REGISTRATION OF TITLE IN LAND

DRAFT REPORT

ADVISORY ON COMPREHENSIVE PROGRAMME FOR

Article 67(2) (C) of the Constitution of Kenya, 2010

“To advise the national government on a comprehensive programmer for the registration of title in land throughout Kenya”
Article 60 of the Constitution of Kenya holds that land shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable. It is in this regard that the Constitution assigns National Land Commission in Article 67(2) (c) with the responsibility to advise the national government on a comprehensive programmer for the registration of title in land throughout Kenya.

Land continues to play a significant role in socio-economic and political development of our country. The comprehensive programmer for registration of titles provides an opportunity for the national government to work towards attaining 100% registration as envisaged in Sessional paper No.3 of 2009 through the various methods of acquisition of titles as outlined in section 7 of the Land Act, 2012 which include: allocation, land adjudication process, compulsory acquisition, prescription, settlement programs, transmissions, transfers, long term leases exceeding twenty one years created out of private land or any other manner prescribed by an Act of Parliament such as registration of community land.

This programmer takes cognizance of the fact 51% of the counties have attained first registration of title in land while 38% have various registration of title programs in progress towards attaining first registration and 11% of the counties are yet to have commencement of registration of title in land programs. Registration of title in land provides the citizens with an opportunity to address the pertinent issues of land tenure insecurity, access to credit base, stimulation of land markets, expeditious land administration and land transactions, reduction in land disputes, improved basis for taxation and sustainable use of land resource. For registration of titles in land programme to succeed, government should encourage public participation, support land owners, and provide adequate financial support, qualified human resource. Corporation, consultation collaboration between the Ministry of Lands and Physical Planning, National Land Commission County Governments and development partners is essential for successful implementation of this programme. I want to express sincere gratitude to the Food and Agriculture Organizations of the United Nations (FAO) through the European union (EU) funded Land Governance programme titled “Attainment of Vision 2030 through devolved land reforms in community lands of Kenya” for their dire support in ensuring the realization of development of the advisory on comprehensive programme for registration of title in land. I would like to thank members of staff from National Land Commission who contributed to the development of this advisory report albeit financial limitations, Friedrich- Erbert-Stiftung (FES) for their worthy support. It is my hope that national government will use the report to inform and speed up registration of title programs in the country.

Thank You

Prof. Muhammad A. Swazuri
Chairman, National Land Commission, PHD OGW
ACKNOWLEDGEMENT
from the CEO

This Advisory report on comprehensive program for registration of title in land throughout Kenya by the National Land Commission has been developed and prepared in a consultative and participatory process that involved National Land Commission, County land officials and development partners with interactive engagement with key stakeholders and consultations with key experts and professionals in the land sector.

The advisory articulates processes and procedures involved in the registration process of title in land and the necessary conditions that must be put in place in order to realize registration of title in land throughout Kenya. It provides a guide to the National Government on the priority areas it should focus its attention on in order to realize 100% registration of the country.

We acknowledge the dedication of the comprehensive program team that consisted of officers from the various directorates of the commission and all those who contributed their ideas towards this advisory report. The team and other stakeholders/partners exhibited patience, hard work, commitment and diligence in navigating through the task of developing this advisory for the National government.

We appreciate the Chairman and the team of Commissioners for their able leadership and technical contributions towards the development of this advisory. We thank heads of Directorates and staff for the efforts and commitment to the land course in Kenya.

We greatly value and thank all our stakeholders whose views, contributions and critique spurred the development of this advisory.

We take cognizance of the leadership role of the Ministry of Lands and Physical Planning officers especially those from the Counties for their support in providing requisite information that has gone into the development of this advisory.

As we move forward to make the Kenyan people realize their aspirations of effective, accountable and responsive land management and administration, we are aware of the critical role of stakeholders in the implementation of this advisory. To all we say Thank you very much.

Professor, David Kuria
Ag Secretary/CEO
NATIONAL LAND COMMISSION.
EXECUTIVE SUMMARY

COMPREHENSIVE PROGRAMME FOR REGISTRATION OF TITLE IN LAND IN KENYA

Article 67(2) (C) of the Constitution of Kenya 2010 assigns the National Land Commission the responsibility to “Advise the National government on a comprehensive program for the registration of title in land throughout Kenya.” In this regard NLC has endeavored to prepare a programmer that captures registration of title in the three categories of land i.e. Public, Private and Community as outlined in Articles 61 – 64 of COK.

This programmer has considered all methods of acquisition of title in land as contained in section 7 of the Land Act, 2012 and captures all the 47 counties. The programmer is geared towards advising the National government on how to ensure that Kenya attains 100% registration of title. Currently, first registration has been achieved in 51% of all counties, while 38% of the counties are at various stages of achieving 1st registration, while 11% of the counties are yet to start first registration as per field observation and statistics from the Ministry of Lands and Physical Planning.

Registration of title in land is a system by which ownership of real property is established through issuance of an official certificate indicating the individual to whom such ownership is vested. This system considers two registration systems i.e. registration of deeds (register of documents) predominantly in Mombasa and Nairobi counties and registration of title (records of rights) that is found in all the counties.

The need for title registration has been seen as a way of resolving land tenure insecurity or uncertainty that restrains development at the same time facilitating development of land markets, resolving land disputes and improving the livelihoods of people through establishment of credit base and making national land redistributive reforms.

The programme captures various items in land management such as Land use planning, land administration, natural resources, land registries, survey, land adjudication, registration of community land, settlement programmes and informal settlements, issues of research and advocacy in land and institutional capacities and linkages to facilitate registration of title in land.

A team of Officers from various directorates of the Commission have undertaken a survey of 31 counties so far to establish the levels of registration of titles and the requirements and the team has made some observations worth mentioning.
FIELD OBSERVATIONS
National Land Commission has undertaken a survey of all counties to establish the levels of registration of titles and the requirements and has made the following observations worth mentioning.

• That counties are at various stages of registration in terms of first registration and therefore require specific registration programmes targeting specific counties. Approximately 51% of the counties have attained first registration while 38% are at various stages of attaining first registration through the land adjudication programmer and 11% are yet to commence the process leading to first registration.

• There is very little public land for allocation in the various counties as the available public land for allocation is in most counties planned and allocate except in the 11% of the country where first registration for titles has not started.

• The vast majority of Kenyans in the unregistered areas prefer registration of individual titles to registration of Community land. There is therefore the need for the National Land Commission and the Ministry of Lands and Physical Planning to urgently mount a campaign of civic education on the process of registration of community land especially in the 11% of the country yet to experience first registration.

• Many counties are yet to commence the process of developing County Spatial Plans due to limitation of funds and capacity to undertake development of the Spatial Plans.

• There is urgent need for Parliament to speed up enactment of legislation on minimum and maximum land sizes to guide developments especially in rural areas where first registration has been attained to curb further land fragmentation especially in counties such as Kisii and Vihiga.

• There is urgent need for the National Land Commission to finalize the register and mapping of public land in the country as some counties seem not to be aware of the boundaries of public land and community land especially in areas where first registration has not started.

• Many counties have no valuation rolls to guide land markets and therefore the need to develop them.

• Sectional title registration is very minimal in the country being limited to Nairobi and a few urban centers. Many towns are yet to realize sectional title registration.

• With devolution every county is now desirous to have their own land registries and some already have physical structures towards this effort. These counties include Turkana and Tana River. However, there is need to centralize all departments involved in the title registration process within the county.

• The Main Challenges to registration include budgetary constraints, inadequate capacity especially in technical areas of survey and planning, ethnic and clan differences in areas of community land among the pastoralist communities among others.

• Successful registration of title in land requires that there should be full public participation, the need for registration is demand driven, there should be full government support especially in providing the requisite finances, recognizable property rights system and boundaries to enable demarcation to take place and qualified staff in all departments involved in registration.

• Focus should be put towards specific thematic areas during implementation of the registration
system with reference to: land use planning, land adjudication, registration of community land, land administration issues in general, survey, land valuation, land registries, settlement programmes including informal settlements, implementation of land information systems, research and advocacy, documentation of natural resources and protection of fragile ecosystems and building institutional capacities.

The Government needs to speed up land adjudication process in areas already declared so as to meet the limitations of time outlined in the Community Land Act, 2016 affecting Cap 284. Each county will require a modern land registry to cater for registration needs.

**GLOBAL PERSPECTIVE**
The Commission has attempted to make some global comparisons with a few countries which have implemented comprehensive registration of title in land and drawn some lessons to inform the preparation of this programme. They include Ireland that has successfully implemented registration of deeds and a land registry, Ontario province in Canada and Austria that were the first countries to provide electronic registration and digitization of land records respectively, Malaysia that has secured communal land registration through legislation and computerization of land registration processes, Bermuda that has an efficient department of land title registration, Nigeria that has three registration systems of private conveyancing, registration of titles and registration of deeds and Ghana which has two departments dealing with registration of title in land i.e. the National Land Commission and Land Title registry.

**LIST OF ABBREVIATIONS AND ACRONYMS**

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DEFINITION OF TERMS USED IN THE REPORT

The following terms shall have the following meanings, unless the context dictates otherwise:-

**Article (of the Constitution)**
A main section of the Constitution.

**Section (of an Act/Law)**
A sub-section of an Article of the Constitution or a section of an Act of Parliament.

**Deed**
Deed is a formal document made under seal and duly signed and delivered.

**Land**
Land in its strict legal sense means not only the actual land itself but also anything in or under the surface and any buildings or structures affixed to the surface. It includes water standing or being upon it.

**Geo-reference**
The reference of an object using specific location either on, above or below the earth’s surface.

**Land adjudication**
The process of determining, recording, up-dating and disseminating information about the ownership, value and use of land.
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COMPREHENSIVE PROGRAMME FOR REGISTRATION OF TITLES IN LAND THROUGHOUT KENYA

1.0 Introduction

Comprehensive programme for registration of title in land is a systematically arranged land registration that provides information about the ownership of land and official recording of rights in land by the state. It provides details on the location of land, the limits (boundaries) of the land, the extent (area) of the land and the details about the ownership (title) i.e. the types of ownership and the names of owner(s) of each type.

Land registration is an important aspect in the land sector as it seeks to record interests in land to make it easy to transact in land like any other commodity. It generally describes the procedures and processes by which matters of ownership, possessions and other land rights can be recorded. In view of this, Article 67(2) (c) of the Constitution of Kenya, 2010 assigns the National Land Commission the responsibility to ‘Advise the national government on a comprehensive programmer for the registration of title in land throughout Kenya. This programmer is to cover the registration of title in land of all the three categories as defined in the Constitution 2010 in Articles 61 to 64; namely:-Public, Private and Community land.

The report captures various methods of acquisition of title in land as enshrined in section 7 of the Land Act 2012, (Allocation, Land adjudication, Compulsory acquisition, prescription, Settlement programmes, Transmissions and Transfers) and registration of title status in all the 47 counties and provides a programmer of actionable areas, actors, and suggested factors to consider when working out the timelines and cost of implementing the programmer in order to achieve 100% registration.

It is important to note that land plays a critical role in the country’s economy and development as almost everything revolves around it – from Housing, agriculture, forestry, mining, tourism and physical infrastructure. This means that an efficient management and administration of land is essential for the success of initiatives that require the use of land for the production of goods and services throughout the country.

The foundations of Kenya Vision 2030 are the Economic, Social and Political Pillars. Land Reform is a critical resource for social-economic and political development spelt out in vision 2030. Respect for property rights to land, whether owned by communities, individuals or companies is an important driver of rapid economic transformation.

Statement of the problem

Less than 30% of Kenya’s total area of 582,650 km2 is registered with approximately 4.06 million titles registered countrywide and 8,346,081.99 hectares of land registered. 2,055 adjudication sections so far registered comprising of 3,185,211 land parcels and 494 settlement schemes registered with 288,183 families/households settled (However the ministry of land should be able to clarify the number of titles issued for both first and second registration from all categories of land). Therefore a comprehensive
programmer for registration of title in land is necessary to guide the Government of Kenya to attain 100% registration.

The policy and constitutional frameworks provided Kenya with a unique opportunity to undertake comprehensive land reforms to respond to contemporary land issues. Already the government has harmonized most of the laws that relate to registration of title in land through the Land (Laws Amendment) Act 2016 that has amended the Land Act, the Land registration act and the national land commission act. Besides, government has enacted the community land Act 2016 to deal with registration of community land. It is therefore important to develop a comprehensive programmer for registration of title in land to operationalize the changes brought about by the laws and to actualize the anticipated land reforms in the light of the principles of the land policy and constitutional framework so as to enhance security of tenure.

Registration of title in land provides the citizens with an opportunity to address the pertinent issues of land tenure insecurity, access to credit base, stimulation of land markets, expeditious land administration and land transactions, reduction in land disputes, improved basis for taxation and sustainable use of land resource.

For registration of title in land programmer to succeed, government should encourage public participation, provide adequate financial support and qualified human resource. Cultivate an environment of cooperation, consultation and collaboration between the Ministry of Lands and Physical Planning, National Land Commission, County Governments, development partners, civil society organizations and encourage the support of land owners for successful implementation of this program.

**Objective**

The main objective of this exercise is to prepare an advisory on comprehensive programmer for the registration of title in land throughout Kenya as per article 67 (2) (C) of the Constitution of Kenya.

**Specific Objectives:**

The specific objectives of the assignment

1. To do an appraisal of land policy, registration processes and procedures as per the land registration act and related acts of parliament relating to registration of title in land.
2. To review current practices in land registration and titling within the different title regimes.
3. To identify and appraise local and international best practices and recommend what can be adopted to enhance land registration;
4. To evaluate current status of land registration in the country.
5. To Assess land registration and titling institutional structure and capacities
6. To provide an advisory comprehensive programmer for the registration of title in land

**The need for registration of titles**

Registration of titles in land in Kenya is important. This is so because registration of titles helps to:

- Achieve security of tenure and conclusiveness of the register: A landholder has security of tenure if she or he perceives little or no likelihood of losing physical possession of the land within some future
time period. Security of tenure gives one a right to be indemnified from the government.

- Reducing litigation and administration of a loan system. The principle of security of title makes borrowing easy as a lender feels secure in relying on such a title as security of money secured thus facilitating development of a land market and credit base.

- Achieve greater simplicity and certainty of title to land. That registration should confer on a registered proprietor an indefeasible title to a specified parcel of land and dispense with any need on the part of persons dealing with him or her to investigate further his or her rights. Thus facilitating resolution of land disputes.

- Title registration serves two purposes: it gives certainty and facilitates proof of title; and renders dealings in land safe, simple, cheap and prevents fraud on purchasers and mortgagees.

- Modern registration of titles should aim at creating a unified, customer-oriented, one-stop-shop, transparent, corruption-free public registry system through comprehensive institutional, financial, technological and legislative reform.

Challenges of registration of title in land program
While the potential benefits of a land registration system are many, the introduction of land registration does involve costs and can even lead to negative effects. Any government considering the establishment of a land registration system must consider the following factors.

1. High Cost of Compiling and Maintaining a Register

The high cost of implementing a land registration system is the main cause for hesitation on the part of developing countries. An efficient land registration system is expensive. Various studies on the actual costs of conducting surveys and establishing land title registration systems indicate costs can be as high as $240 per parcel. Establishment of a land registration system will likely take several years to complete and will use significant numbers of educated persons.

2. “Fixing” the Status Quo May Be Problematic
Implementing a land registration system often “fixes,” or solidifies, the existing landholding pattern, which may be problematic. If land parcels are fragmented, it may be prudent to consider some form of consolidation before land registration on is more likely after land registration.

- Fixing the status quo by implementing a land registration system in a setting of inequitable distribution of landholdings is another possibility. In establishing a land registration system, however, there are serious dangers of strengthening the land rights of large landholders who might otherwise have uncertain claims to land.

3. Dispossession or Greater Tenure Insecurity for Smallholders
Providing registered land rights to small farmers and promoting a land market potentially contributes to further dispossession instead of solidifying an existing landholding pattern versus undergoing a land consolidation and reorganization prior to implementing a registration system.

4. Women and land registration
Property position of women is an increasingly important issue.” In nearly all less-developed countries, a male’s land rights are prioritized over
those of a female.” The prioritization of a man’s property rights is often based on the assumption that women are supported by their husbands. However, our constitution has dealt with this problem in Article 10 and Article 60(1) on non-discrimination on basis of gender.

5. Fear of Land Tax or Compulsory Acquisition
A rural population may understandably resist compilation of a land register for fear that the government will use it as a basis for the assessment or enforcement of a land tax.” In the early days of British land settlement in India, many Indians refused to give information concerning their land rights because they feared taxation.”

Systems of registration of title in land
Land registration revolves around two land registration systems, namely:
1. Registration of deeds and
2. Registration of title.
The following is a brief highlight of the two systems:
Registration of deeds
The registration of deed system entails maintenance of a public register in which documents affecting interests in a particular registered land are documented. A deed registration system means that the deed itself, being a document which describe an isolated transaction, is registered. The system was used in several European countries to prevent double selling of land.
In this case, such a deed is merely evidentially of the recorded transaction and is by no means proof of title. The most that can be made out of a deed is to invoke the records as prima facie proof of the fact that the transaction in question did occur. It cannot and will not suffice to prove the validity or legitimacy of such transactions. Registration of deeds can still be found in Nairobi and coast registries.

Registration of title - the Torrens system
This refers to the maintenance by the state of an authoritative record of all rights in relation to particular parcels of land. Such particular parcels as may from time to time be vested on specific individuals or legal entities and subject to such limitations as may be disclosed in the register itself save for such interests as may be of overriding nature (section 30 of the RLA).
Registration of title was first introduced in Australia, in 1858, by Sir Robert Torrens.” Torrens believed that a land register should show the actual state of ownership, rather than just provide evidence of ownership.” Under this system, the government guaranteed all rights shown in the land register. Registration of title provides that convenience and simplicity that anybody interested in a given property would want.
The Torrens system of registration is based on three principle:
• The **Mirror Principle** that a register of title is intended to operate as a mirror reflecting accurately and incontrovertibly the totality of rights and liabilities which at any given time affect the land falling within its coverage.
• The **curtain principle**. It is to the effect that trusts relating to registered land are kept off the title so that any person dealing with the proprietor are safe in the assurance that the interest behind any trust will be overreached and shifted on the capital proceeds of disposition.
• **The insurance principle.** It provides that the state shall guarantee the accuracy of the registered title, in that an indemnity payable from public funds if a registered proprietor is deprived of his title or is prejudiced by a correction of any mistake in the register.

