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# **Training on “Gender-Responsive Standard Operating Procedures for Land Delivery Services in IGAD”**

## **A Training Manual**

August, 2022

## Contents

I. INTRODUCTION .....	2
II. PHASE 1 TRAINING – ONE WEEK TRAINING IN MOMBASA.....	3
1. Objectives of the Training.....	3
2. Approach and Methodology of the Training .....	3
3. Pre- Training Activities.....	3
4. Facilitation of the Training .....	6
5. Trainers and Participants .....	6
6. Preparation of Background Materials for the Training.....	6
7. Preparation of Training Materials.....	6
8. Use of the Training Materials and Power Point Presentations.....	6
9. Use of Interactive Methods to Ensure Active Participation .....	7
10. Seeking and Responding to Questions and Feedback .....	7
11. Using Feedback to Update Training Materials for Future Use .....	7
12. Identifying Follow-Up Actions to Ensure Sustainable Knowledge Transfer .....	7
III. PHASE 2 TRAINING – THE LEARNING ROUTE .....	8
1. Objectives of the Learning Route .....	8
2. Basic Steps in the Design and Implementation of a Learning Route.....	8
3. CASE STUDIES .....	13
3.1 Kenya .....	13
1. Registration of Communal Land Rights in Kilifi County.....	13
2. National Spatial Plan 2015- 2045.....	20
3. Regularisation of Informal Settlements - Kisumu Ndogo Settlement in Mombasa County .....	32
4. Valuation of Unregistered Community Land in Tana River and Garissa Counties .....	41
3.2 Ethiopia .....	53
1. Securing Land Rights of Pastoralists .....	53
2. Systematic Registration of Rural Land at Scale through Second Level Land Certification .....	56
IV. ANNEXES .....	61
Annex 1. Concept Note for Training on Land Administration SOPs.....	61
Annex 2. IGAD Training Program on Gender Responsive SOPs in Land Administration .....	66
Annex 3. A Guide to Preparing PPTs for Training Session in Mombasa .....	70
Annex 4. Learning Route on SOPs for Land Administration .....	71

## **I. INTRODUCTION**

As part of the commitment to implement the 2009 Africa Union Declaration on Land Issues and Challenges, IGAD has used financial support from the Swedish Embassy in Addis Ababa to implement a 3-year project, "Improving Land governance in the IGAD Region". The project seeks to improve the performance of land administration systems of IGAD's Member States to move them closer to convergence and to enable implementation of cross border initiatives that have a bearing on land. The development of land administration has been uneven within and among IGAD's Member States.. For example, Ethiopia has excelled in securing land rights at scale through nation-wide programs of land certification while it is lagging in the development of unified land administration systems. On the other hand, Uganda has done well in the development of unified, streamlined and computerized nation-wide land administration systems while it is lagging behind in carrying out nation-wide systematic land registration. Like Uganda and Ethiopia, Kenya is doing well in some areas such as physical and land use planning and initiating large programs to formalize rural communities and urban informal settlements and to regularize their land rights but not so well in some areas such as digitization of national land administration systems. The other Member States of IGAD have a long way to go in developing their land administrations.

To address the inadequacies and streamline processes in land administration, IGAD has supported the process of developing Standard Operating Procedures (SOPs) in land administration which are commonly used by many organizations and businesses to improve efficiency and effectiveness. IGAD is aiming to use SOPs not only to improve efficiency but also to facilitate convergence in delivery of land administration and management services thereby helping it to meet its mandate of promoting cooperation among Member States through policy harmonization.

The process of developing the SOPs involved a review of selected key land administration and management services by joint-teams of local consultants and their counterpart land agency staff in 3 IGAD Member States (Ethiopia, Kenya and Uganda) which are leaders in the respective processes that have been standardized. The country SOPs, which are gender-responsive, were consolidated into a regional SOPs report by a regional consultant.

The regional consultant has used the consolidated regional SOPs report to prepare this Training Manual to facilitate knowledge transfer among Member States to move their land administration performance toward convergence. The training, whose modalities have been captured in this Manual, and is on-going is in two phases. The first phase is a one-week training session which was conducted in Mombasa mid-May, while the second phase training is a "Learning Route" which was initiated a fortnight ago and will be on-going for a number of months and periodically repeated to maximize learning and knowledge transfer among Member States while also reducing performance gaps in land administration systems across the region.

The two phases of Training are described in detail in this Training Manual which contains also some supporting documents in the Annexes. Other relevant documents can be obtained from IGAD Member States as well as from the IGAD Land Governance Unit, upon request.

## II. PHASE 1 TRAINING – ONE WEEK TRAINING IN MOMBASA

### 1. Objectives of the Training

The two main objectives of the training were to:

- undertake training of the core Teams from the leading IGAD Member States (Ethiopia, Kenya and Uganda) who developed the SOPs to become effective trainers on SOPs for adaptation by other Member States; and
- enable the core Teams to develop and polish training materials that would be used to train other IGAD Member States to develop and use SOPs.

For details, see the Training Concept Note in Annex 1.

### 2. Approach and Methodology of the Training

The approach used for training was the “Training of Trainers” where the participants are directly involved in developing the training materials, using them to deliver the training, responding to questions raised during the training, revising the training materials (to incorporate feedback received) and making them ready for the next training which they will conduct. The trainers are essentially the local consultants and their land agency counterpart staff who prepared the country SOPs reports as a Team. Those country-based Teams from the 3 lead Member States (Ethiopia, Kenya and Uganda) will prepare the training materials, including power point presentations, which they will use to make presentations at the training as trainers. Guidance to prepare the training materials (including a template) will be provided to the Teams by the regional consultant who will also be available during the training to facilitate the training.

The methodology of the training has the following components:

- preparation of the country SOPs by the local consultants and their land agency staff counterparts;
- consolidation of the country SOPs reports into a regional SOPs report by the regional consultant;
- use of the regional SOPs report by the regional consultant to prepare a Training Manual;
- use of country SOPs by the local consultants and their counterpart land agency staff (as TOTs) to prepare training materials including power point presentations;
- using interactive methods to ensure active participation of the trainees in the learning session; and
- identifying follow-up actions on how trainees can make use of the knowledge and skills acquired to transfer knowledge to other Member States (not present) as trainers including the proposed learning route.

### 3. Pre- Training Activities

The one-week training in Mombasa was preceded by the following activities:

- preparation of the country SOPs by the local consultants and their counterpart land agency staff;
- consolidation of the country SOPs reports into a regional SOPs report by the regional consultant;

- use of the regional SOPs report by a regional consultant to prepare a draft Training Manual; and
- use of country SOPs by the local consultants and their counterpart land agency staff (as TOTs) to prepare training materials including power point presentations for the Mombasa Training

*What are Standard Operating Procedures (SOPs) and what are their benefits?*

Standard operating procedures are written, step-by-step instructions that describe how to perform a routine activity. They enable employees to complete procedures in the exact same way every time so that the business or service can remain consistent. Below are their benefits:

- They save time and money (efficient). Having a standard operating procedure in place streamlines the process so employees can accomplish more in less time. They also make it easy to scale up or down.
- They provide consistency. They ensure that regardless of who is working, business processes are being completed the correct way.
- They facilitate training new employees. They are a great tool for training.
- They improve communication. They make employees' jobs easier because they do not have to guess how to do their jobs or to remember the instructions they received when they were first hired; and
- They allow employees to be held accountable. They make it easy to evaluate employees' performance and to hold them accountable.

*How would a SOP regional framework promote land governance in IGAD?*

A simplified and flexible SOP would bring the following benefits to IGAD Member States, including, using it to:

- reduce the current costly and cumbersome procedures in service delivery.
- facilitate the expansion of service delivery beyond the statutory/modern sector to cover the larger customary and community rural and range lands, and the urban informal settlements, at least in the following services: land dispute resolution; land use planning; organizing communities/land owning groups into legal entities and registering their lands; and valuation of unregistered lands.
- facilitate development of options to integrate or improve coordination and linkages among fragmented land institutions in Member States.
- explore new methodologies, approaches, and appropriate technologies such as fit-for-purpose, valuation of unregistered lands, and computerized LIS/LIMS.
- facilitate knowledge transfer (with a model SOP) among Member States and get the most out of the region's scarce skills within and outside government; and
- facilitate convergence in delivery of land administration and management services thereby helping IGAD meet its mandate of promoting cooperation among Member States through policy harmonization.

To make it effective, there is need to aim for convergence (and not standardization) in the framing of the model/prototype SOP, and to have it more as a framework, with guidelines and regional best practices, and performance targets that Member States should strive to achieve. The vision and principles should be based on those in VGGT and AU F&G but consistent with the IGAD protocol.

In approaching the work, Member States took lead in areas where they are relatively ahead of others so that they can share their experiences with the rest of the Member States. The aim was not only experience sharing and learning, but also to transfer knowledge. The work on developing model SOPs

was based on case studies from Member States to help demonstrate clearly how the SOP in a particular context can lead to improvement of systems and cost efficiency in service delivery. Using the principle that Member States lead in areas where they are relatively ahead of others to enable experience sharing, the following countries developed SOPs in the following areas of land administration:

**Uganda** – Has undertaken business process review, re-engineering and computerization of processes and workflows in land administration from 2009 to 2019. They have also, with assistance of GLTN, prepared and are implementing a Strategy to mainstream gender in their National Land Policy. So, Uganda has taken lead in preparing case studies in the following areas:

- Review, re-engineering, and computerization of SOP in land administration;
- Mainstreaming gender in SOP in land administration; and
- managing expropriation and compensation.

**Kenya** – Has made greatest advances in land use policies, plan preparation and implementation in rural and urban areas; they have also advanced in formalizing and regularizing urban informal settlements, land and property taxation, valuation of unregistered lands and public/state land management. So, in undertaking case studies for model SOPs, Kenya has taken lead in the following areas:

- Land use planning and management;
- Formalization and regularization of rights in urban informal settlements;
- Registration of rural community land rights; and
- Valuation of unregistered lands

**Ethiopia** – Is advanced in documenting/registering land rights at scale, dealing with management of fragmented institutional arrangements, dealing with expropriation and compensation, and securing land rights of pastoralists. So, Ethiopia, has led the case studies in the following areas:

- systematic registration of rural land at scale;
- securing land rights of pastoralists;
- managing fragmented institutional arrangements; and
- managing land disputes.

#### *Support for Preparation of SOPs by the 3 Member States – Ethiopia, Kenya and Uganda*

Preparation of case studies to underpin development of SOPs in land administration was supported by IGAD. As already indicated, SOPs are written, step-by-step instructions that describe how to perform a routine activity. Accordingly, developing the SOPs involved a review of selected key land administration and management services by joint-teams of local consultants and their counterpart land agency staff in 3 IGAD Member States (Ethiopia, Kenya and Uganda) which are leaders in the respective processes that have been standardized. The country-based SOPs reports are available, upon request, in the Member States and at IGAD's Land Governance Secretariat.

The country SOPs, which are intended to be gender-responsive, were consolidated into a regional SOPs report by a regional consultant. A copy of the regional SOPs report is available at IGAD Land Governance Secretariat and will soon be published.

The consolidated regional SOPs report has been used by the regional consultant to prepare this Training Manual to facilitate knowledge transfer among Member States to move their land administration performance toward convergence.

For details on activities that preceded the training session, see the Training Concept Note (Annex 1).

#### 4. Facilitation of the Training

The regional consultant, who guided preparation of country SOPs and consolidated them into the regional SOP report, acted as the facilitator of the training in Mombasa including guiding the country Teams to prepare the training materials and the facilitation of the training session. Facilitation of the training session was aimed at ensuring that the training goes smoothly according to plan and that the training objectives are achieved.

For details on the guidance given by the facilitator to country teams in preparing training materials, see Annex 3. And for details on the role of the facilitator in facilitating the training session, see the Training Program (Annex 2).

#### 5. Trainers and Participants

The core Teams from the 3 leading IGAD Member States (Ethiopia, Kenya and Uganda) which developed the country SOPs will be the trainers during the training session. After a core Team has completed delivering training on the SOPs of its country, it will join and become participants in the training on other countries' SOPs. For example, the trainers on Ethiopian SOPs will become participants during training on Kenyan and Ugandan SOPs and vice versa.

An IGAD Secretariat Team will also participate in the Training Session to support the Training Session but also to learn from the experiences of the training with a view to understating SOPs better and gain skills that will be used to support a follow-up phase of training called Learning Route.

For details including names of the trainers and participants, see the Training Concept Note (Annex 1).

#### 6. Preparation of Background Materials for the Training

The following materials were prepared as background materials for the training by the respective parties:

- country SOPs of the 3 lead IGAD Member States. These were prepared by local consultants hired by IGAD who worked with counterpart country land agency staff, led by Directors, in each of the 3 leading IGAD Member States;
- consolidated country SOPs reports. The consolidation of the country SOPs reports into a regional IGAD SOPs report was done by IGAD's regional consultant; and
- Draft Training Manual. The first draft of the Training Manual was prepared by the regional consultant based on the consolidated regional SOPs report and on the Training Concept Report (see Annex 1).

#### 7. Preparation of Training Materials

The training materials were prepared by country teams of the 3 lead IGAD Member States (Ethiopia, Kenya and Uganda) on SOPs. It was the responsibility of a local consultant for each lead IGAD Member State to lead the preparation of the training materials, with support from counterpart country land agency staff. The training materials included power point presentation (PPTs) slides and other graphics. Their preparation was based on a Guidance provided by the regional consultant.

#### 8. Use of the Training Materials and Power Point Presentations

The training materials including power point presentations (PPTs) are intended to be used as vehicles to convey key messages. To fulfil their purpose, they should be self-explanatory, attractive and as clear

as possible. To ensure that the training materials prepared by all country team presenters were of uniformly good quality across country teams, a Guidance for their preparation was provided by the regional consultant. For details on the preparation of PPTs and other graphics to achieve their goals, see the Guidance in Annex 3.

#### 9. Use of Interactive Methods to Ensure Active Participation

Country Teams were encouraged to use all types of interactive tools available to them to make the training interesting and participatory.

#### 10. Seeking and Responding to Questions and Feedback

As experts who prepared the country SOPs, the country teams were urged to entice the participants to ask questions and to provide feedback with confidence and respect for the participants and the questions asked.

#### 11. Using Feedback to Update Training Materials for Future Use

As the training session provides an opportunity for the trainers (who are also participants) to hone their training skills and polish their training materials, the training session should be treated as a test-run in preparation for the next round of training (the learning route). The overall goal of the training session and subsequent training is to transfer knowledge and craftsmanship in developing SOPs to enable other IGAD Member States to catch up with the leading 3 Member States towards convergence in land governance across the region.

#### 12. Identifying Follow-Up Actions to Ensure Sustainable Knowledge Transfer

All the participants in the training session will become trainers in the next round of training which will aim to transfer knowledge in the development of SOPs from the 3 leading Member States to the other IGAD Member States. Moreover, given that each of the 3 leading Member States developed SOPs for only 3 or 4 of the 11 key land administration and management processes, they should ensure that they master the development of SOPs for the other 7 or 8 land administration and management processes they had not done. In addition to mastering the art of developing the SOPs, they should also ensure that they get training materials from the trainers so that they can use them to transfer knowledge to their office colleagues who did not participate in the training session.



### III. PHASE 2 TRAINING – THE LEARNING ROUTE

#### 1. Objectives of the Learning Route

The main objective of the Learning Route, which is still on-going, is to jointly analyze the step-by-step processes in land administration areas selected, by considering the SOPs, and the main obstacles to and opportunities for improving land administration.

Other objectives are to:

- contribute to the strengthening of a knowledge network on land administration;
- contribute to the consolidation of the regionalization process and convergence in land administration;
- focus on the exchange and learning of good practices and strengthen cross country networks for collective action on land administration.

The expected results of this is that Member States will continually learn from each other and support each other in the quest to improve their land administration systems and hence, move the region to convergence.

The overall outcomes of this Learning Route will be an enhanced understanding of key success factors and obstacles to realising effective land administration, as well as of ways to influence land administration processes more generally for effective service delivery at scale in the IGAD Region

#### 2. Basic Steps in the Design and Implementation of a Learning Route

After defining the basic frame of the Learning Route, it is important to define the overview the general process of this activity. Each stage and their activities are developed according to specific guidelines but also very flexible in responding to the territory and thematic. For the success of the Route there will be continuous communication the different teams involved.

#### GENERAL DIAGRAMM OF THE PROCESS



2.1 Stage 1. To Know: Construction and Organization of Accumulated or Empirical Knowledge by the SOPs Participants from each Country.

*Identification of the Training Needs of the Route's Potential Users.* The aim is to precisely identify the profile of users for the services of each Learning Route, together with the specific demands for training what will be later transformed into learning objectives. Through the review of current documentation, interviews with other Member States who will participate in the learning route is critical to ensure that the experience is targeted to their learning needs.

Priority is given to work with professionals, technicians, partners, and users of the various land administration processes that are subject to the learning route. The design and execution of Routes underscore the heterogeneity of the users of the particular land administration process, attempting to achieve a shared diagnosis and pertinent action strategies which promote policy dialogue and continuous improvement. The next step is to enrich and validate this diagnosis, so they can be worked out during the training.

*Selection of Cases.* Once the specific users are selected, the performances to be strengthened identified, and the main training needs defined, the process of selecting pedagogically relevant cases to be included in the Route as local talent training service providers begins.

The SOPs to be considered part of the Learning Route are the 11 land administration areas listed below.

