



LAW SOCIETY OF KENYA

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PROJECT TITLE "KEEPING MOMENTUM ON LAND REFORMS PROJECT"
GRANTOR: KENYA TRANSITION INITIATIVE
GRANT NUMBER CXHNBO025
15th SEPTEMBER 2011 TO 30TH APRIL 2012
DATE OF SUBMISSION 15TH MAY 2012

SUBMITTED BY:

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1.0 INTRODUCTION

This report covers the entire project period which ran between 15th September 2011 to 30th April 2012.

1.1 OBJECTIVES OF THE PROJECT

The Objectives of the Grant is as follows;

- a) Conduct an audit of the business processes in Thika , Nakuru, Mombasa and Nairobi Registries
- b) To foster meaningful constituency engagement by training government officials within lands ministry on their roles and responsibilities with regard to governance and leadership.

1.2 SUMMARY OF OUTPUT AND ACTIVITIES

The work plan comprised of the following four main outputs with corresponding activities to help in achieving the objectives set above.

- a) **Output One** : Constituting the program team
- b) **Output Two** : Undertaking an audit of the business processes at designated pilot Land Registries
The activities under this output are;
 - a) Hiring a Consultant to develop audit tools and methodology to undertake an audit of the pilot registries
 - b) Undertaking an audit of the business processes at Nakuru, Mombasa, Nairobi and Thika land registries.
 - c) Organizing a round table meeting with land stakeholders on issues affecting the business processes at the Lands Registry
 - d) Compiling and launching an audit report on the business processes at the pilot registries.
- c) **Output Three**: Building capacity of lands officials on their roles and responsibility with regard to governance and leadership.
The activities under this output are:
 - a) Hiring of facilitators and Rapporteur to train land officials on leadership, chain management and the Constitution of Kenya 2010.

b) Undertaking a three day training for land officials on leadership, chain management and their roles under Constitution of Kenya 2010

d) **Output Four** : Monitoring and evaluation of the program

The activities under this output include developing and submitting monthly narrative and financial reports to the donors.

2.0 KEY ACCOMPLISHMENTS.

The activities undertaken and results were as follows:

a) **Output One: Constituting the program team.**

The program was ably run by a Program Coordinator, Mr. Apollo Mboya, a Program Assistant, Mrs. Lilian Njeru and a Program Assistant, Ms. Angela King'oo. The Program was also equipped with one laptop, camera and modem.

b) **Output Two: Undertaking Audit of Business Processes at Pilot Registries**

The program staff and the Consultant Ms. Hannah Gitonga successfully audited the Nairobi, Mombasa, Nakuru and Thika Registries between October 2011 and January 2012. A draft report was produced and subjected to a roundtable discussion with officials from the Ministry of Lands and other stakeholders. The final report entitled 'Report on the audit of the Nairobi, Mombasa, Thika and Nakuru Land Registries: An assessment of the business processes' was published and launched on 21st March 2012.

c) **Output Three: Building capacity of lands officials on their roles and responsibility with regard to governance and leadership.**

The program staff in conjunction with KTI organized training on constitutional provisions on land, leadership and change management on 22nd to 25th April 2012. The meeting was facilitated by Mr. Ambrose Rachier a legal expert on land matters and Mr. Patrick Wanambisi, an expert on change management. The meeting was attended by 25 land officials mainly from the four audited registries.

d) **Output Four : Monitoring and evaluation of program**

The program coordinator submitted reports on time and one meeting was held on to obtain update on implementation of the program.

3.0 KEY ACCOMPLISHMENTS

1. The audit report of the pilot registries

The report outlines the business processes of the Ministry of Lands on various transactions. It also succinctly and gives possible solutions as follows:

- a) A multifaceted approach to fighting corruption at the registries
- b) Clear and proper channels of communication within Ministry of Lands and with other key stakeholders
- c) Cooperation and partnership with key stakeholders in the land reform process.
- d) Comprehensive legal framework for land registration systems.

The Report was used as a point of reference in discussing the then National Land Commission Bill, the Land Registration Bill and the Land Bill. The Program Coordinator, the Consultant and the members of the Law Society of Kenya Conveyancing and Land Reform Committee actively participated in lobbying parliament to extend time (by 60 days) to allow for consideration of various proposed amendments.

The Report was also used extensively in a retreat organized by the Parliamentary Committee on Land and Natural Resources to consider proposed amendments and memoranda.

2. Training of Land Officials

The training of land officials on constitutional provisions of land and change management was highly successful due to the following reasons;

- a) It flagged out the issues that Ministry of Lands feel hamper reforms
- b) It set out areas that need urgent reforms within the Ministry of Lands
- c) The officials gained more understanding on the legal framework on land and implementation of change.
- d) The outcome will form a basis and platform for the Ministry to implement recommendations.

3. Enhanced working relationship between key stakeholders in the land reform process

The entire project enhanced the working relationship between the Law Society and the Ministry of Land who are key stakeholders in land reform issues. This has created a concerted effort to achieving reforms and implementing change. Indeed both parties have shown the willingness to initiate other processes that will effect the spirit of the Constitution and accelerate the reform process.

4.0 LESSONS LEARNED

Throughout the project it emerged that a clear analysis and understanding of the existing legal framework, the existing systems and work ethics at the land registries is important in drawing a roadmap for reform within the Ministry. This is because the audit brought out myriad issues that cause inefficiency and hinder reform in then sector.

It was also quite evident that all key stakeholders and users of the registries must be involved in the reform process for it to be successful and impactful. This is because land issues are emotive and heavily riddled with historical mistakes and injustices. Indeed there must be a sustained effort to implement reform. It was noted during the training that isolated reform agenda yielded very minimal results. It would be therefore prudent to have incremental but highly concentrated and focused plans.

Another lesson learnt is that collaboration and concerted efforts between the Ministry of Lands and key stakeholders like the Law Society of Kenya can yield results and speed up the reform process. This was evident during the roundtable meting that brought together professionals within the land sector.

It was also obvious that majority of the officials within the land registries are just as eager for change as the users and willing to grant stakeholders opportunities to effect change .

5.0 CHALLENGES

The implementation of the project was fairly smooth. However this being and in kind grant there was limited influence in the decision making process which resulted to delays in certain activities. The project was also slightly marred by unfavorable evaluation by partners arising due to communication breakdown.

6.0 PROPOSED NEXT STEPS

The Law Society of Kenya is of the view that further discussions and training of land officials on the effect of the Constitution, attendant legislations and change management should be sustained especially for those outside Nairobi.

It is also evident that there is need to create awareness amongst the public on land reforms and the current Constitutional implications on management of land. This will manage the rising temperatures on matters dealing with land especially during this time of elections.

The main challenge in most registries is record keeping. Law Society of Kenya proposes that there be a clear process on authentication and automation of land records especially in major registries.