**Establishing the land title register/process of registration of title in land**

Establishing a land title register consists of four (4) main operations: The practice of registration of title in land entails the following:-

a. Official recording in a land register of rights in land or of deeds

Initial determination of existing land rights/ Ascertaining and recording of existing rights in land.

b. Demarcation, which is the marking of the limits of each parcel on the ground;

c. Survey, which involves measurement and mapping

d. Description of the land parcel and tenure rights, which entails entering relevant information into the land register/ Issuance of titles to land.

**A. The initial determination of existing rights**

occurs only once for a given land parcel, usually during the initial compilation of the land register. The other three operations are ongoing. They occur during the establishment of the land registry, but continue as and when there are changes in land rights. All four processes are interdependent.

This determination of rights can be through adjudication, registration of grants or conversion of deeds register as described below:

i. **Adjudication**

Adjudication is the process whereby existing rights in a particular land parcel are finally and authoritatively ascertained. Adjudication has been the most common method of determining land rights for registration purposes. Adjudication involves ascertaining the land rights, demarcation and survey, solving the land disputes and preparing a final register of the land owners for registration purpose.

**ii. Registration of grants**

That requires a confirmation of grant for one to transfer land owned by a sole proprietor or proprietor in common. The land registrar on being provided with a copy of Confirmation of Grant from the court will go ahead to register the person named in the grant as the owner of the land. Keeping the registry current is only a matter of entering any and all changes in the registry. This is exactly what the initial Torrens did in Australia.

**Procedure for registration of grants**

A document that may be used to legally transfer property.

- A notice is put up visibly and notably in the courthouse or in any other manner the court directs (Kenya Gazette) inviting objections to application for grant within 30 days from the date of publication.
- In the event an objection is raised, the court will instruct the objector to file an answer to the application and across-application within a specified period.
- If the objector does not file an answer to the application and a cross-application within a specified period a grant may be made in accordance with the original application.
- Where an answer and a cross-application have been filed, the court shall proceed to determine
the dispute.
• Whether or not there is dispute regarding the grant, a court may, before making a grant representation;
• Examine any applicant on oath OR
• Call for further evidence as to:
  • The content of the will
  • The making of an oral will
  • The rights of dependents and of persons claiming interests on intestate property or
• Any other matter which appears to require further investigation before a grant is made OR
• Instruct any person appearing to have reason to object to the application to appear in Court.

Note:
The persons who are entitled to apply for a grant are; Persons who have been appointed in a will as executors; **Persons who are NOT included include** a minor, of unsound mind or bankrupt. Any person can apply for a grant but priority is given to spouses, children, parents according to the degree of consanguinity. Not more than 4 people apply at once

iii. Conversion of Deeds Register (or Recordation System)
If the country already has some system of deeds registration in place, recourse to adjudication in the field may be avoidable. If the deeds registry is fairly complete, and there is adequate mapping of boundaries, a careful examination of the deeds may be sufficient to identify the parcels and their associated property rights.

B. Demarcation, planning, setting a part of utilities. Redistribution of land/land use planning involves two different procedures: fixing on the ground or determination by ground features

The first method entails fixing precise boundary positions on the ground in the presence of the parties. After the positions of the boundaries are fixed, they are permanently marked. This is in line with the current Land Registration Act 2012 and the community land Act 2016 that require all boundaries to be require geo-referencing.

In the second method, the boundaries are determined based on ground features that are noted either from aerial photos or ground surveys. These boundaries are not fixed legally, nor are they physically marked unless the parties insist. The second method is much cheaper and faster in most cases. This was previously used in adjudication surveys but the present law requires that such be fixed.

Planning begins with acquisition of land for redistribution. Zoning and planned subdivision of land and Project design of alternative land uses. This is mostly applicable in public land allocations and settlement schemes

C. Survey and mapping
The Kenyan Cadaster
In Kenya, cadastral surveying and mapping is integrated in the land registration process; as such, its development follows that of land registration. The Kenyan cadastral maps do not include buildings. The cadaster is parcel-based, i.e. information is geographically referenced to unique, well-defined units of land parcels. The Kenyan cadaster includes cadastral maps
such as Survey and deed plans and the Registry Index Map (RIM) and Provisional cadastral maps such as Demarcation maps, Preliminary Index Diagram (PID), Registry Index Maps – range land (provisional).

Survey methods range from very simple and less expensive to very complex, detailed, and expensive. The choice among surveying and mapping methods generally involves balancing costs and accuracy choice is too often driven by what is technically possible, rather than what is economical and necessary to provide the desired benefits. Considering the degree of accuracy required for land title registration, it must be admitted that most of the benefits of cadaster/land-registration systems can be achieved even with rather low mapping standards.

Land surveying and mapping ensures that one is investing in a secure parcel of land that is free from fraudulent activities. It also enables one to establish boundaries on the piece of land and ensure that the land being sold is valid and of the correct size as it is stipulated on the title deed.

D Land Titles Registration

This is a system by which the ownership of interest in land is recorded and registered, usually by the government, in order to provide evidence of indefeasible land ownership title and to facilitate dealings in land matters. In a formal system of registration, land titles by the state is necessary to register land ad property rights thus providing secure land ownership, security in real estate investment, security of tenure, for collateral purposes and other private and public rights in real estate. A system for recording land ownership and values is important tool for a market economy to work properly and to sustain management of land resources.

A register of titles typically consists of both a record of the legal attributes associated with each parcel as well as a description of the land. Legal attributes such as the name of the owners; the nature of the tenure; any encumbrances including mortgages, charges, and servitudes; the price paid for land transfer; any exclusion of rights to minerals below the soil; and any caveats or cautions that may require informing a third party if any dealings in the land are proposed may be recorded in the land register. The description of the land is accomplished by reference to the registry map or a filed cadastral plan or by a plan drawn on the register itself.

Certificate of title

Official certificates issued as conclusive evidence of ownership (section 26 of Land Registration Act, 2012) The certificates under the registration of title in land used to indicate ownership of land include:-

(a) Certificate of Lease:

This is a title under the Registered Lands Act Cap 300 (repealed) for leasehold land. Leasehold is a form of land tenure where a lessee (occupant) holds rights to land for a specific period and subject to conditions imposed on land rights by the lessor (landowner). The period can be 33, 50, 66 or 99 years for all urban plots for instance.

In this case, a lease certificate is a security issued by an asset leasing company in order to finance
the assets that are acquired or leased, and which entitles its holders to the revenues attained from such assets in proportion to their shares.

(b) **Absolute Title:**
This is a title under the Registered Lands Act Cap 300 (repealed) for freehold land. This is a form of ownership in which the land owner has the maximum rights in terms of period of ownership and use of the land and cannot be disputed or challenged by anyone else. This is opposed to titles with liens, attachments or judgments against them. Also known as a perfect title.

(c) **Sectional Title:**
This is a title for a unit within a building, for example a flat. It emanates from the Sectional Properties Act of 1987 and the title is deemed to be registered under the Registered Lands Act Cap 300 (repealed).

Sectional Title, as a form of ownership (as per the Sectional Titles Act No.95 of 1986), emerged originally to permit parties to buy a piece or section of a larger property / building / development in a fashion where there ownership (or title) is protected (under Sectional Title law) and where there are clear rules and guidelines on how the overall property is managed, maintained and run.

Section 30(3) of the Land Registration Act 2012, provides that a certificate of title or certificate of lease shall be prima facie evidence of the matters shown in the certificate, while section 26(1) provides that certificate of title to be held as conclusive evidence of proprietorship.

**Repealed title deeds**
1. **Indenture Title:** This was a title under the Government Lands Act Cap 280. It has since been repealed.
2. **Grant Title:** This was a government grant under the Registration of Titles Act Cap 281 and a county council grant under Trust Land Act Cap 288. Both have been repealed.
3. **Certificate of Title:** This is under Cap 281 issued due to subdivision without change of user. Change of user happens when one shifts from, for instance, agriculture to residential.

**PROCESS OF VALUATION OF LAND FOR REGISTRATION OF TITLE:**

**Valuation and land markets:**
Valuation as a profession is the art and science that deals with estimating the market value of an interest in land for a specific purpose and at a particular moment in time having regard to all market and property conditions. A functional and vibrant real property market heavily relies on verifiable property titles and sanctity of titles that can be ascertained by the state or the sovereign body. Land markets generally deal with the value, transfer, lease, insurance, licensing, and mortgage of interests in land.

The credit system in the country revolves on the use of land as collateral for financial lending. Economic development may be slowed and/or retarded where say parts of the country are surveyed or surveyed but registration and documentation of title remain incomplete or under adjudication. In this event, those parts of the country are left out of the modern credit system producing a brake in the economic
development. Therefore, the 100% titling as envisaged by Article 67(2) (C) in all the 47-counties is an important concept that will definitely spur the land market transactions and obviously improve the livelihood of the people.

In the matter of issuance and registration of titles, the category of valuation majorly fall under statutory valuations. These are valuations that are governed by acts of parliament for the reasons that are largely beneficial to the state or affected individuals; and are undertaken by the government agencies and in particular by the National Land Commission (NLC) and or by the Ministry of Land, and Physical Planning (Mop). In the titling aspects, statutory valuation work relate to calculations aimed at determining the amounts payable for taxation purposes for stamp duty, stand premium and annual rent for new grants, alienation, extension of leases, renewal of leases, change of user, subdivision aspects and during conveyancing.

As in the case of non-statutory valuations, statutory valuations also involve understanding of the property market. However, the departure comes in that, in addition to determining the market value, there is an element of adjustment according to the requirements of the act of parliament or other regulation that govern each type of valuation.

It is imperative to note that there are issues of policy that inform calculation for some of the above. For instance, stand premium is as a matter of policy adopts a rate 20% of the unimproved site value (USV) of the land, annual rent is adopted at 20% of the stand premium for some property type, while statutory additions in the case of compulsory acquisition in accordance with the repealed Land Acquisition Act Cap 295, is adopted at 15% of the market value, et cetera. Conventional methodologies and procedures of sale comparison, income capitalization and cost approaches to value are usually adopted in an effort to arrive at an objective market value of the property under consideration.

F Registration
Registration of title is defined as the maintenance of authoritative records, kept in a public office, of rights to clearly defined units of land as vested for the time being in some particular person or body, and of limitations if any to which these rights are subject. To have a title means to be entitled to exercise or enjoy various rights or incidents associated with ownership of that estate.

The process involved include:
• Apply and obtain land rent clearance certificate
• Apply, pay and obtain rates clearance certificate
• Apply for a search on the title
• Apply and obtain consent to transfer
• File the transfer instrument
• Get site inspection by government valuer and valuation report
• Endorsement of value for Stamp Duty and its assessment
• Payment of Stamp Duty
• Lodge stamped transfer document for registration

Methods of acquisition of title in land
Section 7 the Land Act 2012 outlines seven ways one can use to acquire a title. They are as follows:
1. Allocation:
This is where public land is transferred by the
government to individuals usually for a specified time and for a specific use with stated conditions. Allocation can be through a public auction, tender, drawing of lots or balloting or by confining allocation to a disadvantaged group. For land to be allocated, it must first be planned, surveyed and serviced.

2. **Land adjudication:**
   This is when rights and interests to land are ascertained and recorded in areas of community land (formally known as the trust land areas) under Cap 284.

3. **Compulsory acquisition:**
   This is the acquisition of land by the government for a public purpose but subject to fair and prompt compensation. Publication of the intention to acquire is done through the Kenya Gazette and County Gazette.

4. **Prescription:**
   This is also known as adverse possession and occurs when one gains title to real property through occupation of land without opposition for 12 years. It involves a court process and the adverse possessor must prove that she/he actually occupied the land continuously without interruption for the above specified time.

5. **Settlement programmes:**
   This is when the government provides access to land for squatters, persons displaced by natural courses like floods, development projects, conservation or internal conflicts by use of the Land Settlement Fund administered by the Land Settlement Fund Board of Trustees.

6. **Transmissions:**
   This is when ownership passes to another party whose powers over the land are restricted as in cases of death, bankruptcy and on liquidation of a company. In case of death, a personal representative will be registered as the proprietor of the land, for bankruptcy a trustee becomes the registered proprietor while a liquidator shall be registered as the proprietor in cases of liquidation of companies, all by order of the court.

7. **Transfers:**
   This is the transfer of rights to land through sale. A transfer is done after acquiring consent from the relevant Land Control Boards, NLC, County Governments and/or National Government. Stamp duty of 2 per cent of the value of the land is payable to the government in townships and rural areas while a duty of 4 per cent is charged on land in municipalities and cities. The transfer document with the original title are then booked for registration in favour of the buyer upon payment of statutory charges.

8. **Registration of community land:**
   Community land is to be registered in accordance with Community Land Act, 2016 communities issued with certificate of reservation and later certificate of title upon registration.
METHODOLOGY

Several methods have been used in developing this advisory report. The methods include:

1. **Aligning land issues** to specific thematic areas on the basis of the following 14 themes selected by the team as they contribute towards comprehensive registration of title in land:
   1. Land use planning issues
   2. Land administration issues
   3. Issues on natural resources
   4. Land registration issues/land registration units and land registries
   5. Survey of land
   6. Land valuation issues
   7. Land adjudication
   8. Registration of community land
   9. Land settlement issues
   10. Issues of informal settlements
   11. Data and information management
   12. Issues that require research
   13. Institutional capacities and linkages
   14. Application of technology in land registration

2. **Purposive sampling of counties**

   Due to limitation of resources to visit all 47 counties, purposive sampling was adopted for counties with similar or unique characteristics and use those visited to generalize for those with similar circumstances.

The table below shows some of the counties Visited and the rationale for selecting the county.

<table>
<thead>
<tr>
<th>S/NO</th>
<th>COUNTY</th>
<th>COUNTY HQ</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TURKANA</td>
<td>Lodwar</td>
<td>Virgin area with little or no registration at all</td>
</tr>
<tr>
<td>2</td>
<td>ISIOLO</td>
<td>Isiolo</td>
<td>Community land registration</td>
</tr>
<tr>
<td>3</td>
<td>KWALE</td>
<td>Kwale</td>
<td>Mixture of all registration regimes</td>
</tr>
<tr>
<td>4</td>
<td>MOMBASA</td>
<td>Mombasa</td>
<td>Predominantly RTA and RLA</td>
</tr>
<tr>
<td>5</td>
<td>MERU</td>
<td>Meru</td>
<td>Issues of land consolidation</td>
</tr>
<tr>
<td>6</td>
<td>THARAKA/ NITHI</td>
<td>Kathwana</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>7</td>
<td>NAROK</td>
<td>Narok</td>
<td>Possibility of community land registration/issues of Group Ranches</td>
</tr>
<tr>
<td>8</td>
<td>BARINGO</td>
<td>Kabarnet</td>
<td>Registration of community land</td>
</tr>
<tr>
<td>9</td>
<td>KISII</td>
<td>Kisii</td>
<td>Land fragmentation</td>
</tr>
<tr>
<td>10</td>
<td>NYAMIRA</td>
<td>Nyamira</td>
<td>Land fragmentation</td>
</tr>
<tr>
<td>11</td>
<td>UASIN GISHU</td>
<td>Eldoret</td>
<td>Large scale farms</td>
</tr>
<tr>
<td>12</td>
<td>TRANS NZIOIA</td>
<td>Kitale</td>
<td>Settlement schemes</td>
</tr>
<tr>
<td>13</td>
<td>NAIROBI</td>
<td>Nairobi City</td>
<td>Issues of informal settlements and other tenures</td>
</tr>
<tr>
<td>14</td>
<td>SAMBURU</td>
<td>Maralal Town</td>
<td>Dominance of ranches</td>
</tr>
<tr>
<td>15</td>
<td>NYERI</td>
<td>Nyeri Town</td>
<td>Near 100% registration of titles and survey</td>
</tr>
<tr>
<td>S/NO</td>
<td>COUNTY</td>
<td>COUNTY HQ</td>
<td>RATIONALE</td>
</tr>
<tr>
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</tr>
<tr>
<td>16</td>
<td>LAIKIPIA</td>
<td>Nanyuki Town</td>
<td>Convergence of 3-county boundaries</td>
</tr>
<tr>
<td>17</td>
<td>MARSABIT</td>
<td>Marsabit Town</td>
<td>Dominance of communal lands</td>
</tr>
<tr>
<td>18</td>
<td>LAMU</td>
<td>Lamu</td>
<td>Public land</td>
</tr>
<tr>
<td>19</td>
<td>TANA RIVER</td>
<td>Hola</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>20</td>
<td>KILIFI</td>
<td>Kilifi</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>21</td>
<td>NYANDARUA</td>
<td>Nyahuru</td>
<td>Old settlement schemes</td>
</tr>
<tr>
<td>22</td>
<td>KAKAMEGA</td>
<td>Kakamega</td>
<td>Forest settlement schemes</td>
</tr>
<tr>
<td>23</td>
<td>VIHIGA</td>
<td>Mbale</td>
<td>Land fragmentation</td>
</tr>
<tr>
<td>24</td>
<td>BUSIA</td>
<td>Busia</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>25</td>
<td>HOMA BAY</td>
<td>Homabay</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>26</td>
<td>KISUMU</td>
<td>Kisumu</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>27</td>
<td>SIAYA</td>
<td>Siaya</td>
<td>Land adjudication</td>
</tr>
<tr>
<td>28</td>
<td>NAKURU</td>
<td>Nakuru</td>
<td>Forest settlements</td>
</tr>
<tr>
<td>29</td>
<td>KERICHO</td>
<td>Kericjo</td>
<td>100% registration</td>
</tr>
<tr>
<td>30</td>
<td>NANDI</td>
<td>Kapsabet</td>
<td>Forest squatters</td>
</tr>
<tr>
<td>31</td>
<td>WEST POKOT</td>
<td>Kapenguria</td>
<td>Land adjudication</td>
</tr>
</tbody>
</table>

3. **Group discussions with county officials and land professionals at county level.** The participants included the following officials and professionals as will be seen in the annexed lists of participants per county:
- County Executive members (CECM) of various counties visited
- Chief officers in charge of the land docket at the county
- County physical planners
- County surveyors
- Land adjudication and settlement officers at county and sub county levels
- Land registrars
- Valuers
- NLC County Coordinators
- Officers from NEMA
- County Commissioners/deputy county commissioners

**SCOPE OF THE EXERCISE**

**Geographic Scope**
- The programmer will cover the entire national territory of Kenya including all the 47 counties (the urban areas, cities and rural areas).

