

PARLIAMENT OF KENYA



*Paper laid by  
Chairperson DC Lands  
Thursday  
7/6/2018  
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TWELFTH PARLIAMENT – SECOND SESSION – 2018

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE 2018 ANNUAL WORLD BANK CONFERENCE ON LAND AND  
POVERTY HELD IN WASHINGTON, D.C: MARCH 19-23, 2018

*Approved  
7/6  
Akh*

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

JUNE 2018



Contents

<b>1.0 PREFACE</b> .....	2
<b>2.0 INTRODUCTION</b> .....	5
<b>3.0 BACKGROUND</b> .....	5
<b>4.0 FINDINGS</b> .....	6
<b>5.0 LESSONS LEARNT:</b> .....	11
<b>6.0 CONCLUSION</b> .....	12

## **1.0 PREFACE**

The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 with the following terms of reference:-

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi) study and review all legislation referred to it

## **1.2 Committee subjects**

The Committee is mandated to consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping
- e) Land Adjudication
- f) Settlement
- g) Land registration
- h) Land Valuation
- i) Administration of Private, community and Public Land
- j) Land Information and Management System

### 1.3 Oversight

The Committee oversights:

- i. The Ministry of Lands and Physical Planning; and
- ii. The National Lands Commission

### 1.4 Committee Membership

<b>Chairperson</b>	The Hon. Dr. Rachael Nyamai, MP
<b>Vice Chairperson</b>	The Hon. Khatib Mwashetani, MP
	The Hon. Jayne Njeri Wanjiru Kihara, MP
	The Hon Joshua Kutuny Serem, MP
	The Hon. Kimani Ngunjiri, MP
	The Hon. Mishi Mboko, MP
	The Hon. Omar Mwinyi, MP
	The Hon. Ali Mbogo, MP
	The Hon. Babu Owino, MP
	The Hon. Caleb Kipkemei Kositany, MP
	The Hon. Catherine Waruguru, MP
	The Hon George Aladwa, MP
	The Hon George Risa Sunkuyia,MP
	The Hon. Jane Wanjuki Njiru,MP
	The Hon. Josphat Gichunge Kabeabea, MP
	The Hon. Owen Yaa Baya, MP
	The Hon. Samuel Kinuthia Gachobe, MP
	The Hon. Simon Nganga Kingara, MP
	The Hon Teddy Mwambire, MP

### Committee Secretariat

<b>Clerk Assistant I</b>	Mr. Leonard Machira
<b>Clerk Assistant III</b>	Mr. Ahmad Guliye
<b>Senior Fiscal Analyst</b>	Mr. Joash kosiba
<b>Legal Counsel I</b>	Ms. Jemimah Waigwa
<b>Researcher III</b>	Mr. Joseph Tiyan
<b>Audio Officer</b>	Mr. John Mungai
<b>Media Relations Officer</b>	Ms. Winnie Kizziah

The following Members and staff were nominated and subsequently participated in the conference on behalf of the Committee:-

1. The Hon. Khatib Mwashetani, M.P. – Vice Chairperson and Leader of Delegation
2. The Hon. Caleb Kositany, M.P.
3. The Hon. Catherine Warugur, M.P.
4. The Hon. Teddy Mwambire, M.P
5. Mr. Ahmad Guliye – Clerk Assistant and Secretary to the delegation.

### 1.5 Acknowledgement

**Mr. Speaker Sir,**

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

I take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to Committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

It is my pleasant duty and privilege, on behalf of the Committee to table this report pursuant to provisions of the National Assembly Standing Order 199.

Thank You,

SIGNED .....

HON. D.R RACHAEL K. NYAMAI, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON LANDS

DATE.....

## **2.0 INTRODUCTION**

The World Bank Conference on Land and Poverty is an annual event organized by the World Bank Development Economic Research Group (DECRG). The Conference is a key global event where representatives from governments, civil society, academia, the development community, and the private sector come together annually to discuss new developments and progress on land policy and implementation. The conference aims to foster dialogue and sharing of best practices on the diversity of reforms, approaches and experiences that are being implemented in land sectors around the world.

The 19<sup>th</sup> Annual World Bank Conference on Land and Poverty was held from March 19 to 23, 2018 at the World Bank Headquarters in Washington D.C. under the theme 'Land Governance in an Interconnected World'. Over 1,800 participants attended from 128 countries.

## **3.0 BACKGROUND**

The theme for the 2018 conference highlighted that while land tenure affects the distribution of assets between men and women, generations, and social groups, patterns of land use will have far-reaching implications for welfare and other socio-economic outcomes at household, community, or landscape level. Recent innovations in geospatial technologies provide exciting opportunities to document and analyze determinants as well as impacts of land use change that are of great relevance for policy, projects, and research in this area.