<b>Country</b>	<b>The SOPs</b>
Uganda	<ul style="list-style-type: none"> <li>• Review, re-engineering and computerization of SOP in land administration</li> <li>• Mainstreaming gender in SOP in land administration</li> <li>• Managing expropriation and compensation.</li> </ul>
Kenya	<ul style="list-style-type: none"> <li>• Land use planning and management.</li> <li>• Formalization and regularization of rights in urban informal settlements.</li> <li>• Registration of rural community land rights.</li> <li>• Valuation of unregistered lands</li> </ul>
Ethiopia	<ul style="list-style-type: none"> <li>• Systematic registration of rural land at scale.</li> <li>• Securing land rights of pastoralists.</li> <li>• Managing fragmented institutional arrangements; and</li> <li>• managing land disputes</li> </ul>

### 2.1.1 Drafting the Case

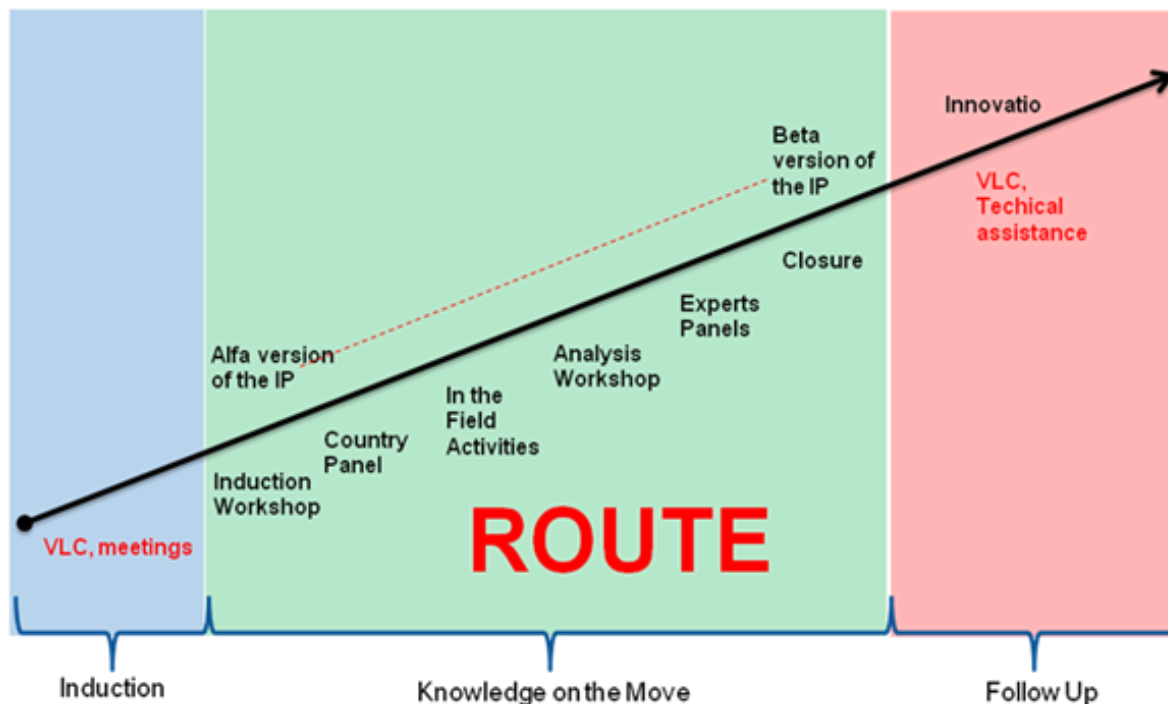
#### a) Introduction

- Identify the key problems and issues in the case study.
- Formulate a statement that summarizes what the SOP is and what mischief in land administration it cures.

#### b) Background

- Set the scene: background information, relevant facts, and the most important issues the SOP addresses.
  - Demonstrate that you researched the problems in this case study or the legal and policy backing for the SOP.
- c) Evaluation of the SOP
- Outline the various pieces of the SOP that you are focusing on/ that is part of this learning.
  - Evaluate these pieces by discussing what was working and what was not working or areas that still needed improvement.
- d) The Solution/Changes
- What were the proposed solutions to the problems identified with the SOP?
  - Explain why a particular solution was chosen over and above the other solutions.
  - Demonstrate the change that has been experienced as a result of applying the specific SOP
- e) Recommendations
- Determine and discuss specific strategies you applied or used in accomplishing the solutions above and if further action is needed, what more are you planning to do?
  - Any advice to the participants of the learning route as to where they can start. What are the pre-conditions necessary for them to make a head start in improving their own land administration process and how can they best apply this SOP in their context?
  - If they choose to replicate/learn from you, what should be done as a first step and who should do it?

## 2.2 Stage 2. To Know How to, Knowledge Enroute



1. *Induction workshop.* This is performed at the beginning of the Learning Route and offers an in-depth look at the approaches, concepts, tools, and experiences that are linked to the issues of the Learning Route, providing a critical reflection of the practices of users, and identifying their needs and expectations. Authorities knowledgeable on the theme participate, presentations relevant to the Learning Route are made, working groups are formed, and open discussions are held.

Comparative experiences from the other countries using their own procedures and processes are discussed with the aim of understanding how best to improve their own systems, identifying learning points and how they will take the learning back to their own countries.

2. *Country Panel.* For each country involved in field activities a short instruction is made by experts, so the case is framed in a larger perspective.

3. *Fieldwork.* Corresponds to the field visits made to the cases previously selected, Representatives of the selected SOPs organize the training services according to the pedagogical considerations of the Learning Routes.

In this way, the principal actors are the land administrators utilizing the specific SOPs and also a representation of beneficiaries of these land services who present their experiences, answer questions, and exchange information pertinent to their activities. In addition, other local actors NGOs, field technicians, municipal authorities, local leaders, financial operators, the private sector, and small entrepreneurs who have collaborated in the implementation of the experience with a particular SOP participate. The purpose is for users to achieve a comprehensive view of the case, identify the factors that have facilitated the processes of innovation, and examine in greater depth the results obtained.

3. *Panel of experts.* Complementing the field work, this is a panel that includes actors from civil society, the public and private sectors, NGOs, academia, thematic specialists, and others with knowledge relevant to the subject. They provide complementary information and answer any technical questions that arise during the learning route.

4. *Workshops for the development of Innovation Plans.* During the Route at least three workshops are carried out which are aimed at facilitating the adaptation of innovative products or services to the reality of users of the Learning Route. For this purpose, the Lead expert of each SOP has a teaching guide which covers the different parts of the trip, how the knowledge during the learning route can be adapted by the participants upon return to their countries and contexts, and how continuous participation as part of the Virtual Learning Community will continue beyond the learning route.

5. *Analysis Workshop.* These workshop aims to review the cases, study their outstanding aspects, and examine the concepts and approaches analyzed and discussed during the Induction Workshop. The activity finishes with conclusions and recommendations on the daily program, focusing on the usefulness of each experience and discussions about the performances of the users of the Route. In addition, a commitment is made to generate recommendations for those who participated in each Route, recommendations drawn from a review of the case conducted at the end of each workday.

6. *Closing Workshop*: The Route concludes with a workshop that discusses the main lessons learned during the Learning Route and the innovations available for adaptation. It provides a collective assessment of the experience and certificates of participation are awarded.

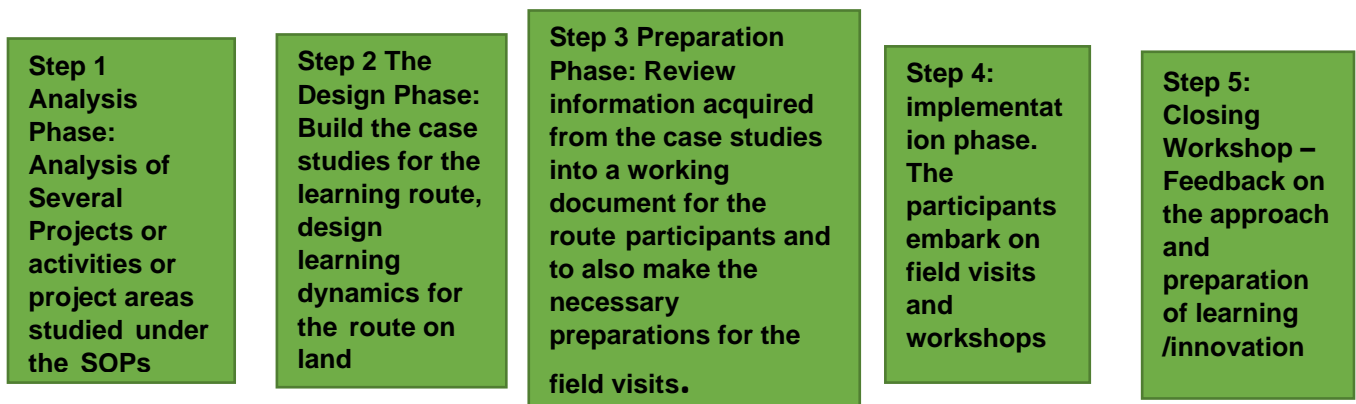
### 2.3 Stage 3. Can Do: Implementing Innovations

1. *Activities to reinforce learning*. With the aim of improving the impact of training at the institutional level, activities will be undertaken to reinforce learning, as well as socialization, and the transfer of contents and the skills acquired. These activities are designed in accordance with the characteristics of each group. All participants in the learning route and participating in the SOP case studies will be involved in the implementation of a Virtual Learning Community (VLC). The continuous virtual learning community will include additional course content to ensure transfer of knowledge and skills over time. An online community of practice will emerge from this VCL.

2. *Innovation Plan Contest*. The design of an Innovative Plan results in improved incorporation of learning by users through an applied exercise and provides a concrete product for the participating institutions. To encourage the process of reflection and dissemination of learning - the development of the plan considers stages of dissemination and validation by the institution. This should be done within the existing institutional budgets and institutional strategies and plans. Where aspirations for funding do exist, then consideration will be given to such ideas and innovation plans

3. *Systematization and dissemination of the results of the Route*. Using a systematic and uniform model for all the Routes, the main lessons generated by each case are presented. In addition, the basic documentation (Log) and complementary information (Documentation Center) of the Route, including the photographic and video record, and the presentations made by participants, and the technical teams will be disseminated by IGAD for continued dissemination and sharing.

### 2.4 Summary of the Methodology



### 3. CASE STUDIES

#### 3.1 Kenya

##### 1. Registration of Communal Land Rights in Kilifi County

###### a) Introduction

Kilifi County is one of the 24 counties with Community land in Kenya. The County is located on the Coastal belt of the Country. It borders the Indian Ocean to the East, Tana River County to the North, Taita -Taveta to the West and Kwale County to the South West.

*Identify the key problems and issues in the case study.*

The registration of Communal land rights in Kenya is guided by the Community Land Act of 2016.

The Act has defined a 'community' as a consciously distinct and organized group of users of Community land who are citizens of Kenya and share any of the following attributes:

- a. common ancestry;
- b. similar culture or unique mode of livelihood;
- c. socio-economic or other similar common interest;
- d. geographical space;
- e. ecological space; or
- f. ethnicity.

Community Land that is not yet registered is held in trust by the County Government for the communities living on the land. This only offers limited utilization of the land by the Community since any investment opportunities have to be brokered by the County Government. In such a scenario political interests of the County Government executives take precedent over the Community interest. Registration of Community Land rights thus offers the Community legal recognition and protection of the land. The Community also takes full responsibility of the utilization and management of the land. This case focuses on the activities that have been undertaken towards the registration of Community land in Kilifi County.

The standard operating procedure for the registration of Communal land rights in Kilifi County is intended to provide a step by step instruction to guide the process of recognizing communities as legal entities as well as the registration of their community land through the issuance of certificates of Title to the land. This registration then empowers the communities to take full charge of the day to day management of their land.

The registration also cures the possible mischief by the County Government to utilize the land for the benefit of the County Government executive. This is likely to happen when the County Government enters into investment partnerships with investors on behalf of the Community.

###### b) Background

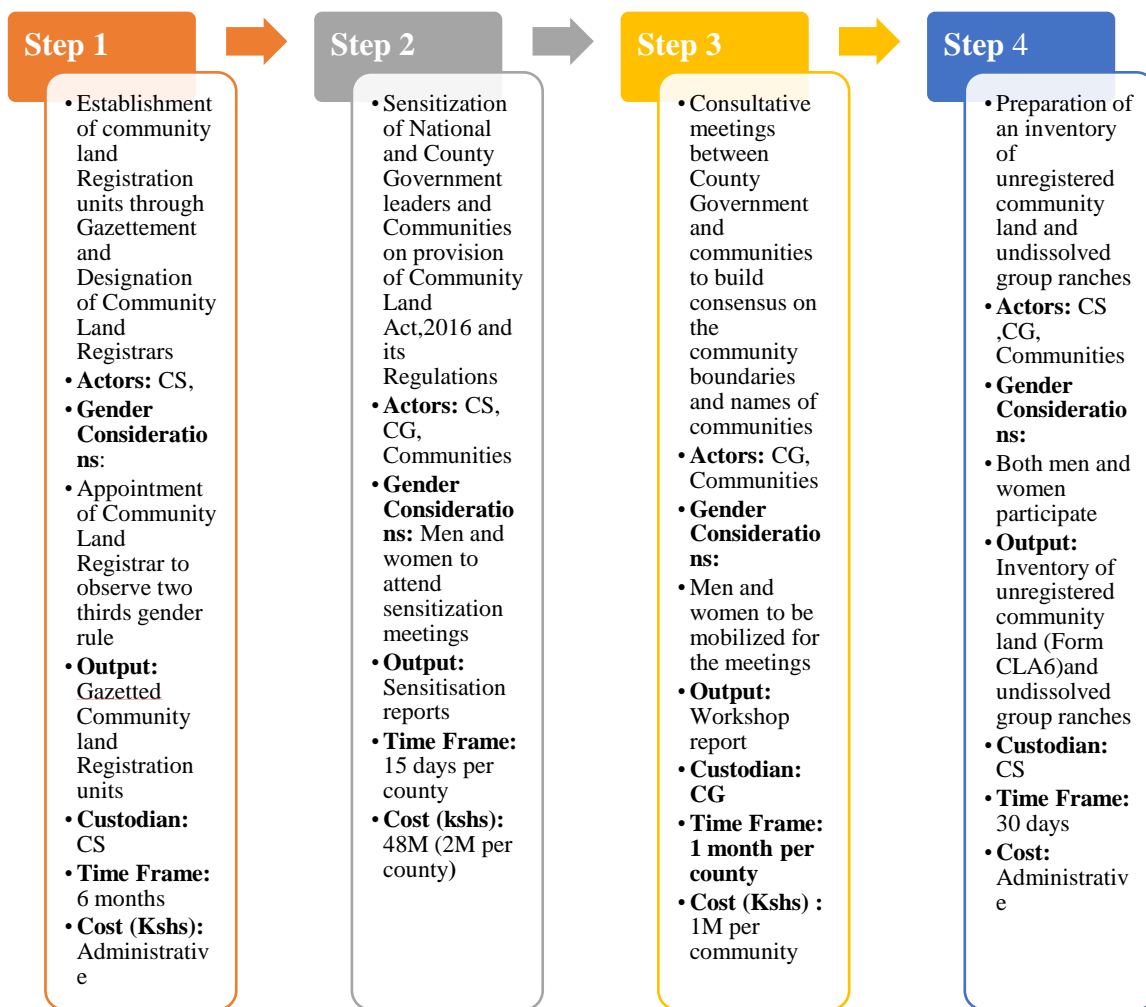
Kilifi County is made up of seven sub counties, namely Ganzo, Kaloleni, Kilifi North, Kilifi South, Magharini, Malindi and Rabai.

The standard operating procedures (SOP) for the registration of Communal land rights in Kenya are guided by the Community Land Act, 2016 together with the Community Land Act Regulations. These processes have been highlighted below:

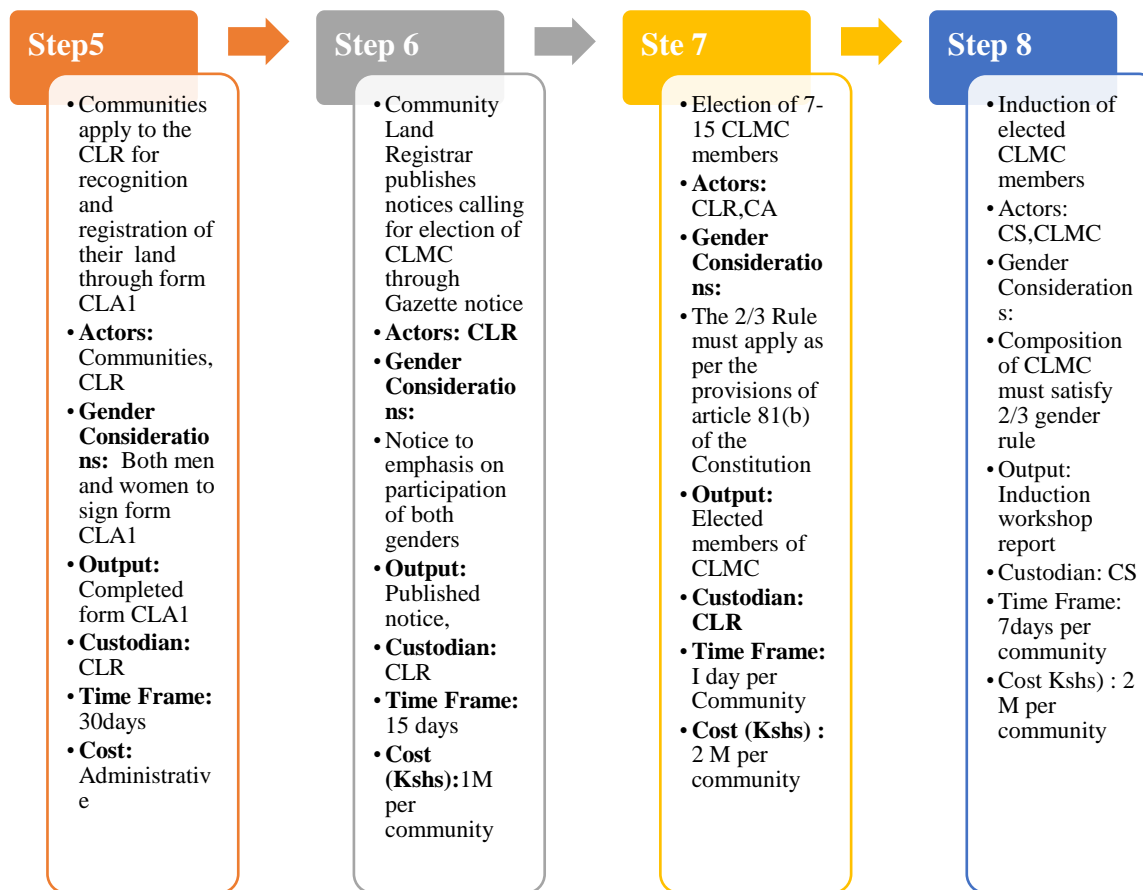
- a. Declaration of community land registration units by the CS.

