

**Key note presentation:  
ISK/ KLA Seminar- Kenya Draft National Land policy  
Nairobi October 2006  
Dr Diane Dumashie**

Distinguished participants, ladies and gentlemen. It is my pleasure to be here in Nairobi today to give this key note address at the joint Institute of Kenyan Surveyors (ISK) and Kenyan Land Alliance (KLA) seminar. Your focus is to further consider the Kenyan Ministry of Lands, Draft National Land Policy.

My involvement to date in this draft is limited, but my work across East Africa, as well as Ghana, my tenure as chairman of FIG, Commission 8 (Spatial Planning and development) I hope will enable me to set a broad contextual picture in which to set your debate today. In particular having just attended to the XXIII FIG Congress held in Munich last week, I will draw on lessons learnt and topics debated in that conference and share with you some of the outcomes, over the next 20 minutes.

In my work, I see that one of the key challenges for the appropriate use of land is the need for housing land; since we all recognise that our homes form the core basis of our well being. A fundamental principle, and to raise so many people out of Poverty, is the human right to basic freedoms.

I'd like to start with a vision, that aims high and is so well encapsulated by Kofi Annan. (UN Secretary General). People have a basic right to have freedoms- freedom from Fear of loosing their homes, Freedom from poverty, as well as maintaining their Human dignity.

Within the next decade I am sure it will become increasingly clear that the fate of mankind will rest in ensuring that there is a more discernable balance between the rich world and the poor world economic capacities. Land is at the heart of this- as I hope to explain.

Our agenda is clear. Foremost led by the Millennium development Goals, (in particular Goal 7, task 11), a road map is clearly set out for the international community, but one that also filters down through governments and down to civic society. That is you and I.

Indeed, UN Habitat objective in its Global Land Tool Network (GLTN), initiated from requests made by Member States and local communities, is to facilitate the attainment of the MDG by improving land management and tenure tools for poverty alleviation. So Habitat has joined with the World Bank and other partners to begin this network to deliver a range of initiatives including pro poor, governance, gender, and Islam tools. I would encourage you to look at their web site and understand the part you can play in this ground breaking initiative. ([www.GLTN.net](http://www.GLTN.net))

How far is FIG addressing this Agenda?

The thrust of this years FIG's Congress was the culmination of the last four year agenda of 'Shaping the change'. Much has been done. A selection of the deliberations is demonstrated by the list of publications including, topics on: Capacity building (Aguascalientes 2005), Urban rural relationships (Marrakech 2004), and the most recent, Disaster risk management (Munich 2006).

A further document- the role of surveys in Informal settlements is due at the end of this year from my own working group. All these publications are available ([www.fig.net](http://www.fig.net))

## FIG Recent Publications



In my thinking, when reviewing the draft document, three broad messages arose in my mind, these I'd like to share with you. First, engage with **People**, it is our dynamic societies that we are trying to organise. Second, appropriate **Political** and civil society frame works, increasingly important in an ever populous world with increasing densities of development. Third, to build capacity and social capital, to provide for the affordable and dignified **Places** to live and work

I'll start with the message to engage with people. Foremost, I do have faith that this document represents momentum that serves as an imperative to keep going. Indeed it is a good start – But, to engage will need forward movement from vision, towards **implementation**

The process of engagement is dynamic, it demands participation (and ultimately responsibility) by stakeholders, at all levels. But I wonder how many of us take time to question why it is so important. It is after all hard work and on the face of it, costly, but the benefits to be gained through more cooperative decision making and consequent reduction in conflict is in my view a good reason for engagement. There is also another reason and that is that settlements, and the land which these occupy, are places where people live- where they need to reconcile issues of health, education, jobs, and crime prevention. Consequently, if we want to successfully engage, all stakeholders and particularly politicians, we need to widen significantly the scope of our professional understanding of the dynamics within communities. This we have tried to do in my own working group (FIG 8.3, Informal settlements).

But, ladies and gentlemen- we must 'mind the gap'. We have achieved so much, but we have to recognise that there is so much more to do. This gap has got to narrow and then disappear- soon, the time surely must be drawing near where the significant minority living in awful conditions within slums, will ask for and demand equity. At last week FIG Congress, Klaus Töpfer, (General Director of the United Nations Environment Programme) highlighted that if we want to maintain world peace, then we must find a means to erode this gap, for it is these people that will have the power to destabilise human kind's world peace.

It is timely to dwell a minute on Informal settlements. These dense development may be the problem, but they represent a market solution to housing needs. The provision of land for housing can be seen in the chart, the economic cycle of: supply of land, demand by people and regulation by local government through appropriate Building codes and planning (COMESA/Dumashie). The need is to engage those people that are representative of the market. I'm pleased to see that community groups are present here today.

