# Country Report- Kenya

## BY WILLIAM KALANDE- KENYA

# Country- Report Kenya

- AREA: Over 582600 sq. Km
- POPULATION: 32million (Projected census)

# Country- Report Kenya-Statutory Tenure Regimes

- 1. Government Land (~10%).
  - Control by central government.
- 2. Private Land (~20%).
  - Freehold or leasehold tenure
- 3 . Trust Land (~70%).
  - Held in trust for residents by County Councils (local authorities) until formalization of rights.

# Land Administration Arrangements status

- Ministry of Lands and Settlement

- Lands- Allocation of Govt. land, Govt. valuation, registration of land
- Survey of Kenya – Surveying and Mapping. Licensed surveyors also involved in title surveys
- Land Adjudication & Settlement – formalization, redistributive and consolidation reform
- Physical Planning – planning of land
- Administration – coordination of activities within the Ministry

# Current Cadastre

| Department | Land Records Output | Records Registry |
|---|---|---|
| Lands Adjudication | Maps- (Preliminary Index Diagrams and Registry Index Maps)<br><br>& Titles | Lands Registry Maps Section<br><br>Title Registry |
| Physical Planning | Part Development Plans for Cities and Local Authorities | Lands Registry Maps Section |
| Survey of Kenya | Topo sheets | Lands Registry Maps Section |

# Current Cadastre-challenges

- 2 registries- 100% analogue
- PIDs- 50% off in area
- Town Development Plan- In conflict with the environ, road reserves, public parks
- Title Registry- Asymmetry between ground and reality

# Towards e- Cadastre

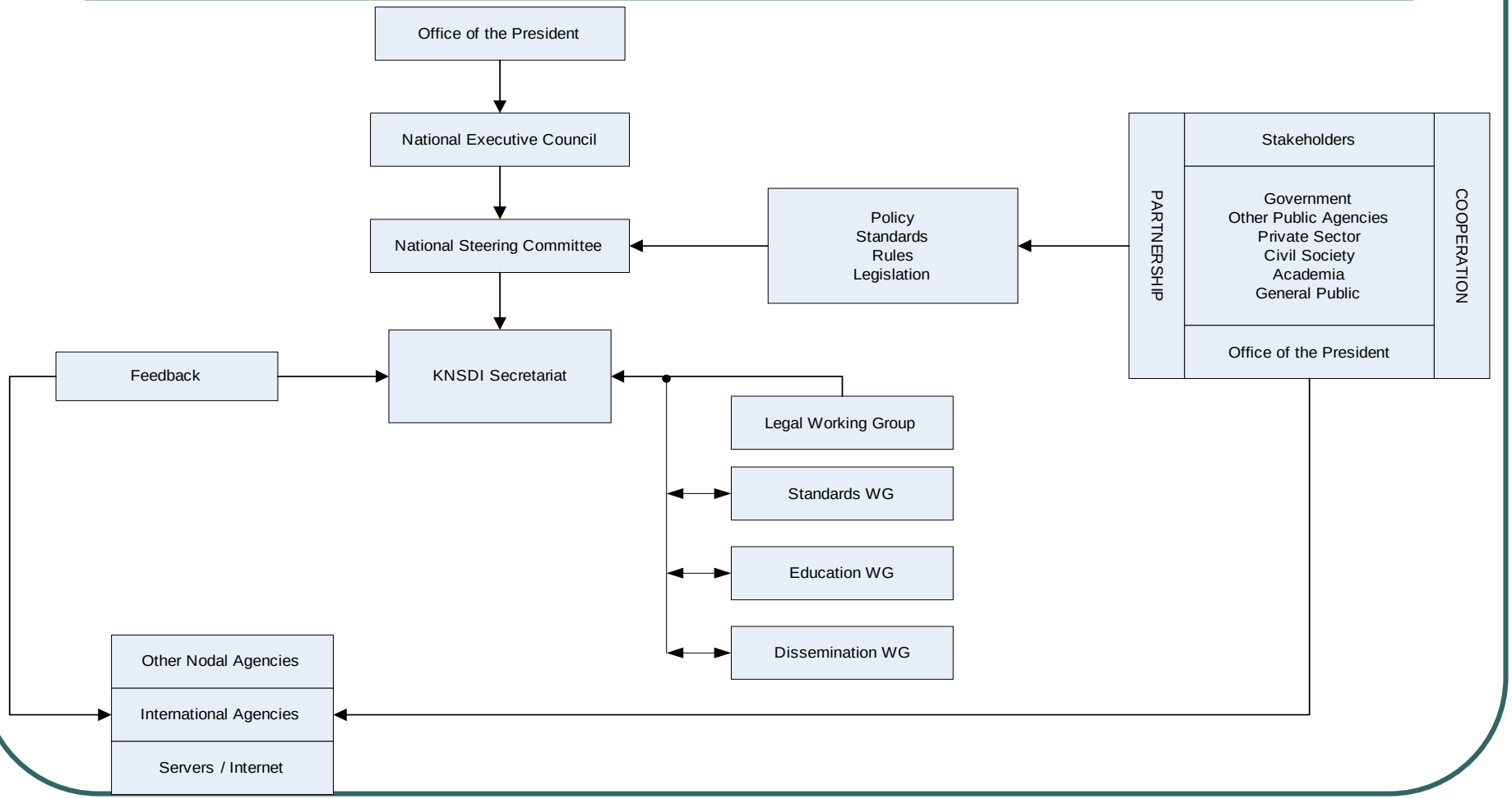
- Initiative dates back to 2001
- Mission- '**To promote the production, sharing and use of geospatial information for sustainable development in Kenya and in the world.'**