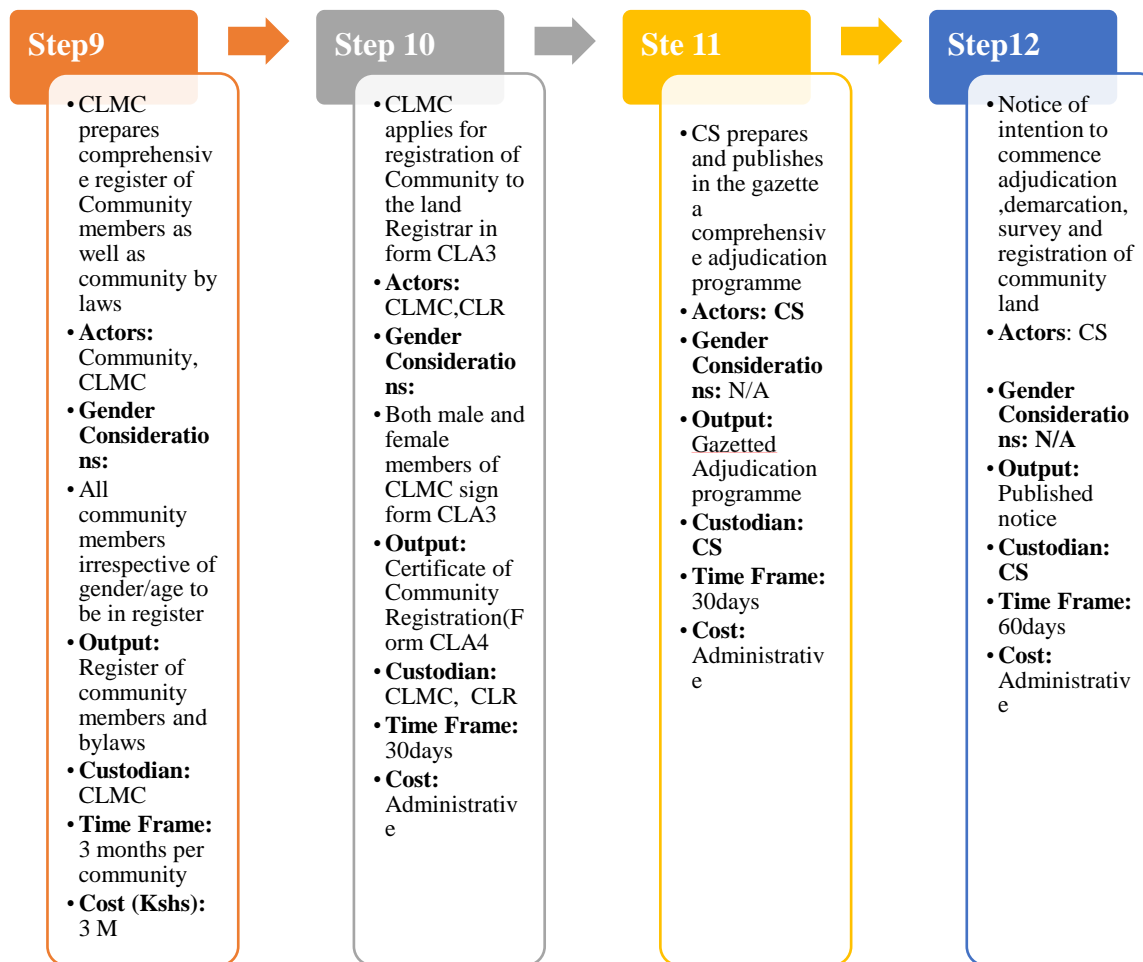
- b. Sensitization of National and County Government leaders as well as the communities on the provisions of the Community Land Act and its regulations
  - c. CS receives an inventory of unregistered community land through form CLA 6 from the County Government
  - d. CS requests for confirmation of consultation and or consensus between the County Government and the communities on the inventory
  - e. Community applies for recognition and registration of the Community land rights to the Community Land Registrar
  - f. Community Assembly(CA) holds an election to appoint its Community Land Management Committee CLMC)
  - g. CS inducts the CLMC on its mandate as per the CLA
  - h. CLMC prepares a comprehensive register of all the Community members as well as by-laws
  - i. CLMC applies for registration of the Community as a cooperate body
  - j. Community issued with e a certificate of registration of the community
  - k. CS prepares and publishes in the gazette a comprehensive adjudication programme-
  - l. CS Issue notice of intention to commence adjudication ,demarcation, survey and registration of community land
  - m. Resolution of community land boundary disputes
  - n. Preparation of Cadastral map of the Community land to support registration (Excludes public land /public purpose land/private land)
  - o. Registration of Community land through issuance of certificate of Title to the Community by the Community Land Registrar
- c) Evaluation of the SOP

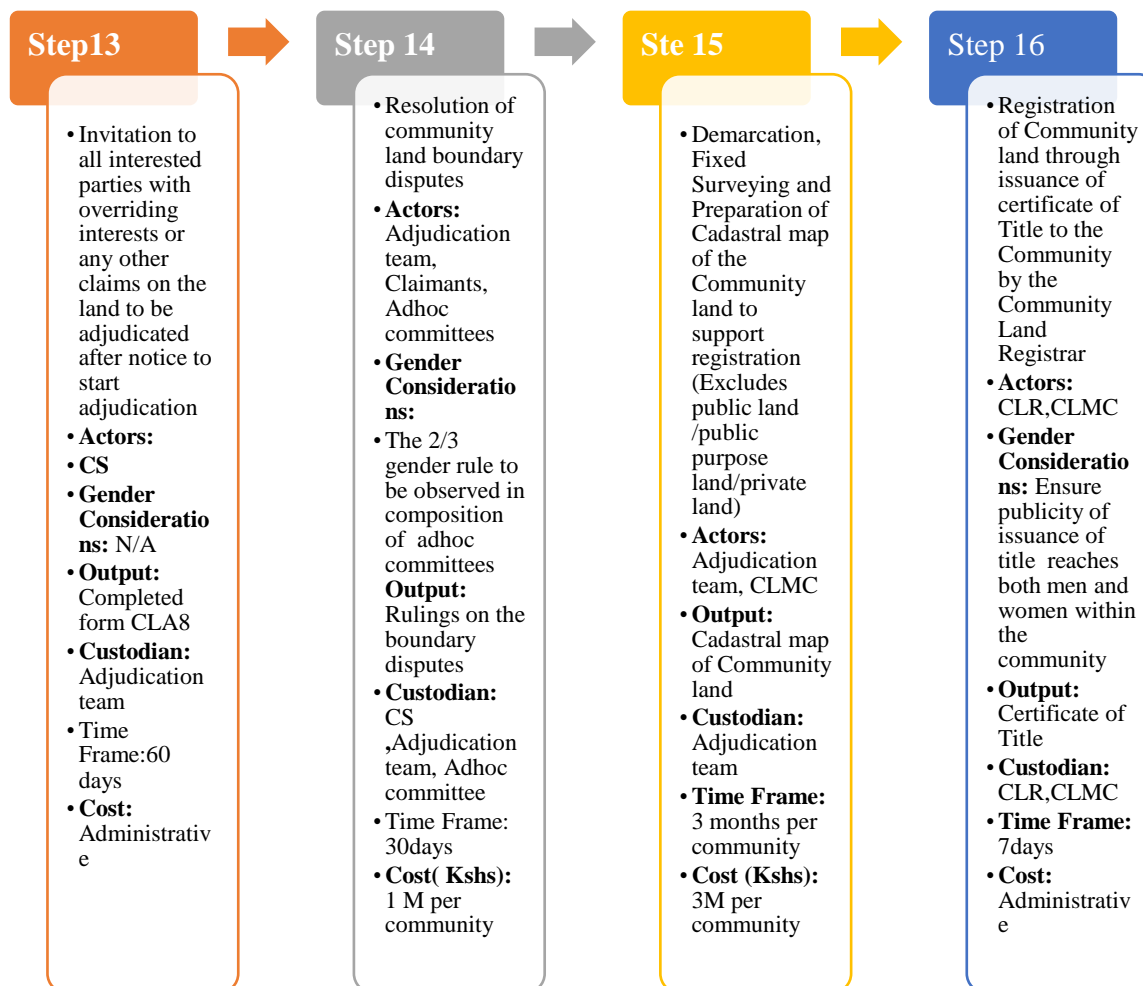
### **SOP SCHEMATIC DIAGRAM**











- ❖ Kilifi County was gazetted as a Community Land Registration unit by the Cabinet Secretary, Ministry of Lands and Physical Planning through a Gazette notice. This was an Administrative action and did not meet any challenges.
- ❖ The CS also prepared an inventory of undissolved group ranches in the County. These are required by law to transit to Community land as per the provisions of the CLA, The undissolved group ranches in the County are indicated in the table below:

S/NO	Name of Group Ranch	Sub County Found
1	Weru	Malindi
2	Biryaa	Ganze
3	Dola	Ganze
4	Mnagoni	Ganze

5	Mapotea	Ganze
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- ❖ An initial sensitisation of the National and County Government leaders as well as the Communities in the County was undertaken by the MoLPP in all the sub counties of the County from 10th to 14th of February, 2020. This did not reach all the intended community members at the grassroots most of whom are living at the village and not the Sub county level.
- ❖ A further sensitization of the Kilifi County Government officers in charge of land matters as well as the Local political leadership was undertaken from 2<sup>nd</sup> to 4<sup>th</sup> December, 2020. They were taken through the process of preparation of the Inventory of Community Land in the County
- ❖ Thereafter the CG prepared a very comprehensive inventory of all the 21 communities in the County (See table below)

S/No.	Community	Location
1.	Gede/Mitangani	Mitangani Location
2.	Mirihini/Ndigiria	Ndigiria Location
3.	Dungicha	Dungicha Location
4.	Mwambani	Ndigiria Location
5.	Nambani	Mtsara wa Tsatsu Location
6.	Keresu	Mtsara wa Tsatsu Location
7.	Chamari	Chamari Location
8.	Kori	Bungale Location
9.	Dakacha	Bungale Location
10.	Bisaathi	Bungale Location
11.	Dera	Chamari Location
12.	Kanyumbuni	Marafa Location
13.	Viriko	Marafa Location
14.	Lafithi	Marafa Location
15.	Kibaoni	Marafa Location
16.	Baraka	Marafa Location
17.	Bore Koromi	Garashi Location
18.	Mapotea	Dagamra Location
19.	Mkwajuni	Dagamra Location
20.	Manjewa	Dagamra Location
21.	Dhololo	Dagamra Location

- ❖ A further targeted sensitization for the Gede/Mitangani Community that was selected to pioneer the Registration of community land in the County was carried out from 30<sup>th</sup> March, 2022 to 1<sup>st</sup> April, 2022. This covered all the villages in the Gede/Mitangani Administrative Location

- ❖ Fifteen members of the Community then filled Form CLA1 to apply for the recognition of their land and took it to the Community Land Registrar in Kilifi County Headquarters
- ❖ The CLR published a notice on 14<sup>th</sup> April calling for election of CLMC.
- ❖ The election took place on 29<sup>th</sup> April, 2022 and was presided by the Community Land Registrar. This complied with the legal requirement of at least 15days notice for the meeting
- ❖ The Community elected 15 members of the CLMC
- ❖ The MoLPP is currently making arrangements to induct members of the elected CLMC to enable them undertake their mandate.

d) The Solution/Changes

- ❖ The conducting of targeted sensitisation for the Community Scheduled to start the process was crucial in the success of the exercise. This is because the initial exercise that was limited to the Sub county level did not reach the intended communities at the grassroots (village) level.
- ❖ The SOP is still under the initial stages of implementation

e) Recommendations

- ❖ This SOP is applicable where communities utilise land on communal basis and where communal ownerships is desired. This can best be applied for communities practising pastoralism, hunters /gatherers.
- ❖ The first step should be the formulation of legal and institutional framework to guide the recognition and registration of the communal land rights

## 2. National Spatial Plan 2015- 2045

### a) Introduction

The Constitution of Kenya apportions responsibility of planning to both National and County Governments. Under the Fourth Schedule on distribution of functions Part 1 (21) and (32), the National Government is charged with the responsibility of formulating general principles of land planning, co-ordination of planning by the Counties, capacity building and technical assistance to the Counties. On the other hand, Part 2(8) allocates the function of county planning and development to County Governments.

The Ministry of Lands and Physical Planning is charged with the responsibility of formulating general principles of land planning. In this respect, the State Department for Physical Planning of the Ministry prepared the National Spatial Plan (NSP), which sets out policies and strategies to guide the spatial development of the country for a period of 30 years (2015- 2045). The Plan is an important milestone not only for the Ministry but also for the country having been identified as a flagship project under the Kenya Vision 2030 as one of the foundations for the country's socio - economic transformation.

The National Spatial Plan covers the entire territory of Kenya and defines the general trend and direction of spatial development for the country. It aims at achieving an organized, integrated,

sustainable and balanced development of the country by providing a framework for better national organization and linkages between different activities within the national space. The plan provides a coordinating framework for development with the aim of addressing the disconnect between spatial and economic planning and proposes development across the Country based on each region's unique characteristics and potential.

The NSP provides strategies and policies to facilitate sustainable exploitation of the huge potentials the country possesses for agriculture, tourism, energy, water, fishing and forestry. It is expected to reduce regional inequalities that have existed by ensuring that these regions are no longer perceived as low potential but as differently endowed.

Kenya as a country has grappled with key developmental challenges in spite of the abundant and diverse resource endowment. These challenges have been exacerbated by sectoral approach to development programmes and initiatives. NSP recommends strategies to enhance the national economic niche and mitigate negative impacts. Among the challenges addressed by the plan are: regional imbalances, unguided urbanization, massive land fragmentation and diminishing rich agricultural land, encroachment into fragile ecosystems and un-tapped and under-utilized resources.

#### b) Background

NSP covers the entire territory of Kenya measuring approximately 582,646 km<sup>2</sup> including 142,400 km<sup>2</sup> of the exclusive economic zone (EEZ). It aims to address fundamental development issues including uncoordinated human settlement, disjointed sectorial policies, spontaneous urban and rural development, economic development disparities, unsustainable use of natural environment, regional resource imbalance and under development and inefficient transport and infrastructure framework.

Figure 1: Existing Situation without NSP



The expected outcomes of NSP include enhanced global competitiveness, economic efficiency, optimal utilization of land and natural resources, balanced regional development, management of human settlements (livable and functional settlements) and protection and conservation of environment.

The major land use areas envisaged in the National Spatial Structure include high, medium and rangeland potential agricultural areas; establishment of metropolitan, national, regional and urban growth areas; protected and conservation areas; and integrated transportation networks

The national spatial plan is the basis for preparation of regional and county spatial plans, local physical and land use development plans and sectoral plans and policies.

The SOP for NSP aims to provide standard instructions on how to prepare the national spatial framework.

The SOP for NSP is guided by an elaborate Constitutional, policy and legal framework

## **Constitutional Basis**

The Constitution describes the territory of Kenya, which defines the geographical scope of NSP. The supreme law outlines national values and principles of governance under Article 10 that guides all activities including making and implementing public policy decisions. Key among the values and principles that impact on the NSP are social justice, inclusiveness, protection of the marginalized persons and attainment of sustainable development. The Constitution also outlines principles of land policy under Article 60. These include equitable, sustainable and productive management of land resources. Under Article 66, the State is given powers to regulate use of any land and property in the interest of land use planning among other reasons.

## **Policy Context**

### **The Sessional Paper No. 10 of 2012 on Kenya Vision 2030**

Kenya Vision 2030 is the overarching national development framework which all plans should be aligned to. The preparation of all physical and land use development plans should take cognizance of the aspirations, foundations and development concepts of the vision. The preparation of the first National Spatial Plan is identified in Kenya Vision 2030 as a flagship project and is regarded as one of the foundations for socio-economic transformation.

### **Sessional Paper No. 3 of 2009 on National Land Policy (*Under Revision*)**

The policy sets out the goals and direction for the administration and management of land and sets out measures and guidelines to be adopted to achieve optimal utilization and management of land. It requires actualization of physical and land use development frameworks for orderly management of human activities. It further provides for principles of land policy namely; equity, non-discrimination, security of land rights, sustainable use of land use resources, transparent land administration and use of ADR.

### **Policy for Sustainable Development of Northern Kenya and other Arid Lands – Sessional Paper No. 8 of 2012**

The policy was prepared to align the development of these areas with the aspirations of Kenya Vision 2030. Its formulation was premised on the fact that in order to achieve the Vision and other international commitments such as the Millennium Development Goals (MDGs), there is need to deal with regional inequalities and to give the marginalized areas of the country some fresh impetus for growth.

## **Legal Context**

### **The Physical Planning Act Cap 286 (repealed)**

This was the framework law that guided physical planning in Kenya during the preparation of NSP. It provided for formulation of National physical planning policies, guidelines and standards. The Act provided for administration, types, content, process and approval of the various types of physical development plans.

### **The County Governments Act, 2012**



This statute mandates County Governments to carry out the planning function at the County level.

**The Urban Areas and Cities (Amendment) Act, 2019**

The statute provides for classification of urban areas and cities, their governance and management, and for integrated development planning.

**The Environmental Management and Coordination (Amendment) Act, 2015**

The Act provides for the establishment of an appropriate legal and institutional framework for the management of the environment as well as guidelines relating to environmental management and prevention or abatement of environmental degradation.

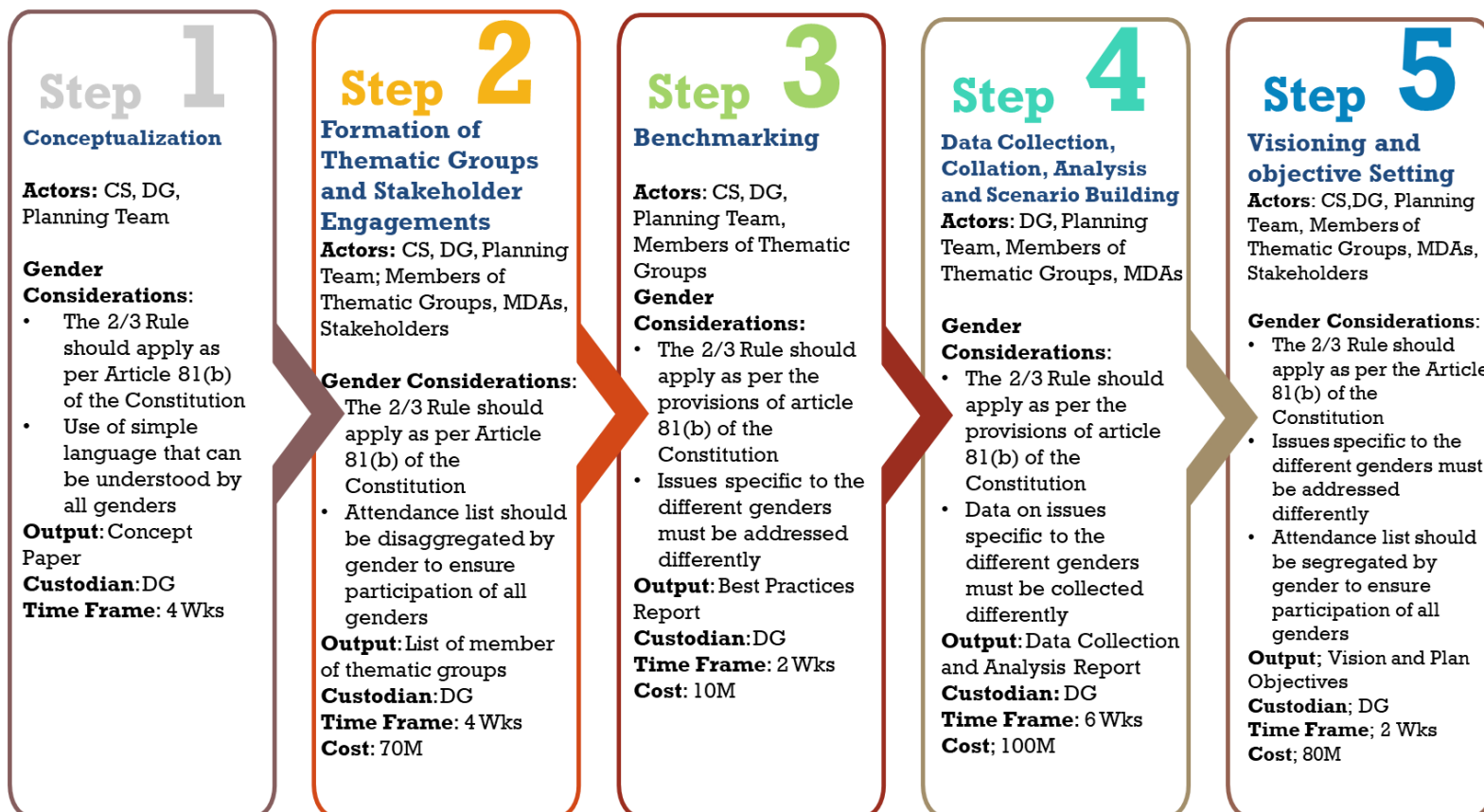
**The National Land Commission Act, 2012**