***Economic Cycle of Informal Settlements-***

Activity	Economic cycle
Dual Landownership	Supply
Forward land supply	Supply
Unplanned Settlements	Demand
Security of Tenure	Demand
Infrastructure and Services	Regulate
Building standards and Codes	Regulate

Dr D Dumashie 2005

So at all levels, there is added value in participation, to ensure sustainable places. Of course, the built environment professional (this includes land economists, architects, planners etc), i.e you and your colleagues, have a role to play. This thinking is developed by FIG working group 8.3 (2003-6) which considered WHAT can truly be done to engage and facilitate public participate. The intent is to continue this work in partnership with the international community, and specifically with IKS.

When reading your document, my thoughts dwelt upon the scope of land management, in particular implementing policy goals. This moves me onto Politics and Policy, my next message, which has to be underpinned by a ***holistic approach to land administration***.

There are many definitions of land administration, perhaps the most succinct is that used by FAO “in which the rules of land tenure are applied and made operational” the key words here is operational. It is a ‘doing’ activity not just policy.

Importantly, land administration is multi functional, it is: Holding of rights to land, Control of land use, as well as understanding the Economic aspects of land.

The global land management perspective has been developed by Prof S Enemark, based on his strategic thinking drawn from his research and experience in the field. His model neatly illustrates common elements applicable to programmes across all continents.

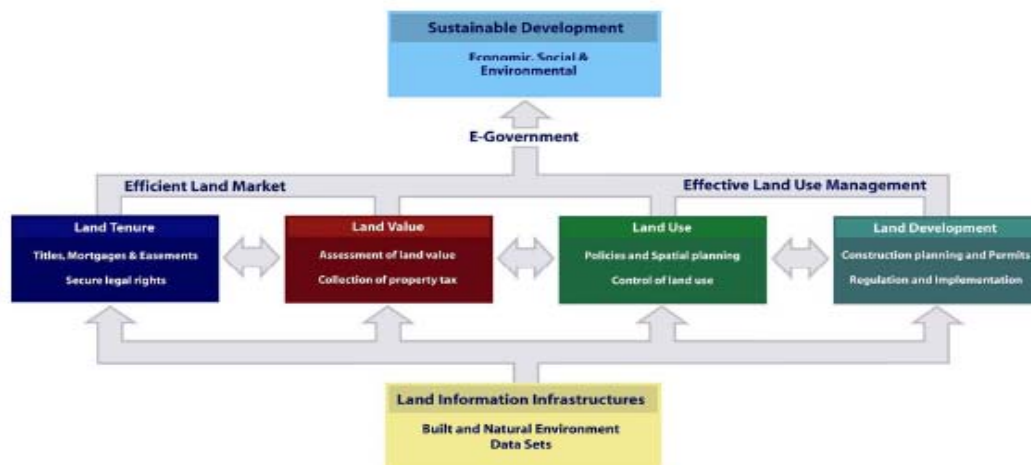


Fig 1. Professor S Enemark 2005

This model clearly shows the interrelationships and multi disciplinary nature of the process giving us a clear context in which to conceptualise but crucially to also act. A logical framework for civil and political society, and one that can be applied to your own situation.

The message to our Politicians is that Land administration acts as the background to society- it is so important.. you and your colleagues know the benefits , “*since it is the key to administrating the relationship of people to land*”. We also know that land administration is never an end in itself but operates within a central context of land policy, land management and good governance.

Yes, Ladies and Gentlemen, we have returned to the common denominator- PEOPLE. Thus land policy, leads to ‘doing’ it leads to an ‘activity’ of administration and ultimately good governance with strong political leadership

This leads me into my next messages, based in the vehicle of Capacity building.

What do I mean by this? The definition is much broader than human resource development - it is defined as:

“The ability of individuals and organisations, or organisational units to perform functions effectively, efficiently and sustainably “ (UNDP 1998)

So it is a holistic system that envisages individuals, organisations, societies, all interacting in multiple ways and on multiple levels.

Importantly, the need for capacity in land administration programmes is highly influenced by Government’s WANTS to administer the land, given voice by the way regulations and organisations are implemented and managed within the country. Thus the imperative is the governance of the day- without their backing programs will not proceed effectively, efficiently or sustainably.

So my message here is twofold. First, the capacity of institutional frameworks, and, second the capacity of individual’s development.

This does not imply there is no capacity in existence, we must consider here retraining and strengthening of the existing capacities of people and organisations. Implicitly, this has been alluded to in within this report.

I’ve highlighted that capacity is at several levels, these have been helpfully summarised by Enemark and Williamson (2004), and include:

- Societal level - looking at policies, regulations and frameworks,
- Organisational level - looking at stakeholders, including business approaches, institutional infrastructure, IT and professional institutions such as your own surveying institute, ISK, and
- Individual level - education and training programmes and courses to meet the individuals gaps.

