

Participation of Surveyors in Land Policy Formulation in Kenya: Examination of Best Practices

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Key words: Land Policy, Land Management, Access to Land, Land Administration, Land Use

SUMMARY

The adoption of the Sessional Paper on the National Land Policy by the Parliament on 3rd December 2009 heralded a new era in land use management and administration in Kenya. The policy reflects the proposals under the African Land Policy Framework and Guidelines document which was adopted by the African Heads of States and Government in their Summit in Sirte, Libya in July 2009. The Policy also reflects aspects of the UN Habitat Guidelines for Formulation of Pro-poor Land Policies.

The land question in Kenya is manifested in disparities in access to land; break down in land administration; insecurity of title; poor land management practices and lack of pro-poor policies resulting in poverty, food insecurity and land degradation.

The Institution of Surveyors of Kenya was involved in the Kenya National Land Policy Formulation Process since its commencement in February 2004. The Role of Surveyors in the Policy Formulation process was critical in providing technical input to the government and non state stakeholders through the Thematic Groups formed to draft the National Land Policy.

Various strategies were involved ensuring the finalisation of the National Land Policy including advocacy partnerships with civil society organisations; lobbying legislators, policy makers and public administrators; research based evidence; pilot projects; media campaigns and production of information education communication materials. Best practices were developed over the five year period from Policy Formulation until its finalization. The practices are easily adoptable by countries within the region with land issues similar to the Kenyan case. This paper shares good practices and strategies that resulted in the successful formulation of a National Land Policy forty five years after Kenya's independence.

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1. INTRODUCTION:

Land is important for the livelihoods of Kenyans and is critical to the economic, social and cultural development of Kenya. Land policies provide a good platform for land reforms and aim at strengthening land rights for all, enhancing productivity of land and securing livelihoods. Land Reform is one of the long term issues identified for resolution in Agenda 4 of the Kenya National Dialogue and Reconciliation Agreement as key to sustainable peace and security after the post election violence of January 2008.

Only about 20% of the land in Kenya is arable while arid and semi-arid lands cover more than 60% of the country's land mass and is used mainly by nomadic communities for raising over 50% of the livestock in the country. The semi-arid areas also host a considerable proportion of the country's wildlife resulting in human-wildlife conflicts as people and animals compete for access to water resulting in conflicts (Njonjo Commission Report, 2002).

Approximately 75% of the country's population lives within the medium to high potential area (20%) and the rest in the vast arid and semi arid lands (ASALs). Consequently, the size and distribution of land, and population density varies widely from as low as 2 persons per square kilometre in the ASALs to 2,000 persons per sq.km in the high production areas such as Kisii, Vihiga, Kiambu and the eastern slopes of Mount Kenya.

2. CURRENT LAND MANAGEMENT AND ADMINISTRATION PRACTICES

2.1 Legal Framework for Land Management and Administration

The current legal framework is not suitable for many contemporary issues that have arisen in the land sector. The process of land tenure reform at independence failed to transfer power from colonial authorities to indigenous people. Instead the colonial land policies, laws and administrative infrastructure were entrenched and perpetuated to the benefit of the indigenous elite. The indigenous elite ensured that the colonial property rights system continued operating even after independence and the granting of property rights to ordinary Kenyans was more in a bid to justify the rights already granted to the settlers and the elite.

Post independence Kenya has three substantive regimes in property law and five registration systems supported by administrative institutions. The institutions created by the different laws are uncoordinated and enforcement of rights protected under these laws is sub-optimal.

The reports by the Presidential Commission of Inquiry into the Land Law System in Kenya (Njonjo Commission), the Constitution of Kenya Review Commission and the Presidential

Commission of Inquiry into Illegal/ Irregular Allocation of Public Land (Ndung'u Commission) recognised the problems in the legal system and pointed to the need for a land policy anchored in an effective legal framework.

The multiple laws dealing with substantive and procedural land issues have resulted in poor delivery of land rights and corrupt practices. The multiple registration systems have created a dual system of economic relationships with land consisting of an export enclave controlled by a small number of private owners and a peripheral subsistence farming operated by a large number of small farm holders. The duality was manifested in systems of land tenure based on one hand in the principles of the English Property Law and, in the other on a largely neglected regime of customary property law.

