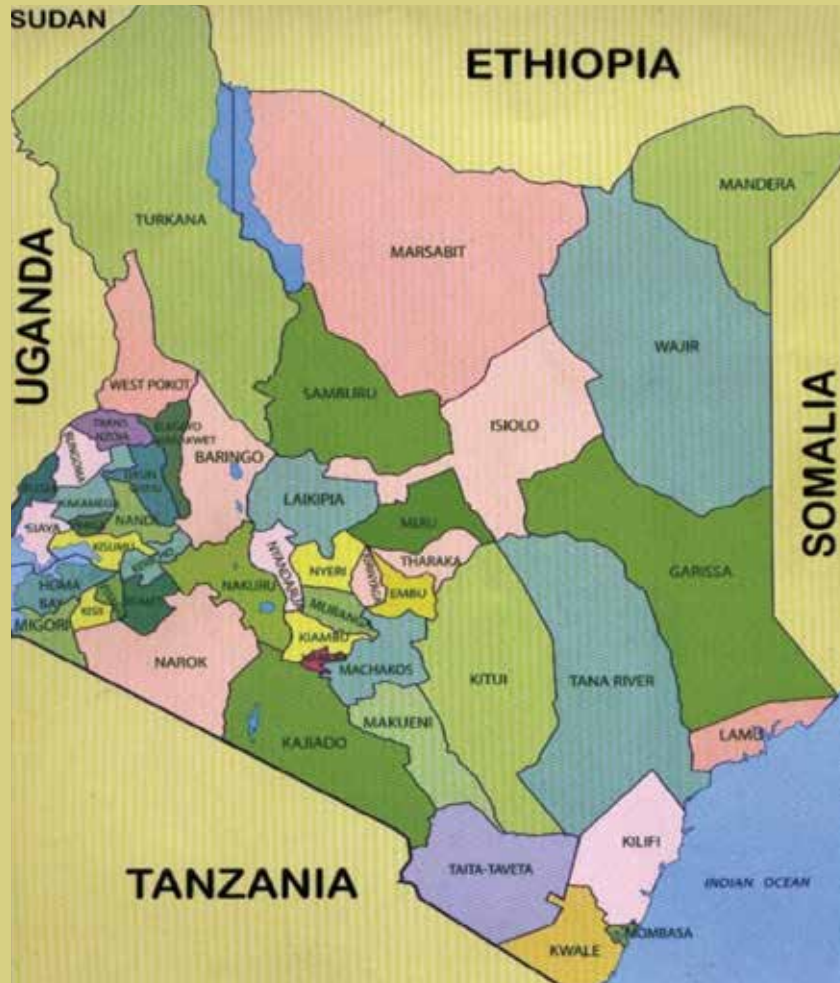
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*courtesy:Oljogi conservency-antelopes - muiruri*



## FOREWORD

**A**rticle 60 of the Constitution of Kenya 2010 provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable. This can be attained through the implementation of the Sessional Paper No. 1 of 2017 on National Land Use Policy. The National Land Use Policy sets out long term goals on land use management and aspires to promote the best land use practices for optimal utilization of land resources in a productive, efficient, equitable and sustainable manner. This policy was identified in the Sessional Paper No. 3 of 2009 on National Land Policy as being fundamental to the realization of the land reforms in the country. For the benefits of this policy to be attained, there has to be concerted effort and deliberate steps to implement it.

The Policy has placed responsibility for ensuring its sound implementation on the Commission. This tool was developed in a participatory manner and serves as a basis for the Commission to monitor and oversee implementation of the policy by multi-

sectoral agencies. It guides the reporting on progress made by various implementing agencies.

The Commission therefore recommends this tool as a legitimate nexus between the Commission and respective implementing agencies.

I affirm the unwavering commitment of the Commission to work together with implementing agencies to ensure the country achieves proper land use management.



**Gershom Otachi Bw'Omanwa**

**Chairman, National Land Commission**





## PREFACE

**A**s a Committee of the National Land Commission responsible for Land Use Planning, Research, and County Coordination, we have worked hand in hand with the secretariat to develop this tool.

We are satisfied that rigorous research and consultation has informed the process of preparing the tool. We are eager to apply the tool in collaboration with the relevant agencies as well as non-state actors to ensure that the responsibility assigned to the Commission by the policy is realized in full.

We believe that implementation of the Sessional Paper No. 1 of 2017 on National Land Use Policy is of primary importance as an enabler to all development initiatives in the country. The committee therefore invites all the players in the implementation of the policy to apply the tool in collaboration with the National Land Commission.

A handwritten signature in black ink, reading "Mathenge". The signature is fluid and cursive.