The Conference was conducted through: -

- a) Sessions and roundtables comprising select papers and debates on important innovations and policy issues;
- b) Poster presentations;
- c) An innovation fair which enabled participants to assess progress on issues like spatial data acquisition, mobile technology and other applications that help improve service delivery, transparency and analytical capacity, and;
- d) A post-conference learning day which offered hands-on classes to familiarize participants with cutting edge tools and techniques to access and analyze data in order to improve land governance.

## **4.0 FINDINGS**

### **4.1 CONFERENCE OPENING - MONDAY 19<sup>TH</sup> MARCH 2018**

The Opening Keynote Speaker for the 2018 Conference was James Robinson, Harvard professor and author of 'Why Nations Fail.' He reminded participants during the conference that a narrow technocratic approach that fails to fully account for associated political economy issues may be ineffective even have negative consequences in land governance. However, high-level policy makers from South Africa, India, and Rwanda argued that broad-based policy debate and a stepwise approach to implementation can deliver significant change.

The experience of Rwanda in designing, implementing, and adapting its land policy attracted much interest. Determined to address historic discrimination and tenure insecurity, Rwanda put in place a land policy to ensure gender equality, guided by careful pilot efforts informed by rigorous research that helped avoid undesirable consequences. This gradual approach of continuous learning during implementation allowed Rwanda to regularize all of the country's 10.4 million plots in a participatory way within two years, compared to decades elsewhere. It increased investment, especially by female-headed households. And it also put the country into the top tier of the Doing Business rankings and generated strong interest by other countries that have been struggling with similar issues. Similarly, Korea, Lithuania, and the UK gave examples of how reforms helped them to improve service delivery, increase transparency, and reduce conflict.

Participants thereafter assembled in pre-conference workshops where they deliberated on building a Land governance assessment framework. This is a Diagnostic tool for assessing the status of land governance at country level (regulatory framework and existing practices) using a participatory process. It is based on detailed analysis of available data that leads to evidence-based policy decisions.

### **4.2. LAND TENURE, CLIMATE SMART LAND USE, AND RESILIENCE**

Participants exchanged ideas on the Linkages between climate change and land tenure and observed that such linkages are complex and indirect. Participants also noted that the effects of Climate change and variability are felt through changes in natural ecosystems, land capability and land use systems. Increasingly, these changes place diminishing supplies of land under greater pressure for both productive use and human settlement. Tenure security was therefore placed as a critical element of future policy discussions on adaptations to the impacts of climate change.



To assess progress, it was noted that policies envisaged would have to reconcile diverse and conflicting claims, clarify latent or overlapping rights in resources and reconcile statutory and customary regimes while other efforts to strengthen property rights will also include the documentation of current informal claims and the registration of transactions. These are challenging yet vital steps towards creating tenure security and building climate resilience.

#### **4.3 THE ROLE OF LAND TENURE IN EFFECTING URBAN FORM, DENSITY, AND URBAN-RURAL LINKAGES**

Participants observed that conventional land administration systems rarely improve tenure security for the poor. Tenure security was deliberated upon and a definition of the same was given as people's ability to control and manage land, use it, dispose of its produce and engage in transactions. Consequently, participants noted that many people especially the poor disadvantaged people do not have their tenure relations to land included in a formal administration system, with women in particular, more likely to be excluded from such a system.

Without recognized tenure rights therefore, the poor lose the associated benefits such as Improved tenure security, Increased investment in the land, Increased land value and marketability, Increased access to credit, fewer disputes and forced evictions, and Local/national governments are also not able to better manage land use and development and mobilize resources. To improve tenure security for the poor therefore, a range of types of land tenure beyond individual titles, a "continuum of land rights" which encompasses all forms of relations in which people hold land, and also aims to protect non-formal or intermediate relationships against land grabbing and evictions is increasingly accepted worldwide were proposed.

#### **4.4 IMPACTS OF LARGE SCALE LAND-BASED INVESTMENT, IMPLEMENTATION CHALLENGES, AND POLICY IMPLICATIONS.**

Participants deliberated upon the benefits and challenges of large scale agricultural investments. It was observed that the pursuit of greater commercial investment in agricultural land can bring economic benefits such as increased incomes, improved economic growth and export earnings, and additional food crops for local consumption and new sources of government and community revenues from land leases. Such investment however can also pose significant risks for the men and

women living in communities affected by these acquisitions.