Land transfer and registration systems are lengthy, costly and bureaucratic providing avenues for corrupt practices by government officers, and restricting the current need for quick and equitable delivery of land rights. Land allocation procedures for settlement schemes as provided in the Agriculture Act have been manipulated leading to marginalization of the poor and landless. Tenure insecurity has resulted from the existence of overlapping rights, ethnic conflicts and irregular allocation of land under legal systems that protect first registration of titles.

2.2 Management of Rural Lands

Rural land in Kenya can be categorised into expansive savannah grasslands which provide for traditional livestock rearing and highlands with rich agricultural land which support food production by large and small scale farmers mainly using rain fed agriculture. The highlands, due to their fertile nature, host the largest concentration of human settlements.

High to medium potential zones are dominated by millions of small farm holdings. However, insecure land tenure systems have led to low investment in land improvement and productivity. Continued fragmentation has resulted in severe land pressure, uneconomic sizes and low productivity. In addition, larger farms previously used for seed production and breeding stock have been sub-divided and transferred from state ownership to private hands for either speculative or social investment purposes.

While commercial farming, small scale subsistence agriculture and large-scale ranches have enjoyed support by the government through extension services, market outlets and access to credit by financial institutions, this has not been the case for livestock development by pastoral communities as it is not recognised as an economic activity. The challenges faced by these communities during drought, their vulnerability to poverty and food security have not been comprehensively addressed. To compound this, the Trust Land and the Land (Group Representatives) Acts which were enacted to provide a framework for transition from customary pastoral land tenure to individual tenure in pastoral areas have been abused by county councils who lease community land to outsiders without community participation. Further, the government's decision to convert group ranches to individual titles has had negative effects on pastoral livelihoods.

2.3 Management of Urban Land

The rural-urban population proportion stands at 78% and 22% respectively with the rapid growth urban centers confined to Nairobi, Mombasa, Kisumu, Nakuru, Eldoret, Kakamega and their satellite extensions. According to the 1999 Census, the overall growth rate of Kenya's urban population stood at 6% implying a very rapid rural-urban migration pattern.

Under the Constitution and the Trust Land Act, the local authorities hold land in trust for the people ordinarily resident in the area and the local residents in turn own land in accordance with the applicable customary law. Large parts of the country still fall under the category of Trust Land. The Trust Land system has however been widely abused by the local authorities and the Central Government. Instead of acting as custodians of the land, the councils have facilitated the alienation of such land in favour of individuals and institutions in total disregard of the rights of local residents. The lack of participation of communities in the governance and management of land and other natural resources has resulted in confusion, conflict and environmental degradation.

The growth of informal and spontaneous development is widespread in the urban areas occasioned by rural-urban migration, urbanisation processes, landlessness and unemployment. Land in the informal settlements is usually illegally occupied resulting in evictions and consequently destruction of assets and disruption of family life.

Political interference, bureaucracy, corruption, excess powers of the Commissioner of Lands and Town Clerks, and the application of numerous laws dealing with land has hampered the ability for delivery of land rights and services by urban councils to the public.

3. CONSEQUENCES OF CURRENT LAND MANAGEMENT AND ADMINISTRATION PRACTICES

3.1 Abuse of Land Administration Systems

Land Administration practices disregard public good and compatibility of land use. This has adversely affected the quality and quantity of the land in question. In addition, land information is held mostly in paper form and managed manually. This is inefficient, time consuming and cannot support timely decision making about land. This has resulted in lost or missing files, avenues for corrupt practices and time wasted in search of land documents.

Access to land is not equitable as the current laws give too much power to the offices of the President and Commissioner of Lands to alienate land. Further Local Authorities hold land in trust for the community and this trusteeship, in most cases, has been blatantly abused through irregular land allocations of trust lands to individuals and private investors without community participation in land administration decisions.

The institutions established by these laws were highly bureaucratic and centralized. Resulting in protracted land administration procedures, high costs and corrupt practices. The lack of enforcement of planning regulations and development controls, coupled with irregular allocation of land reserved for expansion of infrastructure has had a negative effect on delivery of housing and infrastructural services.