**Subject Scope**
- The subject scope will include: review of methods of acquisition of title to land outlined in section seven of the allocation, land adjudication process, compulsory acquisition, prescription, settlement programmes, transmissions, long term leases and any other manner prescribed by an act of parliament. To establish the status of titling in all the counties as well as the factors explaining the prevailing situation. All systems of registration — both original and subsequent registration.
SITUATIONAL ANALYSIS

3.1 Status of land registration in Kenya

An appraisal land registration status in Kenya from pre-colonial to post-independence

PRE COLONIAL BEFORE 1895

Traditional communities
Before the advent of colonialism in Kenya, access to, and use of land was governed by African traditional systems and land ownership was communal.

COLONIAL PERIOD 1895 TO 1963

Land Reforms in Kenya since 1895
Kenya became a British protectorate in 1895 and Land was converted into Crown Land, and vested in the Commissioner in trust for the British Crown. Indigenous Africans were declared tenants-at-will of the Crown; they were dispossessed of their land. 1901 Ordinance conferred on the Commissioner of the Protectorate power to dispose of all public lands on such terms and conditions as he might think fit.

The 1902 Crown Lands Ordinance was enacted and it provided for an expanded concept of crown lands than the 1901 Ordinance, as it conferred upon the protectorate Administrator’s enormous powers with respect to what land they could lawfully dispose of within the protectorate. The Registration of Documents Ordinance 1901 was intended to create a register of documents in order to prevent fraudulent claims for compensation by squatters, mainly at the Coast, claiming to have been wrongly dispossessed by the Government.

The Crown Lands Ordinance No. 21 of 1902 vested in the Commissioner of the Protectorate power to sell freeholds in crown land within the protectorate to any purchaser in lots not exceeding 1,000 acres (400 hectares). Any empty land or any land vacated by a native could be sold or rented to Europeans, and land had to be developed or else forfeited.

The Land Titles Ordinance (1908) was introduced into the country to address the shortcomings of the RDA. It was to deal with land registration at the coast. At the time the ten-mile Coastal strip was owned by the Sultan of Zanzibar but subject to the rights of the inhabitants.

The Crown Land Ordinance, 1915 was repealed and replaced by the Crown Land Ordinance of 1915 that declared all land within the protectorate as Crown Land, whether or not such land was occupied by the natives or reserved for native occupation. The effect was that Africans became Tenants of the Crown, with no more than temporary occupation rights to land.

The Registration of Titles Act, Cap 281 (RTA) was first passed as an ordinance in 1919 to Provide for the transfer of land by registration of titles. It was the first to introduce a form of Title registration in the country. It was based on the Torrens system of registration.

SWYNNERTON PLAN OF 1954

Colonial agricultural policy of 1954 whose aim was to intensify the development of agricultural practice by expanding native Kenya’s cash crop production through improved markets and infrastructure, the distribution of appropriate inputs, and gradual consolidation and enclosure of land holding. The plan recommended the native land to be surveyed and enclosed.
The recommendations were adopted by the East African Royal Commission report of 1953-1955

**Objectives of the Swynnerton plan of 1954**

- A transformative agenda to integrate Africans into changing economy and create middle class to engage in economic production
- Offering employment to the bulk of the landless
- Precursor of settlement for greater African participation
- Swynnerton Plan, which established a process of land adjudication, consolidation, and registration of adjudicated parcels of land in the names of those identified as owners.
- By this plan, land was registered in the names of male heads of household, who then held rights of use. The plan did not recognize the use-rights of women whose husbands had died. The policy preferred by the Colonial Government was one that promoted individual ownership, at the expense of community or group ownership.
- The colonial policy on access to land took certain specific manifestations: the status of radical title-change; indigenous inhabitants lost their claim to all land; an agricultural economy, managed and controlled by the settlers, became dominant; and new political structures emerged, founded upon ownership and control of land. The "landed gentry" were in control of the machinery of Government; and this was the onset of persistent land problems in Kenya.
- **2.4.1 The Registered Land Act, Cap. 300**
  The Act sought to unify the different systems of land registration in Kenya. That is, land Titles privately held under Government Land Act, Land Title Act (LTA) and Registered Title Act (RTA) were to be converted and transferred to new register in compliance with RLA. Secondly, it formalized African land tenure system through the processes of adjudication, consolidation and Registration. It was also intended to register land owned by Africans in the native reserves which had gone through adjudication and consolidation process. In essence it sought to extinguish customary tenure and replace it with individual and exclusive rights in land. The weakness of individual title was that it resulted in subdivision of small portions of land in various smaller fragments with poor control and regulations from government. This gave opportunity to inter alia corrupt land dealings. The system failed to correct the injustices of dispossessed land right owner’s claim to land due to the legal assumption that the registered occupants of the adjudicated, registered and titled parcels of land were the true owners

**POST-INDEPENDENCE PERIOD**

**Land (Group Representatives) Act, Cap 287**

This Act was repealed by the Community Land Act, 2016 this law was passed with an aim to provide for the incorporation of representatives of groups who had been recorded as owners of land under the Land Adjudication Act. It sought to address some of the challenges with the Registered Land Act

**Trust Land Act, Cap 288.**

Trust lands had come about as a result of the high level of landlessness and hopeless squatter situation resulting from the Crowns Land Ordinance and the Government Land Act towards 1930. The East African Royal Commission (1925) and the Carter Commission (1933) had recommended the creation of Trust
Lands exclusively for the use of Africans as far as ownership was concerned, but the authority of use was still vested in the local authorities.

**Land Consolidation Act, Cap. 283** was enacted to provide for the ascertainment of rights and interests and for the consolidation of land in the former native lands; for registration of title to, and of transactions and devolutions affecting such land and other land in the native lands. The process of land adjudication is long and cumbersome, and at times entails abandonment of development on one’s land.

**Land Adjudication Act, Cap. 284**
This Act was enacted to provide for a system of land adjudication of titles in the trust lands where land consolidation was not necessary.

**The Land Acquisition Act, Cap 295** was enacted to make provision for the compulsory acquisition of land for the public benefit. Where land was acquired compulsorily under the law, the Act required full compensation to be paid promptly to all persons interested in the land.

**Redressing the Wrongs**
In an attempt to address these problems, two Commissions of inquiry were set up by the Government. The first one, popularly known as the Njonjo Commission (Commission of Inquiry into Land Law Systems in Kenya on Principles of a National Land Policy Framework, Constitutional Position of Land and New Institutional Framework for Land Administration) The second Commission was the Commission of Inquiry into the Illegal/ Irregular allocation of public land (June 2004) (Ndungu Commission) which was tasked with examining in detail, the phenomenon of illegal and irregular allocation of public land in Kenya.

**Sessional Paper No 3 of 2009 on National Land Policy**
In 2009, the Government of Kenya, through the Ministry of lands, developed a Sessional Paper No 3 of 2009 on National Land Policy in an attempt to address the problem of multiplicity of laws on land and title registration. The Policy pointed out that the existence of many statutes needed harmonization in order to ease the process of registration of land rights, facilitate easy and fast access to land registration information, enhance efficiency, transparency and accountability in land registration.

**POST-CONSTITUTION OF KENYA 2010 PERIOD**

**2.6.1 The Constitution of Kenya, 2010**
The Constitution of Kenya 2010 guarantees the protection of the right to property. The State is prohibited from depriving a person of property of any description, or of any interest in, or right over property of any description. Protection of the right to property would then require that land registration systems being efficient, transparent and accountable to prevent fraud in land registration.

**Land Act, 2012**
In order to deal with substantive matters of land law, the Land Act, 2012 was enacted and it sought to consolidate Kenya’s substantive law, earlier found in different pieces of legislation namely the Indian Transfer of Property Act 1882, the Government Lands Act and the Registered Land Act. It repealed the Wayleaves Act Cap 292 and the Land Acquisition Act Cap 295.

**Land Registration Act, 2012**
The Act seeks to revise, consolidate and rationalize the registration of titles to land,
to give effect to the principles and objects of devolved government in land registration, and for connected purposes. It applies to the registration of interests in public land as declared by Article 62 of the Constitution; all private land as declared in Article 64 of the Constitution and registration and recording of community interests in land.

**Land Information Systems**
It is to be recalled that one of the challenges facing the former land registration regime was the multiplicity of registers that were uncoordinated. Although the LRA contemplates a situation where the land registers will be digitalized Electronic land information system are designed to create, analyze and publish land-based data such as parcel information, zoning, land use, ownership and general property information. The system should comprise subsystems that support all processes usually encountered in land administration and management including but not limited to guaranteeing land tenure rights, documenting responsibilities, restrictions and risks, valuation and taxation, property registration and land use regulation in relation to a particular parcel of land (plot). The current systems are largely manual driven. There has been efforts by the National and County Governments to replace the manual systems with digital systems. The Ministry in charge of lands is mandated to develop a National Land Information System in collaboration with the National Land Commission.

**Boundaries and Maps in the Land Reform Programmes**
The Registered Land Act, Cap 300 provided for the preparation of a registry index map in which all pieces of land were to be shown and numbered. Each piece of land had to have a parcel card showing details of size, ownership and encumbrances

**Overlap of Powers**
It has been rightly argued that one of the greatest challenges to effective transition lies in the application of powers and functions vested in the Commission under the National Land Commission Act and the Land Act against those vested in the Cabinet Secretary

**Role of the Court/Conflicting provisions**
Land and Environmental Courts are special courts which hear cases that relate to various issues touching on environment and land, including property registration and planning. The Environment and Land Court Act, 2011 was passed with the aim of giving effect to Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes

**Registration of Customary Land Rights**
The Njonjo Commission Report, in relation to land ownership, recommended that where possible, communal titles to land held under customary law should be encouraged. Further, the Report also recommended that Coast land ownership problems should be investigated and resolved in accordance with traditional land practices.

**LAND COMMISSIONS INTO LAND ISSUES**

Observed that the acquisition of land in former settler-owned areas, by Kenyans of different origins who purchased the same with Government assistance, had been resisted by the indigenous
people of the areas in question. Such animosities formed the groundswell for political tensions and ethnic violence.

b) The Njonjo Commission Report
The Commission recommended that public land should be held and managed by the National Land Authority, in trust for the Citizens so that the radical title to such land should vest in the National Land Authority.

The Ndungu Report, 2004 identified about 40 statutes that deal with land administration, ownership and use that makes it difficult for many Kenyans to understand the substantive land law. The Ngungu Commission recommended:

- Comprehensive land title insurance scheme be put in place;
- Government should prepare an inventory of all public land in the country, and harmonize land legislation, to prevent double issuance of titles; and
- Formation of the National Land Commission, with powers to allocate public land, and to supervise the management and allocation of trust land.

Irregular allocation of land
Ndungu Commission made an Inquiry into the Illegal/Irregular Allocation of Public allocation of public lands and lands reserved for public purpose to private individuals and corporate entities, and provided recommendations to the Government for the restoration of those lands to their original purpose or other appropriate solutions. The National Land Policy has outlined mechanisms of resolving the squatter problem at the Coast, and proposes to take an inventory of all government land within the 10-mile coastal strip. The Ministry of Lands has also audited absentee landlords in the coastal region and found they own an estimated 77,753.02 hectares, although comprehensive data is still being sought to establish the actual acreage controlled by this category.

**Slums and Informal Settlements in Kenya**
The Kenya Government has grand plans for informal settlements and slums. Already, slum-upgrading projects in Nairobi and other towns in Kenya are changing lives of the residents. They have access to clean water electricity and have more space and thus a clean environment. In Kibera, Nairobi, the first phase of the slum—upgrading project is complete and hundreds of families have since moved to their new homes. This has paved way for the start of the phases that will benefit more city residents.

**NEW ERA CONSITUTION 2010 AND BEYOND**

3.5.1 The Constitution of Kenya, 2010
- Created the National Land Commission (NLC);
- Classified land into three categories as:-

**Public Land which is:**

- Land alienated by the Kenya Government, used or occupied by a State organ, which no individual or community ownership can be established, minerals and mineral oils, Government forests, and game reserves.
- Other land in Kenya that fall into this category are water catchment areas, national parks, Government animal sanctuaries, roads, rivers, lakes and other water bodies, the territorial sea, the exclusive economic zone and the sea bed. The continental shelf, land between the high and low water marks and any land not classified as private or community land also fall in this category.
In Kenya, public land is held in trust for the people by a county government and administered on their behalf by the National Land Commission. Other pieces of land are held by the national government in trust for the people and administered on their behalf by the National Land Commission.

**Private Land**

Private Land in Kenya consists of land held by a person under freehold tenure and leasehold tenure.

**Community Land**

Community land in Kenya is held by communities on the basis of ethnicity, culture or similar interest. Community land comprises land registered in the name of group representatives, transferred to a specific community and land held, managed or used by communities as community forests, grazing areas or shrines.

Other pieces of land that fall under community land are ancestral lands and those traditionally occupied by hunter – gatherer communities, held as trust land by the county governments.

Entrenched the principles of the land policy into the Constitution;

Fixed leasehold period at 99 years;

Gave the state power to regulate use of land and property and

Gave Parliament power to revise, consolidate and rationalize existing land laws.

**Land tenure in Kenya**

The country is in the process of transiting from the old land registration tenure of 999 years, to a shorter one of 99 years, at a time when digitization and automation of land transactions is also taking place to promote efficient management of land for sustainability, prosperity and posterity.

**NEW LAND LAWS AFTER PROMULGATION OF THE CONSTITUTION**

**The Environment and Land Court Act, 2011**

This establishes a court of a similar jurisdiction to the High Court which will have jurisdiction over cases and disputes on matters relating to land and environment. It repealed The Land Disputes Tribunals Act No. 18 of 1990.

**The National Land Commission Act, 2012**

This law provides for the powers and functions of the National Land Commission established under Article 67 of the Constitution of Kenya 2010. It also provides for the qualifications and procedures for the appointment of the chair and members of the Land Commission. This Act received Presidential assent on 27th April 2012 with a commencement date of 2nd May 2012.

**The Land Act, 2012**

This provides the body of Kenya’s substantive law, earlier found scattered in different pieces of legislation like the Indian Transfer of Property Act 1882, The Government Lands Act and the Registered Land Act. It repeals the Way leaves Act Cap 292 and the Land Acquisition Act Cap 295. The law has the effect of embodying Kenya’s substantive law in one statute which makes easy reference for scholars and practitioners. This Act received presidential assent on 27th April 2012 with a commencement date of 2nd May 2012.

**The Land Registration Act, 2012**

This law is the singular law to guide the registration of title to land in Kenya, earlier done under various statutes like the Land Titles Act.
Cap 282 earlier applicable to properties within the ten mile Coastal strip and the Registration of Titles Act Cap 281 earlier operated under a Centralized Land Registry at Nairobi for properties surveyed under precise boundaries. It also repealed the Registered Land Act Cap 300 which applied to most rural properties surveyed under general boundaries and some few urban properties surveyed under the “fixed boundary” provisions of the Act. This Land Registration Act also repealed the Indian Transfer of Property Act 1882 and the Government Lands Act Cap 280. The application of this law will result in a uniform land registration system and uniform registries countrywide. This will ease land transactions and land development in the country. This Act received presidential assent on 27th April 2012 with a commencement date of 2nd May 2012.

The Land (Laws Amendment) Act, (2016)
This law amended the Land Act, 2012, the National Land Commission Act 2012 and the Land Registration Act 2012 . This law changed some mandates of the ministry of Lands and Physical Planning and those of the National Land Commission such as Management and administration of settlement programmes and community land and anchored Historical land injustices in the National Land Commission Act.

Community Land Act, 2016
To resolve community land tenure issues, Parliament in 2016 enacted the Community Land Act to give effect to Article 63(5) that provides for the recognition, protection and registration of community land rights, management and administration land, to provide for the role of the county government in relation to unregistered community land. The Act came into effect from 21st September, 2016.

National Spatial Plan
The Ministry of Lands and Physical Planning launched the National Spatial Plan on 1st March 2017; which is aimed at planning for every inch of land in the country to facilitate social justice and national cohesion. County governments are also busy coming up with county spatial plans.

Land Use Guidelines
National Land Commission has developed land use guidelines for use by county governments and all citizens across board.

Sessional Paper No. 1 of 2017 on Land Use Policy
This provides legal administrative, institutional and technological framework for optimal utilization and productivity of land and land related resources in a sustainable and desirable manner at national, county and community levels.

Land Trusts
A land trust is a non-governmental organization (frequently a non-profit corporation) that divides land rights between immediate users and their community.

Large scale farms
The Government, however, encouraged Africans to get into large scale farming and set up institutions, such as the Agricultural Finance Corporation (AFC) and the Agriculture Development Corporation (ADC) to assist the African Farmers in large scale farming strategies. The Kenyatta government encouraged an agriculture, policy whose basis was export as a source of economic development, basically consolidating land as a
primary source of economic development for the young nation. Cooperatives were not new as African smallholder farmers had fought for the formation of their own cooperatives in the 1950s. The first legislation on cooperatives in Kenya was the Cooperatives Societies’ ordinance Act of 1931, which was reviewed in 1932 and 1945.