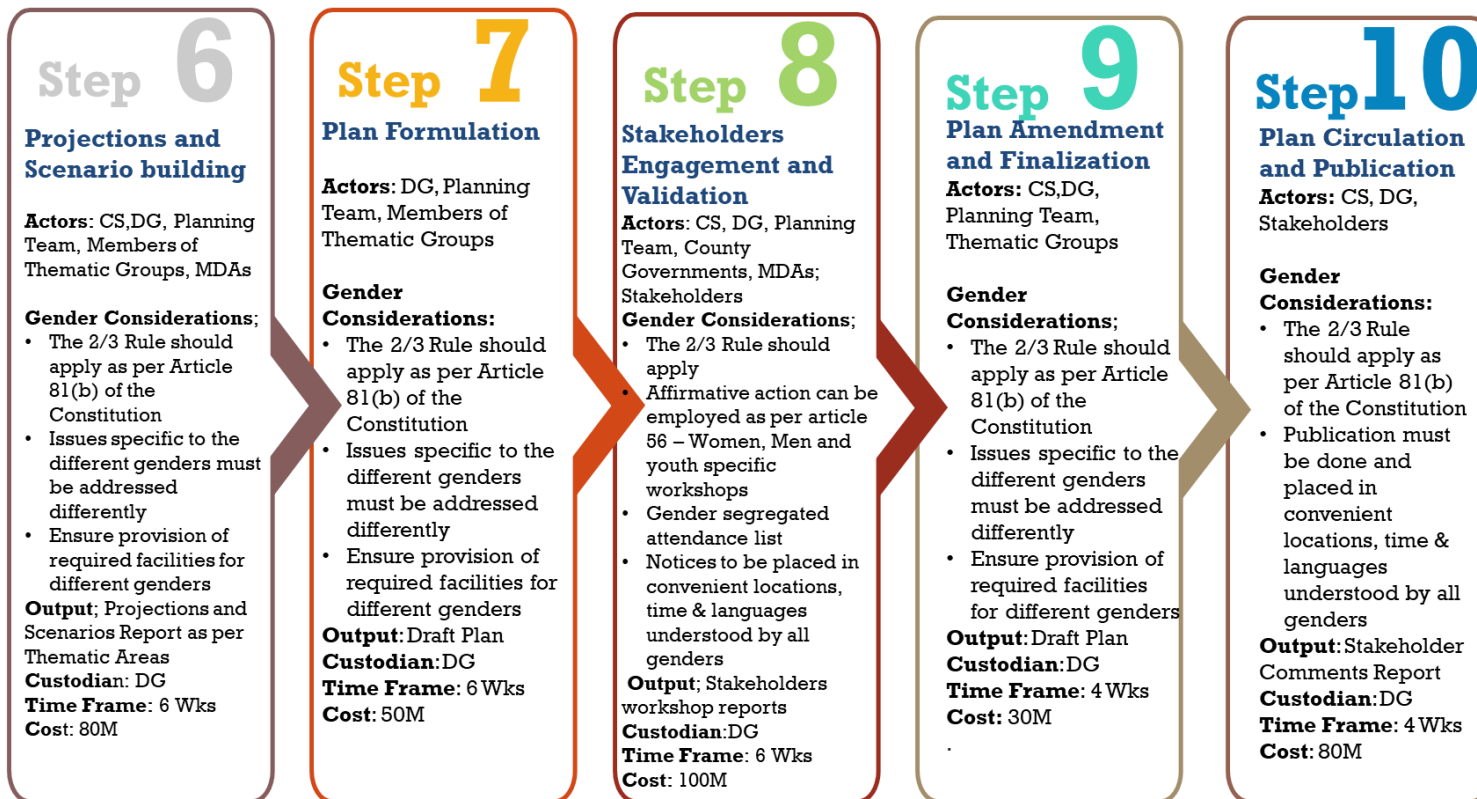
It gives the National Land Commission the management and administration of public land on behalf of the National and County Government, and to monitor and oversight land use planning in the country.

**The Land Act, 2012**

The Act provides for sustainable administration and management of land and land based resources.

c) Evaluation of the SOP





## Step 11

### Plan Approval

**Actors:** CS, DG, Planning Team, Parliament

**Gender Considerations:** Nil  
**Output:** Approved Plan  
**Custodian:** DG  
**Time Frame:** 2Wks  
**Cost:** 40M

## Step 12

### Plan Launching and Implementation

**Actors:** CS, DG, Planning Team, Thematic Groups, MDAs, Stakeholders

**Gender Considerations:**

- The 2/3 Rule should apply Affirmative action can be employed as per article 56 – Women, Men and youth specific launching sessions
- Gender segregated attendance list

**Output:** Launch Reports  
**Custodian:** DG  
**Time Frame:** 2 Wks  
**Cost:** 50M

## Step 13

### Plan Review/Monitoring and Evaluation

**Actors:** DG, NLC; Implementation Committees

**Gender Considerations;**

- Ensure monitoring of implementation of various gender specific issues
- Publication must be done and placed in convenient locations, time & languages understood by all genders

**Output;** Reviewed Plans; M&E Reports  
**Custodian;** DG, NLC; Implementation Committees  
**Time Frame:** After 5 Years  
**Cost:** -

Evaluate these pieces by discussing what was working and what was not working or areas that still needed improvement.

<b>Step</b>	<b>What Worked</b>	<b>What did not Work</b>	<b>Areas of Improvement</b>
Conceptualization	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule</li> </ul>	<ul style="list-style-type: none"> <li>• Time planned for the activity</li> <li>• Gender intersectionality in the process</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of gender issues (intersectionality) when developing the work plan, planning for working sessions and budgeting for preparation of the plan</li> </ul>
Formation of Thematic Groups and Stakeholder Engagements	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule</li> </ul>	<ul style="list-style-type: none"> <li>• Time planned for the activity</li> <li>• Gender intersectionality in the process</li> </ul>	<ul style="list-style-type: none"> <li>• Gender disaggregated attendance list</li> <li>• Gender-based budget</li> <li>• Include gender focal persons in every thematic group</li> </ul>
Benchmarking	<ul style="list-style-type: none"> <li>• Desktop studies</li> </ul>	<ul style="list-style-type: none"> <li>• Physical benchmarking tours</li> <li>• Consideration of issues specific to different genders</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of how the land use practices affect different genders</li> </ul>
Projections and Scenario building	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule</li> <li>• Clustering of the country to ensure equity in engagements</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of gender issues</li> </ul>	<ul style="list-style-type: none"> <li>• Incorporation of gender considerations</li> </ul>
Visioning and objective Setting	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule</li> </ul>	<ul style="list-style-type: none"> <li>• Disaggregation of gender in attendance list</li> <li>• Collection of vision statements from different gender</li> <li>• Lack of gender oriented objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Gender disaggregation of attendance lists</li> <li>• Careful consideration of intersectionality of gender when convening the visioning sessions</li> <li>• Formulate objectives of the plan with gender in mind</li> </ul>

<b>Step</b>	<b>What Worked</b>	<b>What did not Work</b>	<b>Areas of Improvement</b>
Data Collection, Collation, Analysis and Scenario Building	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule</li> <li>• Clustering of the country</li> </ul>	Land of consideration of gender issues with regard to primary data collection –time, place and mode of collection	<ul style="list-style-type: none"> <li>• Design of data collection tools and determination of data collection methods with gender issues in mind</li> </ul>
Plan Formulation	<ul style="list-style-type: none"> <li>• Holding several work sessions out of the office to ensure total concentration on the work</li> </ul>	<ul style="list-style-type: none"> <li>• Careful consideration of gender issues in informing proposals</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of gender issues in making proposals and spreading the working sessions to formulate the plan proposals</li> </ul>
Stakeholders Engagement and Validation	<ul style="list-style-type: none"> <li>• Consideration of the 2/3 gender rule in constitution list of participants</li> <li>• Clustering the engagements across the country to save on time</li> </ul>	<ul style="list-style-type: none"> <li>• Disaggregation of gender in attendance list</li> <li>• Collection of views by women, youth and men separately</li> </ul>	<ul style="list-style-type: none"> <li>• Disaggregation of gender when validating the draft plan</li> </ul>
Plan Amendment and Finalization of the Plan	2/3 gender rule in constitution of the planning team	Inadequate consideration of the facilities specific to each gender during work sessions	Consideration of views presented by the two genders
Plan Circulation and Publication	Publication of the plan as per the law	Consideration of gender intersectionality – target audience, location of the notices, language and mode of publication	Consider the needs of the two gender and access to the notices
Plan Approval	Approval as per the law	-	-
Plan Launching and Implementation	2/3 gender rule in constituting the list of participants	<ul style="list-style-type: none"> <li>• Inadequate consideration of timing and location of the launch in view of the two genders</li> <li>• Lack of gender disaggregated attendance lists</li> </ul>	Consider the needs of the two gender when selecting date, venue and time of the launch

Step	What Worked	What did not Work	Areas of Improvement
Plan Monitoring and Evaluation	Periodical monitoring of the plan is ongoing	<ul style="list-style-type: none"> <li>Incorporation of gender specific issues</li> <li>Gender sensitivity of the monitoring reports</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of gender specific issues</li> <li>Public notices for M7E should be sensitive to gender issues in terms of location, time, language and mode of communication</li> </ul>

d) The Solution/Changes

- There is need to mainstream gender issues in the preparation of NSP and other Physical and Land Use Development Plans; and
- The need to appoint gender focal persons during the preparation of the plan

Formulation and dissemination of the NSP to Sectors has resulted to coordinated development and project implementation in the Country. The implementation of the plan was incorporated in Medium Term Plan (MTP) III (2018- 2022) where all sectors were supposed to base their projects on the plan.

e) Recommendations

This SOP is applicable where member States want to prepare their national physical and land use development frameworks.

The first step should be the review of the legal and institutional framework to provide for preparation and implementation of the National Spatial Plan.

**Annex**

**1. Stage I: Actors for Knowledge Enroute**

Preparation and implementation of NSP

Professionals	Partners	Users
Physical Planners Economists	FAO, WWF, Non-State Actors, Civil Society Organizations	County Governments Sectors Physical Planners National Treasury

**2. Stage II: To know How to, Knowledge Enroute**

Relevant Authorities	Stakeholders
• Cabinet Secretary-MoLPP	• NLC

<ul style="list-style-type: none"><li>• PS, Physical Planning</li><li>• Chairperson-NLC</li><li>• National Director of Physical Planning</li><li>• HOD's-MoLPP</li></ul>	<ul style="list-style-type: none"><li>• MDAs</li><li>• National Treasury</li></ul>
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### 3. Regularisation of Informal Settlements - Kisumu Ndogo Settlement in Mombasa County

#### a) Introduction

Globally, statistics indicate that informal settlements hosts around 25% of the world's population, In Africa, it is estimated to be 61.7%. In Kenya, 60% of the city's population already live in developments exhibiting informal settlements characteristics.

Rapid urbanization, poor management, and absence of planning has left Kenya's urban areas with huge backlogs in critical infrastructure and basic services, and led to the emergence of sprawling, overcrowded, and impoverished informal settlements. It is widely acknowledged that a significant proportion of urban residents live in these under-served informal settlements.

This case focuses on Kisumu Ndogo Informal Settlement in Mombasa County, Kenya. The settlement which measures approximately 5.99Ha has a population density of 500 persons per hectare, existing developments that have occurred without adequate provision of physical infrastructure, which posed a challenge in planning and allocating land to beneficiaries. This limited the conventional planning of Kisumu Ndogo settlement due to the aforementioned unique characteristics.

Kenya as a country lacks a clear policy framework to guide formalization and regularization of rights in urban informal settlements and slums. Kenya Informal Settlement Improvement Project (KISIP) is aimed at enhancing security of tenure in informal settlements through planning and surveying. The process of regularization is achieved through community mobilization and sensitization, identification and delineation of settlement boundaries, preparation of digital base maps and Local Physical Development Plans (LPDPs), and finally issuance of letters of regularization/allotment to individuals/groups in the informal settlement.

The standard operating procedure for the Kenya Informal Settlement Improvement Project (KISIP) intended to provide a step by step instruction to guide the formalization and regularization of tenure for squatters in urban informal settlements on public land through participatory planning and upgrading of infrastructure and services.

#### b) Background

Kisumu Ndogo settlement is strategically located 5 km from the city centre of Mombasa within Nyali Subcounty in Kongowea Ward. It borders Maweni Secondary School to the North, Shauri Yako Settlement to the East, and Mnazi-Moja to the South. The settlement measures approximately 5.99Ha and is home to approximately 3,000 people.

The key issues in regularization of rights in Kisumu Ndogo Informal Settlement were; the size of the settlement vis a vis the number of residents and existing developments. Preparation of the LPDP for the Settlement was guided by adoptive and incremental planning concepts due to the high densities in the settlement and the requirement by World Bank for minimization of displacement of project affected persons. The communities generally envisaged that the LPDP would foster secure tenure and subsequently set a foundation for improved livelihoods through infrastructure provision in their settlements. The main planning concerns were possible displacement or disruption to people and

their livelihoods, the rigidity of existing planning standards and the community's preference for individual titles over communal or block titles regardless of plot sizes.

The final LPDP was prepared through special planning standards based on the unique character of the settlement. The plan was accepted by the local community, adopted by the county planning department, certified by the National Director of Physical Planning and finally approved by the Cabinet Secretary for Lands.

The surveying process entailed local demarcation of existing parcels, development of new survey plans, and amendment of RIMs by the Director of Surveys and beaconing of parcels as per the approved LPDP. An Environmental and Social screening was also conducted to determine the environmental and social impacts of the project. This culminated to the preparation of Resettlement Action Plan indicating the Project Affected Persons and outlining the compensation and valuation matrix for each settlement.

#### *Policy and legal framework for KISIP*

#### **The Constitution of Kenya 2010**

- Article 59 establishes a Kenya National Human Rights and Equality Commission and assigns it the role of promotion of gender equality and equity and general coordination and facilitation of gender mainstreaming in national development.
- Article 60 on principles of Land Policy states that; (1) Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable. Among other things the Article provides for equitable access to land and elimination of gender discrimination in laws, customs and practices related to land and property.

#### **The Land Act, 2012**

The Act seeks to implement the provisions of the Constitution and the Sessional Paper No. 3 of 2009 on the National Land Policy in the following areas.

- Section 4(2) (f) state officers and public officers in the discharge of their functions should adhere to the values and principles of eliminating gender discrimination in law, customs and practices related to land and property in land'Section 5(2) provides for equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems.
- Section 12(1b) on allocation of public land provides for confining some applications to targeted groups of persons to improve their disadvantaged position.
- Section 79(3) advocates for spousal consent in land related matters by stipulating that a charge of a matrimonial home, shall be valid only if any document or form used in applying for such a charge, or used to grant the charge, is executed by the chargor and any spouse of the charger living in that matrimonial home, or there is evidence from the document that it has been assented to by all such persons; and
- Section 134(4) (f) of the Act promotes involvement of women in land related matters by providing for nomination of women's representative in settlement scheme programmes. The women are

nominated by a local women's organization prescribed by the County Government.

### **Community Land Act, 2016**

- Section (4) requires that the registered community, when considering the application shall have regard to; (c) equality of all persons including; (i) equal treatment of applications for women and men; and (ii) non-discrimination of any person on the basis of gender, disability, minority, culture or marital Status.
- Section 30 Provides that (1) Every member of the community has the right to equal benefit from community land where equity includes full and equal enjoyment of rights of use and access (3) Women, men, youth, minority, persons with disabilities and marginalized groups have the right to equal treatment in all dealings in community land (4) that 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.

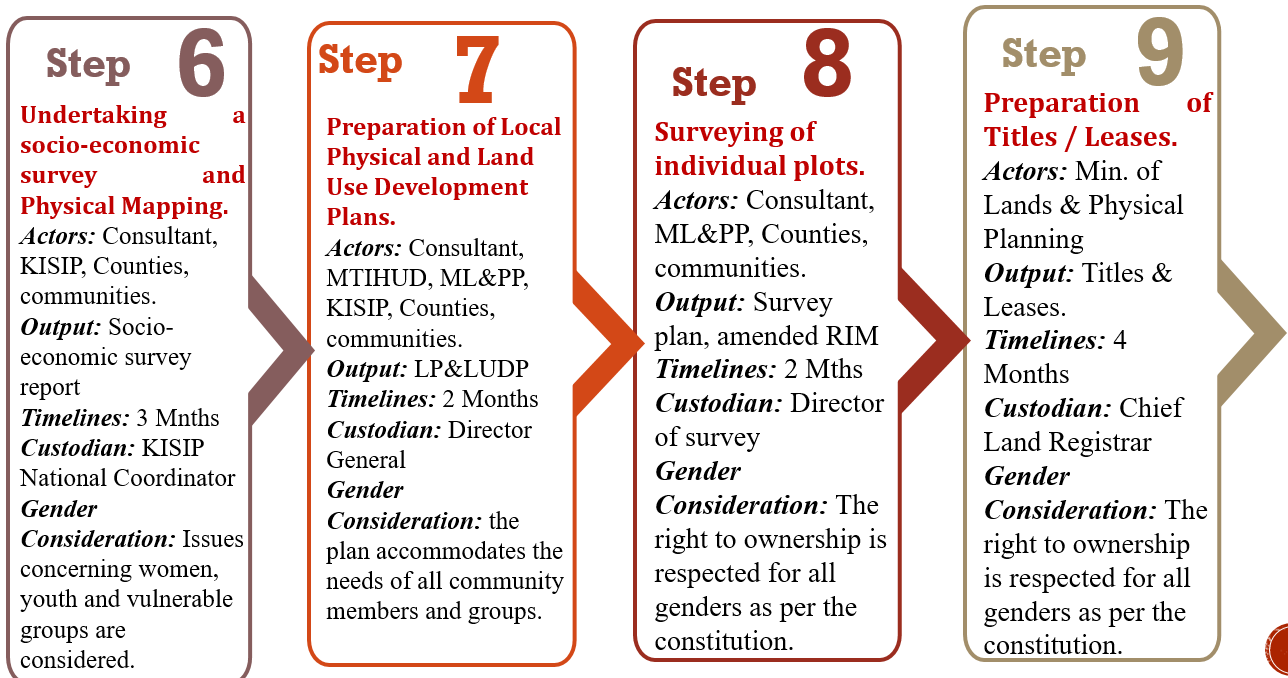
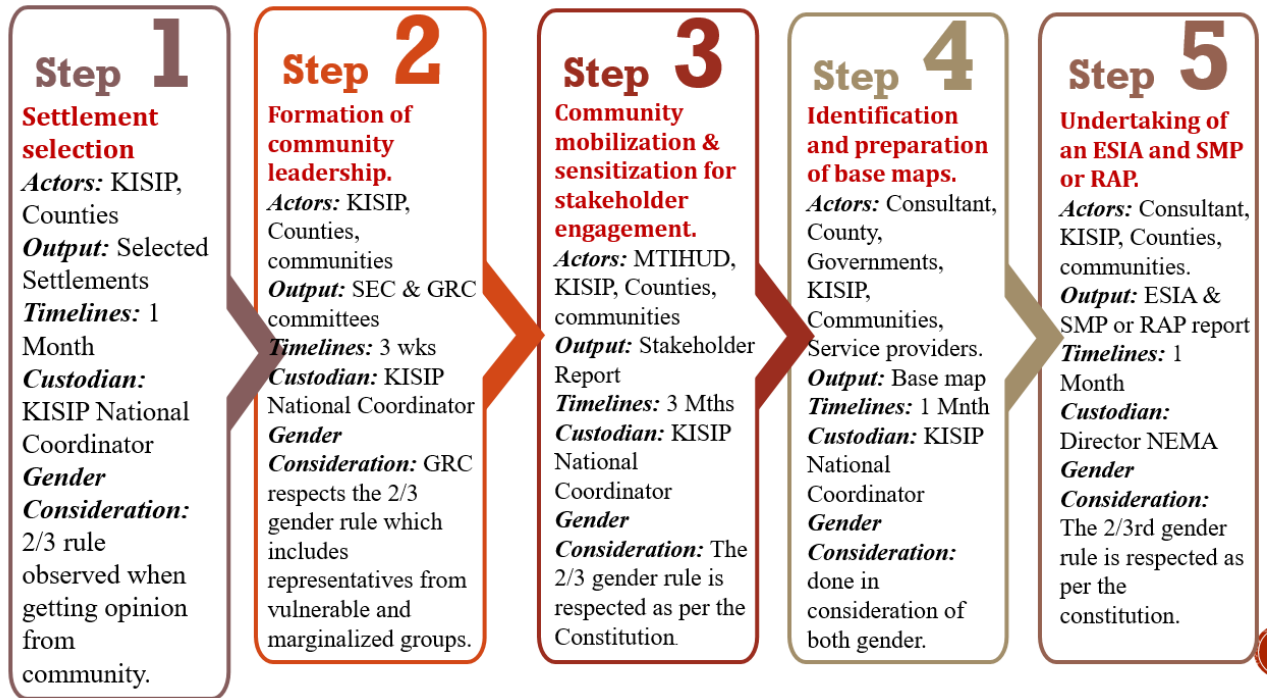
### **The National Land Policy**