3.2 Inequitable Land Ownership

The current land regime has resulted in skewed land ownership characterized by large holdings of high potential land (some of it not put into any economic use) on one hand, and highly degraded fragmented small holding on the other. A culture of speculative buying exists, thereby removing land that could be put into economic use from the market.

Landlessness and squatting is common and tenure security is not assured due to ethnic and land use conflicts especially in Pastoralist areas. Many citizens do not own any piece of land and have not access to land on which to make a sustainable livelihood. A majority of owners in rural and peri-urban areas own very small and overused holdings.

3.3 Unsustainable Land Management Practices

Unsustainable land management practices have resulted in alienation of forest land for crop production resulting in destruction of indigenous forests and severe reduction in the volume of water available in the country. Unsustainable farming methods have caused soil erosion and land degradation reducing the overall capacity for sustainable food production in the country. There is under-utilization and abandonment of agricultural land especially in areas severely ravaged by the HIV/AIDS pandemic.

Inappropriate land tenure systems coupled with a high population growth rate have pushed farming communities from traditional areas to less productive areas and forest areas resulting in destruction of indigenous forests and water towers. Frequent conflicts over access to water and grazing lands around pastoral communities have affected the utilization of land for food production resulting in food insecurity.

3.4 Underdeveloped Housing and Infrastructure Sectors

Land is the most important input in the provision of infrastructure and housing. Kenya has experienced a progressive decline in availability of adequate and suitable urban land for housing due to encouragement of private ownership of land, speculative hoarding of land and abuse of power by authorities involved in land allocation.

The lack of suitable land for housing is compounded by the presence of land in urban and peri-urban areas held under Freehold tenure which gives absolute ownership rights to the owners without stringent development conditions. Most urban areas have old, dilapidated, low density housing estates whose land can be put to optimum use by re-developing it into

high density residential flats to accommodate the large urban population without decent shelter.

The rapid rise in population and growth of urban centres has put a lot of pressure on demand for land and services resulting in proliferation of urban informal settlements, environmental degradation and overloaded infrastructure. In addition, urban planning has not kept pace with rapid urbanization and population increase neither has it been pro-poor or pro-growth causing insufficient supply of affordable serviced land for urban activities.

3.5 Land Related Conflicts

Land is at the centre of social, cultural and economic life of indigenous Kenyans. It provides a means of livelihood to farmers, traditional herders, fishing communities, hunters & gatherers, miners, loggers and wildlife conservationists. Land is also considered a cultural inheritance from previous generations and communities are highly protective of their spatial jurisdictions from potential migrants. The Njonjo Commission Report noted that land has an important spiritual value and is not seen merely as a factor of production.

The equitable distribution of land and natural resources has always been a contentious issue in Kenya's history. Indeed the fight for independence stemmed from the need to reclaim land taken from native communities. Historical injustices from colonial times stem from dispossession of land resources from one group to another and are the subject of political and civil society agitation for redress.

The incidence of land use conflicts in Kenya is a worrying phenomenon. The conflicts can be generally categorised by their nature as human-wildlife conflicts, livestock-crop farming conflicts, territorial conflicts, human-settlement-environmental protection conflicts, historical injustices conflicts etc. The conflicts have persisted due to the lack of policies and mechanisms that can adequately address the causes and resolve them.

- The key causes of conflict have been identified as:
- Lack of an integrated approach to land use planning which would delineate land uses in terms of their appropriateness on beneficial exploitation of land and natural resources;
- Unresolved community grievances over historical or customary injustices which have existed since the colonial times;
- The exclusion of communities from land resources which were customarily owned by them.
- Lack of recognition of community conflict resolution mechanisms as traditional institutions are not recognised by law.

The modern approaches to land use and management have contradicted the traditional perception to land resulting in many obstacles in policy and project implementation. While the Constitution provides for freedom of movement, this has been viewed as invasion and encroachment by “outsiders” to land attached to another community resulting in conflicts.

Further, introduction of projects and implementation of policies without consultation of local people has resulted in conflicts with indigenous perception of land, tenure structures and land use.

Lack of access to land, the perceived hoarding of land by elite, rural unemployment and ethnic animosity fuelled by political instigation has resulted in conflicts over land.