To reiterate, it is important to note that it is interaction not only between each other, but also internal and external to the organisations. This is what I mean by social capital.

Arguable, some donor projects have a narrow focus with an approach that develops capacity that manages the process *within* the system, but not in a *wider* land administration infrastructure. This report proposes intuitional and organisational development, by establishing tiers. To go forward I urge you to look to the wider land administration infrastructure ensuing that your land policy encompasses these broader issues.

To achieve this, stable remits for the organisation are required, and these remits should be enshrined in appropriate legislation or regulation. There needs to be appropriate mechanisms for dealing with organisational shortcomings when it is subsequently found that their ability to fulfil their remits is constrained. So we need to contemplate an evolving process and flexibility needs to be built into organisational structures.

To develop this further, my immediate thoughts on your key components of your strategy include:

- Ensuring that a country's organisations are sufficiently robust to develop- this will underpin activity,
- Extending dialogue and delivery into the Public and Private arenas- all have their part to play. So,
- Including Professional Associations, community organisation, NGO's, as well as government agencies and not forgetting the people who actually need to occupy the land.
- Professional capacity means continuing development of individuals. For example work in Swaziland (I Greenway) showed key lessons to be learnt in this regard, including the importance of both manager *confidence* as well as manager *competence* as crucial factors to success,
- Further, a clear progressive vehicle from vision, to aims, to objectives, is also essential to achieve programme success.

The road ahead will have to be facilitated by built environment Professionals, that is you and your colleagues. I will not dwell too long here is, excepting to say that the whole range of professionals have to develop their capacity for what I've termed the E factors:

- Energised Leadership
- Effective Policies and Organisations
- Ethical Cultures and Values
- Equitable Models for Cooperation
- Expert Knowledge to Share and Influence

As you yourselves realise, delivery will rest upon the capacity of our Leaders and the managers delegated to implement the task, but also ultimately on the organisations in which are structured for the purpose. The new FIG's leadership, is proposing a new Task Force drawn from its International base and strategic partners, to begin now. This is indeed very good news.

This eminent group proposes to develop guidelines and support mechanisms for countries and organisations attempting to develop the necessary capabilities and capacity. How will it achieve this? Well because of FIG's international standing, it has a range of relationships that can assist in leveraging necessary resources that in turn will promote first dialogue then outputs.

I would like to now turn to the road ahead. Above all, you and your deliberations are part of a Process.

This must consider where we are now. I can clearly read that this document is a good start, it is a situational assessment, it clearly states the vision, and even implies how to get to the goals.

But, what about staying there?



Has the Report truly considered ‘How’ you are going to stay where you want to be? This will be the true test of sustainability and will be the legacy of the policy. There has to be a continuum of thought and action, embodied in a holistic approach

What about the agenda for action? Here are some further action points for your consideration.

- Funding – long term commitment, is 3 years truly enough?
- Information knowledge- we are in an information revolution. Now more than ever, one needs to be discerning in selecting the right information and technology at the right level. This may mean not having the best, if the circumstance do not require it, the use must be ‘fit for purpose’; it is inappropriate to have a Rolls Royce information tool for every task ahead.
- Land administration - reduce bureaucracy, and increase transparency and accessibility, again this is alluded to in the draft document, but this must truly be work on.
- Institutional framework and capacity – It is excellent that the need for a co-ordination unit (and presumably project manager team) has been identified, but do seek to structure it as a non political team. Easier said than done, I know. But this policy is for the long term- it has to survive the politics of today

Ultimately, the local government of the day will be remembered for what they haven’t delivered, often the stark reality of the lack of provision in settlements (informal or otherwise) of the infrastructure to deliver clean domestic water, and of removing waste and surface water from People’s homes. Indeed this picture says it all.



Photo, Joshua Kaiganaine

So to round up, when asked to deliver this key note for you, I was asked ‘how to get effective and efficient service delivery to the *People*’

What a huge topic, but simplistically I’d say- be mindful of the ‘far horizons’ in your:

- Politics- Commitment by the Politicians for the people. This requires strong, far-sighted, incorruptible leadership.
- Places - Longevity in the Places in which we live and work and raise our families, these Places have to be owned by generations for the present and the future– no gaps!

I wish you and your countrymen good progress and will follow your debate with interest, particularly as what you are debating here is on a course to be a beacon for others to follow.

Asanta Sana,

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References:

- Stig Enemark and Paul van de Molen: A Framework for self assessment of capacity needs in Land Administration, FIG Congress – Munich October 2006
- Stig Enemark and Ian Greenway: Promoting Institutional and Organisation Development in Surveying and Land Administration, FIG Congress – Munich October 2006
- Diane Dumashie: People and Places: The importance of the supply of Land in delivering affordable housing in Informal Settlements, FIG Regional Conference – Accra, Ghana, March 2006