The Policy makes the following observations and recommendations in respect of gender and women land rights;

- Paragraph 39(h) promotes the Protection of human rights for all, especially the rights of women with respect to access to and ownership of land rights,
- Paragraph 171 identifies women land rights as a key land-related issue which requires special intervention, 183(e) promotes the protection and recognition of women land rights in pastoral areas,
- Paragraph 222 states that few women have land registered in their names and lack of financial resources, which restricts their entry into the land market. Moreover, International Conventions on women's rights relevant to women's land rights ratified by the Government of Kenya have not sufficiently been translated into policies or laws,
- Paragraph 223 requires the Government to do the following among others to protect the rights of women; (i) Enact appropriate legislation to ensure effective protection of women's rights to land and related resources.

c) Evaluation of the SOP

# SOP FOR FORMALIZATION AND REGULARIZATION OF RIGHTS IN URBAN INFORMAL SETTLEMENTS



## Detailed Process of Tenure Regularization in Urban Informal

### 1. Settlement verification and selection

Out of the proposed settlements submitted by Counties, KISIP carries out a verification exercise guided by a formulated settlement selection criteria to select qualifying settlements as per the selection criteria by KISIP.

### 2. Formation of community leadership

The Settlement executive committees (SEC) and Grievance redress committees (GRC) are elected by the community members to acts as the entry point of the consultant and any other stakeholders to the settlement as a representation of the entire community. The committees have representation of all categories of people from structure owners, tenants, people living with disability, widows, youth and vulnerable groups.

### 3. Community mobilization and sensitization for stakeholder engagement

The beneficiary communities are sensitized on the slum improvement program and in particular the land tenure regularization. The facilitators ensure that the communities understand and articulate an envisioned future growth of their settlement. All outputs of the planning and surveying process including the list of beneficiaries and planning proposals should be presented and approved by the communities.

### 4. Identification and preparation of base maps of the existing informal settlements

The process involves verification and confirmation the perimeter boundaries and acreages [as provided by the client] with the respective beneficiary communities.

Entails preparation of digital base maps for informing the preparation of a well-planned settlement.

### 5. Undertaking of an Environmental and Social Impact Assessment and prepare a Social Management Plan and/or a Resettlement Action Plan

This involves preparation of a screening report to determine the type and level of environmental and social assessments required. The screening reviews the nature of the project, objectives, scope, proposed activities and outcomes, spatial extent of intervention, socio-economic and environmental baseline information, policy, legal and institutional framework, and potential social and environmental impacts.

### 6. Undertaking socio-economic surveys and physical mapping of the settlements

The socio economic study of any settlement was based on review of secondary data and collection of primary data through both qualitative and quantitative methods. The qualitative data was gathered through meetings with the S.E.C, community members and other stakeholders. The purpose of the Focus Group Discussions and other formal and informal interactions with the community members and other stakeholders was to gather qualitative insights into various issues of the settlement. A household survey is done with the aim of capturing population and demographics, local economy, land and land uses within the settlement, housing, existing physical structure and access services to inform the planning.

7. Preparation of Local Physical and Land Use Development Plans for the respective informal settlements

Data obtained from the desk study, baseline survey, base maps, socio-economic and physical mapping survey is analysed to prepare analysis reports that will support proposals in the layout plans. Draft Local Physical and Land Use Development Plans are prepared for the respective settlements in accordance to the Physical and Land Use Planning Act. The proposals made must have been discussed and agreed upon in an inclusive stakeholders' meeting.

8. Surveying of individual plots and preparation of survey plans

This process involves beaconing of individual plots as per the approved LP&LUDP. This assumes the normal process of survey by the Ministry of Lands and Physical Planning.

9. Preparation of ownership documents

Title deeds and leases are prepared in favour of all plot owners as a mark of ownership rights. Beneficiaries will have agreed on the type/ form of tenure security (Individual, block, community) depending on the densities within that particular settlement.

d) The Solution/Changes

**Evaluating the SOP**

<b>Process</b>	<b>Details</b>	<b>Remark</b>	<b>Possible Solutions/ Recommendation</b>
<i>Formation of community leadership:</i>	Community leadership is very key when carrying out any project in an informal settlement as they enlighten the community (their people) on the project and what they intend to benefit from the project. They represent the interests of community members and get them buy in the project. With settlement leaders on board one is likely not to meet resistance from community.	<b>Workable</b>	
<i>Community mobilization and sensitization (Public participation):</i>	The project involved community members at every stage of the assignment and community feel like they own the project. Planning proposals are made possible when community is highly involved. Development of the lists of beneficiaries and verification of the same in a community forum saves the	<b>Workable</b>	

	project time and finances as ownership disputes are minimised.		
<i>Planning standards: Declaration of special planning areas</i>	The declaration of special planning areas for urban informal settlements has seen most of high density settlements be planned and owners receive ownership documents. The conventional planning requirements could not work in most of the settlements without massive displacement. Adoptive planning with a view of incremental acquisition for road expansion has been adopted as the agreed way forward in planning.	<b>Workable</b>	Formulation of regulations and guidelines tailored for application in planning informal settlement especially where conventional standards cannot be realized.
<i>Preparation of paper on leases/titles for beneficiaries:</i>	Beneficiaries in informal settlements are regarded as people with low incomes. The Kenyan Government has agreed to carry out planning, survey and prepare for them ownership documents free of charge so they can enjoy the ownership of land.	<b>Workable</b>	
<i>Community Form of tenure security.</i>	Most of the urban informal settlements in Kenya are very dense, leading to either block or community title as opposed to individual ownership. Development on a block or community title becomes difficult as it is dependent on the readiness of all involved members.	<b>Not Workable</b>	Integrating housing improvement in the project or connecting beneficiaries to cheap financing to improve on their housing to attain fully regularised and formalised settlement.
	Lack of a housing component within the project to take care of the small space available poses a challenge when planning for infrastructure and it does displace people.	<b>Not Workable</b>	
<i>Undertaking of RAP in settlements where tenure has been regularised</i>	Facilitation fee for moving of structures is payable to the household head. In most cases, household heads are men who once they receive the cash in their accounts may decide not inform the other family members, squander the	<b>Not Workable</b>	

	money and risk their families being rendered homeless.		
<i>Tenure Regularization to upgrade and eradicate slums.</i>	Lack of a database by the Government record and ban people from squatting in a number of settlements.	<b>Not workable</b>	Government should adopt a detailed nationwide database for easier information referencing to avoid 'professional squatters' who can be recurring as a beneficiary in more than one settlement.
<i>Gentrification through tenure regularization</i>	Beneficiaries in informal settlements have with time sold out the piece of land allocated to them by being bought out by developers or neighbours. There are no conditions to bar beneficiaries from transferring ownership once they have received the ownership document.	<b>Not workable</b>	Expected gentrification should be checked by inserting conditions of sale in the beneficiaries' titles including the minimum number of years a title could be held before transfer is allowed.
<i>Lack of policies supporting upgrading of informal settlements.</i>	There is minimal or no policy and legal framework on slum upgrading guiding the planning or tenure regularization for informal settlements. Planning standards are general for all the planning within the Country and no regulations specific to informal settlements.	<b>Not workable</b>	Support institution and policy development at the national and county level to develop national and county specific slum upgrading and prevention strategies, financing mechanism for upgrading informal settlements at county level, plan for urban growth,



			prevention of crime and violence and ensure adoptive planning of informal settlements.
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*Adoptive Planning:-* Chosen over the conventional planning to avoid massive displacement of families in a bid to create access roads. In Situ planning is done in consultation with communities for a future incremental recession to allow community acquire development permission and construct decent buildings at their convenience.

*Block/community titling:-* in as much as community titling renders an individual powerless in making sole decisions on the piece of land, it assures the community of security of tenure and allows them time to organise themselves into cooperatives to put up decent houses.

*Public participation leading to Transparency and goodwill for the project:-* Typical slum dwellers sitting on government land would not allow any project in the settlement with fears that the government want to repossess their land and of course evict them. Continuous sensitizations has led to communities understanding the project and willing to tap in the benefits coming with it.

Less disputes recorded from ownership claims as opposed to projects done by government without proper community involvement. Lists of all bonafide beneficiaries are displayed in public places, consented by all members and adopted by the settlement executive committees. They are then adopted and forwarded by relevant counties to the National government for preparation of ownership documents.

Informal settlements are very dynamic in nature and with the rapid urban sprawl cannot be neglected. There is a lot of potential in these informal settlements in terms of human capital. Upgrading or improving lives in these areas allows the Countries economy to nourish. On the other hand, failure to improve informal settlements in any urban neighbourhood attracts different forms of crime and so insecurity.

Carry out a situational analysis of all the informal settlements within your jurisdiction, understand the cause of their development plan to improve them.

## 4. Valuation of Unregistered Community Land in Tana River and Garissa Counties

### a) Introduction

The LAPSET Corridor Program is a regional flagship project intended to provide transport and logistics infrastructure aimed at creating seamless connectivity between the Eastern African Countries of Kenya, Ethiopia, and South Sudan. The project connects a population of 160 million people in the three countries. Additionally, the LAPSET Corridor is part of the larger land bridge that will connect the East African coast from Lamu Port to the West coast of Africa at Douala Port.

The LAPSET program consists of several subsidiary projects in Kenya, including Lamu port in Kenya with 32 deep berths, a standard Gauge Railway from Lamu to Juba in South Sudan and up to Addis Ababa in Ethiopia and an interregional highway from Lamu to Juba in South Sudan and Addis Ababa in Ethiopia. It also consists of a crude oil pipeline from Lamu to Juba in South Sudan and international airports and resort cities at Lamu, Isiolo and Lake Turkana all which require land.

The corridor traverses Garissa County in via an area predominantly comprising of unregistered community land. This was by design, such that there would be very little displacement of the indigenous people and to avoid high land acquisition costs should the corridor pass through developed areas like municipalities.

Unregistered lands are generally land rights, which have not been formally recorded in the government land registration system in any way, regardless of whether they are recognized by the government. Unregistered land rights include informal occupation, communal land rights and customary land rights. In terms of legitimate land rights, there may be no any deeds of sale or certificates of title. In terms of occupancy, there may not be a written contract or lease between owner and occupier. In terms of land use, there may not be an up-to-date record of what the land is being used for and there may not be any regulation of the use. Moreover, land rights may be in communal possession or occupation, or there may be customary land rights. The land rights may lack formality, and information about land rights may be difficult to obtain, but still valuable.

Transactions over this type of Land are not supported by the National Cadaster and are not processed through the Land Registries. No formal information repositories or indices exist. Land rights are not recorded anywhere but known within the communities. Most rights are communal and land resources are thus shared. The Land uses are regulated through customs and norms. Formal planning rules, regulations and zoning with the attendant controls are not applicable. Most people in the Case Study area of Garissa County lead a nomadic way of life and therefore do not have permanent residences. Formal property markets do not therefore exist in the case study area.

In undertaking valuations for registered land, the Valuers rely on registered rights on the property to determine the appropriate value of the property. The registration instruments usually indicate the size of the property, its boundaries, proprietors and any encumbrances on the land. The unregistered land on the other hand has no such details and thus leaves a gap in vital information required for an accurate valuation.

The fact that no formal market transactions have also been registered over these types of land presents challenges as to how open market values are established. The valuation considerations provided for under the Land Act of 2012 and the Land (Assessment for Just Compensation) Rules 2017 and the Land Value (Amendment) Act, 2019 therefore face limitations in practical application over these types of property. This in turn poses challenges as to how just and fair compensation is arrived at given that the statutory methodologies are based on assumptions of existence of a formal property.

The standard operating procedure for the Valuation of Unregistered Community Land is therefore intended to provide a gender responsive step-by-step instruction to guide the valuation for compulsory acquisition of unregistered community land in as much as the land may not have formal registration details, obscure ownership and lack market comparable, which are necessary for mainstream property valuation.

## b) Background

Tana River and Garissa counties are predominantly occupied by pastoralist communities, especially outside the urban areas. Indigenous communities found in these counties include the Orma, Wardei, Munyoyaya and Somali pastoralist and the Awer and Sanye hunter gatherers. Other communities found around Tana River include the Pokomo, an agricultural community though numerous other immigrant communities like the Kamba and the Meru have migrated into most of the towns in Tana and Garissa districts to do business but are mostly domiciled within the towns.

Traditionally, there has been conflict over land use between the pastoralists and the Pokomo. But the frequency and intensity of the conflicts is on the rise as a result changed perspectives on the value of land following the implementation of the LAPSET corridor project.

The Sanye, one of the marginalized communities in the area are found in small pockets in most parts of Tana River district. A pocket located about 3 km outside Hola town are adversely affected by poor land administration services penetration. Lack of clear land tenure, limited livelihoods options, low literacy levels, high population growth rate, are some of the issues affecting the Sanye.

The government, through the Ministry of Lands and Physical Planning, in a step to assist with tenure question, moved to allocate them the current land they live as a safeguard against the pastoralist and agricultural communities' expansionism. However, the Sanye have not been given title to the land and hence remains an undocumented parcel.

The Awer in Garissa are found in Ijara are starting to lead a sedentary life in and around Bodhai but are still mostly spread out to the Boni forest, a gazetted national reserve. These communities like the Sanye are organized around traditional structures led by elders. They too have no title over the lands they are reside on and are thus affected by the same tenure issues.

The SOP therefore sought to provide fair valuation for these communities as part of their land was compulsorily acquired during the implementation of the LAPSET project. Since these parcels were unregistered, the conventional valuation approaches such as the cost approach, sales comparison approach, and investment approach could not be applied. These methodologies and approaches for valuation and determination of just compensation amounts presume the following;

- (i) Existence of a formal property market where information about transactions is readily available.
- (ii) That Market Value approach is conclusive and procures just amounts for compensation purposes.
- (iii) Existence of land use plans and zoning regulations governing land uses.
- (iv) There exists an up-to-date formal cadastre where subject properties are surveyed and registered.
- (v) Individual person's interests in property are registered and can be quantified or shares established.

- (vi) That formal Government statistics and records are up to date, complete and proof of just values.

The SOP laid down the procedures to be followed in order to implement a fit for purpose approach in determination of the project affected persons, the area affected, the applicable valuation rates and inclusion of both genders in the whole valuation process.

#### Constitutional Framework

Chapter 4 of the Constitution contains the Bill of Rights in Article 20. The Bill of Rights apply to all law and binds all state organs. Article 40 of the Constitution of Kenya protects everyone's right to own property anywhere in Kenya either individually or in association without any discrimination. It is provided that the State shall not deprive any person of property or interest in property unless it is in accordance with the Constitution and established statutory law. In cases where the land is compulsorily acquired for public purpose or in public interest; prompt payment of full and just compensation is required.

Article 40 (4) provides for payment of compensation to occupants in good faith who may not hold the title to land except where the land has been acquired unlawfully. Persons who occupy any piece of land that is to be acquired, in good faith, even if they don't hold a title should be compensated. The Constitution also allows any person who has an interest in or right over that property, a right of access to a Court of Law.

The Constitution under Article 61 classifies land into three categories namely, public land (formerly government land), community land and private land. Thus, unregistered land is constituted by un-alienated public land and unregistered community land.

#### Legal Framework

##### The Land Act, 2012

This is the substantive law governing compulsory land acquisition in Kenya. It is the Act of Parliament which gives effect to Article 68 of the Constitution. Sections 107 to 133 are on compulsory acquisition of interests in land. Section 107 elaborates on the power of entry to inspect land. Wherever the national or county government is satisfied that it may be necessary to acquire some land, the request should be submitted to the National Land Commission, established under Article 67 of the Constitution to manage public land on behalf of the National and County governments.

##### **Community Land Act, 2016**

The Act, which gives effect to Article 63(5) of the Constitution provides for recognition, protection, and registration of community land rights; management and administration of community land and the role of county governments in relation to unregistered community land. The Act in Section 6 vests the management of unregistered community land with the County Governments, as trustees prior to registration of communities. Thus, the county governments are supposed to deposit any monies paid for compensation for compulsory acquisition of unregistered community land in interest earning accounts and to transfer such monies and accrued interest to the communities upon their registration.

##### Land Value (Amendment) Act, 2019

Land Value (Amendment) Act, 2019 was enacted to provide for the assessment of land value index in respect of compulsory acquisition of land, mainly to curb speculation within project areas which had hitherto led to high costs of acquisition of land by government agencies. The Act amends section 107 of the Land Act, 2012 and creates the Land Value Index generated by the National and County Governments as the foundational basis for determining compensation for Freehold and Community Land.

The Act gives the main inputs to be used in computing the index as declared value for payment of rates, rents and stamp duty. It further requires the affected persons to provide tax returns as proof of existence of profits from the subject property.