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

**Chairperson Land Use Planning, Research and County Coordination Committee**



*courtesy:Landscapes of Kenya-Wheat farming*

National Land Commission



Directorate of Land Use Planning & Research



# ACKNOWLEDGEMENT

The National Land Use Policy Monitoring and Oversight Implementation Tool was developed through teamwork and consultation. It is therefore my pleasure to sincerely thank those who contributed towards the successful completion of the process of preparing this tool. I appreciate the input from the various state agencies and non- state actors. As well, I acknowledge the guidance provided by the Land Use Planning, Research and County Coordination committee: Commissioner Hon. E. M. Mathenge, Chairperson; Commissioner Reginald Okumu, member; Commissioner Gertrude Nguku, member and Commissioner, Prof. James Tuitoek, Member.

Special appreciation goes to the authors of the document: Dr. Herbert Musoga, Director Land Use Planning and Research (team leader); Dr. Rose Kitur, Deputy Director Land Use Planning; Daniel Mmbai, Principal land Use Planner; Christopher Kitonga, Principal Land Use Planner; Alice Kaumba, Chief Land Use Planner; Adelbert Moriango, Senior Land Use Planner; assisted by: Caroline Otieno, Senior Executive Secretary; Munira Ally, Chief Land Use Planner; Priscah Kaino, Senior Land Use Planner; Lucy Kyalo, Land Use Planning Assistant; Joseph Mukiyama, Land Use Planning Assistant; Janet Jepkorir, Intern and Franklin Ongeti (design and layout work).

**Kabale Tache Arero**  
**Ag. CEO/Secretary**



*courtesy:Google-Landscapes of Kenya-River Tana*

The Sessional Paper No. 1 of 2017 on National Land Use Policy (NLUP) sets out long term goals on land use management and aspires to promote the best land use practices for optimal utilization of land resources in a productive, efficient, equitable and sustainable manner.

The Policy vests the responsibility for ensuring implementation with the National Land Commission (para 4.1.6 of NLUP). It is on this basis that the Commission has developed this toolkit as basis to monitor, oversee and guide reporting on performance of various public, private, communities and non-state actors in performing their obligations as outlined in the policy.

The need for a National Land Use Policy was identified in various government policy documents. Principally, the National Development Plan 2002-2008 proposed the formulation of a National Land Use Policy to facilitate preparation and implementation of land use plans for rural and urban areas. Further, the Sessional Paper No. 3 of 2009 on the National Land Policy recommended a National Land Use Policy to provide a basis for land use management. This is further bolstered by the provisions of Article 60 of the Constitution of Kenya, which specifically requires that land in Kenya should be managed and used in a manner that is equitable, efficient, productive and sustainable.

## 1.1 OBJECTIVES

The purpose of this tool is to provide a series of parameters for monitoring, overseeing and reporting on the implementation of the Sessional Paper No. 1 of 2017 on National Land Use Policy. Specifically, this framework seeks to:

- i. Outline procedures for monitoring and overseeing the implementation of NLUP
- ii. Specify parameters for appraising the implementation of NLUP
- iii. Outline the performing agencies and their obligations as mentioned in the NLUP
- iv. Provide a reporting format on performance of agencies involved in implementing NLUP
- v. Outline a follow up mechanism on corrective/reward measures issued by the Commission.

## 1.2 SCOPE

The toolkit focuses primarily on policy recommendations relating to land use planning. It is under-pinned by the constitutional responsibility ***“to monitor and have oversight responsibilities over land use planning throughout the country”*** {Article 67(2) (h) of the Constitution of Kenya 2010}. This is further affirmed in Section 5(h) of the National Land Commission Act 2012, as well as Section 9(a) of The Physical and Land Use Planning Act 2019.

# 2.0

## WHO ARE THE IMPLEMENTING AGENCIES

An implementing agency is a body mandated with the responsibility of ensuring the implementation of specific policy recommendations.

The agencies include:

- i. Public institutions,
- ii. Private institutions,
- iii. Communities,
- iv. Non-state actors and
- v. Individual land holders.

*courtesy:nation.co.ke-Tana County,Hola, livestock*





The parameters to be applied in monitoring the implementation include: Policy recommendations; sector policies / legal reference; targeted implementing agency and status of implementation. In order to systematize the process and in response to national issues and concerns, the policy recommendations are categorized into eleven (11) thematic areas.

These include:

- i. Agriculture and Food security;
- ii. Environment and Conservation;
- iii. Land Management and Land Use Cover;
- iv. Rangeland Management;
- v. Marine Ecosystem and Blue Economy;
- vi. Water Resources and Catchment Areas;
- vii. Extractive Industries;
- viii. Urban Development (Human settlements and Housing)
- ix. Tourism, Heritage, Sports and Leisure
- x. Governance and
- xi. Transport and infrastructure.

The parameters are presented in Table 1.0.