3.6 Disinheritance of Vulnerable Groups

The rights to land of vulnerable groups are not protected and are often subjected to bias and discrimination. Disinheritance of women and vulnerable members of the communities continues due to inappropriate laws, biased decisions by land tribunals, committees and boards in the absence of suitable legislation, and selective application of cultural practices to land.

All these land related issues demonstrated the need for the formulation a National Land Policy to guide the efficient, equitable and sustainable use of land resources.

4. KENYA NATIONAL LAND POLICY FORMULATION PROCESS

The National Land Policy formulation process commenced in February 2004 with the objective of developing an administrative and legal framework that would ensure equitable, efficient and sustainable access to , and use to the land resources in Kenya, through a widely consultative process. The process was initially anticipated to take 11/2 years but was completed five years later in December 2009.

The Land Policy issues were grouped into six broad themes, each of which were reviewed and analysed by a Thematic Group. Each Thematic Group was made up of both state and non state actors who steered the National Land Policy Formulation Process. The six Groups were: Rural Land Use, Environment and Informal Sector; Urban Land Use, Environment and Informal Sector; Land Tenure and Social Cultural Equity; The Legal Framework; Land Information Management System; and Institutional and Financing Framework for Implementation.

The groups held meetings and workshops from which specific recommendations were made along the various themes. The Ministry of Lands put the level of participation at 53% by the Public Sector; 27% by Civil Society groups and 20% by the Private Sector. The widely consultative process involved fourteen Regional Workshops held between 14th March and 11th May 2005 with participants drawn from all sectors. The Workshop provided forums for robust stakeholder engagements and consensus building on land issues. The concerns and recommendations from these workshops informed the preparation of the first draft of the National Land Policy which was produced in December 2005. This draft was approved by Cabinet for release to members of the public for debate and analysis in September 2006. The Institution of Surveyors of Kenya organised Workshops to provide forums for land sector

professionals and members of the public to give their views and contribution during the period when the draft Policy was under debate.

The comments from the public were incorporated to produce an improved version of the Draft Policy which was presented to a National Stakeholders' Symposium held on 26th and 27th of April 2007. At this forum the draft document was discussed and endorsed by participants with consensus from all groups. The draft National Land Policy was then presented to the Cabinet by the Minister for Lands and approved on 25th June 2009. Subsequently, the Sessional Paper No. 3 of 2009 on the National Land Policy was prepared for presentation to Parliament. After much debate and lobbying by professional and civil society groups, this Sessional Paper was endorsed by Parliament on 3rd December 2009 thereby heralding a new era for land reforms in Kenya.

The National Land Policy provisions aim to reform administration and management of land by providing for devolution of power, computerisation of land records and creation of national spatial data infrastructure. The policy provides a basis for reforming land use planning and land administration and management; improving productive use of land; addressing land tenure issues; reforming institutions responsible for land administration; addressing inequalities in land ownership; redress of historical injustices related to land; and dealing with land issues requiring special intervention including the peculiar land issues related to the coast region. In addition, some of the key provisions of the National Land Policy will need to be anchored in the Constitution of Kenya which is currently under review.

The Kenya National Land Policy Formulation Process can be summarized as follows:

February 2004	Launch of National Land Policy Formulation Process at Stakeholders Workshop in Nairobi
August 2004	Inception Workshop and formation of Thematic Groups
August 2005	Production of Issues and Recommendations Report
December 2005	Production of First Draft of the National Land Policy
September 2006	Approval of release of First Draft to the public by Cabinet
March 2007	Production of Second Draft of the National Land Policy
April 2007	Discussion and endorsement of Second Draft of the National Land Policy at the National Stakeholders Symposium
June 2009	Approval of Improved Draft National Land Policy by Cabinet
August 2009	Preparation of Sessional Paper on the National Land Policy for presentation to Parliament.
December 2009	Adoption of Sessional Paper No.3 of 2009 on the National Land Policy by Parliament

5. ROLE OF SURVEYORS IN THE LAND POLICY FORMULATION PROCESS

5.1 Objectives of ISK in its Involvement in the Land Policy Formulation Process

The key objectives of ISK in its involvement in the National Land Policy Formulation Process were:

- To apply the collective knowledge of its members for public interest.
- To educate and inform legislators, opinion leaders, policy makers, professionals and the public on the benefit of land reforms in order to seek their support toward finalisation and implementation of the National Land Policy for economic growth and national cohesion.
- To advocate for anchoring of the National Land Policy in law, retention of the clauses on Land and Property, Environment and Natural Resources in the Constitution and address of Land Reform issues under Agenda 4 of Kenya National Dialogue and Reconciliation Agreement
- To generate essential knowledge on land reform issues relevant to the public and to generate empirical data which would inform the land reform implementation process.