### c) Evaluation of the SOP

#### Process of Acquisition and Valuation of Unregistered Land

Compulsory acquisition of land in Kenya is vested with the National Land Commission on behalf of the National or County Governments. The Commission only acts upon request by either the national or county government by order in the Kenya Gazette.

Below is a summary of the process used by Kenya to value unregistered land for compulsory acquisition – for development of LAPSSSET Corridor

#### Step 1: Application by the Acquiring Body

The acquiring body applies to the National Land Commission indicating the public purpose for which the land is to be acquired attaching the relevant information for making a determination.

#### Step 2: Approval of the Request:

NLC considers the application and communicates an approval where the request is deemed to meet the constitutional and statutory threshold.

#### Step 2: Publishing a notice of intention to acquire land in line with Section 110 of the Land Act, 2012

#### Step 3: Publication and holding of Inquiry:

NLC publishes in the Kenya Gazette, an intention to hold an inquiry, they then serve the notice and hold inquiry to allow persons interested in the subject land to submit their claims.

#### Step 4: Participatory identification of genuine property owners for purposes of valuation and compensation

For unregistered community land, the identification of genuine project affected persons and the extent of their interest in the land to be acquired is identified using the approaches below:

##### a. By use of local administrators

Without the existence of legal titles, the compensation institutions recognized the importance of the social orders in existence in the communities and thus made use of local administrators to identify genuine landowners. An example is in the Resettlement Action Plan (RAP) in the LAPSSSET project during the acquisition of the Lamu-Garissa Road project where the “local compensation committees” comprising of both male and female members from each family identified by the local Chiefs and selected by the Assistant County Commissioner were engaged in identifying the landowners to receive compensation.

b. By use of neighbors (*majirani*) Concept

"*Majirani*" is a Swahili word meaning "neighbours". To identify owners and in the absence of legal titles, neighbours on all the boundary sides were used to confirm whether a claimant was genuine or not in the "majirani" concept. In the Majirani concept everyone with an interest in the land to be acquired was asked to be physically present and to stand on their parcel of land after which neighbours on each boundary side would confirm whether the claimant was genuine or not. On clear verification, interests were documented for purposes of compensation.

Step 5: Valuation of the property

Valuation team is constituted drawing members from the NLC, Ministry of Lands and Physical Planning, NGAO, the Acquiring body, local leadership, and sociologists.

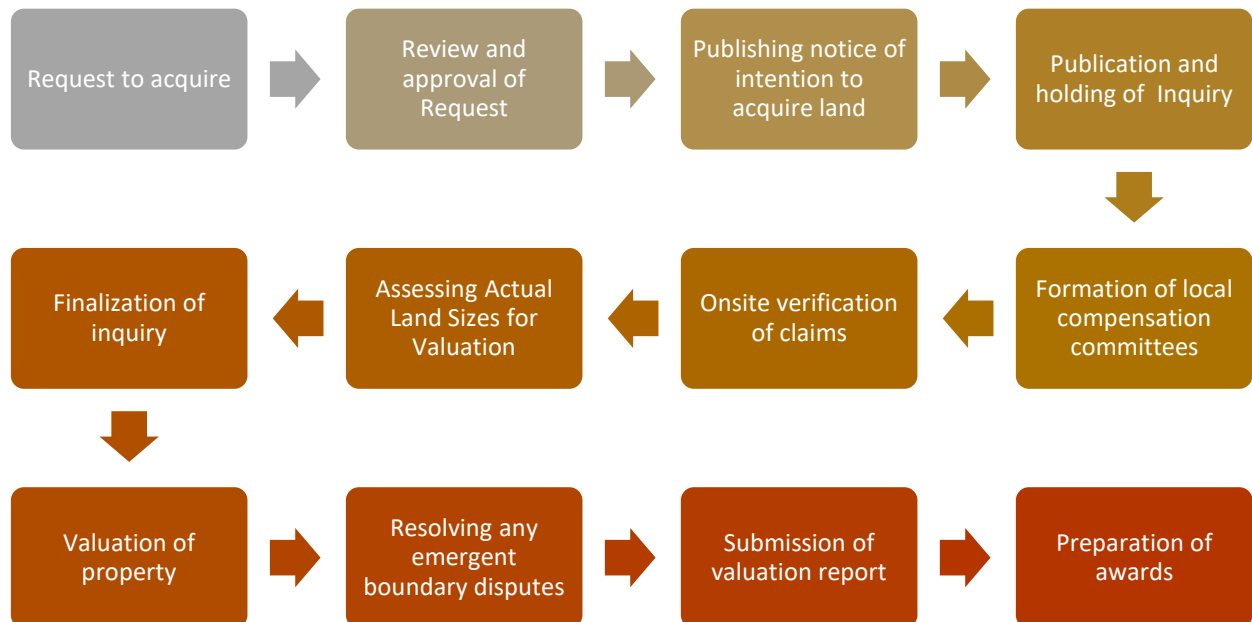
The valuation team also include valuers whose sole aim is to collect, analyse, and compile valuation data. The valuation data include description of all developments both temporary and permanent, the returns expected from the farms or grazing land annually, the land value index data for the area and an inferred valuation data from any other area comparable to the subject.

The valuers then submit a draft valuation report to the valuation team for adoption and preparation of awards.

Step 6: Preparation of awards

NLC prepares the awards for each individual PAP and communicates to them when ready for collection and subsequent settling of the accounts.

Figure 1: Process of Valuation of Unregistered Land for Compulsory Acquisition



A detailed step by step procedure of valuation of unregistered land is also outlined in the table below:

*Table 1: Comprehensive process of Valuation of Unregistered Land*

Step	Activity	Requirements	Actor(s)	Timeline
1.	<b>Applying to acquire to NLC:</b> From the CS of parent ministry of acquiring body or CECM of respective county government	<ul style="list-style-type: none"> <li>- Submit six copies of the survey plan of the area to be acquired</li> <li>- Provide a list of affected parcels</li> <li>- State the purpose of the acquisition</li> </ul>	<ul style="list-style-type: none"> <li>- CS or CECM</li> <li>- Acquiring body</li> <li>- National Land Commission</li> </ul>	No statutory timeline
2.	<b>Review and Approval of the Request by NLC</b>	<ul style="list-style-type: none"> <li>- Review, comment and approve on merit</li> <li>- Conduct official searches to ascertain owners, subdivisions ( in case of registered land)</li> <li>- Conduct reconnaissance</li> </ul>	<ul style="list-style-type: none"> <li>- NLC</li> <li>- Acquiring Body</li> </ul>	No statutory timeline
3.	Publishing a notice of intention to acquire land	<ul style="list-style-type: none"> <li>- Distribution of notices to PAPs</li> <li>- Sensitization</li> <li>- Site inspection and data collection</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- NGAO</li> <li>- Resident committees</li> <li>- NGOs</li> <li>- Lobby groups</li> </ul>	30 days after receipt of the request
4.	Publication and holding inquiry	<ul style="list-style-type: none"> <li>- Distribution of notices and publicity of inquiry</li> <li>- Formation of local compensation committees</li> <li>- Onsite verification of claims</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- Acquiring body</li> <li>- NGAO</li> <li>- Resident committees</li> <li>- NGOs</li> <li>- Lobby groups</li> </ul>	30 days after publishing the notice of intention to acquire and 15 days after publishing the notice of inquiry in

Step	Activity	Requirements	Actor(s)	Timeline
		<ul style="list-style-type: none"> <li>- Participatory identification of genuine property owners</li> <li>- Inquiry of rights, interests on affected parcels of land</li> </ul>		the County Gazette
5.	Finalization of inquiry	<ul style="list-style-type: none"> <li>- Preparation of list of PAPs</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- Acquiring body</li> </ul>	No statutory timeline
6.	Valuation of Property	<ul style="list-style-type: none"> <li>- Formation of Valuation Team</li> <li>- Assessing actual sizes of land for valuation</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- MOLPP Valuer</li> <li>- Acquiring body</li> <li>- NGAO</li> <li>- Claimants of properties</li> <li>- Neighbors (<i>Majirani</i>)</li> </ul>	No statutory timelines
7.	Resolving any emergent boundary disputes	<ul style="list-style-type: none"> <li>- Recording disputes</li> <li>- Assessing disputed areas</li> <li>- Convening ADR meeting</li> <li>- Resolution of the dispute</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- MOLPP</li> <li>- Acquiring body</li> <li>- Claimants of properties</li> <li>- NGAO</li> </ul>	No statutory timeline
8.	Submission of valuation report to the National Land Commission	<ul style="list-style-type: none"> <li>- Preparation of draft report</li> <li>- Updating the report</li> <li>- Approval of the report</li> <li>- Submission of the report to NLC</li> </ul>	<ul style="list-style-type: none"> <li>- National Land Commission</li> <li>- Acquiring body</li> <li>- MOLPP</li> </ul>	No statutory timelines
9.	Preparation of Awards	<ul style="list-style-type: none"> <li>- Determination of just compensation</li> <li>- Signing of the award by the PAPs</li> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- NLC</li> <li>- Acquiring body</li> <li>- PAPs</li> </ul>	No statutory timelines

**Note:** The inquiry and valuation process for LAPSET took a period of 6 months (NLC, 2021)



Step	Activity	What Did NOT Work	What Worked	Improvement Needed
1.	<b>Applying to acquire to NLC:</b> From the CS of parent ministry of acquiring body or CECM of respective county government	This is a statutory provision.	<ul style="list-style-type: none"> <li>The statutory provision ensures that the intended acquisition is in line with the constitution and is for public benefit.</li> </ul>	<ul style="list-style-type: none"> <li>Before approval, NLC should request for a commitment by the acquiring authority to include both genders and minority group in all facets of the project implementation.</li> </ul>
2.	<b>Review and Approval of the Request by NLC</b>		<ul style="list-style-type: none"> <li>Approvals have been above board due to the threshold set by the relevant statutes and the constitution.</li> </ul>	<ul style="list-style-type: none"> <li>Making the process more consultative by constituting a review committee drawing from the PAPs and any other interested party and not making it a boardroom affair.</li> </ul>
3.	Publishing a notice of intention to acquire land			<ul style="list-style-type: none"> <li>Few people have access to the Kenya Gazette, the same can be communicated through other media such as radio and TV alongside the Kenya Gazette.</li> </ul>
4.	Publication and holding inquiry		<ul style="list-style-type: none"> <li>Provision of valuation services by lobby groups to people who are unable to afford the services.</li> </ul>	<ul style="list-style-type: none"> <li>MoLPP to provide the Land Value Index for all counties to guide claims by PAPs.</li> </ul>
5.	Valuation of Property	Use of MoLPP data in valuation. Reliance on documented evidence on loss of income from the PAPs.	<ul style="list-style-type: none"> <li>Use of the local leadership in assessing valuation rates.</li> <li>Creating a land value index beforehand to curb</li> </ul>	<ul style="list-style-type: none"> <li>Constituting a valuation team with local expertise, gender responsive and with experience in undertaking</li> </ul>

Step	Activity	What Did NOT Work	What Worked	Improvement Needed
			speculation and guide claims.	valuation for unregistered land.
6.	Resolving any emergent boundary disputes	Withholding payment for areas with disputes and allowing the PAPs to solve it aside. Use of courts took longer time leading to animosity.	<ul style="list-style-type: none"> <li>Use of ADR and ensuring the outcome is amicable and accepted by all the parties.</li> </ul>	<ul style="list-style-type: none"> <li>Including all the family members in the ADR session.</li> </ul>
7.	Submission of valuation report to the National Land Commission	Not including the PAPs in reviewing the Valuation Report after finalization.	<ul style="list-style-type: none"> <li>Allowing the PAPs to interrogate and be satisfied that the valuation was fair, this leads to low cases of the award being challenged in court which would slow the acquisition process.</li> </ul>	<ul style="list-style-type: none"> <li>Creation of a Valuation Court to resolve valuation matters.</li> </ul>
8.	Preparation of Awards	Awarding the head of the family.	<ul style="list-style-type: none"> <li>Including all members of the family in the award.</li> <li>Only releasing the award when all interested parties are available.</li> </ul>	<ul style="list-style-type: none"> <li>Paying to a joint bank account or separating the awards for each member based on a predetermined parameter.</li> </ul>

### **c) The Solution/Changes**

Valuation of unregistered land is particularly problematic due to lack of formal registration of tenure. If this can be implemented in a fit for purpose approach, all these challenges can be surmounted. The proposed solutions are as outlined below:

#### **Legal Framework**

A functional legal framework that supports land registration to ease identification of land owners whether individual or communal and guide compensation by giving reliable data on boundaries and acreages is crucial in successful land acquisitions. The laws should be flexible enough to accommodate all peculiar factors affecting the country.

#### **Mass Titling Projects**

In order to increase the amount of land that is registered in the country, a move that facilitates compulsory acquisitions through ease of identification of land owners and how much land they own, the Kenyan government embarked on an ambitious titling program with a goal of producing at least three million titles between 2013 and 2017, the total number of title deeds prepared and issued was approximately 2.4 million for the period. This includes titles for leasehold and freehold/ customary tenure. Areas currently where mass titling is taking place especially in conversion of customary tenure to freehold tenure through the adjudication process include the Coast region, Nyanza, East and Central Kenya. To fast-track titling the government has also constructed and opened more land registries in the country to bring services closer to the people. Examples include new registries built in Bondo, Siaya, Uasin Gishu, Isiolo, Trans Nzoia, Meru and Lamu. Acquisition of land in these areas such as the expansion of Kisii – Migori Road, Ahero Interchange etc. have proceeded smoothly.

#### **Safeguards and Benefits for Affected Communities**

There are several measures to be undertaken to ensure that there are proper safeguards to protect the affected communities from disintegration and unfair practices including fair and prompt compensation. The Constitution of Kenya at article 40 (3) stipulates that no one should be deprived of their land with just, fair and prompt compensation and that if dissatisfied, parties have a right of access to courts of law for legal redress. Because land is very emotive in all parts of the world, the democratic space created in Kenya over the last couple of years has indeed seen many disputes in land escalated to the environment and land court. Case law has further elaborated the law's position that, the acquisition must be for a public utility and that lands subject of compulsory acquisition cannot be re-allocated to private individuals for private gain. In that regard it is clear any acquiring authority or agent does so for the benefit of the whole community. The Thika superhighway for instance brought with it, nodes which have turned into business hubs over and above the core provision of a transport corridor thus benefitting the country as a whole.

#### **Protection of Family Interests**

Protection of land rights especially for the women and children is an issue that has been side lined. In Rwanda for instance, any land is registered in the names of both husband and wife. It would thus mean that at compensation, the money is paid to both parties and for the benefit of the whole family. Kenya is highly patriarchal and there is a likelihood that the rights on land for both women and the girls are at jeopardy. However, the LRA at article 28 enumerates spousal interest as an overriding interest and before any land transfer is affected, the spouse is required to give their consent. This can be borrowed and applied at compensation and any monies paid should be paid into a family joint

account and/or allocate the family land elsewhere. The Law of Succession Chapter 162 of the laws of Kenya is also quite clear that at inheritance, both male and female heirs should inherit their parents land equally unless they profess a faith or religion whose provision is otherwise. It is also generally held that any person in whose name the land title appears, holds the land for him/herself and in trust for other family members especially where the land is family or community land. This is both in case law as well as in the books of law.

### **Using Land-Use Planning for Prior Infrastructural Planning**

Prior planning for infrastructure and adhering to set plans is crucial in successful infrastructural development. It ensures that land is set aside for future infrastructural developments and reduces the need for compulsory acquisition of land and compensation of affected persons. Kenya's Vision 2030 aspires for the country to be interconnected through a network of roads, railways, water ways and telecommunication and it is on that strength that the government through the department of Physical Planning in the Ministry of Lands and Physical Planning has come up with a National Spatial Plan proposing an integrated national and urban transport system that seeks to maximize efficiency and sustainability of the transport sector. To add to the existing infrastructure routes the National Spatial Plan proposes new routes to fill the missing links and enhance connectivity

### **d) Recommendations**

#### **On safeguarding the interests and ensuring benefits for Affected Communities**

Appropriate and accessible grievance mechanisms were put in place whereby use of local, targeted and accessible recognized bodies to deal with grievances were created at least as an initial step. This reduced the problem of complaints being immediately funnelled into court systems, which often have a reputation for being slow, backlogged and expensive. Properly constituted, a grievance mechanism should involve representation from amongst the affected community, some government representation from institutions not directly involved in the acquisition and other independent experts. This needs to be accompanied by clear communication channels and proactive measures to improve the legal literacy of affected people.

#### **On Protection of Family Interests**

##### ***Strict adherence to: -***

**Article 45 of the Constitution** which states that "The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State." It makes it clear that the human rights must be the framework for all state policies. And it is a fundamental duty of the State and every State organ (like the Land Commission) to respect and protect the rights.

**Under the Land Act, 2012**, the matrimonial home cannot be mortgaged unless any spouse living there has agreed. And there is a Matrimonial Property Act, which says that if one party (let's say the husband) acquires property before or during the marriage, even if it is not treated as joint property, and the other spouse (let's say the wife) makes a contribution towards the improvement of that property, she has an interest in the property equal to her contribution. In other words, it is partly hers. It also states when land is taken by the state, "just compensation" must be paid —promptly and in full — to everyone who has an interest in the land. This includes not only anyone whose interest is shown in the land registry, but also any person actually occupying the land, and their spouse or spouses. So

whether a family includes a registered owner of the land or not, and even if a man is the occupier, that man's wife or wives have a legal interest in the land.

For our case, investigations into family members who hold de facto interests in the land and could suffer personal losses from its compulsory acquisition were established and considered in the payment of the award.

Gender mainstreaming needs to be part of every project or programme, prior to, at the inception of and during programmes, as it has also been found that land administration process lack focus on women issues. Despite having laws in existence, their implementation and enforcement has been ineffective.

Emphasis should be put on the importance of gender-disaggregated data in all land administration processes, as it is only with such data that it is possible to make women's situations visible, both with regard to the disadvantages that they face and the importance that they have in contributing to the income and well-being of their families, as well as production in society.

Being cognizant of the existing laws about gender and enforcing them at each and every stage of the land administration process. These should be done by the project lead experts who will then sensitize the rest of the team members on the same and develop monitory tools for evaluation to ensure strict adherence of the various laws.

## 3.2 Ethiopia

### 1. Securing Land Rights of Pastoralists



#### a) Introduction

Tenure insecurity is one of the main challenges to livelihoods and survival of pastoral communities in Ethiopia though the community comprise 10 million people and occupies 61 percent of the total land mass of the nation (Shapiro et al, 2017). Involuntary and uncompensated land expropriation has substantially reduced the availability of grazing land and water resources, which in turn deterred the livelihood, economic development, and resilience capacity of pastoral communities. Though the 1994 Ethiopian Constitution has some key provisions that recognize the land rights of pastoral communities, lack of subsequent land laws to register and certify pastoral landholdings have led to encroachment and illegal alienation of pastoral communal lands and misuse of rangelands and their degradation. Weak customary governance, and misconception among some government officials that rangeland is no-man's land is the other challenge to provide land tenure right for pastoralists. on the other hand, the large spatial scale of communal land used for livestock grazing by a community crosses administrative boundary, and fuzzy boundary between communal lands in most cases make communal land certification a bit challenging.