Table 1.0: Monitoring Matrix

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>1. AGRICULTURE AND FOOD SECURITY</b>				
<b>i) Formulate and implement land use and development guidelines for agriculture land to facilitate food production</b>	Agriculture and Food Authority Act, 2013 Section 21-23 NLUP 2.6.1, 3.5, 3.6	Ministry of Agriculture, Livestock and Fisheries Ministry of Water, Sanitation and Irrigation Ministry of Lands and Physical Planning National Land Commission (NLC)		
<b>ii) Protect agricultural land from indiscriminate extension of urban boundaries and other encroachments</b>	NLUP para 3.7 (vii) Agriculture and Food Authority Act, 2013 Section 22	County Governments Land Control Boards Municipal/City Management Boards/Town Management Committees State Department for Urban Development		
<b>iii) Identify, map and delineate areas suitable for irrigated agriculture in ASALs.</b>	NLUP 3.19(i)	County Governments Ministry of Devolution and the ASALs Ministry of Agriculture, Livestock and Fisheries Ministry of Water, Sanitation and Irrigation		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
iv) Re-establish and/or provide livestock holding grounds and livestock movement routes;	NLUP 3.19(iv)	County Governments Ministry of Agriculture, Livestock and Fisheries Ministry of Devolution and the ASALs		
v) Restrict conversion and subdivision of land in grain basket areas to ensure food security	National Spatial Plan 4.53 Item No.3 Agriculture and Food Authority Act, 2013 Section 21-23	County Governments Ministry of Agriculture Livestock and Fisheries Ministry of Lands and Physical Planning Land Control Boards National Land Commission		
<b>2. ENVIRONMENT AND CONSERVATION</b>				
i) Protect areas of high intrinsic value such as habitat for endangered biodiversity and genetic resources, ecologically sensitive sites, water towers, marine waters and exclusive economic zones, wetlands forests and sites with fossils fuels and energy resources among others will not be allocated for private use or de-gazetted.	NLUP 3.1 (iii) EMCA Act Section 50  Land Act 2012 Section 12(2)	County Governments Ministry of Environment and Forestry County Governments Ministry of Lands and Physical Planning NEMA National Land Commission		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>ii) Develop a framework for incentives to encourage achievement of a minimum 10% forest cover in every county.</b>	Article 69 (1)(b) County Governments Act (2012) NLUP 2.4.3 3.10(iv)	Ministry of Environment and Forestry County Governments Kenya Forest Service		
<b>iii) Map, document, gazette and secure all environmentally fragile areas (swamps, wetlands, steep slopes, hill tops, springs etc.) and marginal land and outlaw encroachment, tilling and keeping of livestock on marginal lands;</b>	EMCA Act part V Section 42-49  NLUP Section 3.12 (i)	Ministry of Environment and Forestry County Governments National Land Commission NEMA		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>iv) Identify, map and gazette wildlife corridors, forests, mountains and marine dispersal areas;</b>	EMCA Act Section 112 (4)(k), Section 55  NLUP Section 3.14(i) County Governments Act 2012	Ministry of Environment and Forestry Ministry of Agriculture Livestock and Fisheries Kenya Wildlife Services Kenya Forest service Ministry of Tourism and Wildlife County Governments National Land Commission Ministry of Lands and Physical Planning		
<b>v) Secure wildlife dispersal and migratory corridors through provision of easements and fiscal incentives programs to the affected communities and individuals.</b>	KWS Act Section 31 NLUP Section 3.14(iv) County Governments Act 2012	Ministry of Environment and Forestry Kenya Wildlife Services Ministry of Tourism and Wildlife County Governments		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>vi) Identify and map disaster prone areas;</b>	NLUP Section 3.15(i) County Governments Act 2012	Ministry of Environment and Forestry Ministry of Devolution and the ASALs Ministry of Interior and Coordination of National Government National Disaster Management Unit County Governments		
<b>3. LAND MANAGEMENT AND LAND USE COVER</b>				
<b>i) Restrict conversion and subdivision of land in grain basket areas to ensure food security</b>	National Spatial Plan 4.5.3 Item No.3 NLUP Section 2.6.1, 3.7(vii)	Ministry of Agriculture Livestock and Fisheries County Governments Ministry of Lands and Physical Planning Land Control Boards		
<b>ii) Formulate and enforce the minimum and maximum land holding legislation as required by the constitution</b>	Article 68 (c)(i) of the Constitution of Kenya, 2010 NLUP 3.4 (xiv), 3.6(v), Land Act Section 159	Ministry of Lands and physical Planning Attorney General		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
iii) Set up mechanisms for land consolidation and re-adjustment in rural and urban areas	County Governments Act 2012 NLUP 3.6(v)	Ministry of Lands and Physical Planning County Governments Attorney General		
iv) Ensure that land designated for recreational use (parks, playgrounds and sports fields) is protected from conversion to any other user and held in perpetuity for the common good.	NLUP 3.1(iv) County Governments Act, 2012 Section 103(c), 110(2) (c) iii National Land Commission Act, 2012 Section 5(1) (a) & (2)(c)	County Governments Ministry of Lands and Physical Planning National Land Commission Urban Management Boards		
v) Ensure that land reserved for public utilities and infrastructure such as roads, railways, airports, seaports, housing, offices and land banks for investments among others shall not be allocated or re-designated for private development and shall remain public lands.	NLUP 3.2(vi) National Land Commission Act, 2012 Section 5(1) (a) & (2)(c) Urban Areas and Cities Act,2011 Section 36(1)(d) (iii)&(vi) and (g)	County Governments Ministry of Lands and physical Planning National Land Commission Urban Management Boards		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>vi) Develop a National Spatial Plan to provide an integrated framework for development of the country</b>	NLUP 3.4(i) Kenya Vision 2030 NLUP 3.4(ii) County	Ministry of Lands and Physical Planning		
<b>Prepare and implement county spatial plans, urban land use plans and rural land use plans</b>	NLUP 3.1(i) Governments Act, 2012 Sections 110 and 111 Urban Areas and Cities Act,2011 Section 36 NLUP3.4(iii)	County Governments Urban Management Boards		
<b>vii) Prepare and enforce land use plans and policy guidelines to address development activities that take place within the peri-urban areas to control urban sprawl, sub-division of land, and conversion of land to different uses as well as control of ribbon type of urban development</b>	NLUP 3.4(iii)  County Governments Act, 2012 Sections 110 and 111  Urban Areas and Cities Act,2011 Section 36	County Governments  Urban Management Boards		



POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>viii) Develop and disseminate planning guidelines, policies and standards</b>	NLUP Section 4.4 and 4.5	Ministry of Lands and Physical Planning		
<b>ix) Adopt and mainstream GIS based integrated land use planning in a participatory and multi-sectoral approach.</b>	County Governments Act, 2012 Section 110 Urban Areas and Cities Act,2011 Section 36(1)(d)(vii) NLUP Section 3.5(vii)	County Governments Ministry of Lands and Physical Planning City/Municipal boards		
<b>x) Establish land banks and make land available for investment, development redistribution, restitution and resettlement;</b>	County Governments Act, 2012 Section NLUP Section 3.7(xvi)&(xvii)	County Governments National Land Commission Urban Management Boards State Department of Urban Development. Ministry of Lands and Physical Planning		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>xi) Identify, map and document all land uses in the country to be put in an inventory that is updated every 5 years for urban and 10 years for rural</b>	NLUP Section 3.9(i), 4.5(iv)	County Governments National Land Commission Urban Management Boards Ministry of Lands and Physical Planning State Department of Urban Development.		
<b>xii) Plan and develop rangelands according to their various potential in livestock production, tourism, mining and energy production;</b>	NLUP Section 3.11(i)	State department of ASALs County Governments		
<b>xiii) Ensure spatial planning for the marine resources integrated with terrestrial planning.</b>	NLUP Section 3.17(xiii) Kenya Maritime authority act sec 11(5)(c) County Governments Act, 2012 Sections 110	County Governments Kenya Maritime Authority Ministry of Lands and Physical Planning		