# Workshops

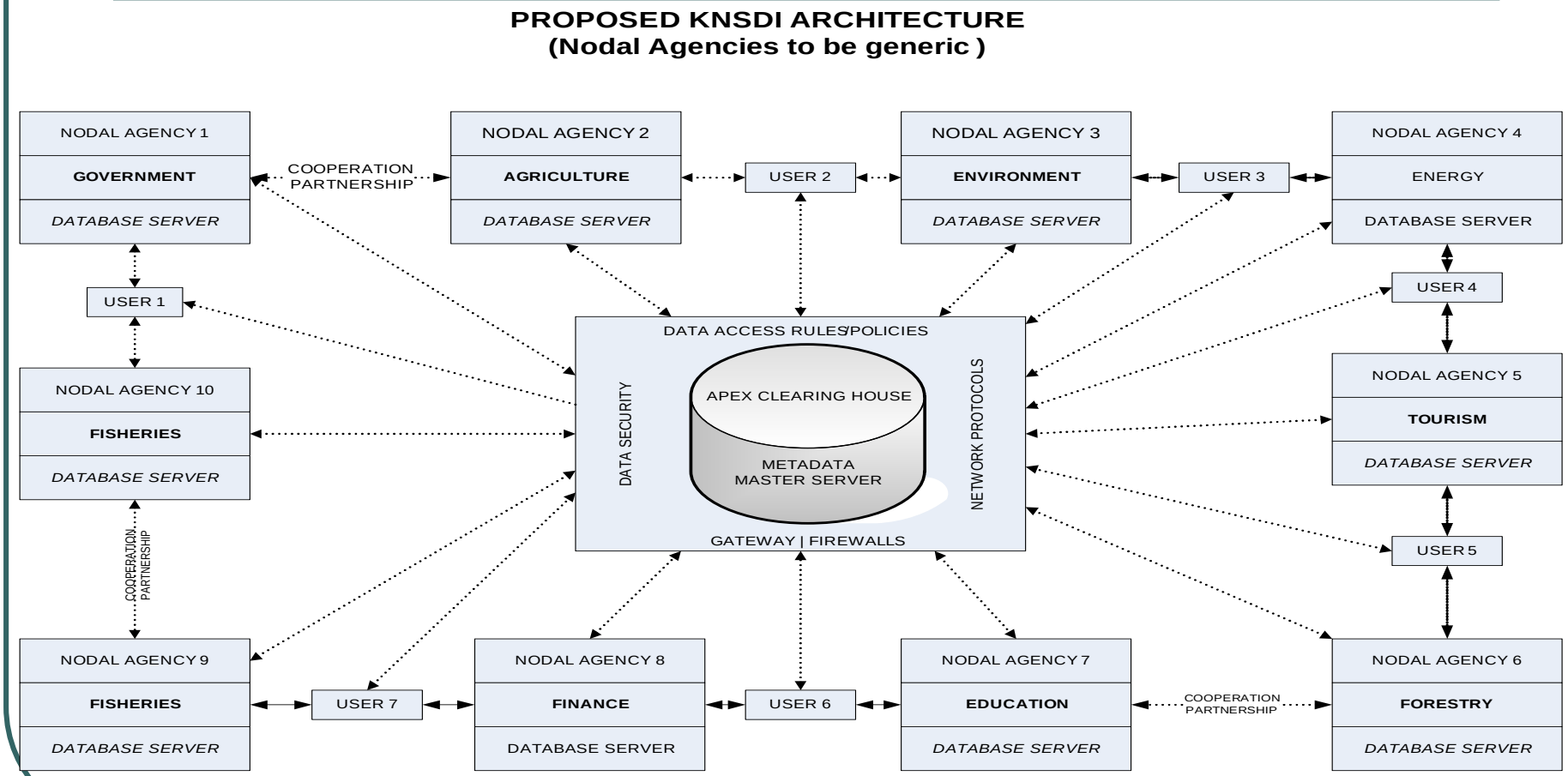
| Workshop | Date | Agenda |
|---|---|---|
| 1 | 12-11-2001 | Selection of Lead Agency |
| 2 | 26-04-2002 | Constitution of Working Groups |
| 3 | 10-09-2002 | Launching of KNSDI Website- www.knsdi.go.ke |
| 4 | 30-09-2005 | Unveiling of KNSDI Policy |
| 5 | 29-11-2006 | Strategising to strengthen use of GI in Kenya |
| 6 | 4-7-2007 | KNSDI Standards |
| 7 | 21-2-2008 | Standards in Data Sharing and Building |
| 8 | 19-8-2009 | Adoption of KNSDI Policy |