The USAID funded Land Administration to Nurture Development (LAND) project (2013-2018) in collaboration with the Rural Land Administration and Use Directorate of the Ministry of Agriculture (RLAUD-MOU) as well land administration and offices at various levels started assisting the Oromia and Afar national regional states to safeguard land use rights of pastoralists as a pilot. The follow-on project, Land Governance Activity, has continued working with land administration and use offices to scale up the experience of registering pastoral land to other areas.

#### b) Background

Helping pastoral communities to secure certification for their communal land is an immense task that requires research to understand the complexities of land tenure, access to land, and land ownership in the areas, and lengthy facilitation and negotiation between government and communities. The intervention was even tougher during the implementation in Borena Zone of Oromia NRS as the experience was the first in Ethiopia and there was not any successful regional experience even in Sub Saharan Africa to learn from. The first step in this process was to learn lessons from the international

experience of other countries, understand how pastoral communities in Oromia and Afar NRSs share and access grazing resources and their customary institutions and rules and regulations. The necessary legal frameworks including article 40 of the Ethiopian Constitution which states, “*Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands....*” back formalizing pastoralists’ land right. To that end, registering and certifying pastoralists’ landholdings and giving legal recognition to and strengthening their community land governance entities (CLGEs), which manage their land and natural resources are essential. Besides the legal framework, formalizing pastoralists’ land right need to consider other guiding principles depicted in the diagram below.

## Guiding Principles for Formalization of Pastoral Communal Land Use Rights



It is important to ensure fair participation, and representation of women and youth in the process of securing land right for pastoralists. That is why both LAND, and the follow on Feed the Future Ethiopia-Land Governance Activity conducted Gender and Youth Analysis before the start of registration of pastoral lands in Oromia, and Afar regionals states. The analysis should consider women’s and youth’s access to land, and their decision-making role from legal, policy, institutional arrangements, and cultural norms perspectives, as well as in community land governance entities.

### c) The Process

The process of securing pastoralists’ land right is started through evidence generation and awareness raising and a common understanding among key stakeholders on the purpose of communal landholding certification, the procedures involved, and defined the role of each party. Then formation of Pastoral Land Adjudication Committee (PLACs) and survey crews follows. The PLACs and survey crews prepare an action plan and the logistics required for field work including geo-referenced base maps, open-source high resolution satellite imageries, a GIS software, and handheld GPS, among others. Providing a hands-on- training to the PLAC and surveying crews on their task is also essential for the successful completion of the task. The PLACs disseminate information about launching of demarcation, registration, and certification of the pastoral landholdings via customary means of information communication. At the field work, the PLACs and surveying crew verified each corner of

the boundary line, watering points, state lands, farmlands and social centers marked on the sketch map on the satellite imagery. Then, with the support of LAND team, they double check the data quality, entry, and conversion of the satellite sketch map to GIS map. After that, they organized a validation workshop with participants drawn from ordinary pastoralists including women and the youth to get feedback and examine the GIS map . Finally, a draft map was prepared and printed for public display and comments at easily accessible locations to the pastoral community in villages, livestock markets and towns before registration and certification of the communal land. Below is summary of the process.



#### **d) The Result**

Facilitating communal land certification for pastoralists in Borana Zone of Oromia National Regional State was experimental and carried out on a pilot basis in three communal pastoral landholdings in Dirre, Golbo and Malbe *Dheedas* (*Dheedas represent a self-sufficient grazing unit in terms of the resource the pastoralists need during normal years with defined boundaries*). As part of supporting the communal landholding certification, LAND, for the first time in Ethiopia's history, facilitated the development and approval of legislation, which is pending approval, provided the legal basis to certify three pastoral community landholdings covering nearly 2.8 million hectares that is used by a total of over 255,000 community members (135,787 of them are female inhabitants) for livestock production to sustain their livelihoods. Currently, the Land Governance Activity is helping to strengthen the rights of over 152,00 pastoral households in East Bale Zone by supporting the government to certify rights in their landholdings. LGA has a plan to facilitate certification to 30 pastoral communal landholdings Oromia, Somali, and Afar NRS. LGA provides short-term training to land admin and use staffs in pastoral land demarcation, surveying and registration and office equipment to perform these activities.

#### **e) Benefits**

Registering pastoral landholdings in the name of the community has several advantages to the pastoralists. The registration provides them with tenure security which in turn motivate the community to better care to their grazing land. It also protects land alienation, help the community to secure adequate compensation if their land is needed for public purposes, minimize inter- and intra-community land use disputes, foster mobility, conservation and sustainable natural resource use, restore legal recognition of the customary land management entities which may enforce the customary rules and regulations for access and use of grazing resources.

Formalizing pastoral landholdings will also help the government to partner the communities to keep peace and order, secure active participation in development programs, protect the environment for next generation in a good form.

#### **f) Challenges**

Absence of detail legislation on registration communal landholding, lack of tested methodology and approach in the area, boundary dispute among pastoral communities, fluidity of PLACs' decision, inadequate awareness raising, inaccessibility of some pastoral landholdings, and security problem are some of the major challenges.



### **g) What worked best**

- Assessments help the government officials to understand customary land management system and to make evidence-based decision.
- Extensive consultations with government officials, professionals, communities and their leaders were essential in harmonizing different views of the government officials and communities in unit of certification.
- Empowering CLGEs on legal procedures and other related matters is essential to be able to negotiate and engage in dialogue and decision-making process on land and land resources. Active engagement of community members including elders and influential individuals is important in the process of land ownership certification.
- Providing adequate training to staff working in land administration and use offices at all levels contributed for smooth implementation.
- Applying a fit-for-purpose technologies and approaches i.e. the use of satellite imagery and handheld GPS, the application of Google maps, the use of open-source software is very helpful.
- The integration of indigenous knowledge to validate boundaries and landmarks is proved to be cost effective and reliable.
- Understanding the diverse cultural, ecological, and economic conditions of various pastoral community is also important as there is no one-shoe-fits-all approach to pastoral rights certification
- Participatory, interactive and transparent approach is essential to build trust between the communities and government officials.
- Methodologies and procedures in demarcation and registration **need to be flexible** in meeting the specific contexts in pastoral areas;
- Using the community's culture of dialogue and traditional dispute resolution mechanisms to agree upon boundary features, negotiate boundaries, and resolve disputes is essential;
- Integrate the pastoral land information system with national land cadaster database makes the service delivery efficient, cost effective and creates secured system for pastoral land information management.

### **h) What needs to be improved**

- More effort is needed to ensure participation of women and youth in formulation pastoral landholdings as there is strong domination of elders, and traditional leaders in pastoralist areas. It is not easy to include sufficient number of women and youth in community land governance entities.
- Lobbying government officials to reform legal and institution frameworks is fundamental for formalization of the pastoral communal land use rights.

## 2. Systematic Registration of Rural Land at Scale through Second Level Land Certification



### **a) Introduction**

The government of Ethiopia and its development partners have been working vigorously to register and certify rural landholdings for over a decade. The introduction of the first-level landholding certificate which guaranteed rural households landownership was the first initiative. The initiative, however, did not map individual plots or provide a sufficient level of spatial detail around boundary documentation to allow for the development of cadastral maps for improved land use management and administration. The first level landholding certificate did not have also computerized land registries. These limitations had pushed the Rural Land Administration and Use Directorate of the Ministry of Agriculture and its partners to prepare and issue Second Level Landholding Certificate (SLLC) to rural landholders that captures spatial and non-spatial components.

### **b) Rationale**

SLLC strengthen tenure security over landholdings, empowers women's participation, simplifies land related transactions and related impacts as the spatial boundaries of households' land parcels are delineated more exactly and maintains permanent records. The SLLC uses orthophoto imagery, an aerial photograph which has been geometrically corrected for differences related to topographic relief, lens distortion and camera tilt. The orthophoto imagery produces high-resolution maps on which landholders, assisted by trained field teams, identify their parcel boundaries in the field in the presence of their neighbors, Kebele Land Administration Committee members and village elders.

### **c) The key process**

There are five major steps in the process of issuing SLLC to rural households.

- 1. Awareness raising:** As the first step it focuses on raising awareness of landholders on the process and benefits of the SLLC. Land administration and use staff at various levels also receive sufficient training as how to involve the rural community including women and

vulnerable groups such as elders, physically disabled persons, and orphans, in the SLLC activities.

2. **Field demarcation:** land admin and use staff do the field demarcation using orthophoto, and other evidence with active participation of community members including landholder, adjacent neighbors, representatives of vulnerable groups.
3. **Data entry and digitizing:** The scanned copy will be digitized using coordinates and geo-referencing to ensure availability of data and information during land transaction.
4. **Public display:** is undertaken to make sure the information which includes name of the landholder, woreda, kebele, neighborhood, land size, and adjacent parcel is correct. The information is displayed for the public at least for a month, and if there are complaints, and feedback from landholders, the data is going to be checked again.
5. **Certificate issuance:** In this step, landholders get the land certificate with detail information about their land ownership. Married women came with their husbands to receive the certificates that depicts their joint land ownership, single women receive sole ownership for their land, and vulnerable groups also get their certificate through their legal representative or renowned elder.

#### **d) Major benefits of SLLC**

Having SLLC help rural landholders in several ways. Some of its benefits are:

- **Improved tenure security:** Sense of ownership increase and reduced disputes/conflicts over land.
- **Improves productivity:** it motivates landholders to increase productivity of their land when they secure land ownership right. They invest more on agricultural inputs and invest for longer term investment. They also know that they will get sufficient compensation in case their land might be expropriated for public purposes.
- **Guarantees loan access:** Landholders can secure loan from microfinance institutions using their SLLC and their land use right as a guarantee. This is a game changer to improve the livelihood and income of rural households as they face financial shortages for agricultural inputs, and other expenses. The good thing about this loan modality is the landholders can use some or all plots of land as a guarantee since each parcel has its individual certificate.
- **Facilitates fair rental contracts:** Renting landholding partially or fully with a fair rental contract is the other advantage of having SLLC. The certificate increases their confidence. This is especially useful for vulnerable tenants as they can get income from their land in agreement that is recorded in land administration and use office.

From the land administration perspective, issuance of SLLC to rural households has multiple advantages. A few of them are:

- **Enhances good governance:** Land ownership or land border dispute has been one of the major cases that dominate the justice system especially at a grassroots level in rural areas. The issuance of the SLLC, and its registration in the national land administration and information system (NRLAIS) significantly minimizes land ownership/ land border/ conflicts so that it contributes to good governance.

- **Make land transaction easier:** Issuance of SLLC is a prerequisite to run NRLAIS in the Woreda, which is essential to do various land transaction in a sustainable manner. The issuance of SLLC for individual plot of land has made the land transaction in NRLAIS easier. For instance, a landholder can give one of his/her plots of land as a gift to someone or can rent it.
- **Contribute to better land administration and use:** The distribution of SLLC to rural households help the land administration and use offices to have improved Rural land administration system that can improve the livelihood of rural communities.

#### e) What worked best

- **Fit for Purpose Approach:** This Fit for Purpose principle (FFP) has helped us to focus on the objective of the rural land administration here in the country and implement it in lower cost relative to other countries. All SLLC activities and procedures have passed through piloting and are designed based on FFP principle (selection of technology, period and type of training, technical standards (general boundary, systematic registration) and others).
- **Capacity building:** Providing frequent practical trainings for Para surveyors at the field level contributes a lot to the effective systematic registration of rural land at scale. And installing continuous field support and supervision by organized field task team (FTT).
- **Normative approach:** During SLLC piloting, we have formulated and documented different norms for each SLLC tasks. So the para surveyors know the number of parcels that should be demarcated per day and per week. And also, the encoders at Woreda office have an obligation for the specified number of parcels to be entered and digitized per day and per week. Such kind of norms has helped us to demarcate more parcels on time in few years.
- **Development of NRLAIS:** The existence of web based land administration Information system at all administrative level has helped us for ease of data entry and comfort of transaction.
- **PforR approach:** The implementation of SLLC particularly in the World Bank Funded Program, CALM, is progressing well due to the application of Program for Results approach (PforR) which allocates resources based on achieved targets. The approach encourages implementing parties to work effectively and secure more funds for next activities.

#### f) Areas that need improvement

- More effort to public information and awareness activities, as well as documentation of success stories, learning and reflections.
- Rapid mobilization of logistics to execute mass registration and print of certificates, so more rural households get the SLLC certificate.
- Consistency among micro finance institutions in terms of using SLLC (land use right) as a collateral need to be strengthened. There seem to be variation from region to region.

#### g) Progress so far

The preparation of harmonized manuals, standards, provision of high-level trainings and quality control supervisions are mandates of the Federal office, RLAUD. The demarcation and issuance of SLLC could be done by the support of development partners projects or government initiatives. Rural

Land administration and use offices at all administrative levels facilitate and led all SLLC process. So far, at the national level about 25 million parcels were demarcated and surveyed and of which SLLC has been distributed to over 20 million parcels that belong to nearly 6 million households.

## IV. ANNEXES

### Annex 1. Concept Note for Training on Land Administration SOPs

#### **Training on Gender Responsive Standard operating procedures (SOPs) for Land Administration in the IGAD Region**

##### **Background to the development of SOPs**

In 2009, the African Union (AU) Heads of State and Government adopted a Declaration on Land Issues and Challenges in accordance with the *Framework and Guidelines on Land Policy in Africa (F&G)*. The Declaration calls upon the Land Policy Initiative (LPI; renamed in 2017 as the Africa Land Policy center -- ALPC) to assist Member States in its implementation through regional economic communities (RECs). A critical aspect of implementation of the Declaration is the formulation of comprehensive land policies.

The Intergovernmental Authority on Development (IGAD) has played a lead role among the RECs to facilitate its Member States to implement the AU Declaration. It has done so not only to meet the continental obligation but also to meet its mandate because improved performance on land policies, through their formulation and implementation, is required for IGAD to deliver on its three priority areas for cooperation among Member States, namely: (i) Agriculture, Natural Resources and Environment; (ii) Economic Cooperation and Integration, and Social Development; and (iii) Peace and Security.

From 2014 to 2018, IGAD, together with ALPC, implemented the first phase of the "Improving Land Governance in IGAD Region Project". The objectives of the project were to facilitate access to land and security of land rights for all land users in IGAD Region in line with the AU Declaration to enhance sustainable socio-economic development, peace and security. In the first phase, 11 background studies were carried out that informed development of 3 critical strategies: (i) the IGAD land governance strategy; (ii) the strategy for mainstreaming land governance; and (iii) the IGAD framework for harmonized land policies. These strategies were translated into IGAD Land Governance Business Plan 2019-2023, as an implementation framework for land governance which later fed into the design of a 10- year business plan, 2020-2030. The studies that informed the development of a harmonized land policy framework for IGAD had found that land administration systems in many Member States of IGAD were characterized by time-consuming and costly procedures for land transactions, a lack of transparency, corrupt practices, low public confidence in the systems, and generally insecure land transactions.

##### **Rationale for SOPs and SOPs development process**

With financial support from the Swedish Embassy in Addis Ababa, IGAD is implementing a 3-year project, "Improving Land governance in the IGAD Region. The project seeks to improve the performance of the land administration function in the IGAD region moving these closer to convergence and enabling the implementation of cross border initiatives that have a bearing on land. In addition, Gender justice and women empowerment are central components of the project. The development of land administration has been uneven within and among Member States of the Intergovernmental Authority on Development (IGAD). For example, Ethiopia has excelled in securing

land rights at scale through nation-wide programs of land certification while it is lagging in the development of unified land administration systems and in the formalization and regularization of urban informal settlements. On the other hand, Uganda has done well in the development of unified, streamlined and computerized nation-wide land administration systems while it is lagging behind in carrying out nation-wide systematic land registration. Like Uganda and Ethiopia, Kenya is doing well in some areas such as physical and land use planning and initiating large programs to formalize rural communities and urban informal settlements and to regularize their land rights but not so well in some areas such as digitization of national land administration systems. The other Member States of IGAD have a long way to go in developing their land administrations.

For Member States to streamline their land administration processes, IGAD supported the process of developing Standard Operating Procedures (SOPs) in land administration. The Standard operating procedures are written, step-by-step instructions that describe how to perform a routine activity. The aim of developing the SOPs, which are gender-responsive, was to facilitate efficient and effective delivery of land administration services across the IGAD Region. The SOPs will facilitate convergence in delivery of land administration and management services thereby helping IGAD meet its mandate of promoting cooperation among Member States through policy harmonization.

The process of developing the SOPs involved a review of selected key land administration and management services by joint-teams of local consultants and their counterpart land agency staff in 3 IGAD Member States (Ethiopia, Kenya and Uganda) which are leaders in the respective processes that have been standardized. The country SOPs, which are gender-responsive, were consolidated into a regional SOPS report by a regional consultant.

The regional consultant has used the consolidated regional SOPs report to prepare a Training Manual to facilitate knowledge transfer among Member States to move their land administration performance toward convergence. IGAD expects to benefit from using the SOPs tools, to transfer knowledge among member states in order to move the region closer to convergence in land administration, in line with its mandate of promoting cooperation among Member States.

### **Training on Gender Responsive Standard Operating procedures in Land Administration**

IGAD is organising a training of trainer's workshop as strategy to support IGAD Member States to learn from the experiences of their own Members in the area of developing core processes and procedures of land administration. The Training will be attended by representatives from the 3 IGAD Member states that contributed in the development of the Regional SoPs. The trained team will cascade learning to the rest of the IGAD Member states and where possible support in the processes of developing their respective SoPs for Land Administration. This note lays out the concept of the proposed training session which is the first in a series of knowledge transfer on SOPs.

### **Objectives of and benefits from the Training of Trainers (TOT)**

The three main objectives are, to:

- Undertake training of the core Teams from the leading IGAD Member States (Ethiopia, Kenya and Uganda) who developed the SOPs to become trainers on SOPs for adaptation by other Member States;

- To review and update the SOPs and training manual from a gender perspective; and
- Enable the core Team to develop and polish training materials that will be used to train other IGAD Member States to develop and use SOPs as an effective mechanism to enhance and engender land administration in their own states and convergence in the IGAD Region.

The training in SOPs will lead to improved land governance in the IGAD region in the following areas:

- reducing the current costly and cumbersome procedures in land service delivery;
- facilitating the expansion of service delivery beyond the statutory/modern sector to cover the larger customary and community rural and range lands, and the urban informal settlements;
- facilitating the development of options to integrate or improve coordination and linkages among fragmented land institutions;
- exploring new methodologies, approaches and appropriate technologies such as fit-for-purpose, valuation of unregistered lands, and computerized land information management systems; and
- facilitating knowledge transfer among Member States and getting the most out of the region's scarce skills within and outside government.

### **Country Workshop participants - See List below**

Target groups of the TOT session on SOPs in IGAD region include:

- Senior land officers in land agencies in Ethiopia, Kenya and Uganda who worked with local consultants to develop the country SOPs; and
- Local consultants who were hired to support the lead Member States (Ethiopia, Kenya and Uganda) to develop the country SOPs.