<b>POLICY RECOMMENDATION</b>	<b>POLICY/ LEGAL REFERENCE</b>	<b>IMPLEMENTING AGENCY</b>	<b>STATUS OF IMPLEMENTATION</b>	<b>REMARKS</b>
<b>xiv) Re-establish and/or provide livestock holding grounds and livestock movement routes</b>	County Governments Act, 2012 Sections 110 NLUP Section 3.19(iv)	Ministry of Devolution and ASALs County Governments Ministry of Agriculture Livestock and Fisheries		
<b>xv) Identify, map and plan for all trans-boundary natural resources including water catchments and aquifers at the national level</b>	NLUP 3.20(i) County Governments Act, 2012 Sections 110 Urban Areas and Cities Act,2011 Section 36 Physical and Land Use Planning Act, 2019	Ministry of Water, Sanitation and Irrigation Ministry of Environment and Forestry Ministry of Lands and Physical Planning National Land Commission.		
<b>4. RANGELAND MANAGEMENT</b>				
<b>i) Prepare and implement County Spatial Plans that Provide for flexible and negotiated cross boundary access to protected areas, water, pastures and salt licks among different communities for mutual benefit</b>	NLUP 3.11(i)(ix)  County Governments Act, 2012 Sections 110 and 111	County Governments Ministry of Devolution and ASALs Ministry of Agriculture Livestock and Fisheries Ministry of Water, Sanitation and Irrigation		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>ii) Prepare and implement land use plans that ensure all pastoral land uses conform to the principles of sustainable resource management</b>	NLUP 3.11(i)  County Governments Act, 2012 Sections 110 and 111	County Governments Ministry of lands and Physical planning State Department of Urban Development Ministry of Devolution and ASALs Ministry of Agriculture Livestock and Fisheries Ministry of Water, Sanitation and Irrigation		
<b>iii) Mainstream climate change adaptation and mitigation in rangeland management</b>	NLUP Section 3.11 (xi) The Kenya Climate Change Act, 2016 Section 18 and 19 NDMA Act, 2016 Section 5 (g)	Ministry of Environment and Forestry County Governments Ministry of Devolution and ASALs Ministry of Agriculture Livestock and Fisheries National Drought Management Authority Ministry of Water, Sanitation and Irrigation		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>iv) Re-afforest hill tops to restore aquifers and springs in the arid and semi arid lands</b>	EMCA Act Part V Section 42-49  NLUP Section 3.18 (iv)	Kenya Forest Services Ministry of Environment and Forestry County Governments		
<b>v) Identify map and delineate areas suitable for irrigated agriculture in ASALs</b>	NLUP Section 3.19 (i)	County Governments Ministry of Devolution and ASALs Ministry of Water, Sanitation and Irrigation		
<b>vi) Re-establish and/or provide livestock holding grounds and livestock movement routes</b>	County Governments Act, 2012 Sections 110 NLUP Section 3.19(iv)	Ministry of Devolution and ASALs County Governments Ministry of Agriculture Livestock and Fisheries		
<b>vii) Formulate and implement an integrated land use framework for ASAL areas</b>	NLUP 3.19(v)	Ministry of Lands and Physical Planning Ministry of Devolution and ASALs NDMA County Governments		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>5. MARINE ECOSYSTEM AND BLUE ECONOMY</b>				
<b>i) Identify, map and gazette critical river deltas, mangroves, coral reefs, and other important coastal habitats</b>	NLUP 3.17(i)	Ministry of Environment and Forestry NEMA County Governments		
<b>ii) Formulate and implement an integrated coastal land use plan</b>	NLUP 3.17(ii) Coast Development Authority Act Sect 8(a,b,m)	Ministry of Lands and Physical Planning County Governments Coast Development Authority		
<b>iii) Establish and implement a framework for beach management that ensures public access as well as protection and conservation of the beaches;</b>	NLUP 3.17(v)	County Governments Ministry of Tourism and Wildlife National Land Commission Ministry of Environment and Forestry		
<b>iv) Establish convenient public utility plots along the coast line to serve as fish landing sites and for public recreation;</b>	NLUP 3.17(vii)	County Governments National Land Commission Ministry of Lands and Physical Planning Ministry of Agriculture, Livestock and Fisheries		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>v) Plan, manage and effectively govern the use of marine space and resources</b>	NLUP 3.17(x) Maritime Authority Act section 11	Kenya Maritime Authority Ministry of Lands and Physical Planning Kenya Marine & Fisheries Research Institute National Land Commission Ministry of Agriculture, Livestock and Fisheries County Governments		
<b>vi) Integrate marine spatial planning with terrestrial planning system.</b>	NLUP 3.18(xiii)	County Governments State Department for Fisheries, Aquaculture and The Blue Economy Kenya Marine & Fisheries Research Institute Ministry of Lands and Physical Planning		
<b>vii) Develop and apply standards, guidelines and global best practices that support a sustainable blue economy.</b>	NLUP 3.17(xii)	Maritime Authority Ministry of Lands and Physical Planning County Governments Ministry of Agriculture, Livestock and Fisheries; State Department for Fisheries, Aquaculture and The Blue Economy		

<b>POLICY RECOMMENDATION</b>	<b>POLICY/ LEGAL REFERENCE</b>	<b>IMPLEMENTING AGENCY</b>	<b>STATUS OF IMPLEMENTATION</b>	<b>REMARKS</b>
<b>6. WATER RESOURCES AND CATCHMENT AREAS</b>				
<b>i) Identify, map and gazette critical water catchment areas</b>	NLUP 3.13(ix) EMCA 41 (2)	Ministry of water and sanitation Ministry of Environment and Forestry County Governments		
<b>ii) Formulate and fully implement water towers master plans.</b>	NLUP 3.13(x) EMCA 41 (3)	Ministry of water and sanitation Water Towers Authority		
<b>iii) Prohibit settlement and other activities within sensitive ecological zones</b>	NLUP 3.13(iv) EMCA 44	County Governments Ministry of Environment and Forestry Ministry of Lands and Physical Planning		
<b>iv) Develop and implement a national wetland conservation strategy</b>	NLUP 3.13(ii)	Ministry of Environment and Forestry NEMA		
<b>v) Delineate riparian areas, wetlands, escarpments, forests, open spaces and parks in both urban and rural areas</b>	NLUP 3.16(i)	County Governments Ministry of Environment and Forestry NEMA Urban Management Boards		



POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>vi) Establish green areas and recreational facilities in urban residential areas</b>	NLUP 3.7(xi) County Governments Act Sec. 110, 111, Urban Areas and Cities Act	County Governments Ministry of Environment and Forestry Urban Management Boards		
<b>vii) Map and ascertain the state and extent of aquifers and groundwater resources and plan for their sustainable exploitation</b>	NLUP3.18(ii)	Ministry of water and sanitation Water Resources Management Authority County Governments		
<b>viii) Prepare and implement plans for trans-boundary water catchments and aquifers</b>	NLUP3.18(iii)	Ministry of water and sanitation Water Resources Authority County Governments		
<b>7. EXTRACTIVE INDUSTRIES</b>				
<b>i) Establish measures to regulate mining, quarrying and other extractive activities and provide for rehabilitation and restoration of such sites</b>	NLUP 3.16(vi) Mining Act	County Governments Ministry of Environment and Forestry Ministry of Petroleum and Mining		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>8. URBAN DEVELOPMENT (HUMAN SETTLEMENTS AND HOUSING)</b>				
<b>i) Develop programs for development of social housing in all urban areas</b>	NLUP 3.4(ix)	County Governments State Department for Housing and Urban Development Urban Management Boards		
<b>ii) Encourage development of towns on green energy principles (encourage smart growth concept)</b>	NLUP 3.4 (xi)	County Governments State department of housing and urban development		
<b>iii) Design a comprehensive national plan for low income and high density housing</b>	NLUP 3.7(ii)	State Department for Housing and Urban Development		
<b>iv) Harmonize urban plans with the long term national development plans so as to ensure synergy between the urban centers and rural areas</b>	NLUP 3.7(v)	National Treasury and Planning County Governments Urban Management Boards State Department for Housing and Urban Development		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>v) Provide infrastructure and utilities in secondary towns to ease pressure on principle towns</b>	NLUP 3.7(vi)	County Governments Ministry of Infrastructure, Transport, Housing and Urban Development State Department For Housing and Urban Development		
<b>vi) Apply development control tools to create inclusive, integrated and sustainable urban communities as opposed to being used as exclusionary mechanism</b>	NLUP 3.7(ix)	County Governments Urban Management Boards		
<b>vii) Create and protect green and recreational areas within urban centers</b>	NLUP 3.7(xi)	County Governments Urban Management Boards Ministry of Environment and Forestry		
<b>viii) Review building and planning standards to make them facilitative to development</b>	NLUP 3.7(xii)	State department for public works State department for housing and urban development		

<b>POLICY RECOMMENDATION</b>	<b>POLICY/ LEGAL REFERENCE</b>	<b>IMPLEMENTING AGENCY</b>	<b>STATUS OF IMPLEMENTATION</b>	<b>REMARKS</b>
<b>ix) Establish land banks and make land available for investment, development redistribution, restitution and resettlement</b>	NLUP 3.7(xvi)	County Governments Ministry of Lands and Physical planning National Land Commission State department for housing and urban development		
<b>x) Develop, implement and periodically review a National Urban Development Policy.</b>	NLUP 3.23(v)	Ministry of infrastructure, transport, housing and urban development State department for housing and urban development		
<b>xi) Promote use of compact sustainable urban forms</b>	NLUP 3.23(xi)	State department for housing and urban development County Governments Urban Management Boards		
<b>xii) Promote and provide incentives for urban renewal and redevelopment.</b>	NLUP 3.23(xii)	County Governments Urban Management Boards State department for housing and urban development		
<b>9. TOURISM, HERITAGE, SPORTS AND LEISURE</b>				
<b>i) Identify, map and gazette the historical sites as part of the national heritage.</b>	NLUP3.22(vi)	Ministry of Sports Culture and Heritage National Museums of Kenya County Governments		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>ii) Protected areas and areas of high intrinsic value such as national heritage sites will not be allocated for private use or de-gazetted.</b>	NLUP3.2(v)	Ministry of Sports Culture and Heritage National Museums of Kenya County Governments National Land Commission		
<b>10. GOVERNANCE</b>				
<b>i) Implement the Physical and Land Use Planning legislation and prepare regulations to facilitate urban and rural land use planning.</b>	NLUP3.23(i)	Ministry of Lands and Physical Planning County Governments		
<b>ii) Establish and operationalize the national council for land use policy, national technical implementation committee and county technical implementation committees</b>	NLUP 4.1.1, 4.1.2 & 4.1.3	Ministry of Lands and Physical Planning.		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>iii) Establish and empower appropriate physical and land use planning structures at county level with adequate resources and capacity to ensure their effective and efficient performance.</b>	NLUP(3.23)(ii)	County Governments Ministry of Devolution and ASALs Ministry of Lands and Physical Planning		
<b>iv) Promote the role of community governance institutions in the planning process.</b>	NLUP 3.23(x)	County Governments Ministry of Devolution and ASALs Ministry of Lands and Physical Planning		
<b>v) Implement the Urban Areas and Cities Act, 2011 to facilitate urban settlement and management.</b>	NLUP 3.23(xv)	State department for housing and urban development County Governments Urban Management Boards		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>vi) Promote an integrated approach that brings on board infrastructure and service providers at the planning stage of development.</b>	NLUP 3.24(i)	State department for housing and urban development County Governments Urban Management Boards		
<b>vii) Empower national and county planning institutions to ensure proper implementation and enforcement of land use plans in their jurisdictions</b>	NLUP 3.24(ii)	National Treasury and Planning County Governments Ministry of Devolution and ASALs Ministry of Lands and Physical Planning		
<b>viii) Develop a program that seeks to promote balanced development of the country and within the counties</b>	NLUP 3.6(ii)	County Governments Ministry of Devolution and ASALs Ministry of Lands and Physical Planning Ministry of Interior and Coordination of National Government		

POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
ix) Formulate and implement laws, regulations and agreements that support a sustainable blue economy	NLUP 3.17(xi)	Ministry of Environment and Forestry State department for Fisheries, Aquaculture and the Blue Economy		
<b>11. TRANSPORT AND INFRASTRUCTURE</b>				
i) Develop rural transportation infrastructure to provide for improved rural-urban integration	NLUP 3.24 (iii) Kenya Roads Act 2007 section 7(i)	County Governments Kenya Rural Roads Authority Ministry of Transport Infrastructure, Housing, Urban Development and Public Works		
ii) Develop strategies for urban and rural transportation systems	NLUP 3.24 (v) County Government Act 2012 section 103 (d) Kenya Roads Act 2007	KURA KERRA County Governments Ministry of Transport Infrastructure, Housing, Urban Development and Public Works		



POLICY RECOMMENDATION	POLICY/ LEGAL REFERENCE	IMPLEMENTING AGENCY	STATUS OF IMPLEMENTATION	REMARKS
<b>iii) Adopt appropriate standards for infrastructure and services in human settlement planning.</b>	NLUP 3.24 (vii) National spatial plan section (4.6, 4.9) County Government Act 2012 section 105 (1c) UACA 2019 section 36 d (iii) Physical and Land Use Planning Act Part 1 The Land Act 2012, Section 6(d)	Ministry of infrastructure, Transport, Housing and Urban Development  Ministry of Lands and Physical Planning  County Government  National Land Commission		



*courtesy: Tea farming in Kenya-medium.com*

The monitoring procedure is in three sequential stages:

- i. Pre-monitoring
- ii. Monitoring
- iii. Post monitoring

#### 4.1 PRE-MONITORING;

This entails developing a monitoring plan indicating the sequence of activities to be undertaken, the timing, resource requirements and the outputs of the exercise. Other activities to be undertaken at this stage are:

- i. Identification of agencies and key actors to be monitored.
- ii. Understanding the roles and responsibilities of the agencies in implementing the policy.
- iii. Developing set of materials to be used in the monitoring exercise, for example:
  - Introduction letters
  - Checklists and scorecards
  - Questionnaires
- iv. Notification of the agencies of the intention to undertake monitoring. The notification will consist of a checklist and a call for an implementation status report.

## 4.2 MONITORING

The monitoring process involves collecting, analyzing, documenting, presenting and sharing of information obtained from the implementing agencies. This entails:

- i. Consultation and setting timelines
- ii. Call for submission of Implementation Status Reports
- iii. Administration of questionnaires and any interviews,
- iv. Focused group discussions,
- v. Field visits
- vi. Receiving implementation status reports
- vii. Conducting field visits
- viii. Consultative meetings with implementing agencies, stakeholders and non-state actors
- ix. Consolidating and appraising implementation status reports

## 4.3 POST MONITORING:

Activities at this stage will include:

- i. Comparing status reports with the findings from the field
- ii. Preparing implementation status report
- iii. Sharing the reports with relevant implementing agencies
- iv. Giving and receiving feedback from the agencies
- v. Building consensus with the agencies on the way forward
- vi. Reviewing and updating the status reports
- vii. Follow-up to ensure adherence to recommendations and resolutions made.

### 4.3.1 FOLLOW-UP PROCEDURES

The Commission's function of having oversight responsibilities over land use planning throughout the country is one of accountability to the people of Kenya. The interventions and guidance provided by the Commission therefore must be executed. In line with this, the findings and recommendations from monitoring the implementation of NLUP will be effected through a series of actions including:

- i. Communication to concerned parties highlighting areas requiring corrective action
- ii. Holding special hearings/presentations/public inquiries on areas requiring corrective/advisory actions
- iii. Documenting agreed corrective measures and setting timelines for remedial action
- iv. Reminder for non-compliance beyond the agreed timelines
- v. Sharing the report and feedback with the county assemblies, and other oversight organs of national government e.g. Controller of Budget, Auditor General, etc. as the situation may demand
- vi. Notifying the senate and other oversight organs like the Controller of Budget, Auditor General and Attorney General for further action where there is no compliance or non-responsiveness after several reminders.