Voluntary guidelines for large scale acquisition of communal lands in Kenya
The ownership and existence of communal land, variably known as pastoral or customary land, is currently threatened by various development projects that are initiated in Kenya from year to year to provide basic infrastructure such as roads, dams, large-scale industries, commercial agriculture and power generation. These projects require large tracts of land, which in many cases are in the possession of whole villages, and which sometimes have to be displaced through large scale land acquisition (LSLA) in so as to give room for project implementation. In order to avail land for the purpose of public or national projects, sometimes it is necessary for the government to purchase it compulsorily. However, not all development projects are for public purpose; some are commercial or quasi-public. Where public purpose is concerned there are laws dealing with compulsory acquisition may be used to adequately deal with issues of compensation and resettlement. On the other hand, large scale acquisitions regarding commercial ventures such as agricultural estates and mining is not regulated by any law and powerful international companies backed by powerful local individuals may end up dispossessing local population through large scale land deals. This has called for some voluntary guidelines that County Governments or National Government may adopt to protect the interests of local people.

Unsustainable land utilization
Comprehensive changes in land use and land planning, coupled with the increase in human population during the past three and a half decades, have resulted in an increase in the demand for usable land and escalation in competitive bids for residential land in and around the main urban areas. Increase in rural population has equally increased the demand for agricultural use, resulting in encroachment into forested areas, and riparian reserves. The growth in the pastoral and livestock population has increased the demand for grazing pastures, resulting in urban immigration by pastoralists and has also created serious soil erosion problems in certain areas.

Landlessness in Kenya
During the advent of colonialism, white settlers hived off parts of the Kenyan highlands and claimed exclusive ownership thus rendering Africans tenants-at-will in their own land thus causing landlessness. Landlessness in Kenya is estimated to affect some 10 per cent of the total population by 1990, and is increasing by at least 1.5 per cent annually. Landlessness is thought to be the result of the privatization of land, absentee landownership, expulsion of squatters from large farms, forced land sales and widowhood or divorce. Strategies used by the landless are to migrate away either to settlement schemes, large farms, urban areas or, most importantly, semi-arid lands.
**Squatters**

Origin of squatting and the legitimization of this mode of living can be traced both to labour laws and land tenure systems in the 1920’s and also to the Muslim Tenant at Will with respect to squatting at the coast. The squatter problem began in 1915 when the colonialists introduced Crown Lands Ordinance. This made them acquire legal security over land. As a result there developed unrest from the Africans and to solve the problem the colonial office appointed the Carter Land Commission, which in its recommendations provided that native reserves be established which were to remain exclusively Africans and that there were going to be no further encroachments. However, the Swynnerton Plan of 1954, established a policy of individual ownership that recognized African ownership of their land through a process of land adjudication.

**To comprehensively deal with the squatter problem, Government**

- Should develop an inventory of genuine squatters and residents of slums;
- Should remove those squatting on unsuitable land and resettle them elsewhere; and
- Should enforce policy on sale and transfer of land meant for squatters which should be prohibited to safeguard the rights of the landless.

**Non-citizens in Kenya and Land**

- A non-citizen can only hold land on leasehold tenure, and the lease cannot exceed 99 years. Any land whose lease was beyond this — like the 999 leaseholds held by some multinational companies or individuals will revert to 99-year leaseholds.

**SYNTHESIS OF REGISTRATION OF TITLES IN LAND IN KENYA TODAY**

Prevailing circumstances of registration of titles in the country

**Tabulated circumstances on 1st Registration of Title in Land in the 47-counties**

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>1st Registration Accomplished</th>
<th>1st Registration on-going &amp; at various stages (Through adjudication process &amp; settlement programmes)</th>
<th>1st Registration of titles is yet to start (Except where setting apart has taken place)</th>
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<tbody>
<tr>
<td>1</td>
<td>Mombasa</td>
<td>Kwale</td>
<td>Garissa</td>
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<td>Nyandarua</td>
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<td>Bomet</td>
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<td>Kakamega</td>
<td>Elgeyo-Marakwet</td>
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<td>14</td>
<td>Vihiga</td>
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Source: Field Data Support the data

Source: Field Data & Analysis

47-counties status on registration

Source: Field Data & Analysis
Note:
The counties of Garissa, Weir, Mandera, Isiolo and Turkana have not been gazetted as adjudication areas by the Minister as per section 2(1) of the Land Consolidation Act cap 283 or section 3(1) of the Land Adjudication Act Cap 284, however these counties present a potential area where implementation of community land registration is foreseeable.

Great strides have since been made towards first registration through adjudication and settlement. Since 1963 to date with a total of 2,055 adjudication sections so far registered comprising of 3,185,211 land parcels and 494 settlement schemes registered with 288,183 families/households settled. In total over 4.06 billion titles have been registered countrywide covering an area of approximately 8,346,081.99 hectares of land

In the resettlement of internally displaced persons (IDPs) and forest evictees a total of 9,571 persons and 7,107 forest evictee’s households have been resettled. Details of government achievements in terms of land adjudication and settlement can be seen in appendix 1 of this report.

GENERAL FIELD OBSERVATIONS FROM THE COUNTIES VISITED/FINDINGS
National Land Commission has undertaken a survey of all counties to establish the levels of registration of titles and the requirements and has made the following observations worth mentioning.

• That counties are at various stages of registration in terms of first registration and therefore require specific registration programmes targeting specific counties. Approximately 51% of the counties have attained first registration while 38% are at various stages of attaining first registration through the land adjudication programmer and 11% are yet to commence the process leading to first registration
• There is very little public land for allocation in the various counties as the available public land for allocation is in most counties planned and allocated except in the 11% of the country where first registration for titles has not started.
• The vast majority of Kenyans in the unregistered areas prefer registration of individual titles to registration of Community land. There is therefore the need for the Ministry of Lands and Physical Planning National and the Land Commission to urgently mount a campaign of civic education on the process of registration of community land especially in the 11% of the country yet to experience first registration
• Many counties are yet to commence the process of developing County Spatial Plans due to limitation of funds and capacity to undertake development of the Spatial Plans.
• There is urgent need for Parliament to speed up enactment of legislation on minimum and maximum land sizes to guide developments especially in rural areas where first registration has been attained to curb further land fragmentation especially in counties such as Kisii and Vihiga.
• There is urgent need for the National Land Commission to finalize the register and mapping of public land in the country as some counties seem not to be aware of the boundaries of public land and community land especially in areas where first registration has not started.
• Many counties have no valuation rolls to guide land markets and therefore the need to develop them.
• Sectional title registration is very minimal in the country being limited to Nairobi and a few urban centers. Many towns are yet to realize sectional title registration.
• With devolution every county is now desirous to have the own land registries and some already have physical structures towards this effort. These counties include Turkana and Tana River. However there is need to centralize all departments involved in the title registration process within the county. The ministry of Lands and Physical planning is transforming land registries to make them good for publicly accessibility and improve on storage and retrieval of land records. To date, the Ministry has completed Thika, Eldoret, Bono, Isiolo and Kitale land registries. Meru and Lamu are at an advanced stage. In addition, the Ministry has rehabilitated Kericho, Kwale, Nery, Kajiado, Garissa, Mandera, Koibatek, Kisumu, Kisii, Naivasha, Migori, Kiambu, Nakuru, Bomet and Ugenya land registry.
• Old registration regimes of Land Titles Act/GLA (cap 282), Registration of Titles Act(cap 281) and Registered Land Act(CAP 300) are still operational despite them being repealed and replaced by the Land registration Act of 2012, and the explanation from the land registrars is that there are no rules and regulations in place. There should be transition to the new regime now that the rules and regulations to operationalize the new land laws are in place.
• Counties are confused on the roles of surveyors and the survey function between national and county governments yet it impacts heavily on registration of title in land. National government should urgently review the survey act cap 299 to align it to the constitution
• There is need to entrench and enforce planning standards in all programmes involving registration of title in land.
• Project approach was suggested for implementation of all registration programmes so as to involve all the stakeholders involved in land registration programmes (surveyors, planners, land adjudication and settlement officers, land valuation officers and land registrars especially in budgeting for the programmes.
• It may be necessary to address historical land injustices in some categories of land allocations, settlement schemes in Coast to resolve issues of land registration especially the injustices done on the people through the crown land ordinance of 1915 and GLA Cap 280 that enabled the colonial government take away community land at will from the Natives and commissioner of land abusing his powers to alienate trust land and render the people of coast squatters in their own land.
• All registration processes are still manual though there is an attempt to digitize the records in Both Kwale and Mombasa land Registries. Therefore the process of digitization of records should be hastened.
• The county government of Mombasa suggested biometric registration of squatters to cab the issue of “professional” squatters
Challenges

• The Main Challenges to registration include budgetary constraints,
• Inadequate capacity especially in technical areas of survey and planning, There is need to enhance staff capacities especially surveyors and land registrars who are few
• Ethnic and clan differences in areas of community land among the pastoralist communities among others.
• Lack of comprehensive budget to carry out survey work has made surveyors in Mombasa and Kwale to do block surveys causing delays in the registration process and occasioning many land disputes especially in settlement schemes.
• Inadequate office space .In Kwale in particular, officers are in a rented office space.

RECOMMENDATIONS

Training and Education

In creating a land registration system, training and education are instrumental. ‘Specialists with both formal training and practical experience are needed to maintain the system.

Public participation

Successful registration of title in land requires that there should be full public participation, the need for registration is demand driven, there should be full government support especially in providing the requisite finances, recognizable property rights system and boundaries to enable demarcation to take place and qualified staff in all departments involved in registration.

Thematic areas

Focus should be put towards specific thematic areas during implementation of the registration system with reference to: land use planning, land adjudication, registration of community land, land administration issues in general, survey, land valuation, land registries, settlement programmes including informal settlements, implementation of land information systems, research and advocacy, documentation of natural resources and protection of fragile ecosystems and building institutional capacities.

In terms of National Land Information Management System (NLIMS), the Ministry has embarked on safeguarding and digitization of land paper records at the Ministry Headquarters, Thika, Mombasa, Kitale and Nakuru land registries. Other achievements include; reviewed and re-engineered processes and procedures, reviewed Integrated Land Rent Information System and capturing of all land rent data, modernizing the national Geodetic Framework by constructing zero order passive Kenya Reference Frame (KENREF) pillars/stations. The Ministry has also modernized the computer server room at the headquarters by up-scaling digital access systems and improving cooling system and operationalized the Electronic Records Management System (ERMS) to manage the digitized land records.

In terms of Special Economic Zones for Mombasa, Kisumu and Lamu, the Ministry has prepared physical and land tenure profiles for the proposed Special Economic Zones in the country namely Mombasa, Kisumu and Lamu. This will provide basis for identification of suitable and available land, and guide the proposed development. In addition, the Ministry has placed an embargo on allocation of public land, restriction on extension of leases, subdivision and change of user.
INTERNATIONAL PERSPECTIVES

4.1 Introduction

The global interest now in that system of registration of title should aim at combining the following: Security, Simplicity, Accuracy, Cheapness, Expenditure, Suitability and Modern techniques that involves the use of GIS tools for land registration, data storage, information management, quick and easy data access, in addition to retrieval of land data and updated information. In order to understand how to develop a comprehensive programmer for registration of title in land, the team undertook a comparative study of a few countries that have so far developed similar programmes such as Ireland, Ontario-Canada, Austria, Malaysia, Bermuda Nigeria and Ghana in Africa and their relevance to the Kenyan situation as outlined here below:

4.2.1. Ireland

According to (Melvin Smyth) there are two systems for the registration of property

(l) Registration of deeds

The law in Ireland Makes registration compulsory where the land is sold and conveyed to or vested in any person under the Land Purchase Acts, or where land is acquired by a statutory authority. The Minister for Justice makes an order designating a county or county borough as a compulsory registration area in certain circumstances. A system of voluntary registration for Deeds, affecting land gives priority to unregistered Deeds in what is commonly referred to as “Unregistered Property”.

This is relevant to the Kenyan case where the Cabinet secretary is required to gazette counties as land registration units as well as community land registration units. In instances where land is acquired for public purpose projects/programmes, such land has not been vested after acquisition in the past hence the cases of former owners claiming back land after compensation of other interested parties entering into and acquiring such lands

(ii) The Land Registry

The Land Registry in Ireland provides a more comprehensive and secure system where property is registered in the Land Registry, and all relevant details concerning the property are recorded on Folios, which is maintained in the Land Registry. Property registered in the Land Registry is commonly referred to as “Registered Property. The Land Registry maintains Land Registry Maps and Folios in electronic form. The title shown on a Land Registry Folio is guaranteed by the State, which is bound to indemnify any person who suffers loss as a result of any mistake made by the Land Registrar. This is a contemporary reference for the Kenyan case which adopted the Torrens system of registration as practiced today.

4.2.2 Malaysia

According to (Jones, 2010) Malaysia adopted the Torrens system of title registration and all properties have been titled.

Challenges in Malaysia:

• However, titling of communal land remains unresolved because the Malaysian government has been reluctant to recognize collective title to communal land occupied by indigenous groups.
• In Peninsular Malaysia, the indigenous groups have been considered as tenants-at-will of the forest areas they occupy. However, a number of important court rulings in recent years have stipulated, on the basis of common law principles and precedents from other Commonwealth jurisdictions, that such groups have collective and secure land rights.

• These rulings provide a justification and basis for the Kenyan case to secure comprehensive registration of communal lands as enshrined in the recently enacted Community Land Act, 2016.

2.1.2.2 Land Transactions in Malaysia:
• Subdivisions and land amalgamations of a land parcel can only take place after cadastral surveys have been performed.
• Malaysia is at its final stages of computerizing land registration system and processes. This compares well with the requirement of geo-referencing in Kenya and subsequent land transactions after land registration. Kenya is moving towards digitization and computerization of land registries where certain land registries such as Nairobi, Eldoret and Kitale are almost accomplished and efforts made by the Ministry of Lands and Physical Planning in collaboration with the National Land Commission in implementing NLIMS.

4.2.3 Bermuda
The Department of Land Title and Registration is responsible for registering land and property ownership in Bermuda and provides accurate, accessible and comprehensive record about land and property ownership and any interests affecting land. Individuals, businesses or organizations who become land owners or own interests in land must apply to the Land Title Registry Office to register. The harmonization of land laws relating to registration of title the Land Registration Act, 2012 and the creation of the titling Centre in Kenya compares well with the Bermuda case.

4.2.4 Ghana
According to Kuntu-Mensah (2006), the Government of Ghana introduced a new land title registration scheme by enacting a new law – The Land Title Registration Law in 1986 to address the persistent problem of insecurity in land titles and uncertainty in land transactions since colonial times that was based on a system of deeds. In Ghana land title registration is managed by two institutions:
1. National Land Commission of Ghana secretariat based at Cantonment, and
2. Land Title Registry from Victoriaborg.

2.1.4.1 Review of the Registration System in Ghana
A system of deeds registration has operated in Ghana for over a century, but it has failed to assure certainty and security because of:

Design Defects.
The land tenure system was not reformed customary law tenancies and pledges, for instance, would therefore simply be registered without reform of their nature and incidents.

1. Implementation Defects
• Lack of high-caliber trained and skilled administrators, lawyers, surveyors and other supporting staff.
• Lack of equipment particularly for accurate and fast surveying, production of maps and plans, and storage of information.
• Limited logistical support

2 Compartmentalization
Departmental jealousy between Land Title Registry from Victoriaborg, and the Lands Commission Secretariat from Cantonments – with no conscious effort at coordination, bickering and lack of cooperation have characterized relations between the two institutions.

Lessons learnt from Ghana
• Success in the mapping component of systematic titling programmer does not necessarily translate into issuance of titles.
• The underlying land ownership and tenure arrangements are key to successful land titling operations especially in urban locations.
• Technology should be used to bridge the gap between deeds registration and title registration to make conversion from deeds registration to title registration possible.
• Inconsistent records reflect the challenges of registration and what it will take to rectify Ghana’s system offers the most practical approach to the Kenyan case which should be panel beaten and tailored to suit our local circumstances. The challenges to the registration of titles offers importance lessons in the design for an appropriate Kenyan system. Efforts made to streamline the functions of the Ministry of Lands and Physical Planning through The Land Laws Amendment Act of 2016, are commendable.

4.2.5 Ontario-Canada
According to Sarah Chelimo Maina (2012) Ontario and Austria can be used as case studies as they have enacted and applied legislation providing for a simple, secure and efficient registration regime. The two case studies provide useful lessons worth considering and applying as benchmarks for Kenya. Ontario was the first jurisdiction in the world to provide electronic registration and secondly, because the Ontario Land Registry Offices currently operate successfully under two systems: the Registry system and the Land Titles system. This presents a study worth considering observing that despite the dualism of the land system, Ontario successfully digitalized their registry.

4.2.6 Nigeria
According to Muhammad Bashir Nuhu, Land registration system in Nigeria involves three principal systems of recording the rights/ownership to land. These include: I. Private conveyance ii. Registration of titles and iii. Registration of Deed. The title is however a description of a land parcels, details and description contain therein usually includes the followings: description of location or boundary (for instance bearing and distances, survey description, meters and bounds description, public land survey system reference, lot number in plotted subdivision coordinates etc). This compares well with the requirement to create registration units and geo referencing envisaged in the land registration act 2012.

4.2.8 Australia
Australian colonies introduced the Torrens system between 1857. The Torrens title system was introduced first in South Australia by Sir Robert Richard Torrens, the Registrar-General of Deeds through the Real Property Act 1858. Later
in Victoria under the Real Property Act of 1862, and in New South Wales on 1 January 1863, with the commencement of that colony’s own Real Property Act of 1862.

The adoption of the Torrens title registry throughout the British Commonwealth, and its legal context, where a deeds registration system was used, have switched or are switching to the more modern system of title registration. For example, Hong Kong, one of the very last places in the common law world to still maintain a deed registration system, finally passed the Lands Title Ordinance in 2004, which will see Hong Kong shift to the Torrens title system. The law will be gradually implemented over a period of twelve years. The Torrens title system was based on a central registry of all the land in the jurisdiction of South Australia, embodied in the Real Property Act 1886 (SA).