In order to meet these objectives, ISK undertook various strategic engagements as detailed below.

6. STRATEGIC ENGAGEMENTS

6.1 Engagement with the Government through the Ministry of Lands

ISK engaged with the government through creation of strong links with the National Land Policy Secretariat (now known as Land Reform Transformation Unit (LRTU)) at the Ministry of Lands. Meetings were held with the Coordinator and members of LRTU to find ways in which ISK as a professional society could collaborate the efforts of the Ministry of Lands to press for finalization of the National Land Policy by Cabinet and Parliament. In addition, the Ministry of Lands was involved in Workshops organized by ISK as the line Ministry to provide information to participants on the way forward for the Land Policy.

Several members of ISK participated in the Thematic Groups on Rural Land Use, Urban Land Use, Land Tenure and Social Cultural Equity; Land Information and Management Systems and Institutional and Financing Framework for Implementation. Some of these members were retained as members of the LRTU Reference group to give advise to the Ministry of Lands during the finalization of the National Land Policy and during the implementation phase.

6.2 Engagement with Civil Society Organisations

ISK engaged with civil society organizations (CSO's) through its membership in a network known as the Land Sector Non State Actors (LSNSA). The LSNSA network was founded in November 2008 to promote productive use of land, secure and equitable access to and control over land and land based resources for all through dialogue, advocacy and capacity building. The network's initiating working group included the Institution of Surveyors of Kenya (ISK), Kenya Land Alliance (KLA), Federation of Women Lawyers (FIDA-Kenya), Shelter Forum,

Pamoja Trust, Hakijamii and Kenya Human Rights Commission (KHRC) and some private sector groups.

The network brought together diverse groups in the professional and civil society to share information and provide opportunities for collaborative policy dialogue and advocacy where diverse and often competing interests were negotiated. The efforts of network were born out of the conviction that access to land and its productive use is linked to the nation's economic development, increased food security, prevention of land related conflicts and environmental conservation and management. The network provided an avenue to build alliances and consolidate synergies across institutional and sectoral boundaries towards the approval of the National Land Policy and its eventual implementation as the blue print for land reforms in Kenya.

Under the LSNSA network, ISK successfully lobbied the Media, Legislators, Policy Makers, Public Administrators, Professionals, Private Sector practitioners and members of the public to support the finalisation of the national land policy process.

6.3 Engagement with Parliament

ISK's engagement with Parliament was initiated through the office of the Clerk to the National Assembly and the office of the Speaker of the National Assembly. Meetings with the two offices resulted in a working relationship that culminated in a Workshop organised by ISK for the Parliamentary Departmental Committees dealing in the Land Sector. The invited participants were members of the Departmental Committees on: Land and Natural Resources; Agriculture, Livestock and Cooperatives; Local Authorities; Transport, Public Works and Housing; Justice and Legal Affairs and Administration and National Security.

The Parliamentary Departmental Committees Workshop held in Mombasa in November 2009 was attended by 24 of the invited 45 Members of Parliament, and 15 members of staff at the Kenya National Assembly. The Workshop set the tone for the debate of the Sessional Paper on the National Land Policy and its successful endorsement by Parliament on 3rd December 2009. The Workshop also created a forum where the Ministry of Lands gave feedback to the concerns of Legislators on various issues in the draft National Land Policy such as Equitable Access to Land; Sanctity of Title; Illegal Acquisitions; Foreign Ownership of land and length of Lease Terms. It also created a forum for representatives of the Professional Societies; Civil Society and the Private Sector to urge legislators to support the Sessional Paper on the National Land Policy once it was presented to Parliament.