# NSD Status Contd- Seminars

# NSDI Status- Organisational Arrangement- Proposed



# KNSDI Status- Institutional Arrangement -Proposed



# NSDI Status- Policy

- Formulated GI and Land Policy
- Adopted by stakeholders
- Awaiting Cabinet Discussion
- Debate in Parliament
- Operational

# NSDI Status- Standards

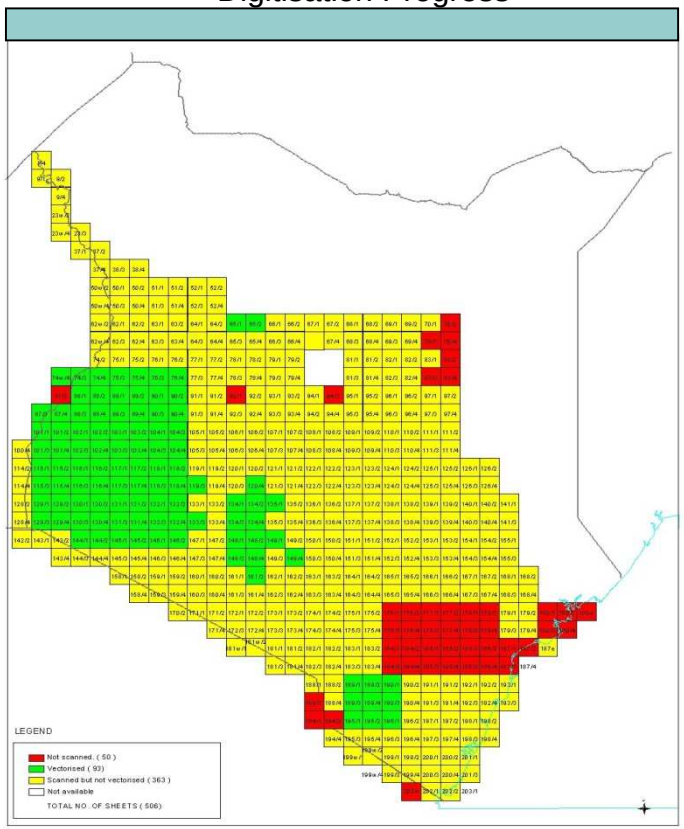
- Formulated
- Adopted
- Dissemination
- Acceptability by players in the industry

# NSDI Status- Data and Nodal Agencies

| Dataset | Availability | Remarks |
|---|---|---|
| Geodetic control | Yes | Analogue. 80% of monuments destroyed |
| DEM | Yes | Limited coverage. In private sector hands |
| Ortho imagery | No | RCMRD can take lead in development |
| Administrative and electoral boundaries | Yes | In digital form |
| Topographic mapping 1:50, 000 | Yes | About 67% coverage of which about 20% is digitized |
| Topographic mapping 1:250, 000 | Yes | Full national coverage; nearly all digitized |
| National Gazetteer | Yes | Analogue; Out of date |
| Transportation network | Yes | Analogue; mainly on roads only. |
| Cadastre | Yes | Covers mainly high potential agricultural areas; digitization going on |