All transfers of land are recorded in the register. Most importantly, the owner of the land is established by virtue of his name being recorded in the government’s register. The Torrens title also records easements and the creation and discharge of mortgages. The registered proprietor of Torrens land is said to have an indefeasible title. That means that only in very limited circumstances can his or her title be challenged. These challenges are established in the legislation, and are subject to rules made by courts.

4.2.9 Austria
Austria has been used as it has successfully implemented e-governance of its land administration infrastructure, and may thus offer useful lessons in digitizing the land registry records in Kenya.

Lessons learnt from case study examples
The object of registration of title is to provide a safe, simple and economic system of land ownership, development or transfer. Under a system of title registration the basic unit for registration is the land parcel. Each land parcel is identified on a map that is cross-referenced to the registers that list the name of the owner, the nature of the tenure, and other ancillary information. The registers will reflect the legal position on the ground, or any other relevant information. The information on the registers is guaranteed by the state. This means that anyone can act upon the information in the title register on the presumption that the information is correct.
THE PROGRAMME FOR REGISTRATION OF TITLES IN LAND

What is Comprehensive Programme for Registration of Titles in Land?
Comprehensive programme for registration of title in land is a systematically arranged land registration that provides information about the ownership of land and official recording of rights in land by the state. It provides details on the location of land, the limits (boundaries) of the land, the extent (area) of the land and the details about the ownership (title) i.e. the types of ownership and the names of owner(s) of each type.

WHY SHOULD KENYA INVEST IN COMPREHENSIVE PROGRAMME FOR REGISTRATION OF TITLE IN LAND?

1. Greater Tenure Security
   Land registration provides a degree of certainty and security to the owner as well as to others having rights in land. Increasing security of individual property rights in land stimulates private investment and agricultural development because the individual is more willing to make long-term improvements.

2. Greater Access to Credit
   The registration of rights to land establishes those rights in the eyes of the law and provides documentary evidence necessary to prove land rights. The holder of the land rights thereby becomes “creditworthy” and can pledge his land rights as security for a loan.

3. Dealings in Land More Expeditious, Reliable, and Inexpensive (improved conveyancing)
   Property owners use legal experts to conduct title searches and to establish ownership. The costs are often considerable. A land registry not only makes extended searches of land rights unnecessary, but also makes it possible to use simpler, standard forms of conveyance. A formal land registry aids small rural landholders, who often cannot bear the cost of professional conveyancing assistance.

4. Stimulation of the Land Market
   The necessity for a functioning land market will become increasingly apparent as the society is transformed into a market economy. A functioning land market permits economies to use land more appropriately, ease the eventual migration of labor out of the agricultural sector, and generally facilitate the establishment of efficient and consistent land policies.

5. Expeditious land registration and management
   Because land is an important resource for every country and community, land administration is a very important function. It is almost self-evident that to plan land development, one must know the basic facts concerning the land. Better land use is encouraged through planning regulations. Land records based on well-defined land parcels are essential for all these purposes. Public administration in other areas is also enhanced by a land registration system. Administrators need lists of land and the people occupying the land for many purposes, including statistics, censuses, and elections. Public planning of all types will be
greatly facilitated by maps and various data in the land register.

6. Reduction in Land Litigation/Disputes
A well-designed and efficiently operated land registration system can greatly reduce disputes and litigation over land, resulting in better social relationships, less work for overworked courts, and less expenses for the individual.

7. Improved Basis for a Land Tax
Establishing a land registration system will also create a better basis for land taxation.” A good land registration system, based on maps and embodying the unique identification of each land unit, provides the information necessary for a successful tax system.

8. Fundamental to sustainable use of the land resource
Registration of title in land is fundamental to sustainable use of the land resource as it ascertains the rights of ownership conferred on individuals, groups of individuals and other entities under the various tenure systems.

9. To address the slow pace of land registration (facilitate land reform)
To address the slow pace of land registration as pointed out in Sessional Paper No.3 on National Land Policy that has been an impediment to investment.

10. Expeditious compensation and execution of development projects
To enable the commission effectively carryout compensation on land acquired for national and county projects.

DESIGN OF THE PROGRAMME
The Process of developing a comprehensive programmer for registration of title in land, involves several steps including:
1. Investigating the current situation,
2. Analyzing existing problems,
3. Defining principal goals,
4. Expressing and evaluating the benefits
5. Estimating the costs,
6. Implementing pilot studies,
7. Choosing principal methods,
8. And choosing priorities.

1. Understanding the Current Situation
The first task is to investigate and understand the current situation. Initial investigation focuses primarily on three areas:
(1) Existing tenure forms and legal structure;
(2) Existing land records and maps; and
(3) Available resources, both capital and human.
Without a solid understanding of the current situation in these areas, it is difficult or impossible to assess needs or design a suitable title registration program.

2. Identifying Problems
After reaching an understanding of the current situation, one must evaluate the need for change. Evaluation of such a need includes consideration of the following factors: insecurity of tenure, the need for an equitable land tax, unavailability of banking credits, the importance of implementing agrarian reforms, lack of a functioning land market, and unavailability of an information base to facilitate land use planning and administration. The identification of problems is crucial to
assessing the need for title registration, designing a suitable registration programmer, and assessing the benefits that follow from the implementation of such a programmer.

3. Defining Goals
Government must also define the principal goals of the land registration Programme. Is the land registration programmer to be used simply as a legal record of land rights? Will it also serve the purposes of taxation and tax collection? Or will the information base be organized in a way to serve additional purposes?

4. Listing and Evaluating Benefits
Government must also list and describe the expected benefits. These benefits should be evaluated, both in general terms and, where possible, in monetary terms.

5. Estimating Costs
Estimating costs can be as problematic as evaluating benefits. There is likely to be little or no experience with a land registration operation. Cost figures vary with institutional organization, methods used, and market wages. Costs attributed to survey and demarcation are generally the greatest component of total expenditures.

6. Pilot Studies
Some pilot studies should be implemented in the field before a land registration programmer is implemented nationwide. While pilot studies have various objectives, they should be designed as field tests of the planned registration programmer. Careful and constant monitoring of the pilots is crucial to glean information necessary to improve the programmer. The need for pilot studies to test and refine programmer and procedures will almost always outweigh interests of urgency in creating the land registration program.

7 Priorities
It is necessary to decide whether the registration system is to cover the entire country or only selected parts. Selection of priority area depends on the problems the registration system is intended to solve. If the primary goal is to solve agricultural problems, rural areas with intensive, commercial farming might be considered first. If the primary goal is to facilitate an urban land market, effort might be directed toward major cities. If the primary goal is to reduce disputes then areas with high degrees of litigation or unregulated squatting might be chosen first. In any case, it is wise to delay implementation in areas that pose difficult conditions with regard to such factors as land tenure or survey methods until the process is well established.
**TABLE: SUMMARY OF THE DESIGN OF THE COMPREHENSIVE PROGRAMME**

<table>
<thead>
<tr>
<th>Item</th>
<th>Activity</th>
<th>Activities</th>
</tr>
</thead>
</table>
| 1    | Understanding the Current Situation | • Existing tenure forms and legal structure;  
• Existing land records and maps; and  
• Resource capacity (both capital and human) |
| 2    | Identifying Problems/challenges (the need for change) | The includes an evaluation of the following demands:  
• Access to banking credits  
• Fluidity of land market (+ve & -ve)  
• Lack of land tenure security  
• Insufficient information database for land use planning  
• Weak institutional capacities and awareness  
• Poor natural resource management |
| 3    | Defining the Goal | • To provide a comprehensive framework to guide the country towards efficient, sustainable and equitable use of the land resource. |
| 4    | Listing and evaluating the Benefits of the comprehensive program | • Fast track Tenure Security  
• Fast track Access to Credit  
• Reduction in Land Litigation  
• Minimizing and improving management of conflicts  
• To facilitate an effective Land Taxation, Land Use, Valuation and compensation |
| 5    | Cost Estimates vary based on the following | • Institutional/ organization  
• Costs attributed to survey and demarcation  
• Market wages(labour costs)  
• Monitoring and Oversight  
• Scope and complexity of the work |
| 6    | Piloting | Pilot programmes will be implemented in selected counties depending on the prevalent characteristic as they should be designed as field tests of the planned registration system. |
| 7    | Priorities | It is necessary to decide whether the registration system is to cover the entire country or only selected parts. Selection of priority areas depends on the problems the registration system is intended to solve.e.g tenure insecurity, community land registration |
GUIDING PRINCIPLES TO COMPREHENSIVE REGISTRATION OF TITLE IN LAND

The following are the guiding principles in comprehensive programmer for registration of title in land:

1. **This principle is enshrined in the constitution by Article (60) (1) as:**
   a) Equitable access to land
   b) Security of land rights
   c) Sustainable and productive management of land resources
   d) Transparent and cost effective administration of land
   e) Sound conservation and protection of ecologically sensitive areas
   f) Elimination of gender discrimination in law, customs, and practices related to land and property in land and
   g) Encouragement of communities to settle land disputes through recognized local communities initiatives consistent with this constitution

2. **National values and principles of governance in article 10 of the Constitution**
   (1) The national values and principles of governance in this Article bind all state organs, state officers and public officers and all persons whenever any of them
   (a) applies or interprets this constitution
   (b) enacts, applies or interprets any law or
   (c) makes or implements public policy decisions
   (2) The national values and principles of governance include-
   a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people
   b) human dignity, equity, social justice, inclusiveness, equality, human rights, on-discrimination and protection of the marginalized and
   c) sustainable development

3. **Principle of devolution in the land sector**
   The principle of devolution especially schedule 4 outlines the land related functions that have been devolved that include county planning, land survey and mapping, boundaries and fencing. Devolution is aimed at ensuring equity (mainly procedural and distractive so that benefits accruing from exploitation and development of land and land-resources benefit the people of Kenya. These are clear provisions to embrace devolution as a pivotal principle in the management and administration of land, to bring about the desired land reform envisaged under the Kenya Vision 2030 Land Reform Sector Plan (2013-2017).

4. **The National Land Policy (2009) has the following highlights:**
   - Radical title (ultimate ownership) shall be vested in the people of Kenya collectively as a Nation, as communities and as individuals.
   - Tenure rights shall be derived from that radical title under specific laws.
   - To secure community land Government shall document and map existing forms of communal tenure, whether customary or contemporary, rural or urban in consultation with the affected groups.
   - Government shall ensure that the alienation of private rights to land takes into account legitimate rights, such as the right of spouses and children.
   - To facilitate secure access to land and not necessarily to grant full ownership rights to land to every person.
• For leasehold tenure Government shall ensure that the duration of all leases does not exceed 99 years
• Government shall identify, map and gazette critical wildlife migration and dispersal areas and corridors in consultation with local communities and individual land owners.
• Review the gazettement of forests and protected areas to ensure they are protected for their ecosystem values and not merely to physically exclude human activities.
• Identify and map all ecologically fragile ecosystems, water courses, wetlands

5. The National Land Use Policy 2017 provides the following with regard to registration of title in land
• Efficient and sustainable land use and management
• Ecological sustainability
• Integrity and adherence to the rule of law
• Food security
• Access to land use information
• Amicable resolution of land use conflicts
• Equity, inclusivity and transparency in decision making
• Elimination of discrimination and respect for human rights in land use
• Public benefit sharing
• Order and harmony in land use
• Adoption of technology in land use management

ISSUES TO BE CONSIDERED IN COMPREHENSIVE REGISTRATION OF TITLE PER LAND CATEGORY BASED ON COUNTY OBSERVATIONS

5.1.1. Alienation/Allocation of public land
• There is very little public land for allocation in the various counties as the available public land for allocation is in most counties planned and allocate except in the 11% of the country where first registration for titles has not started (However the ministry is supposed to confirm the number of titles that have been issued from the allocation of public land).
• In a situation where the defunct county councils had allocated plots in the urban area but never forwarded the decision to the commissioner of lands for implementation and documentation. Hence the ownership documents are very weak as compared to those with titles and leases. The county governments should forward to NLC the physical development plans together with the list of allottees for regulation and completion by the process of allocation to enable issuance of lease documents for registration.
• In The second scenario the county councils withdrew some of the allocations without reference to the first Allottees on the pretext of rates non payments and allocated the plots elsewhere causing multiple allocations. National Land Commission to rectify the situation through ground verification with county governments
• The third scenario is where allocations were done by the commissioner of lands on TOL Basis but it has never been converted to long term lease despite the permanent developments on those sites. NLC to rectify situation by issuing leases to allottees
• The fourth scenario is in the Areas where the commissioner of lands had allocated land to absentee land owners who turned out to be speculators and never took up actual possession of the land but are still awaiting to sell off the land.
County Government to institute repossession

- Fifth situation is in the areas where Allocated land with titles attracted squatters and the title owners cannot access the land despite the strength of title as a prima facie evidence of ownership. County government to consider regularization and compensation where necessary

- There are several allocation by the commissioner of land which have never been accepted and have never been withdrawn and have never been taken over on the ground. These are potentially explosive areas because the owners cling on the letters of allotments as the township documents without realizing that such offers are long expired. County government in collaboration with the National Land Commission to reallocate such.

- There is a lot of invasion of unallocated public land, public utility land, riparian reserves, road reserves, power way leaves schools as well as titled private land in the urban area where occupants live hoping that one day they might be considered for allocation of the land. The squatters on such lands should be removed with consideration for alternative sites. At the face of the above various situations, it’s evident that there is a clear need for both regularization and formalization of land ownership in several urban area in Kenya.

PUBLIC LAND INVENTORIES

The Law envisages National Land Commission to be a repository of all maps and maintain an inventory of all public land. To this end National Land Commission has made some strides in preparing inventory of all public land. So far the Commission has received data from KWS, KFS, Kenya Railways public schools and other agencies are in the process of supplying data after the intervention of Head of Public Service Mr. Kinyua. However National Land Commission needs to fast track the creation of public land inventory in collaboration with county governments and government institutions Inventories are critical determinant for land registration. Lack of proper data makes documenting land difficult. There is need for constant updating of the information/maps. County governments should initiate establishment of land banks for investments even through purchase of land from private individuals. Counties that have attempted this approach include Busia which claim to have purchased 45 acres for investment, Kitale (land for hospital LSF to consider setting apart aside funds for purchase of land for settlement of squatters and forest evictees and the Ministry of Lands and Physical Planning to reserve land for investments. But the counties have no structured policy or plans for setting aside land banking. This is a consideration already being discussed by different counties eg Western Block Investments, at the level of COG.

5.3.1. LAND ADJUDICATION

Adjudication programme started in the country around 1956 after the Swynerton plan of 1954. Land adjudication was carried out sing the land consolidation act cap283. So far counties in the former central province and western Kenya (except Busia), Kisii and Nyamira were registered under this regime Great strides have since been made towards adjudication as a total of 2,444,465 titles covering 6,532,104.1 million hectares had been issued as at 31st August
2018. To date, adjudication work has been completed in Central and Western Provinces with the exception of some sections in Busia county. However, no adjudication has been done in the former North Eastern Province and in the strife torn Tana River County except for Ngao area. The Government needs to speed up land adjudication process in sections already declared so as to meet the limitations of time outlined in the Community Land Act, 2016 affecting Cap 284.
The table below illustrates the total number of titles from adjudication exercise in the counties or sub counties as at 31st August 2018.