The Workshop collaborated the work of the Ministry of Lands which had earlier held a Workshop to sensitize the members of the Parliamentary Departmental Committee on Land and Natural Resources on the contents and benefits of the National Land Policy. The success of the Workshop and previous advocacy activities was reflected in the endorsement of the National Land Policy by Parliament two weeks later.

6.4 Other Collaborative Engagements

INV 4 – Land Policies in Africa 10/17
Mwenda Makathimo and Makena Kaaria-Ogeto
Participation of Surveyors in Land Policy Formulation in Kenya: Examination of Best Practices (4663)

FIG Congress 2010
Facing the Challenges – Building the Capacity
Sydney, Australia, 11-16 April 2010

Other collaborative engagements pursued included with research bodies such as the Kenya Institute of Public Policy Research and Analysis, and religious organisations such as Kenya Episcopal Conference and Supreme Council of Kenya Muslim. These collaborative engagements widened the network of pro-reform organizations.

7. STRATEGIES FOR ENGAGEMENT

7.1 Exposure

This strategy involved exposure of groups wanting to scuttle the land reform process by lobbying against certain clauses in the draft National Land Policy through a sustained media campaign. It also involved exposing government inertia and deliberate delays in the National Land Policy Formulation Process. The strategy helped keep the formulation process rolling.

7.2 Effective Response

Effective response involved responding rapidly to opposition to the land reform process and in particular to finalization of the National Land Policy Formulation Process. The main tools for effective response were media briefings; Press Conferences and Statements; and production of information and education communication materials.

7.3 Direct Affront

In some instances direct affront was used to obtain clarifications from the government through its officials and legislators, on its commitment to finalization of the policy formulation process. The strategy was also used to expose anti-reform groups. The key tools for direct affront were Workshops and joint Television and Radio Shows.

7.4 Public Education and Awareness Campaigns

7.4.1 Public Launch of the “Peoples” National Land Policy



Photo 1: Road Show prior to the launch of the "The People’s National Land Policy” on 26th June 2009.

Extensive Public Education and Awareness Campaigns were held through ISK and its partners. Publicizing of an event to celebrate the national land policy formulation process and launch the “Peoples National Land Policy” resulted in Cabinet approval of the draft National Land Policy a day earlier on 25th June 2009.

7.4.2 Media Campaigns

Media campaigns were extensively used through radio shows, TV debates and writing up of newspaper supplements. In addition ISK held Press Conferences all through the course of the formulation and finalization process to keep the land reform agenda alive.

The effective outreach of radio shows was exploited as radio has by far the greatest reach of all media in Kenya primarily due to the low cost of buying a receiver. Research studies indicate that the combined radio listenership is estimated to be over 95% of the country’s total population of 35.5 million people.

Television combines audio and video with high levels of memorability and entertainment value compared to other media. In Kenya, TV is also viewed as a status symbol and therefore any message shown on TV is taken more seriously than other media. According to research by the Synovate Group, television reaches a combined audience in excess of eight million people in the urban centres only. The combined urban-rural audience is possibly in excess of 12 million viewers. Majority of television viewers are the middle class most of whom are in wage employment and are opinion leaders in their own right.

ISK also produced a TV Documentary on land reforms with contributions from the Ministry of Lands and civil society organisations. The documentary aimed to sensitise the public on the need for land reforms and was aired on national television just prior to presentation of the Sessional Paper on the National Land Policy to Parliament.