# Data- Cadastre and Topo digitisation

Digitisation Progress




Cadastral
Maps- Contract Awarded to Rcmrd
Title Registers Not Yet

# CHALLENGES

# Challenges-Political; Political Will

- A number of politicians have not understood the concept of Cadastre-Sabotage of GI related Legislation –Land Policy, GI Policy etc
- Party Politics given the Coalition Government Status
- Current affairs- Focus on IDPS, Environmental Issues, Food Security issues, ICC etc and thus KNSDI not really a priority

# Challenges-Legal-Focus has been on GI policy, forgotten existing GI Related Legislation

| Existing | Status | Impact on KNSDI |
|---|---|---|
| State Information Legislation-Secrecy Act | Functional and active | Lots of information on government related data bound to be withheld |
| ICT Policy | Still at formulation stage | Draft focuses on technology and communication, less focus on information management and sharing |
| Copy right Bill of 1964 | Functional but toothless | -Does not protect economic investment of data producer because its designed to protect originality thus fails to address issues related to extraction of facts |
| Registered Land Act | Active | Standards set not cognisant of the Mapping system |

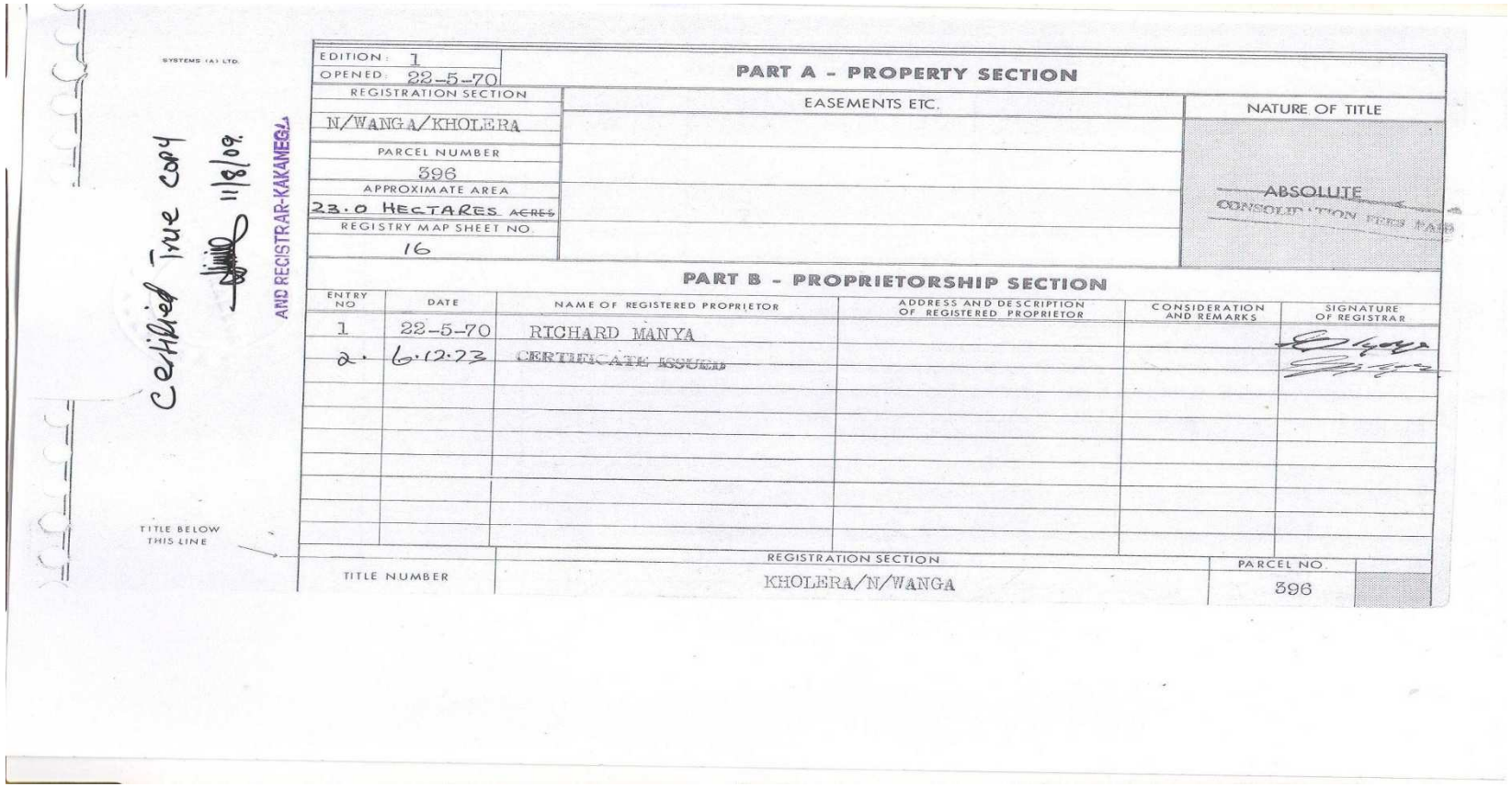
# Challenges-Budgetary; Donor Driven

# Challenges-Coordination; Donor Driven

- Seminars- Poorly coordinated-resolutions are repeated, flow of seminars not in tandem with past resolutions and thus resolutions simply not implemented.
- Secretariat- Has no database, staff turn over not reasonably high
- A lot being done at the same time, e.g. standards, policy and data being developed at the same time- this may occasion repeat and duplication of efforts

# Challenges- Technical; Institutional Attitude

# Challenges- Technical; Asymmetry btn existing records and reality on ground



Certified True copy
11/8/09
AND REGISTRAR-KAKAMEGA

EDITION: 1
OPENED: 22-5-70

PART A - PROPERTY SECTION

| REGISTRATION SECTION | EASEMENTS ETC. | NATURE OF TITLE |
|---|---|---|
| N/WANGA/KHOLERA | | ABSOLUTE |
| PARCEL NUMBER: 396 | | CONSOLIDATION FEES PAID |
| APPROXIMATE AREA: 23.0 HECTARES ~~ACRES~~ | | |
| REGISTRY MAP SHEET NO: 16 | | |