<table>
<thead>
<tr>
<th>COUNTY/SUB-COUNTY</th>
<th>NO.OF PARCELS</th>
<th>AREA IN Ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Busia</td>
<td>42,955</td>
<td>131,947.8</td>
</tr>
<tr>
<td>Bungoma</td>
<td>39,883</td>
<td>177,706</td>
</tr>
<tr>
<td>Kakamega</td>
<td>181,411</td>
<td>251,901.71</td>
</tr>
<tr>
<td>Kisii</td>
<td>93,890</td>
<td>209,322.55</td>
</tr>
<tr>
<td>Kisumu</td>
<td>222,791</td>
<td>116,365.21</td>
</tr>
<tr>
<td>Nyando</td>
<td>29,412</td>
<td>16,595.07</td>
</tr>
<tr>
<td>Bondo</td>
<td>24,069</td>
<td>18,250.67</td>
</tr>
<tr>
<td>Siaya</td>
<td>172,147</td>
<td>185,841.46</td>
</tr>
<tr>
<td>Migori</td>
<td>78,999</td>
<td>213,507.42</td>
</tr>
<tr>
<td>Kuria</td>
<td>4,413</td>
<td>45,581.39</td>
</tr>
<tr>
<td>Homa Bay</td>
<td>111,889</td>
<td>137,202.00</td>
</tr>
<tr>
<td>Rachuonyo</td>
<td>23,608</td>
<td>26,722.21</td>
</tr>
<tr>
<td>Suba</td>
<td>35,762</td>
<td>52,427.07</td>
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<tr>
<td>Murangaa</td>
<td>104,465</td>
<td>144,723.00</td>
</tr>
<tr>
<td>Nery</td>
<td>50,298</td>
<td>87,877.18</td>
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<tr>
<td>Kirinyaga</td>
<td>29,367</td>
<td>86,744</td>
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<tr>
<td>Kiambu</td>
<td>60,992</td>
<td>93,441.90</td>
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<tr>
<td>Kericho</td>
<td>60,280</td>
<td>246,839.56</td>
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<tr>
<td>Nandi</td>
<td>37,577</td>
<td>145,962.62</td>
</tr>
<tr>
<td>Keiyo</td>
<td>30,632</td>
<td>49,443</td>
</tr>
<tr>
<td>Marakwet</td>
<td>17,459</td>
<td>52,943</td>
</tr>
<tr>
<td>Baringo</td>
<td>38,223</td>
<td>140,006.42</td>
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<tr>
<td>Koibatek</td>
<td>9,410</td>
<td>137,495.99</td>
</tr>
<tr>
<td>Narok</td>
<td>7,142</td>
<td>755,790.82</td>
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<tr>
<td>Narok North</td>
<td>13,040</td>
<td>40,237.23</td>
</tr>
<tr>
<td>Narok South</td>
<td>149</td>
<td>117,726.58</td>
</tr>
<tr>
<td>Trans Mara</td>
<td>13,702</td>
<td>150,256.19</td>
</tr>
<tr>
<td>Kajiado</td>
<td>6,377</td>
<td>2,002,612.03</td>
</tr>
<tr>
<td>COUNTY/SUB-COUNTY</td>
<td>NO. OF PARCELS</td>
<td>AREA IN Ha</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------</td>
<td>-------------</td>
</tr>
<tr>
<td>West Pokot</td>
<td>19,185</td>
<td>232,789.32</td>
</tr>
<tr>
<td>Samburu</td>
<td>611</td>
<td>924,716.15</td>
</tr>
<tr>
<td>Laikipia</td>
<td>70</td>
<td>44,664</td>
</tr>
<tr>
<td>Embu</td>
<td>3,588</td>
<td>9,989.00</td>
</tr>
<tr>
<td>Mbeere</td>
<td>17,156</td>
<td>23,994.15</td>
</tr>
<tr>
<td>Meru</td>
<td>53,968</td>
<td>133,891.40</td>
</tr>
<tr>
<td>Imenti North</td>
<td>8,770</td>
<td>7,572.71</td>
</tr>
<tr>
<td>Meru North</td>
<td>37,268</td>
<td>26,727.33</td>
</tr>
<tr>
<td>Tigania East</td>
<td>27,713</td>
<td>9,995.33</td>
</tr>
<tr>
<td>Meru South</td>
<td>17,962</td>
<td>19,393.81</td>
</tr>
<tr>
<td>Tharaka Nithi</td>
<td>33,362</td>
<td>71,262.74</td>
</tr>
<tr>
<td>Tharaka</td>
<td>17,885</td>
<td>32,830.78</td>
</tr>
<tr>
<td>Machakos</td>
<td>164,529</td>
<td>291,576</td>
</tr>
<tr>
<td>Kibwezi</td>
<td>17,367</td>
<td>36,113.38</td>
</tr>
<tr>
<td>Makuenei</td>
<td>94,272</td>
<td>325,363.50</td>
</tr>
<tr>
<td>Kitui</td>
<td>99,528</td>
<td>294,372.76</td>
</tr>
<tr>
<td>Mutumo</td>
<td>22,116</td>
<td>72,144</td>
</tr>
<tr>
<td>Kyuso</td>
<td>7,279</td>
<td>11,859.46</td>
</tr>
<tr>
<td>Mwingi</td>
<td>68,133</td>
<td>176,346.49</td>
</tr>
<tr>
<td>Marsabit</td>
<td>3,154</td>
<td>7,034.80</td>
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<tr>
<td>Taita</td>
<td>61,989</td>
<td>93,132.03</td>
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<tr>
<td>Taveta</td>
<td>15,107</td>
<td>12,682.39</td>
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<tr>
<td>Kwale</td>
<td>52,273</td>
<td>357,792.96</td>
</tr>
<tr>
<td>Kinangao</td>
<td>5,982</td>
<td>7,656.86</td>
</tr>
<tr>
<td>Kilifi</td>
<td>43,111</td>
<td>211,222</td>
</tr>
<tr>
<td>Malindi</td>
<td>12,156</td>
<td>29,123</td>
</tr>
<tr>
<td>Tana River</td>
<td>589</td>
<td>1,235.27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,445,465</strong></td>
<td><strong>6,532104.1</strong></td>
</tr>
</tbody>
</table>

**SOURCE:** MINISTRY OF LANDS AND PHYSICAL PLANNING
Pockets of unadjudicated areas within counties gazetted as adjudication areas
There are pockets of areas within some counties which were gazette as adjudication areas which have not been declared adjudication sections and their declaration may be barred by timeline limitations provided for in the transition clause in the community land Act, 2016. It is proposed that the Community Land Act be amended to allow for the declaration of such areas and allow the process of adjudication to be completed under the Land Adjudication Act cap 284 so that Community Land Act is applied to the five counties that have not been gazetted as adjudication areas which are Turkana, Isiolo, Mandera, Wajir and Garissa.

COMMUNITY LAND REGISTRATION
The vast majority of Kenyans in the unregistered areas prefer registration of individual titles to registration of Community land. There is therefore the need for the National Land Commission and the Ministry of Lands and Physical Planning to urgently mount a campaign of civic education on the process of registration of community land especially in the 11% of the country yet to experience first registration. These include: Turkana, Isiolo, Mandera, Wajir and Garissa.

Guiding principles for the adjudication of community land
Equality of all persons including—
Equal treatment of applications for women and men; and non-discrimination of any person on the basis of gender, disability, minority, culture or marital status. Every member of the community has the right to equal benefit from community land. Equality includes full and equal enjoyment of rights of use and access. Women, men, youth, minority, persons with disabilities and marginalized groups have the right to equal treatment in all dealings in community land. A registered community shall not directly or indirectly discriminate against any member of the community on any ground including race, gender, marital status, ethnic or social origin, colour, age, disability, religion or culture.

For the avoidance of doubt, every man or woman married to a member of the community shall gain automatic membership of the community and such membership shall subsist until the spouses legally divorce and the woman remarries or the woman remarries after the death of a spouse.

Subject to Article 159 of the Constitution, the culture of each community shall be recognized in accordance with Article 11(1) of the Constitution in the exercise of community land rights.

Important details to be included in the comprehensive programmer for registration of title in land on community land which will also form the basis of monitoring.
1. Identification and registration of communities.
2. Formation of community land administration committees.
3. Identification of community land registration units
4. Inventory of community lands
5. Certificate of reservation
6. Registration of community land

Documentation of community land.
• Survey (cadastral maps for registration)
• Register of community land
• Name of registered community
• Register of members
• User of the land.
• Inventory of all unregistered community land
• Special purpose areas.
• Development plans/land use plans submitted to county Governments.
• Record of lands converted to public land.
• Land set aside for public purpose.
• Land parcels given to members for exclusive use
• Land parcels surrendered back by members
• Grazing plans for pastoral communities
• Certificate of title as conclusive evidence of proprietorship

All unresolved group ranches across the country should transit to community lands and the ministry should prepare a program to effect the transition to community land.

SETTLEMENT PROGRAMMES

Section 134(1) of the Land Act, 2012 places the administration of settlement programmes under the National Government to provide access to land for shelter and livelihood.” and the Board of Trustees is to provide access to land for;

i. squatters;
ii. to displaced persons;
iii. for development projects;
iv. for conservation; or
v. such other causes that may lead to
vi. movement and displacement of
vii. persons;
(b) Purchase private land for settlement programmes;
(c) Coordinate the provision of shelter and a livelihood to persons in need of settlement programmes;

Since inception of the settlement programmer in the country, 494 settlement schemes registered with 288,183 families/households settled. 61 settlement schemes (both conventional and squatter) have not been registered mostly in the Counties of Kwale, Mombasa, Kilifi, Tana River and Lamu. There are other settlement schemes established on gazetted forest land such as Mochongoi and Mautuma that require such lands to be carved from forests through degazettement to pave way for registration.

There is need for an inventory of squatters across the country and other needy cases for settlement purposes for effective planning and management of settlement programmes. There is also need to set aside fund for purchase of land for settlement purpose.

INFORMAL SETTLEMENTS

Squatters and Landlessness

Landlessness in Kenya is estimated to affect some 10 per cent of the total population by 1990, and is increasing by at least 1.5 per cent annually. Landlessness is thought to be the result of the privatization of land, absentee landownership, expulsion of squatters from large farms, forced land sales and widowhood or divorce. Strategies used by the landless are to migrate away either to settlement schemes, large farms, urban areas or, most importantly, semi-arid lands. The Kenya Government has grand plans for informal settlements and slums. Already, slum-upgrading projects in Nairobi and other towns in Kenya are changing lives of the residents. They have access to clean water electricity and have more space and thus a clean environment.
In Kibera, Nairobi, the first phase of the slum-upgrading project is complete and hundreds of families have since moved to their new homes. This has paved way for the start of the phases that will benefit more city residents.

**Access to and ownership of land and forests:**
Security of land tenure was the loudest clarion call from Indigenous Forest Peoples participating in the Colloquium. Communities asserted that, for any dialogue between IFPs and government to be meaningful, it must confront and address issues related to historical and prevailing land injustices experienced by IFPs. The communities asserted that forceful evictions, displacement and dispossession of IFPs ancestral land must be declared a thing of the past, and most important, the underlying historical land injustices, especially recognition of customary tenure ought to be dealt with once and for all. Where issues of concern relate to incomplete or lack of access to relevant land demarcation records and documentation such as maps and titles, this should be availed by the relevant state department and agencies.

**Absentee Landlordism**
The Ministry of Lands has also audited absentee landlords in the coastal region and found they own an estimated 77,753.02 hectares, although comprehensive data is still being sought to establish the actual acreage controlled by this category. The government should inventories the cases and initiate negotiations with the owners with aim of acquiring the land for settlement of squatters.

**Maximum/Minimum Acreage**
Carry out research and fasttrack enactment of the legislation Research done by NLC, ISK and research findings shared with Ministry of LANDS and Physical planning.

**Large Scale Land Holdings**
The Government, however, encouraged Africans to get into large scale farming and set up institutions, such as the Agricultural Finance Corporation (AFC) and the Agriculture Development Corporation (ADC) to assist the African Farmers in large scale farming strategies. The Kenyatta government encouraged an agriculture, policy whose basis was export as a source of economic development, basically consolidating land as a primary source of economic development for the young nation. Cooperatives were not new as African smallholder farmers had fought for the formation of their own cooperatives in the 1950s. The first legislation on cooperatives in Kenya was the Cooperatives Societies’ ordinance Act of 1931, which was reviewed in 1932 and 1945.

**RESETTLEMENT OF INTERNALLY DISPLACED PERSONS (IDPS) AND FOREST EVICTEES**
On 4th January, 2013 the “Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012” became effective on 28th January, 2013. This rendered the previous National Humanitarian Fund Board (NHFB), which was handling the resettlement programmer dissolved. The president appointed the Chairman of the National Consultative Coordination Committee (NCCC) on 19th February, 2013. The Committee took over from the NHFB and is mandated to handle all issues pertaining to Internal Displacement as per the above IDP Act of 2012. As from this financial year, the Committee was moved from the Ministry of Devolution and Planning.
to the Ministry of Interior and Coordination of National Government, State Department for Interior. The number of Internally Displaced Persons to be resettled was 9,571 while that of forest evictees was 7,107 households.
A total of 177 farms measuring 19,228 acres were purchased for the resettlement of IDPs whereas twelve (12) farms which measure 4,741 acres were purchased for the resettlement of forest evictee Turkana IDPs were resettled on land measuring 1,404 acres donated by the former Turkana County Council and Lodwar Municipal Council. The role of the Ministry of Lands and Physical Planning in the resettlement programme was to purchase land that had been identified as agricultural suitable while the former Ministry of State for Special was the custodian of the profiled IDPs and forest evictees.

**Shift of Government policy on land purchase**

In August, 2013 the government issued an Executive Order that land purchase for the resettlement exercise be stopped forthwith and cash payment programme be adopted.

Summary of IDPs and forest evictees’ resettlement is tabulated hereunder as at August, 2013.

<table>
<thead>
<tr>
<th>Target group</th>
<th>Total No. of households</th>
<th>No. resettled</th>
<th>Balances</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDPs</td>
<td>6,978</td>
<td>6,565</td>
<td>413</td>
</tr>
<tr>
<td>Turkana IDPs</td>
<td>2,593</td>
<td>2,593</td>
<td>Nil</td>
</tr>
<tr>
<td>Forest evictees</td>
<td>7,107</td>
<td>1,124</td>
<td>5,983</td>
</tr>
</tbody>
</table>

The balance of IDPs was increased to 969 to include 537 who had been proposed to be resettled at Rose farm but never materialized and 31 who were in excess at Ndonga farm. The number of the remaining forest evictees also rose to 6,983 to include 1,000 Kipkurere evictees. These remaining IDPs and forest evictees were given cash in lieu of government purchased land.

**Farms with unresolved issues**
The four farms whose issues are yet to be resolved are: L.R. No. 8679/1, 8671, 8674 – Three Thirty Investment (Rose Farm) - 2,264 Acres; L.R. 9216, Njoro - Kisima Farm; L.R. 6507-Ndonga farm – Subukia and L.R. No. 5605/3- Muhu Holdings – Nyandarua County

**LAND SURVEYING**

Land surveying is the backbone of Land registration in Kenya and anywhere in the world. The Sessional paper 3 of 2009 on Land Policy recognize processes of land surveying and mapping as integral to an efficient land administration and management system. In addition to preparing the maps and plans to support land registration, they map the earth for land use planning. These processes have been hampered by slow, cumbersome and out dated modes of operation, and failure to regulate non-title surveys. In Kenya Land surveying is governed by Surveys Act cap 299 of Laws of Kenya. The Survey Act was first established in 1923.

**Survey Act Cap 299 is not in conformity to the new constitution.**

Several statutes were repealed in 2012 in response to the 2010 constitution of Kenya as mentioned earlier in this document. Highlights of the changes brought by the new Land Acts
• To have one registration system and one Land Registry
• Titles to be called certificates of lease or certificates of title
• Three categories of land were created public land, community land and private land
• New laws have been introduced dealing with ownership of land by non-Kenyan citizens.
• Consent of spouse to certain transactions is a key change.
• Land and Environment Court
• Several changes have been brought to laws on leases and the laws on charges.
• National Land Commission has been formed

Land surveying is devolved under schedule 4 of current constitution of Kenya. However the Survey Act cap 299 is still intact. The survey Act still recognizes the National Director of Surveys as the Authority in-charge of Surveying in the country. This has caused a lot of confusion as most county governments’ attempt to take over the Survey Function has been futile. This has affected land registration adversely.

RECOMMENDATION
Fast track review of the Survey Act. The Survey Act has been under review for the last four years and it’s still not clear when the review will be concluded. All stakeholders should come together and hasten the process within Six Months. The review must be done in good faith and as per the constitution.

Government institutions responsible for Survey lack modern survey equipment especially at the county level.
For the country government to achieve its target on the registration of titles, survey departments must be adequately equipped. The current situation depicts a very sad situation in this front. Most survey department at the county level have no survey equipment. The few that are lucky have outdated equipment which are not capable of driving the land titling agenda/targets.

Inadequate survey controls to facilitate geo-referencing especially in adjudication areas.
Horizontal and vertical control are developed to create a framework around which other surveys can be adjusted. These control surveys are used for accurate mapping projects in the cadastral surveying, construction of underground utility systems, roadways, power lines, tunnels, and many other high precision projects. This is the basis of modern surveying and georeferencing.

Establishment of Kenya primary, secondary and lower order triangulation
The Directorate of overseas surveys was the arm of the British Government through which Britain provided survey and mapping services in overseas countries. Originally the Survey Department was known as the Directorate of Colonial Surveys (DCS) but as British colonies attained independence the name was changed to DOS. The DOS began operations in Kenya at around 1950. The DOS established the present Kenya primary, secondary and lower order triangulation and also observed traverses. The
DOS have also mapped this country from 1950 until their departure at the end of 1983. The D.O.S. used U.T.M. as the system of co-ordinates and Clarke 1880 as the reference ellipsoid. The geodetic control Diagram covering points in East Africa and the SK81F show the extent of the present controls.

**Datum used in Kenya**

The 30th meridian arc datum is a chain of geodetic triangulation running almost parallel to the 30th meridian east from Port Elizabeth in South Africa to Cairo in Egypt. During 1950 the DOS computed part of this chain up to Uganda having held fixed some points in Zimbabwe which had been computed from South Africa. By holding the arc results fixed up to Uganda, the rest of East African triangulation chains were adjusted. Their results were then being dependent on the arc results of 1950, referred to as originating from’ 1950 Arc Datum’. Any re-adjustment of the arc means that all the triangulation chains depending on it would have to be re-adjusted. By 1960 this arc had been revised and the East African triangulation chains were accordingly re-adjusted. The new values were then designated as originating from “1960 Arc Datum. The current geodetic network in Kenya is based on the 1960 Arc Datum. The coordinates is in U.T.M.

**Coordinates used in Kenya**

- The cassini-soldner co-ordinate system
- The East African war system
- The U.T.M. co-ordinate system

**Problems experienced with the current geodetic Network (Controls)**

The main problems that have been identified with the current network include:-

(a) The existence of different co-ordinate systems this has caused the need for regular co-ordinate conversion especially from Cassini to U.T.M. system of co-ordinates.

(b) Pillars located in hills have been difficult to access and many have been destroyed. The Network density is also low.

(c) Lack of suitable points to base the transformation especially from Cassini to UTM.

(d) Lack of information or data of previous work. The records of survey work carried out before 1950 are not readily available.

(e) Height data has been found not consistent having been derived from different datums.

(f) Equipment used earlier had lower level of precision and the network is generally weak.

(g) Hydrographic Charts are not fully developed due to lack of controls near the Indian Ocean, and around the lakes.

(h) Points established by space techniques are relatively few.

(i) Re-establishment of destroyed pillars has not been carried out fully due to high

Cost of classical triangulation method.

Because of this, the cost of Survey in remote areas is very expensive because one must establish new control points from and tie them to the national system which in many cases require a rigorous process due to long distances involved.

**Recommendation**

- Densify Primary controls within counties
- Encourage use of GNSS GPS
- Establish Continuous Operating Reference Station (CORS) network all over the country
Inadequate qualified surveyors leading to proliferation of brokers and quacks.

There are currently less than 100 licensed surveyors in Kenya against a population of 40 Million. This has caused a huge gap thereby giving rise to quacks and brokers in the survey field.

Recommendation

- Establish Survey Directorate in each county and hire qualified surveyors – Registered surveyors in each county.
- Train more surveyors in response to the ever increasing demands.

