

Status of Land Reforms in Kenya

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Introduction

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The major step in land reforms was the formulation of a Sessional Paper No. 3 of 2009 on National Land Policy which provided principles and guidelines for reformation of the land governance systems in terms of land tenure arrangements, administration and management of land, land use planning.

- Further, the Constitution of Kenya 2010 largely mainstreamed the values, principles and guidelines of the National Land Policy in the manner that fundamentally revolutionized the land question in Kenya

National Titling Programme

⁴The objective is to ensure countrywide attainment of security of tenure to land.

- From the year 2013 to date the Government has managed to register and issue 3.8million title deeds to individuals and public institutions .
- This has been mainly achieved through establishment of a **One Stop Shop** for coordination and integration of the titling process and digitization of the titling process for ease of bulk production.
- The main challenge is replicating the establishment of a similar Centre in all the 47 counties for ease of registration of land especially in counties that are predominantly under community land
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Development of a National Land Information Management System

- The main objective is to minimize time taken in processing of various land transactions.
- So far the Ministry has managed to digitize land process in land registration processes, processing of Land Leases and valuation of Stamp duty.
- Automation of land transactions has led to reduction of timelines in registration of property /land from 73 to 12 days for properties in Nairobi County.
- The main challenge in implementing this programme is to amend various Land/ICT laws to support e-conveyancing and digitization processes.

Legal Framework(Community Land Act)

- The Community Land Act, 2016 was enacted to give effect to Article 63 of the Constitution of Kenya on Community Land.
- The Act sets out procedures and structures for management and administration, delineation, mapping, documentation and registration of community land
- The Act establishes Community Land Management Committees which have power to manage and administer land on behalf of the respective communities.

Community Land Act (cont.)

Of fundamental importance in terms of the land reform agenda is the provision for non-discrimination from enjoyment of rights and interests to community land in the following terms:-

- Every member of the community has the right to equal benefit from the land in terms of use and access.
- Women, men, youth, minority persons, persons living with disabilities and the marginalized groups have the right to equal treatment in all dealings on community land.
- Non discrimination against any member of the Community on any ground including race gender, marital status, ethnic or social origin, colour, age, disability religion or culture

Community Land Act (cont.)

- The main challenge is in the implementation of the Community Land Act is the establishment of effective and efficient Community Land Management Committee and
- Handling of inter community conflicts in relation to determining boundaries of community lands and inter ethnic clans
- Development of an inventory of community land in various counties.

Sustainable Land Use and Planning

(a) National Spatial Plan

- As part of the land reform agenda and as required by the National Land Policy, the Government formulated Kenya's first ever National Spatial Plan. The Spatial Plan was completed and launched in March, 2017.
- The Plan envisages to transform the country into a globally competitive and prosperous nation, offering a high quality of life for all citizens in a clean and secure environment for the next thirty (30) years in line with the Kenya Vision 2030.
- The National Spatial Plan further provides a spatial structure that defines how the national space will be optimally and sustainably utilized. The spatial framework will be the basis upon which the various sectoral plans and policies will be anchored.

National Spatial Plan(cont.)

- Further, it will guide the preparation of all other lower level plans which include regional, county and local physical development plans.
- The Plan aims at creating a spatial planning context that enhances economic efficiency and strengthens Kenya's global competitiveness, promoting balanced regional development for national integration and cohesion optimizing utilization of land and natural resources for sustainable development, creating livable and functional human settlements in both urban and rural areas, securing the natural environment for a high quality of life and establishing an integrated national transportation network and infrastructure system.

Sustainable Land Use and Planning

(b) National Land use Policy

- The National Land Use Policy was formulated and published by the Government as Sessional Paper No.1 of 2017 on National Land Use Policy.
- The overall goal of this Policy is to mainstream and bring into effect the provisions of Article 60 of the Constitution which requires that land in Kenya is to be held and used in a manner that is productive, efficient, equitable and sustainable. The Policy is premised on the philosophy of economic productivity, social responsibility, environmental sustainability and cultural conservation.



National Land use Policy (cont.)

- In addition, the Policy addresses issues and provides guidelines on matters of range lands degradation, use and development of marginal lands and fragile ecosystems, environmental degradation, biodiversity conservation, climate change management, coastal and maritime (Blue economy) environmental management and conservation, surface and underground water bodies, agriculture and livestock land use practices as well as the transboundary land issues.



Development of a National Land Value Index

- The Country has embarked on development of a National Land Value index to guide on; compensation on compulsory land acquisition for public infrastructure projects; taxation on private land; and land leased by the Government.
- The Land Value Index Bill is currently at the final stage of approval by Parliament.
- The Land Value Index data collected covering 19 counties is currently available for use in determining compensation on compulsory land acquisition for public infrastructure projects and valuation for stamp duty purposes in the respective counties.

Thank You all.