### **Approach and methodology of the training**

The approach used for training is where the participants are directly involved in developing the training materials, using them to deliver the training, responding to questions raised during the training, revising the training materials (to incorporate feedback received) and making them ready for the next training which they will conduct. The trainers are essentially the local consultants and their land agency counterpart staff who prepared the country SOPs reports as a Team. The country-based Teams from the 3 lead Member States (Ethiopia, Kenya and Uganda) will prepare the training materials, including power point presentations, which they will use to make presentations at the training as trainers. All the training content/presentations should have a gender perspective derived from country experiences. Guidance to prepare the training materials (including a template) will be provided to the Teams by the regional consultant who will also be available during the training to facilitate the training.

The methodology of the training has the following components:

- Use of country SOPs by the local consultants and their counterpart land agency staff to prepare training materials including power point presentations;
- Using interactive methods to ensure active participation of the trainees in the learning session; and



- Identifying follow-up actions on how trainees can make use of the knowledge and skills acquired to transfer knowledge to other Member States (not present) as trainers including the proposed learning route.

### Dates/Venue

The workshop is scheduled to take place on May 16-19, 2022 in Mombasa, Kenya. The specific venue is yet to be confirmed.

The workshop will be attended by 29 participants including IGAD Staff, Regional Consultant and Country Participants.

### IGAD Participants

- Mr. Daher Elmi- Director AED
- Ms. Esther Obaikol- LGU Coordinator
- Ms. Joselyn Bigirwa- Gender and Land Expert
- Mr. Shadrack Omondi- Land Tenure Expert
- Ms. Sagal Abdi- Programme officer, operations
- Mr. Ismail Omar- Procurement Expert
- Ms. Beth Nyadimo- Accountant
- Mr. Abdourhaman Hassan – Programme Assistant
- Dr. Fatouma Adan- Head of Mission Kenya
- Mr. Mahamed Abdulahi- Communications Officer

### Regional Consultant/Workshop Facilitator

- Mr. Frank Byamugisha

### List of SOPs Workshop participants

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Annex 2. IGAD Training Program on Gender Responsive SOPs in Land Administration  
16-19 May 2022, Mombasa, Kenya

Time/Monday	Agenda Item	Presenter/ Moderator
08:30 -08:45	Registration	IGAD
08:45 -09:30	<b>Opening Session</b>	
	Welcoming Remarks and workshop objectives (10 mins) Introduction of participants and expectations (20 mins) Rationale & benefits of Gender responsive SOPs for Member States and IGAD Region (15 minutes)	IGAD LGU Coordinator All Facilitator
09:30 -10:00	<b>Session I:</b>	
	Introduction to Gender Mainstreaming in the project cycle (30 mins)	IGAD Gender and Land Expert
10:00- 10:15	<b>Coffee Break</b>	
10:15-10:30	<b>Session I Continued</b>	
	Introduction to Gender Mainstreaming continued ( 15 mins)	IGAD Gender and Land Expert
10:30- 13:00	<b>Session II</b>	
	Systematic registration of rural land at scale in Ethiopia – Development & results of SOPs (60 minutes)	Ethiopia Consultant/Gizachew Abegaz
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session and : To what extent was gender mainstreamed, what are the gaps and what needs to improve? (30 mins)	IGAD Gender and Land Expert
13:00 -14:00	<b>Lunch Break</b>	
14:00 – 17 :00	<b>Session III :</b>	
	Securing land rights of pastoralists in Ethiopia - Development & results of SOPs (60 minutes)	Ethiopia Consultant/Gizachew Abegaz
	Expérience sharing from other MS (30 mins)	Facilitator

	Brainstorming and feedback session and : To what extent was gender mainstreamed, what are the gaps and what needs to improve ? ( 30 mins)	IGAD Gender and Land Expert
16 :00-17 :00	Session IV	
	Managing land disputes in Ethiopia – Development & results of SOPs (60 minutes)	Ethiopia Consultant/Gizachew Abegaz
<b>Tuesday:</b>		
8:30- 9 :00	Day recap	
9 :00-10:00	Session IV Continued	
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session and : To what extent was gender mainstreamed, what are the gaps and what needs to improve ? (30 Mins)	IGAD Gender and Land Expert
10:00-10:15	Coffee Break	
10:15-12 :15	Session V Continued	
	Managing fragmented institutional arrangements in Ethiopia - Development & results of SOPs (60 minutes)	Ethiopia Consultant/ Gizachew Abegaz
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session : To what extent is gender mainstreamed, what are the gaps and what needs to improve ? (30 mins)	IGAD Gender and Land Expert
11:15-13:15	Session V1	
	Land use planning and management in Kenya - Development & results of SOPs (60 minutes)	Kenya Consultant/Moses Mugendi
13:15-14:00	Lunch Break	
14:00-15:00	Session VI continued	
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session: To what extent was gender mainstreamed, what are the gaps and what needs to improve ? (30 mins)	IGAD Gender and Land Expert

15 :00-17 :00	Session VII	
	Formalization and regularization of rights in urban informal settlements in Kenya – Development & results of SOPs (60 minutes)	Kenya Consultant/Moses Mugendi
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session : To what extent is gender mainstreamed, what are the gaps and what needs to improve ? (30 mins)	IGAD Gender and Land Expert
<b>Wednesday:</b>		
8:30- 9 :00	Day Recap	
9 :00-10:00	Session VIII:	
	Registration of rural community land rights in Kenya - Development & results of SOPs (60 minutes)	Kenya Consultant/Moses Mugendi
10:00-10:15	Coffee Break	
10:15-11 :45	Session VIII continued	
	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session : To what extent was gender mainstreamed, what are the gaps and what needs to improve? (30 mins)	IGAD gender and Land Expert
11:45-1 :00	Session IX	
	Review, re-engineering and computerization of SOPs in land administration in Uganda (60 minutes)	Uganda Consultant/Okumu Benon
	Expérience sharing from other MS (15 mins)	Facilitator
13:00-14:00	Lunch Break	
14:00-14 :45	<b>Session IX continued</b>	
	Expérience sharing from other MS (15 mins)	Facilitator
	Brainstorming and feedback session : To what extent was gender mainstreamed, what are the gaps and what needs to improve ? (30 mins)	IGAD Gender and Land Expert

14 :15-17 :00	Session X	
	Mainstreaming gender in SOP in land administration in Uganda (60 minutes)	Uganda Consultant/Okumu Benon
	Expérience sharing from other MS (15 mins)	Facilitator
	Brainstorming and feedback session and : What are the gender gaps and what needs to improve? (30 mins)	IGAD Gender and Land Expert
<b>Thursday:</b>		
8:30- 8:30	Day Recap	
9 :00-10 :00	Session XI	
	Managing expropriation and compensation in Uganda (60 minutes)	Uganda Consultant/Okumu Benon
10 :00-10 :15	Coffee Break	
10 :15- 11 :15	Expérience sharing from other MS (30 mins)	Facilitator
	Brainstorming and feedback session : To what extent was gender mainstreamed, what are the gaps and what needs to improve? (30) mins	IGAD Gender and Land Expert
11 :15-13 :00	Session XII	
	Reflection session	
13:00-14:00	Lunch Break	
14:00-17:00	Last Session	
	Follow-up actions and plans for the learning route	IGAD LGU Coordinator
	End of Day	
<b>Friday:</b>		
	Departure	

### Annex 3. A Guide to Preparing PPTs for Training Session in Mombasa

#### **A. General Guide to Country Teams**

- Each presentation of PPTs including photos, Flow Charts, Video etc. (60 Minutes)
- Up to 20-30 Slides (with graphics)
- Each slide addresses a single concept/idea
- No more than 6-10 lines of text on each slide
- Include graphics (photos, pictures, videos etc.) where available to make it interesting

#### **B. Structure**

- Outline
- Objectives and issues to address
- How SOPs were done and challenges faced
- Presentation of final SOPs results- endeavor to highlight the gender responsiveness where possible
- Conclusions, Benefits and lessons

#### **C. Deadlines for preparing and submitting PPTs by Country Teams to Regional consultant**

- Completion of 1<sup>st</sup> Draft of PPTs and submission to Regional Consultant – **April 29th**
- Submission of comments on PPTs to Country Teams by Regional Consultant – **May 4th**
- Resubmission of revised PPTs to Regional Consultant in readiness for the Training – **May 10<sup>th</sup>**

## Annex 4. Learning Route on SOPs for Land Administration

### Rationale

The Learning Route: Towards building the capacity of member organizations to analyze and reflect on a given topic and learn from others in the IGAD Region

The 'learning path' methodology is an innovative approach to peer-to-peer learning, a capacity-building tool that includes spaces for exchange, analysis and reflection in a continuous process of training. During a learning path, all actors involved in the case studied share their testimonies.

### Objectives

- contribute to the strengthening of a knowledge network;
- contribute to the consolidation of the regionalization process and convergence;
- focus on the exchange and learning of good practices and strengthen local networks for collective action

The expected results of this is that Member States will continually learn from each other and support each other in the quest to improve their land administration systems and hence, move the region to convergence.

The overall outcomes of this Learning Route will be an enhanced understanding of key success factors and obstacles to realizing effective land administration, as well as of ways to influence land administration processes more generally for effective service delivery at scale in the IGAD Region

## 2.0 BASIC STEPS IN THE DESIGN AND IMPLEMENTATION OF A LEARNING ROUTE

After defining the basic frame of the Learning Route, it is important to define the overview the general process of this activity. Each stage and their activities are developed according to specific guidelines but also very flexible in responding to the territory and thematic. For the success of the Route there will be continuous communication the different teams involved.

### GENERAL DIAGRAMM OF THE PROCESS



## 2.1 STAGE I. TO KNOW: CONSTRUCTION AND ORGANIZATION OF ACCUMULATED OR EMPIRICAL KNOWLEDGE BY THE SOPs PARTICIPANTS FROM EACH COUNTRY



**Identification of the training needs of the Route’s potential users.** The aim is to precisely identify the profile of users for the services of each Learning Route, together with the specific demands for training what will be later transformed into learning objectives. Through the review of current documentation, interviews with other Member States who will participate in the learning route is critical to ensure that the experience is targeted to their learning needs.

Priority is given to work with professionals, technicians, partners, and users of the various land administration processes that are subject to the learning route. The design and execution of Routes underscore the heterogeneity of the users of the particular land administration process, attempting to achieve a shared diagnosis and pertinent action strategies which promote policy dialogue and continuous improvement. The next step is to enrich and validate this diagnosis, so they can be worked out during the training.

**Selection of cases.** Once the specific users are selected, the performances to be strengthened identified, and the main training needs defined, the process of selecting pedagogically relevant cases to be included in the Route as local talent training service providers begins.

The SOPs to be considered part of the Learning Route are the 11 land administration areas listed below.

Country	The SOPs
Uganda	<ul style="list-style-type: none"> <li>• Review, re-engineering and computerization of SOP in land administration</li> <li>• Mainstreaming gender in SOP in land administration</li> <li>• managing expropriation and compensation.</li> </ul>
Kenya	<ul style="list-style-type: none"> <li>• Land use planning and management.</li> <li>• Formalization and regularization of rights in urban informal settlements.</li> <li>• Registration of rural community land rights.</li> <li>• Valuation of unregistered lands</li> </ul>
Ethiopia	<ul style="list-style-type: none"> <li>• systematic registration of rural land at scale.</li> <li>• securing land rights of pastoralists.</li> <li>• managing fragmented institutional arrangements.</li> <li>• managing land disputes; and</li> </ul>

### 2.1.1 DRAFTING THE CASE

#### **f) Introduction**

- Identify the key problems and issues in the case study.
- Formulate a statement that summarizes what the SOP is and what mischief in land administration it cures.

#### **g) Background**

- Set the scene: background information, relevant facts, and the most important issues the SOP addresses.
- Demonstrate that you researched the problems in this case study or the legal and policy backing for the SOP.

***h) Evaluation of the SOP***

- Outline the various pieces of the SOP that you are focusing on/ that is part of this learning.
- Evaluate these pieces by discussing what was working and what was not working or areas that still needed improvement.

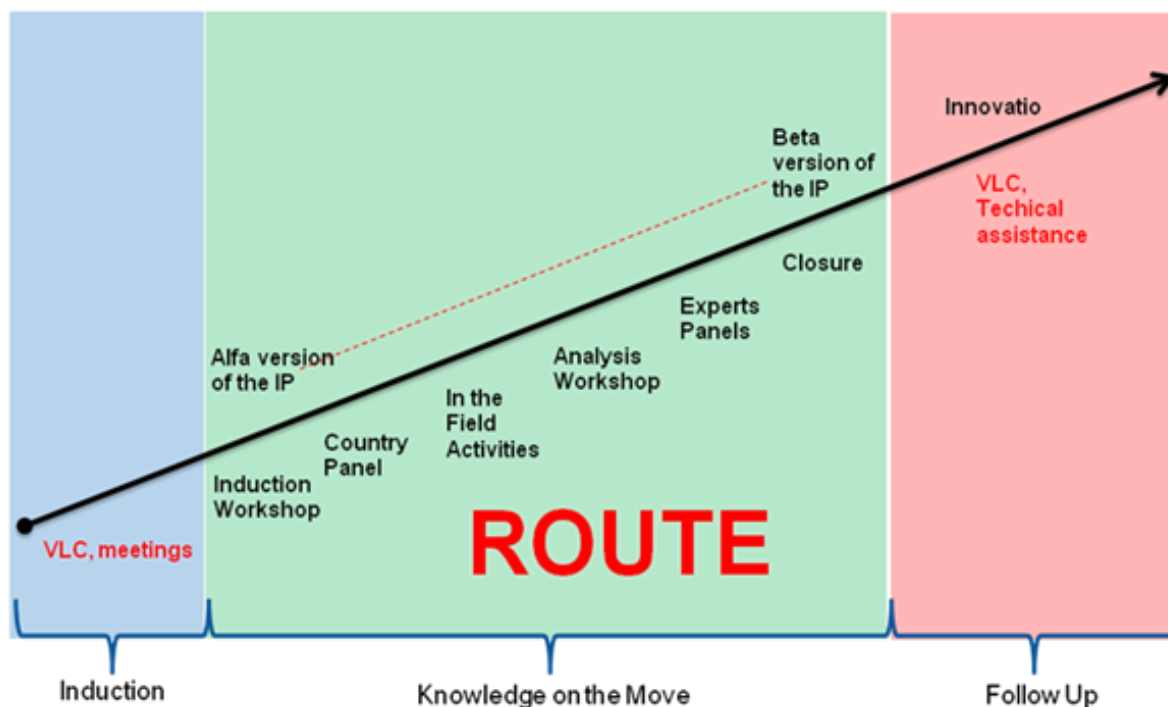
***i) The Solution/Changes***

- What were the proposed solutions to the problems identified with the SOP?
- Explain why a particular solution was chosen over and above the other solutions.
- Demonstrate the change that has been experienced as a result of applying the specific SOP

***j) Recommendations***

- Determine and discuss specific strategies you applied or used in accomplishing the solutions above and if further action is needed, what more are you planning to do?
- Any advice to the participants of the learning route as to where they can start. What are the pre-conditions necessary for them to make a head start in improving their own land administration process and how can they best apply this SOP in their context?
- If they choose to replicate/learn from you, what should be done as a first step and who should do it?

2.2 STAGE II. TO KNOW HOW TO, KNOWLEDGE ENROUTE



\*\*\*\*\* IP – Innovation Plan

VCL – Virtual Learning Community

**1. Induction workshop.** This is performed at the beginning of the Learning Route and offers an in-depth look at the approaches, concepts, tools, and experiences that are linked to the issues of the Learning Route, providing a critical reflection of the practices of users, and identifying their needs and expectations. Authorities knowledgeable on the theme participate, presentations relevant to the Learning Route are made, working groups are formed, and open discussions are held.

Comparative experiences from the other countries using their own procedures and processes are discussed with the aim of understanding how best to improve their own systems, identifying learning points and how they will take the learning back to their own countries.

**2. Country Panel.** For each country involved in field activities a short instruction is made by experts, so the case is framed in a larger perspective.

**3. Fieldwork.** Corresponds to the field visits made to the cases previously selected, Representatives of the selected SOPs organize the training services according to the pedagogical considerations of the Learning Routes.

In this way, the principal actors are the land administrators utilizing the specific SOPs and also a representation of beneficiaries of these land services who present their experiences, answer questions, and exchange information pertinent to their activities. In addition, other local actors NGOs, field technicians, municipal authorities, local leaders, financial operators, the private sector, and small entrepreneurs who have collaborated in the implementation of the experience with a particular SOP

participate. The purpose is for users to achieve a comprehensive view of the case, identify the factors that have facilitated the processes of innovation, and examine in greater depth the results obtained.

**3. Panel of experts.** Complementing the field work, this is a panel that includes actors from civil society, the public and private sectors, NGOs, academia, thematic specialists, and others with knowledge relevant to the subject. They provide complementary information and answer any technical questions that arise during the learning route.

**4. Workshops for the development of Innovation Plans.** During the Route at least three workshops are carried out which are aimed at facilitating the adaptation of innovative products or services to the reality of users of the Learning Route. For this purpose, the Lead expert of each SOP has a teaching guide which covers the different parts of the trip, how the knowledge during the learning route can be adapted by the participants upon return to their countries and contexts, and how continuous participation as part of the Virtual Learning Community will continue beyond the learning route.

**5. Analysis Workshop.** These workshop aims to review the cases, study their outstanding aspects, and examine the concepts and approaches analyzed and discussed during the Induction Workshop. The activity finishes with conclusions and recommendations on the daily program, focusing on the usefulness of each experience and discussions about the performances of the users of the Route. In addition, a commitment is made to generate recommendations for those who participated in each Route, recommendations drawn from a review of the case conducted at the end of each workday.

**6. Closing Workshop:** The Route concludes with a workshop that discusses the main lessons learned during the Learning Route and the innovations available for adaptation. It provides a collective assessment of the experience and certificates of participation are awarded.

### 2.3 STAGE III. CAN DO: IMPLEMENTING INNOVATIONS

**1. Activities to reinforce learning.** With the aim of improving the impact of training at the institutional level, activities will be undertaken to reinforce learning, as well as socialization, and the transfer of contents and the skills acquired. These activities are designed in accordance with the characteristics of each group. All participants in the learning route and participating in the SOP case studies will be involved in the implementation of a Virtual Learning Community (VLC). The continuous virtual learning community will include additional course content to ensure transfer of knowledge and skills over time. An online community of practice will emerge from this VCL.

**2. Innovation Plan Contest.** The design of an Innovative Plan results in improved incorporation of learning by users through an applied exercise and provides a concrete product for the participating institutions. To encourage the process of reflection and dissemination of learning - the development of the plan considers stages of dissemination and validation by the institution. This should be done within the existing institutional budgets and institutional strategies and plans. Where aspirations for funding do exist, then consideration will be given to such ideas and innovation plans

**3. Systematization and dissemination of the results of the Route.** Using a systematic and uniform model for all the Routes, the main lessons generated by each case are presented. In addition, the basic documentation (Log) and complementary information (Documentation Center) of the Route,

including the photographic and video record, and the presentations made by participants, and the technical teams will be disseminated by IGAD for continued dissemination and sharing.

#### 2.4 SUMMARY OF THE METHODOLOGY