Lack of guidelines on geo-referencing

Section 15 (2) of Land Registration Act requires that all parcel boundaries maps shall be geo-referenced and surveyed to such standards as to ensure compatibility with other documents under the Act or any other law. Major part of the county has been surveyed under what is commonly referred to us general boundary surveys due to low accuracy requirements/standards. The method was adopted to enhance adjudication of native reserves. It was meant to last for a few years but the method is still actively in place. There have been confusion and boundary disputes due to the method. It has also led to delays in adjudication as it take time to revise/amend maps. Discrepancy in title land acreage and actual ground situation. The geo-referencing provide a solution to all these but implementation of the Section 15 (2) is yet to commence. Geo-referencing is the process of assigning real-world coordinates to each pixel of the raster. Many times these coordinates are obtained by doing field surveys. Geo referencing can be understood as the process of conveying real coordinates to the spatial data. It assigns coordinates to the pixels of raster images. Common frames and coordinate systems are developed to define the positions within the information. Collecting coordinates with a GPS device for few easily identifiable features in the image. To geo-reference something means to define its existence in physical space. That is, establishing its location in terms of map projections or coordinate system.

Importance of Geo-referencing in Land registration

Very essential information may be contained in data or images that were produced at a different point of time. It may be desired either to combine or compare this data with that currently available. The latter can be used to analyze the changes in the features under study over a period of time. It’s an important predictor of future trends. Will help identify livelihood needs and planning. It will cure problems of double allocations.

I. It make it easier to solve boundary dispute at any given time.
II. Different maps may use different projection systems. Geo-referencing tools contain methods to combine and overlay these maps with minimum distortion.
III. Using geo-referencing methods, data obtained from surveying tools like total station may be given a point of reference from topographic maps already available.

Recommendation

Various geo-referencing (AG) tools are currently available. But little is known about the quality of each tool. The Authority in-charge of survey must prioritize development of geo-reference
So far, a taskforce has been formed to come up with guidelines on geo-referencing. **Poor Implementation of the laws in devolved Land governance.**

Lack of clarity on the roles of county and National government. For example it’s still not clear what survey works fall under county government jurisdictions. The national government still perform all land titling surveys while the county government are laying claim on survey (as a devolved function). There are two survey offices in each county running parallel survey services. One under county government and the other under national government. This is causing a lot of confusion on the ground hence slowing the survey services. **Recommendation**

There is urgent need to review the Survey act and regulations to conform to devolution as per the constitution.

**Inadequate funding-Survey is an expensive excise**

Land Surveying is a technology based exercise which require sophisticated equipment. Each Survey equipment comes at a relatively higher cost. Further, major part of the exercise is field based which required resources (human, machinery and Funding). The current position on the ground depict a worrying situation because the Survey activities are poorly funded. **Recommendation**

The government must provide responsive budget for survey activities. Enhanced funding for Survey activities at County and National government. Each county should purchase at least two sets of Survey Total Station, One set of Geodetic GPS and a dozen of handheld GPS.

**R.I.M amendment is still centralized in some few regional offices.**

R.I.M amendment is still centralized in some few regional offices. The regional offices are based at the former provincial headquarter. One must make several trips to the regional office for amendment of their R.I.M despite the distance between Home County and the amendment office. For example, one must travel from Nanyuki to Nakuru for amendment of a map. It sometimes take at least one year to amend a simple subdivision. **Recommendation**

Decentralize R.I.M amendments to all regional offices and fast track repeal of survey Act. Digitize the RIM and automate amendment of the R.I.M.

**COMPULSORY ACQUISITION**

To undertake its mandate for compulsory acquisition under Section 107 of the Land Act 2012, the National Land Commission require the following preliminary information and documents to be provided by an acquiring body upon request before the land acquisition or easement can be procured.

1. Section 107(1) of the Land Act 2012 requires the acquiring body to obtain prior approval from their respective Cabinet Secretary or the County CEC in charge of Lands before the Commission commences the acquisition process.

2. Cadastral drawings (Survey Map) showing how the infrastructure excises each land parcel, the parcel list table detailing land parcel numbers, total area of land parcels and acreage affected
by the infrastructure for each parcel. These drawings shall be submitted to the Commission for scrutiny and records.

3. Provide a listing for parcel numbers indicating the plot reference number, registered owner and affected acreage column in acres (for easy appreciation by project affected persons). This should be submitted in both soft and hard copy.


5. Acknowledgement on availability of funds to allow prompt compensation as provided in the Constitution. The Commission will request the entities to remit compensation money into the Land Compensation Fund (Section 153 of the Land Act 2012) to be administered by the Commission. This is in the purview that in previous acquisitions, the compensation payments were delayed as opposed to the promptness required by the Law.

6. If necessary the applicant will take the Land Acquisition Committee members on a site tour for general appreciation of the project in respective locations that will be affected. This will enable informed decision making.

7. A final survey for vesting of the acquired land to the National or County Government will have to be done by NLC but the cost borne by the acquiring body.

The Commission has been undertaking no. 1 up to no. 6. They have not been securing government interest beyond restricting titles of the plots that have been acquired. The restriction is done even for the parcels that are partially affected thereby denying the plots owners’ opportunity to utilize the remainder of their plot. Some titles have been restricted for more than 40 years.

**Recommendation**

Compulsory acquisition is not complete until final survey and vesting is done. The institution mandated to do final survey and vesting (NLC)

**DIGITIZATION/COMPUTERIZATION**

Computerization is implementation and usage of computing devices (machines) to perform the complex operations on behalf of human beings. Digitalization is converting all tangible/real items like money (cash), books, receipts, etc. to intangible/virtual yet meaningful content that can be integrated with today’s computerized world. For example, land registry records, correspondence files, etc are the results of digitalization.

Under principles of land policy the Constitution of Kenya, in Article 60, identifies security of land rights as a key principle. The ICT Act, in section 84 (c), prescribes measures for tampering with official information in electronic form(s). The Land Act, in section 4 (2) (b), officials working in the Commission and Ministry are expected to display a number of values among which is security of land rights. The ICT Act in a number of sections (83U, 83V, 83W, and 83 X, 83Y, 83Z, 84A, 84B and 84F) prescribes measures for unauthorized access to protect systems. The Land Registration Act requires that all forms of documents should be kept secure, accessible and in a reliable format.

Electronic land information management systems are designed to create, analyze and publish land-based data such as parcel information, zoning, land use, ownership and general property information. The system should
comprise subsystems that support all processes usually encountered in land administration and management including but not limited to guaranteeing land tenure rights, documenting responsibilities, restrictions and risks, valuation and taxation, property registration and land use regulation in relation to a particular parcel of land (plot). The key to automation and modernization of systems in registration is People, Processes, Legal Compliance and Technology.

E-Registration therefore is a process where documents are processed in electronic format and stored in an electronic register. E-Registration processes and procedures hence need to be digitized and computerized so as to reduce corruption, brokerage, reduce double allocation and improve efficiency. It will simplified the process of providing evidence of titles and facilitating transactions and will go a long way in preventing the unlawful disposal of land. The current systems are largely manual driven. There has been efforts by the National and County Governments to replace the manual systems with digital systems. The Ministry in charge of lands is mandated to develop a National Land Information Management System in collaboration with the National Land Commission. The counties that have put effort to digitize/computerize are; Transnzoia, Uasin Gishu, Nery Narok, Baringo, and Turkana – they have started the process of setting up GIS labs. Narok, Turkana and Baringo for instance were supported by UN Habitat. Groots Kenya has set up its own unique system which could be linked to national platforms. The National Government and County governments in liaison with landed stakeholders should develop an integrated E-registration system and a robust data Centre and Disaster Recovery site that will help in sharing and securing land data and information.

**Some of the processes to be digitize/computerize include but not limited to;**

- a) Renewal of lease
- b) Automation of the titling process
- c) Automation of land acquisition process
- d) Issuance of Allotment Letters
- e) File Movement Tracking System

**Benefits of land e-registration**

- The usual resource challenges at registrar offices are reduced drastically, allowing them to tend to more sensitive matters like disputes.
- Citizens pays a relatively affordable registration amount.
- There is no need to visit multiple offices to register a property.
- Details and documents pertaining to land records can be accessed online.
- Transparency in the registration process increases significantly, thereby, rationalizing broker fees and negating the need for bribes to officials.
- Electronic land registration system will be able to calculate the stamp duty on the basis of the stored data which can be paid online directly.

**KENYA NATIONAL SPATIAL DATA INFRASTRUCTURE**

Kenya National Spatial Data Infrastructure (KNSDI) is a framework comprising of technologies, policies, and institutional arrangements. These components are considered as the building blocks of the Spatial Data Infrastructure (SDI) and they together facilitate the creation, exchange standards, and use of geospatial
data and related information resources across an information sharing community. KNSDI is expected to feed LIMS with metadata information. Spatial datasets in Kenya are produced by different organizations including the government ministries but there is no systematic way of access and sharing. This challenge is expected to be addressed by an operational KNSDI. SDI provides a basis for spatial data discovery, evaluation, and application for all users and providers with all levels of national governments, NGO’s, academia and civil societies. The NSDI of a nation can be used for; network survey of coordinates, waterways, transportation networks (road and railway networks), electricity supply, communication facilities, farming activities, fishing, forestry, tourism, communities to be displaced, and planning of services. It is used for handling infrastructure development, economic planning, environmental conservation and monitoring, climate change, design and deliver of public services, and a variety of other challenges facing society.

The National Government should play a major role by providing and increasing financial assistance to Kenya NSDI. This can be achieved through increased annual budgetary allocations. It will also be important to initiate other alternative funding sources like cost recovery and enterprise/ private sector funding mechanisms including donor funding; Partnership amongst institutions of KNSDI should be encouraged and focus on the improvement of technology services like download, view, discover and transform services together with connectivity. Once the KNSDI is in place, it will support the LIMS and consequently the land registration.

**RESEARCH:**

The centrality of research to registration of

**title to land**

The main objects of land title registration program are (i) protect property rights, (ii) facilitate transactions in land, and (iii) enable land to be used as collateral for a loan and facilitate productivity. These three objectives can inform the basis for research on land registration throughout Kenya. For instance, a system of land title registration:

(a) Identifies each individual land parcel,
(b) Provides confirmation by the state that the person named in the register has specified property rights in that parcel.
(c) Should be simple, reliable, prompt, affordable and well suited to the society it serves.

The experience of a number of countries shows that attempts to introduce a land title registration system will be unsuccessful unless that system is supported by appropriate legislation and institutions, and unless there are sufficient financial and human resources for its implementation and maintenance. A uniform, integrated system of land title registration confers many benefits. For the individual it offers security of tenure, a reduced likelihood of ownership or boundary disputes, simpler and less costly land transactions, greater access to credit, and increased market value. For a government administration it represents a major component of a land information system, assists land use planning and development, improves the land market, stimulates investment, and creates a basis for land taxation. For Kenya it can help to promote the peaceful, orderly and wise utilization of the national land resources. To conduct and facilitate research in many of the above areas is critical to the success of the program.
IMPELEMENTATION, MONITORING AND EVALUATION

ESSENTIAL CONDITIONS FOR SUCCESSFUL IMPLEMENTATION OF THE PROGRAMME

a. Landowners and others must generally understand and support the programmer /public participation

The demand for land registration should be generated from within and outsiders should not impose the system on a reluctant landholding community. To this extent, it is important to assess user needs before designing the land registration system. Public education about land registration both facilitates and supports an understanding of the system.

b. Government must appreciate the expense and duration of the operation

Land registration is essentially a long-term investment; therefore, policy makers must understand that there are few immediate benefits. Although the government’s costs are reduced after the initial compilation stage, subsequent maintenance of the register is a permanent commitment.

c. Property rights and property boundaries must be clearly recognizable and definable

Property rights vested in claimants and the boundaries delimiting the extent of their holdings must be quickly recognizable and clearly definable if the introduction of a land registration system is not to be frustrated by endless dispute. Land registration should not be employed to create interests, but to record and confirm existing interests and definable future interests. Physical demarcation of boundaries by hedges, fences, dikes, etc. can greatly assist the process and reduce the costs.”

d. Qualified survey and registry staff must be available

In creating a land registration system, training and education are instrumental. Compilation and maintenance of a land registration system depends heavily on competent staff. Although education and training can fulfill a significant portion of this need, an existing core of qualified professionals is vital to begin the process and to assist in the training effort. Specialists with both formal training and practical experience are needed to maintain the system.

e. A developed system of property rights must exist

Before land registration can be successful, there must be a developed system of property rights. Land registration systems register legal rights in land. If such rights are ambiguous, non-existent, or poorly defined by law, registration of those rights is likely to be an expensive and wasteful exercise. Initial efforts must focus on defining property rights, perhaps in a comprehensive land law.
### IMPLEMENTATION FRAMEWORK