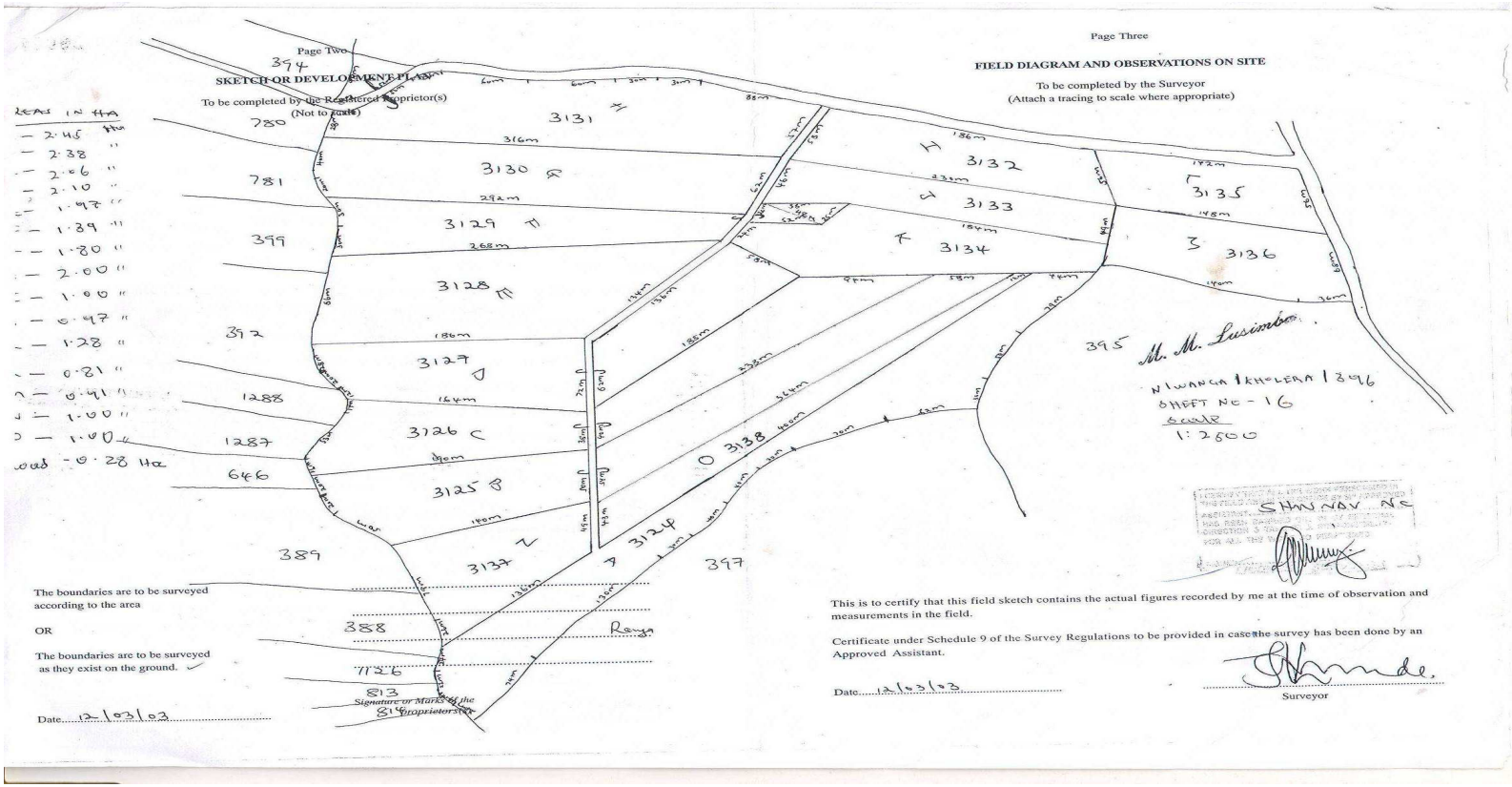
PART B - PROPRIETORSHIP SECTION

| ENTRY NO | DATE | NAME OF REGISTERED PROPRIETOR | ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR | CONSIDERATION AND REMARKS | SIGNATURE OF REGISTRAR |
|---|---|---|---|---|---|
| 1 | 22-5-70 | RICHARD MANYA | | | |
| 2. | 6.12.23 | ~~CERTIFICATE ISSUED~~ | | | |

TITLE BELOW THIS LINE

| TITLE NUMBER | REGISTRATION SECTION | PARCEL NO. |
|---|---|---|
| | KHOLERA/N/WANGA | 396 |

# Challenges- Asymmetry btn public records and reality on ground



# Challenges- Asymmetry btn private and public cadastres

| Plot No. | Parcel No | Land Mark | Cult Area | Cane Area | Estb cane area | Bank Code | Bank Account | Status |
|---|---|---|---|---|---|---|---|---|
| 2 | 396A | 396A | 1.7100 | 1.7100 | 0.8900 | OS0002 | 3109057210 | |
| 3 | 395A | 395A | 0.8500 | 0.8500 | 0.3400 | OS0001 | 00020003565 | |
| 4 | 396B | 396B | 0.4700 | 0.4700 | 0.2300 | 011034 | 0110906779840 | |
| 6 | 395B | 395B | 0.8800 | 0.8800 | 0.2300 | OS0002 | 31090516647 | |
| 7 | 395C | 395C | 1.0800 | 1.0800 | 0.3200 | OS0001 | 4339 | |