*courtesy:Google-Ear corn, Britannica*

### 5.1 NATIONAL LAND COMMISSION REPORT

The Sessional Paper at Section 4.1.5(iv) requires the Commission to periodically review and prepare reports on sectoral performance in the implementation of the policy to be submitted to the various implementing agencies as well as Parliament and the President. The report will be shared with the National Council for Land Use Policy, MDAs, county governments, communities, individuals, non-state actors and Ministry of Lands and Physical Planning.

The report will:

- i. Document the status of performance by the various implementing agencies capturing the level of fulfilment of the intentions of the policy recommendations
- ii. Outline the progress in implementing NLUP capturing the level of adherence to the rule of law, international treaties, protocols and conventions as well as the parameters contained in this framework.
- iii. Make recommendations and advise on areas requiring improvement in implementation of the policy
- iv. Contain cautionary notes to underperforming agencies
- v. Recommend remedial actions/interventions to bring non-complying

- planning authorities to compliance
- vi. Commend well performing agencies
- vii. Evaluate the performance of the MoLPP in discharging its responsibility in regards to implementing NLUP

The report will be presented in the following format:

- i. **Introduction:** Contains the background and purpose of the NLUP implementation monitoring and oversight report
- ii. **Objectives:** Outlines the broad and specific objectives of the NLUP implementation monitoring and oversight report
- iii. **Methodology:** This provides the detailed steps taken in undertaking monitoring and oversight. It also outlines the criteria for monitoring implementation.
- iv. **Findings:** This highlights the findings of the monitoring and oversight exercise including:
  - The overall status of performance by the various implementing agencies capturing the level of compliance to the policy recommendations
  - The progress made in implementing NLUP capturing the level of adherence to the rule of law and the criteria set by the monitoring agency
  - Any cautionary notices issued by the Commission on under performance by various sectors
  - Level of compliance by planning authorities to law, recommendations



of NLUP, NSP in preparing lower level plans as well as remedial actions/ interventions given by the Commission to bring non-complying planning authorities to compliance

- The performance of the MoLPP in discharging its responsibility with regards to implementing NLUP

v. **Recommendations:**

- Isolate critical actions, interventions that should be taken to enhance implementation
- Identify key areas that require further assessment.
- Make recommendations on areas requiring improvement in implementation of the policy
- Identify areas requiring policy/legal change, improvement or new policy direction.

vi. **Conclusion:** Summarizes lessons learnt by the Commission from the monitoring and oversight process and way forward to ensure improved levels of performance.

vii. **References:** Status reports, relevant laws, policies and the Constitution.

viii. **Appendices:** May include any supplementary information that may be used as evidence to support any actions, decisions and recommendations in the monitoring and oversight exercise.

## 5.2 REPORTING BY IMPLEMENTING AGENCIES

The NLUP requires the implementing agencies to: prepare and submit implementation status reports to the Commission; seek advice on implementation of NLUP; seek for collaboration and cooperation with the Commission and refer matters requiring intervention by the Commission.

The report will be presented in the following format:

- i. **Introduction:** This will highlight the mandate of the agency, its vision and mission, and how the NLUP contributes to the realization of the vision. It will also contain a statement of the aspects that the agency should implement as per the provisions of the NLUP.
- ii. **Framework for implementing NLUP within the agency:** This will contain the measures, strategies and action plans put in place by the agency to implement the NLUP. It will also highlight the specific actors charged with implementing various aspects of the NLUP within the agency indicating the work plans and budgets allocated for implementation of the policy. It will also indicate any collaborations and cooperation formed to support implementation.
- iii. **Status of implementation of the NLUP:** This will contain a statement and explanation on the achievements and challenges in implementing the various policy aspirations. The report will also document the resources used highlighting the financial resources and their sources, human resources

and their capacities. It will outline the lessons learnt from implementing the various policy aspirations highlighting the plan of action to mitigate the challenges.

iv. **Recommendations and Conclusion:** this includes:

- An appraisal of the policy directions in response to their viability, feasibility and sustainability
- Recommendation on issues arising from the implementation of the policy.
- Proposed strategies to improve the implementability, relevance, suitability and sustainability of the policy
- Indication of areas where advice/intervention by the NLC is required.



*courtesy:Landscapes of Kenya,Sunset over Lake Victoria*

# REFERENCES

1. Constitution of Kenya, 2010
2. Sessional Paper No. 1 of 2017 on National Land Use Policy
3. Sessional Paper No. 3 of 2009 on National Land Policy
4. County Governments Act, 2012
5. Urban Areas and Cities Act, 2011
6. National Land Commission Act, 2012
7. Agriculture, Fisheries and Food Authority Act, 2013
8. National Spatial Plan 2015-2045
9. Framework for Monitoring and Oversight Over Land Use Planning:-Processes and Procedures



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