<table>
<thead>
<tr>
<th>Themes</th>
<th>Issues</th>
<th>Interventions/strategies</th>
<th>Actors</th>
<th>Remarks</th>
</tr>
</thead>
</table>
| Land use planning | • Lack of land use plans (e.g. protected areas, rural areas). There is more emphasis in urban and peri-urban set-ups  
• sprawling of unplanned settlements  
• outdated plans  
• substandard plans  
• Implementation/enforcement  
• Inadequate public participation in planning processes  
• There is no land use policy  
• No county spatial plan in place  
• Population pressure  
• Rapid urbanization | • Land use policy  
• Declaration of special planning areas and comprehensive planning  
• County spatial plans  
• Land use planning and zoning  
• Zoning regulations  
• Comprehensive program for preparation of integrated urban development plans targeting major cities and urban centers throughout the country.  
• County Capacity human resource development on development planning and management  
• Policy on urban growth containment | • County Governments  
• National Land Commission  
• Ministry of Devolution and Planning  
• Ministry of Lands and Physical Planning | 1. Comprehensive planning to take care of all unregistered land within urban areas.  
2. Regularization and formalization of all plots allocated by previous local authorities.  
3. Use of ADR and TDR for conflict resolution in all urban areas. |
| Land adjudication | • Many undeclared adjudication sections  
• Land committee cases (LCC),  
• Arbitration board cases  
• objections,  
• Appeal to the minister  
Outdated Technology-use of PIDs and RIMS are still dominant | | | |
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>• Cumbersome laws, e.g. cap 283</td>
<td>• Declare appr. 197 new adjudication sections</td>
<td>DLAS  DLASO CS</td>
<td>1. Complete the process of adjudication in all the declared adjudication sections.</td>
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<tr>
<td>• Inadequate funding and human resource</td>
<td>• Finalize all pending committee cases</td>
<td>2. Resolve the land adj. disputes which are pending.</td>
<td></td>
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<tr>
<td>• Poor community mobilization</td>
<td>• Finalize all pending Arbitration cases</td>
<td>3. Provide adequate staff, equipment and financial facilitation.</td>
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<tr>
<td>• Lack of coordination/consultation between DLASO and Surveyor</td>
<td>• Hear and determine all pending objection cases</td>
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<tr>
<td>• Slow service delivery</td>
<td>• Use satellite imageries for the new sections</td>
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<tr>
<td>• Socio-cultural dynamics</td>
<td>• Finalize sections already past RER but not open any new sections under cap 283</td>
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<tr>
<td>• Lack of coordination/consultation between DLASO and Surveyor</td>
<td>• Provide adequate funds to finance adjudication programmer and employ more qualified staff to carryout adjudication work.</td>
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<tr>
<td>Survey of land</td>
<td>• Carryout civic education on adjudication program</td>
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<tr>
<td>• Survey Act Cap 289 is not in conformity to the new constitution.</td>
<td>• Institute proper coordination between survey and adjudication teams</td>
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<tr>
<td>• Lack of modern survey equipment especially at the county level.</td>
<td>Fast track repeal of the survey Act to conform to the constitution of Kenya and the repealed Land laws.</td>
<td>Cabinet Secretary, Director of Surveys, ISK</td>
<td>There is need to put more emphasis surveying as it forms the crux of land registration process</td>
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<tr>
<td>Themes</td>
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| • Inadequate survey controls to facilitate geo-referencing  
• Inadequate qualified surveyors leading to proliferation of brokers and quacks  
• Lack of guidelines on geo-referencing  
• Poor Implementation of the laws in devolved Land governance. Lack of clarity on the roles of county and National government.  
• Inadequate funding-Survey is an expensive excise  
• R.I.M amendment is still centralized in some few regional offices  
• Discrepancy in title land acreage and actual ground situation | • Each county to purchase at least two sets of Survey Total Station, One set of Geodetic GPS and a dozen of handheld GPS.  
• Densify Primary controls within counties.  
• Establish Survey Directorate in each county and hire qualified surveyors—Registered surveyors in each county.  
• Train more surveyors in response to the ever increasing demands.  
• National government and county government to come up with operational structure regarding Survey work.  
• Responsive budget for survey activities. Enhanced funding for Survey activities at County and National government.  
• Decentralize R.I.M amendments to all regional offices and fast track repeal of survey Act. | CEC, County Head of Survey  
DoS  
CEC lands  
CS Lands, University VCs  
CS Lands, DoS  
CS Lands, PS  
Lands and CEC Lands  
DoS, CEC Lands | Modernize county Cadastre development and strengthen county govt capacity for uptake of survey and mapping functions accordance with schedule 4 (8) (b) of COK 2010 |
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<tr>
<td>Land administration</td>
<td>• Lack of clarity between roles of NLC and Mop&lt;br&gt;• Political interference in Land allocations</td>
<td>• Re-survey of all general boundaries and subsequent revision of R.I.Ms or cadastral plans&lt;br&gt;• Fast track the review of the Survey Act and relevant regulations to conform with the COK 2010 and the National Land Policy especially on devolved components of survey work&lt;br&gt;• Establish sufficient Control points to facilitate survey work&lt;br&gt;• Ensure all work is done by registered surveyors&lt;br&gt;• Embrace training and use of modern survey technology&lt;br&gt;• Upscale funding levels since the exercise is expensive moreso geo-referencing process&lt;br&gt;• Decentralise Map administration and strengthen the coordination part of it</td>
<td>AG, MOLPP, NLC,</td>
<td>Land administration activities ring-fences the security of tenure</td>
</tr>
<tr>
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<tr>
<td>• Use of unapproved plans for allocations</td>
<td>Conflict between the defunct Local Authorities and Commissioner of Land</td>
<td>• Uphold the constitutionalism of the commission in land administration and management</td>
<td>COUNTY GOVERNMENTS</td>
<td>. Documentation of all allocations and leases</td>
</tr>
<tr>
<td>• Numerous unresolved court cases</td>
<td>• Selective enforcement of allocation conditions</td>
<td>• Regularizes and formalize all allocations done by the defunct local authorities in a participatory and transparent manner</td>
<td>STATE AGENCIES MANAGING LAND , ISK, LSK , KIP</td>
<td>2. County govt to submit the inventory of all land owners for documentation</td>
</tr>
<tr>
<td>• Multiple allocations</td>
<td>• Multiple allocations</td>
<td>• Standardize and gazette the documentation process and procedures in land administration</td>
<td></td>
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<tr>
<td>• Fake land ownership documents</td>
<td>• Fake land ownership documents</td>
<td>• NIC to follow up and request for earlier court action on all pending land court cases</td>
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<tr>
<td>• Duplication of Land Administration roles.</td>
<td>• Duplication of Land Administration roles.</td>
<td>• Standardize and gazette enforcement of allocation conditions</td>
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<tr>
<td>• Proliferation of brokers</td>
<td>• Proliferation of brokers</td>
<td>• Quick legal action against all fake allocation holders</td>
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<tr>
<td>• Inadequate land administration staff, equipment and finances</td>
<td>• Inadequate land administration staff, equipment and finances</td>
<td>• Deal with registered estate agents only and route out middlemen</td>
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<td></td>
</tr>
<tr>
<td>• Low level of public awareness regarding procedures and processes of land administration</td>
<td>• Low level of public awareness regarding procedures and processes of land administration</td>
<td>• Clear separation of roles and functions of various arms of the government after devolution.</td>
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<td>• Other govt officers masquerading as Land officers.</td>
<td>• Other govt officers masquerading as Land officers.</td>
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<td>• Inept Land administration officers</td>
<td>• Inept Land administration officers</td>
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<td>Themes</td>
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|                | • The commission to employ adequate, appropriately trained and qualify staff at the county level  
|                | • Civic education on land matters to be carried out by the commission and the county governments in all the counties.  
|                | • The commission to inject adequate funding, equipments and stationery in all the commission offices.  
|                | • The county governments and other state agencies dealing with land management to employ or procures the services of professional land administration officer  
|                | • Frequent training or refresher courses to be done to the appropriate officers every 3 years.  
<p>|                | • Put in place clear and distinct roles for the Ministry and the Nlc |</p>
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<th>Themes</th>
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<th>Interventions/strategies</th>
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</table>
| Land valuation | • Outdated Valuation rolls  
• Lack of zonal valuation rolls  
• Serious discrepancies in Land values within similar zones resulting in lack trust in valuation matters/contestations  
• Inadequate staff—one valuar serving more than 3 counties in some cases.  
• Proliferations of informal Land market.  
• Lack of harmonized property market prices  
• Hoarding of Land for speculations | • Speed up passage of law on valuation rolls  
• Adhere to professionalism in valuation  
• Government to enhance staff capacity in valuation  
• Share and publish information on land markets. |        | 1. Need to streamline land market, valuation roll and tally the ownership details in the county lands office and county land registry to enable accurate registration.  
2. Digitization and proper zone valuation. |
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| Land registration | • Overlapping registration statutes-the repealed Land laws are still in operation.                                                                                                                      | Speed up passage of rules and regulations by Parliament to operationalize the new land registration laws (Land Act, 2012) |        | 1. Deliberate efforts to create additional registry units  
2. There should be deliberate attempt to digitize land records and embrace TDR and ADR to resolve land disputes.                                             |
|                   | • Multiple legal regimes still operational in the registration of title  
• Lack of rules and regulation to operationalize the Land Registration Act  
Multiple titling  
Inadequate registries  
• Existence of more than one registry in a registration unit  
• Political interference and patronage  
• Inadequate staff, equipment and secure space |                                                                                         |        |                                                                                                           |
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<td></td>
<td>• Registration is still manual and cumbersome</td>
<td>Unimplementable court orders</td>
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<td>• Titles with no spatial relationship to the existing ground situation.</td>
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<td></td>
<td>• Uncollected titles- due to succession issues, conflict potentialities and unknown fears e.g dispossession</td>
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<td></td>
<td>• Use of special Land control boards (LCB) has led dispossession</td>
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| Land settlement | • Defaulting on SFT loan repayment  
• Delays on preparation on final balance statements and discharge of charge and transfer forms  
• Establishment of schemes in protected forest Land and ecological sensitive areas  
• Unprocedural allocations leading to multiple allocations.  
• Procedural repossessions  
• Absentee Landlords | • Appoint sub county Selection committees  
• Sensitization and serving allottees regularly with Demand Notices  
• Head office to speed up processing of these documents  
• Approved allocation procedures to be followed.  
• Settlement Schemes should not be established in protected forest land or ecologically sensitive areas  
• Legal procedures to be followed during repossessions | CS or CEC  
CS,  
CoG,  
NLC. | Tansition to LSF required  
Formation of beneficiary identification committees at sub county level |
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</table>
| Political interference and patronage especially during allocations | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Court cases challenging the allocations | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
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• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Lack of settlement plot allocation committees | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Inter-ethnic animosity | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Invasion of private land forests and catchment areas | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Conflicts arising amongst allottees with LOO but no land and those on the land but no LOO. | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Some resettled IDPs selling their land | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Pending issues of integrated IDPs | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Lack of public land for settlement programmes | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Un-profiled squatters | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
• Institute review of grants and dispositions for registered schemes  
• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
| Astronomical rise in population leading to enormous pressure on land and change on land use. | • Minimization of political interferences during allocations  
• Legitimate allocation Committees should be in place  
• Promotion of ADR and TDR in dispute resolutions  
• Biometric profiling of squatters to cab the issue of ‘professional’ squatters  
• Surveying should be finalized before allocations  
• Prepare new subdivision schemes  
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• Local leaders to champion co-existence with those from other communities  
• Allottees to take ground occupancy and Government to ensure there is no invasion by squatters in protected areas  
• Issuance of LOO to be from one central office | | | |
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<td>• County Governments to</td>
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<td>source for land to settle</td>
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<td>their needy and landless</td>
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<td>poor people</td>
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<td>• Sensitization that land</td>
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<td>is not the only resource</td>
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<td>to depend on for livelihood</td>
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<td>• Adherence to allocation</td>
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<td>procedures</td>
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<td>• Allottees to ensure their</td>
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<td>land parcels are developed</td>
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<td>with caretaker on the ground</td>
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<td>• Provision of adequate</td>
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<td>resources for efficient</td>
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<td>services delivery</td>
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<td>• The Government should</td>
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<td>undertake a Biometric</td>
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<td>census of the landless poor</td>
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<td>and settle them</td>
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<td>• Proper structures</td>
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<td>and law should be</td>
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<td>established to facilitate</td>
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<td>sound administration</td>
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<td>and management of the</td>
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<td>settlement programmer in all</td>
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<td>counties</td>
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<tr>
<td>informal settlements</td>
<td>• Proliferation of informal settlements in urban and market centers, forest reserves, power wayleaves, • Political interference and patronage • Inadequate enforcement/implementation of Housing and settlement policy and Laws • Poverty and Landlessness • Rural-urban migration</td>
<td>• In collaboration with the Mop and other stakeholders, fast-track the drafting of Land Information Bill • Enhance the human resource capacity by establishing regional offices/build capacity on already existing staff • Mainstream NLIMS standards and guidelines • Phased implementation of the LIMS</td>
<td>CS Mop, CEO NLC, CEO NLC, County Governments, CEO NLC, PS Mop, County Governments, CS Mop, CEO NLC, County Governments</td>
<td>1. Biometric identification of squatters 2. Slum upgrading programmes required.</td>
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<tr>
<td>• Low level of awareness, use and uptake of Land Information,</td>
<td>• Lack of standardization and reliable in data collection</td>
<td>• Run campaigns on the importance of LIMS to the economy/ mainstream NLIMS standards and guidelines</td>
<td>PS Mop, CEO NLC, County Governments</td>
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<tr>
<td>• Lack of information and data repositories</td>
<td>• Minimum measurements towards global commitment</td>
<td>• Run campaigns on the importance of LIMS to the economy/ mainstream NLIMS standards and guidelines</td>
<td>PS Mop, CEO NLC, County Governments</td>
<td>PS Mop</td>
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<tr>
<td>• Lack of National Data Spatial Infrastructure</td>
<td>• In collaboration with the Mop and other stakeholders, fast-track the drafting of Land Information Bill/ mainstream NLIMS standards and guidelines</td>
<td>• In collaboration with the Mop and other stakeholders, fast-track the drafting of Land Information Bill/ mainstream NLIMS standards and guidelines</td>
<td>CS Mop, CEO NLC, PS Mop, County Governments</td>
<td>CEO NLC</td>
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<td></td>
<td>• Run campaigns on the importance of LIMS to the economy</td>
<td>• Run campaigns on the importance of LIMS to the economy</td>
<td>CEO NLC, PS Mop, County Governments</td>
<td>CEO NLC</td>
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<td></td>
<td>• Mainstream NLIMS standards and guidelines</td>
<td>• Mainstream NLIMS standards and guidelines</td>
<td>County Governments</td>
<td>County Governments</td>
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<td>• Fast-track the establishment of KNSDI by the Mop</td>
<td>• Fast-track the establishment of KNSDI by the Mop</td>
<td>County Governments</td>
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<td>PS Mop</td>
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<tr>
<td>natural resources</td>
<td>• Privatization and allocation of ecologically sensitize public land</td>
<td>- Inventorize, map, clearly demarcate boundaries of and gazette Ecologically sensitive public lands as protected areas - no human settlement and hardware-development imperatives with high potential for negative land transformations and environmental degradation</td>
<td>Ministry of Lands</td>
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<tr>
<td></td>
<td>• Encroachment/illegal settlement and devt in fragile ecosystem</td>
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<td>- NEMA</td>
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<td></td>
<td>• Unsustainable land and land based natural resources use and management</td>
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<td>- WRMA</td>
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<td>• Land degradation and pollution resulting in biodiversity loss</td>
<td>- Develop implementable guidelines, rules and regulations for specific natural resources sustainable exploitation and development including development of benefit sharing protocols</td>
<td>- KWS</td>
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<td>• Competing and conflicting interests between Land rights and conservation goals</td>
<td>- Mount a comprehensive awareness and education campaign on the link between land degradation and poverty nexus with a view to changing mindsets towards uptake of SLM practices and avert environmental degradation and climate change</td>
<td>- KFS</td>
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<td></td>
<td>• Lack of natural resources inventory and boundary maps</td>
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<td>- KNEB</td>
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<td></td>
<td>• Conflicting legislations governing riparian reserve</td>
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<td>- Ministry of mining</td>
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<td></td>
<td>• Enforcement challenges and inadequate institutional capacities in terms of vehicles, equipment etc</td>
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<td>- Ministry of Energy and petroleum</td>
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<td></td>
<td>• Disconnect between Natural resource and Land as a commodity</td>
<td></td>
<td>- Council of governors</td>
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|        | • Political patronage  
• Lack of distinction between renewable and non-renewable natural resources.  
• Management of cross county natural resources  
• Climate change | - Develop and enforce specific and harmonized regulation for the management of riparian (public) areas/zones  
- Design mechanisms and strategies for decomoditization of land to reduce appetite for grabbing public land including Ecologically Sensitive Areas  
- Strengthen institutional capacities for efficient and effective enforcement and compliance monitoring  
- Engage politicians and the executive at the two levels of governments and raise their awareness | - Parliamentary committees on land and NR  
- CECs in charge of Land and NRs  
- Local Communities, CSOs and FBOs  
- Ministry of Interior (chiefs, and County Commissioners)  
- Ministry of planning and devolution  
- KEPSA  
- National Transport |
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<tbody>
<tr>
<td>Community Land</td>
<td>• There is no community Land identified. No inventory on available community Land</td>
<td>Prepare inventory of community land Declaration of community land registration units- Turkana, Tana River, Garissa, Isiolo, Mandera, Marsabit, Wajir, Embu, Kitui, Taita Taveta, Kwale, Kilifi, West Pokot</td>
<td>Cabinet secretary, county government, communities</td>
<td>Depends on when the rules will be gazetted</td>
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<td></td>
<td>• No rules and regulation to guide management of community Land</td>
<td>• Kajiado, Narok, Samburu, Laikipia, Baringo, Siaya, Kericho, Elgeyo Marakwet, Nandi, Meru.</td>
<td>Cabinet secretary</td>
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<td>• Minimal awareness on community Land</td>
<td>• Notices to commence demarcation of community land</td>
<td>Community land registrar, CEC, COUNTY COMMISSIONER, SUB COOUNTY ADMINISTRATOR</td>
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<td></td>
<td>• There is a lot of insecure land rights where land is purported community Land</td>
<td>• Recommendation of land adjudication officers for appointment and gazettement Constitute Adjudication Teams-LAOs, surveyor, community</td>
<td>CS, NLC, CG, CS, COMMUNITY LAND REGISTRAR</td>
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<td>• Receive claims from registered communities for purpose of adjudication and documentation.</td>
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<td>• Adjudication of customary claims</td>
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<td>• Establishment of boundary limits of claims by registered community on satellite imageries.</td>
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|                                    | • Inadequate institutional capacities and linkages                     | • Hiring more technical staff  
• Build Ardhi houses in counties  
• Invest in training of staff  
• Buy more equipment  
• Enhance budgetary allocation | CS, PS (Ministry of Lands)  
Chairman  
CEO, NLC  
Treasury                         |         |
|                                    | • Inadequate surveyors, physical planners, land registrars, land valuers, Land adjudication officer  
• Inadequate office space  
• Inadequate technical equipment  
• Budgetary constraints | • Establishment of community land management committees  
• National Programme for public education and awareness on administration and management of community land  
• Setting aside community land for public purpose  
• Appointment of adhoc committees to resolve disputes referred to CS  
• Conversion of undissolved group representatives under the repealed cap 287 to community land  
• Preparation of inventory of new and existing adjudication sections for finalization of adjudication programmer under cap 284, cap 283. | DLAS  
DLAS  
Adjudication team  
Adjudication team  
Communities, county planning authorities, NLC  
CS  
DLAS  
DLAS |         |
<table>
<thead>
<tr>
<th>Themes</th>
<th>Issues</th>
<th>Interventions/strategies</th>
<th>Actors</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>RESEARCH</td>
<td>• Slow pace of land reform</td>
<td>• Sufficient funding towards researching land matters</td>
<td>Parliament.</td>
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<td></td>
<td>• High level of insecure Land tenure.</td>
<td>• Program: preparing inventories on all land tenure systems</td>
<td>Ministries e.g. Mop; National Treasury;</td>
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<td>• Protection of Land rights of marginalized and vulnerable groups.</td>
<td>Prioritize records management, data documentation &amp; management in government agencies eg Mop; NLC</td>
<td>Agriculture &amp; Livestock;</td>
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<td></td>
<td>• Politics of Land and violence</td>
<td>Promote evidence based information &amp; interventions to address land reform policies</td>
<td>Mining;</td>
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<td></td>
<td>• Land dispute resolution mechanisms</td>
<td>• Collaborative Research ‘Land Quality Indicator Program’ (land use diversity &amp; land cover; land use intensity; minimum – maximum land sizes; land degradation, soli quality; land contamination etc.,) with respective agencies &amp; counties</td>
<td>Environment &amp; Natural Resources;</td>
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<td>• Inadequate research in land matters across the country</td>
<td>• Research: Economics of land degradation across Counties</td>
<td>Energy;</td>
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<td></td>
<td>• Lack of systematic evaluation of gender dimension to Land</td>
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<td>Interior;</td>
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<td>• Disconnect between Land and Agrarian reforms</td>
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<td>Planning;</td>
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<td>• Dysfunctional property/land market</td>
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<td>Devolution etc.</td>
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<td>• High premiums to titled Land</td>
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<td>• Commoditization of land versus other properties resulting in huge premiums</td>
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<td>• Landlessness and tenure security</td>
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<td>Rapid Urbanization</td>
<td>Some land issues require special intervention e.g. PLWD; women; youth; the aged</td>
<td>Land Governance Assessment Framework Making land reform part of integrated urban &amp; rural development plans Mapping Land Conflict: Interactive model for the counties Review of willing buyer-Willing seller policy Robust knowledge outputs as pertains to land matters in counties Land evaluation assessments in counties <strong>Land Taxation and sustainable development</strong> Identifying &amp; supporting research &amp; sex-disaggregated data collection related to climate change &amp; women’s land rights Programs: Securing women’s rights to land &amp; natural resources, including within communities Programs: Ensuring women’s meaningful participation in decision-making &amp; dispute resolution related to access, use, control, &amp; management of land &amp; natural resources</td>
<td>National Land Commission Government Agencies: KFS; KWS; KNBS; CoG All Constitutional Commissions Development Banks Political decision makers: Parliament Land Committees, Scientific networks &amp; communities eg ISK Universities and Research Institutes Civil Society County CEC’s Individual Land experts</td>
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<td>• Restrictions on sub-division in agricultural &amp; fragile ecological zones</td>
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<td>• Project: Women’s, Youth, Marginalized groups, &amp; the Aged land Rights; Youth More integrated and delivery systems relying on public participation</td>
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<td>Land Summit: Addressing the linkages between land &amp; agrarian reform in Kenya</td>
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<td>Influence University curriculum on Land Rights</td>
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<td>Program targeting – informality on land</td>
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<td>• Program – Devolution, land and legislative environment</td>
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<td>Projects targeting social instability</td>
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1. The constitution of Kenya 2010
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3. The Land Registration Act, 2012
5. The land Laws (Amendment) Act, 2016
8. James Edward Hogg (1920) The Adoption of The Torrens Title registry by the British Commonwealth.
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