| 8 | 396D | 396D | 0.7300 | 0.7300 | 0.3600 | OS0002 | 31090524716 | |
| 9 | 396E | 396E | 0.8000 | 0.8000 | 0.3900 | 011034 | 0110006768820 | |
| 10 | 396F | 396F | 0.6800 | 0.6800 | 0.3400 | 011034 | 0110067071700 | |
| 11 | 396G | 396G | 0.4600 | 0.4600 | 0.5400 | 011002 | 0110902637100 | |
| 13 | 396K | 396K | 0.2000 | 0.2000 | 0.1300 | | | |
| 14 | 395E | 395E | 0.3000 | 0.3000 | 0.1200 | | | |
| 15 | 395D | 395D | 0.4000 | 0.4000 | 0.3400 | | | |
| 16 | 395F | 395F | 0.4000 | 0.4000 | 0.2800 | | | |
| 17 | 395E | 395E | 0.2000 | 0.2000 | 0.2700 | | | |
| 18 | 395E | 395E | 0.2000 | 0.2000 | 0.3000 | | | |
| 19 | 395D | 395D | 0.2000 | 0.2000 | 0.2400 | | | |
| 20 | 396J | 396J | 0.8000 | 0.8000 | 0.5900 | | | |
| 21 | 396I | 396I | 0.4000 | 0.4000 | 0.2700 | | | |
| 22 | 396L | 396L | 0.2000 | 0.2000 | 0.2000 | | | |

# Conclusion

- For Historical and Post Independence bad governance, the current land registry is in a mess. This coupled with the deep negative ethnicity and corruption the development of Kenya's e-cadastre is definitely a hard task especially if it put before comprehensive land reforms.

Thank you very much for your attention