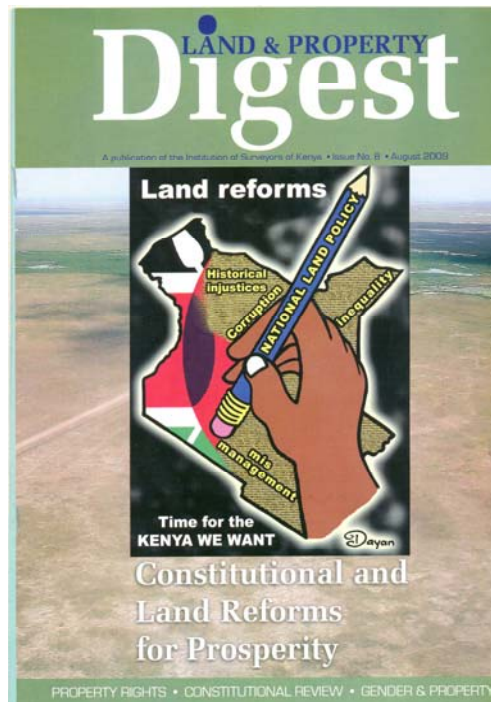
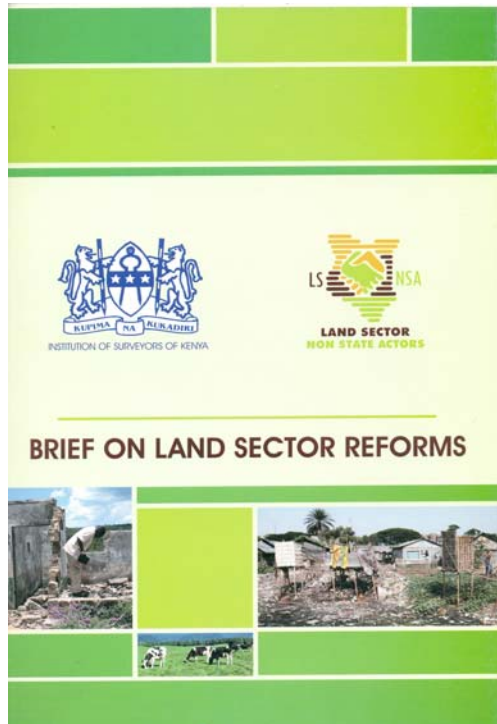
According to the 2006/2007 Kenya Integrated Household Budget Survey, an estimated 74% of Kenya’s 35.5 million people above the age of 15 are literate. It is estimated that the combined circulation figures for all daily newspapers is about 290,000 copies published by the two major dailies – Daily Nation and The Standard – and a few smaller dailies. These copies are read by an average number of 6 people per copy. This translates to 1.5 million readers per day, a majority of whom are the country’s opinion leaders comprising wage workers, employers, civil servants, private sector executives and business people.

7.4.3 Information, Education and Communication Materials

Various IEC materials were produced by ISK during the National Land Policy formulation and finalisation process. The contents of the IEC materials were sourced from resource persons who are experts in the area of land tenure, land administration, land policy and land law. The materials were targeted for wide circulation at the public forums, during advocacy

meetings with Parliamentary groups, policy makers, professionals and the public. The materials were rich in content and will inform the land reform implementation phase.

The IEC materials prepared during the Land Policy finalisation period in year 2009 included: The Land & Property Digest, a 24-page magazine containing articles on Constitutional and Land Reforms; A quick-reference Brochure containing key land reform policy proposals in the draft National Land Policy and in the Wako Draft Constitution; Roll-up Banners with themes on land reform; Booklets comprising the full Papers presented during the various Workshops; a Brief on Land Sector Reforms and various posters and flyers.



7.4.4 Workshops

Various Workshops were held to sensitise the public on the contents of the National Land Policy and land reforms in general.



Photo2: Workshop Participants at the Coast Opinion Leaders Forum on Land Reforms

A Professionals Forum on Land Reforms was organised by ISK under the auspices of the Association of Professional Societies in East Africa (APSEA) and held on Tuesday, 21st July 2009 at the Safari Park Hotel. The 184 forum participants comprised mainly of professionals in different sectors, private sector practitioners, government officers and representatives of religious and civil society organisations.

A workshop to sensitize Land Officers working in Nairobi, Central and Nyanza provinces on their role in the implementation of land reforms was held on 11th July 2009. 21 Land Officers stationed at the Nairobi, Nyahururu, Kisii and Siaya Land Registries were trained and tasked to further inform their work colleagues on the importance of their roles in implementing land reforms. The training benefitted the key land registries in three of the eight Provinces in Kenya.

A forum to inform the opinion leaders in the coast region on the need to support land reforms as proposed in the National Land Policy was held in Mombasa on Friday, 4th September 2009. The forum provided an opportunity for the leader of the Coast Parliamentary Group, Hon. Benedict Fondo Gunda to re-emphasize the pledge of the Coast Members of Parliament to support the NLP and the proposed reforms with particular attention to issues peculiar to the coast region. The 115 participants comprised of representatives of Parastatals headquartered in the coast region; public administrators in the local authority and Ministry of Lands; members of the local land control boards; leaders of religious groups; leaders of community based organisations and representatives of professional bodies.

A Workshop was organised for members of Parliamentary Departmental Committees and the staff of the Kenya National Assembly on 20th November 2009. The workshop provided a forum for legislators to debate issues arising from the Policy proposals and provided an opportunity for members of the LSNSA and officials of the Ministry of Lands to clarify matters arising and dispel myths and misrepresentations around the Policy. The Workshop also provided an opportunity for stakeholders to have a feel of the nature of issues to be addressed once the Sessional Paper was presented to Parliament. It aided the stakeholders in

preparing for the Parliamentary debate and contributed to the success of adoption of the Sessional Paper by Parliament only a week after its presentation.

A Summary of the Workshops held in year 2009 is given below.

	Workshop	Date
1.	Land Officers Training	11th July 2009
2.	ISK/ APSEA Professionals Forum on Land Reforms	21st July 2009
3.	Coast Opinion Leaders Forum on Land Reforms	4th September 2009
4.	Valuers and Estate Management Surveyors Annual Seminar	16th October 2009
5.	Parliamentary Departmental Committees Workshop on Land Reforms	20th November 2009

7.5 Research Based Evidence

Three research teams conducted research under the themes: Land Tenure Reform, Land Use Policy and Land Information Management Systems. The research activities aimed to generate empirical data and manage essential knowledge to fulfil one of the objectives of ISK'S Land Reform Programme. The researches commenced in July 2009 and by the end of year 2009, the research teams had completed their polished Concept Papers; Literature Review and Methodology; Data Collection and Analysis; Conclusion and Recommendations.

A team of 8 No. Technical Experts drawn from the local Universities was constituted to moderate the research projects. Two Research Forums were successfully held at which the Researchers presented their concept papers to the technical experts for critiquing and moderation. The outcome of that Research Forums was more focused and better quality research projects. A third Forum at which the Study Findings, Conclusions & Recommendations will be presented is scheduled for 5th February 2010. The research process is anticipated to be completed at the end of February 2010 at which time the research findings will be documented and disseminated.

8. CONCLUSION

There has been an apparent breakdown in the administration and management of land and natural resources in Kenya. The proposed national land policy is a futuristic document designed to provide a holistic and systematic response to these concerns.

The involvement and participation of surveyors in Kenya in the National Land Policy Formulation Process culminated in the successful adoption of Sessional Paper No. 3 of 2009 on the National Land Policy by Parliament. The work now truly begins as the implementation process is anticipated to take at least seven years. The involvement of surveyors to see through implementation is paramount.

This paper shows the role of surveyors in the local land policy formulation process through engagement strategies adoptable to any region. Professional Societies need to find ways to be involved in land policy in order to ensure the balance between capitalism and land productivity on one hand, and on the other hand pro poor policies that ensure equitable access to land for all.

REFERENCES

1. Institution of Surveyors of Kenya (November 2009) Brief on Land Sector Reforms.
2. National Land Policy Secretariat (April 2007) Draft National Land Policy. Ministry of Lands, Nairobi.
3. National Land Policy Secretariat (August 2005) Issues and Recommendations Report. Ministry of Lands, Nairobi.
4. Institution of Surveyors of Kenya (October 2009). Mid-term Review Report to Swedish International Development Cooperation Agency (SIDA), Nairobi
5. Land Sector Non State Actors (LSNSA) (October 2009). Mid-term Review Report to Swedish International Development Cooperation Agency (SIDA), Nairobi.
6. Dorothy Angote (November 2009): Parliamentary Departmental Committees Workshop Report Speech. Permanent Secretary, Ministry of Lands, Nairobi.

BIOGRAPHICAL NOTES

Mwenda Makathimo holds a Bachelor of Arts Degree in Land Economics and Master of Arts degree in Valuation and Property Management, both from the University of Nairobi. He is a Registered Valuer, Facilities Manager and Estate Agent. He has been involved in the National Land Policy Formulation Process since year 2005. He is the Chairperson of the Institution of the Surveyors of Kenya, a position he has held since 2007 and is the Co-chairperson of the Land Sector Non State Actors network.

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