Participants deliberated on the risks such investments pose to communities and which include displacement of local populations from the agricultural lands that they rely on for their livelihoods, social and political exclusion of women from both investment processes and outcomes, conversion of lands from production of staple crops to export crops and a corresponding reduction in food security, inadequate consultation with affected communities, insufficient compensation and or failure to fairly and equally distribute compensation and benefits derived from commercial investments and negative environmental impacts.

Participants further noted that the risks associated with commercial land investments are not limited to those endured by affected communities but there was mounting evidence across Africa demonstrating that land acquisition and tenure related risks can threaten viability of commercial land investments for investors. Such risks can lead to lengthy and unexpected delays, unanticipated costs and misunderstandings, and conflict over expectations and obligations between contracting parties and affected communities. On the other hand, proactive engagement can result in long term financial gains to the investor.

#### **4.5 SCALABLE APPROACHES TO IMPROVING TENURE SECURITY AND THEIR IMPACTS’.**

Participants deliberated upon the impact of improved land governance and noted that it was critical to the achievement of a wide range of development outcomes. A major reason of marginalization of some groups in the land sector participants observed was the top down policy processes which in some instances represents vested interests with limited participation opportunities for grassroots participation. It was further noted that Land is central to security of tenure, shelter needs, food security, livelihoods, economic opportunities and quality of life of young men and women.

The role of the youth in improving land tenure was also deliberated upon. By determining priorities on behalf of youth rather than building inputs from the youth themselves, participants noted that land policies are likely to miss the target and that lack of security of tenure is one of the most contentious issues facing the youth and can trigger conflicts with youth in the forefront as rebels and victims. Landlessness and lack of economic opportunities among rural youth therefore is a primary cause for

migration to urban areas which in turn links pressures for housing, tenure insecurity and informal settlements. Further, tenure security of the youth is about ensuring that there are appropriate and affordable tenure options available.

#### **4.6 USE OF GEOSPATIAL TECHNOLOGIES TO MONITOR LAND USE, IMPROVE DELIVERY OF LAND SERVICES, AND IMPROVE LAND GOVERNANCE.**

Participants noted that land governance includes mapping parcel boundaries as well as recording land ownership of various land parcels within a country and that traditional techniques such as surveying, while accurate, require tremendous amount of resources and time, to create a land governance framework. Remote sensing and geospatial technologies have therefore reached the critical mass to start addressing, establishing, and improving Land governance. These technologies coupled with advances in cloud computing, high performance computing, mobile technologies, GPS, and others can provide innovative ways to addressing land governance including creating and maintaining land register systems.

The technologies can address land governance issues for urban as well as rural areas, agriculture as well as pasture and forested lands. With maps covering entire countries and the ability to refresh the areas on a periodic basis, these geospatial technologies provide a new and innovative ways to address land governance issues and provide fast and economical alternatives to current methodologies. Maps derived from satellite imagery at sub meter resolution, and with good enough, accuracies provide a unique option to document the land parcels more effectively. Further, technologies such as mobile platforms enable to disseminate this data effectively in the field, to create a land registry system based on observed features from imagery. Further, the maps derived from imagery allow for easy updating and maintenance of land governance systems by leveraging the frequent updates of the maps. As societies across the globe embrace the “Location-Context-Time” paradigm, geospatial technologies offer new and innovative options for land governance.

#### **4.7 HARNESSING THE POTENTIAL OF OPEN DATA FOR TRANSPARENCY**

Participants deliberated upon the rapid evolution of technology and observed that the world and especially the developed countries benefit from technological contributions towards improving public services and effective service to citizens. Establishment of an e-land system in this case helps in improving the quality, availability and accessibility of land records to the public. This e-land

system would eventually lead to open data. Nevertheless, it is conditioned by the computerization of land records that must be available to the public. Open data is indispensable by ensuring transparency and accountability, enhancing public trust and participation and improving the effectiveness of governance process.

#### **4.8 ADVANCES WITH SECURING AND PROTECTING LAND RIGHTS FROM A GENDER PERSPECTIVE'**

Participants noted that despite progress on women's rights, rights to land and security tenure are not enjoyed equally by women and men in many parts of the world. This goes against international human rights and also impacts negatively on households and the economy.

It was observed that gender issues related to land are complicated as they involve sensitive social and cultural territories and challenge deeply rooted power structures. Women often face discrimination under formal, informal and customary systems of land tenure. In many parts of the world, women face large barriers in obtaining land because social customs or patriarchal tenure systems prevent them from holding rights to land. Land tools (defined as practical ways of achieving objectives set by laws and policies) have often been designed to serve male interests.

To be effective, these tools need to be developed so as to incorporate women's experiences, needs and participation. This means recognizing that tools i.e. land titling, land taxation, enumeration or city wide slum upgrading may impact differently on men and women.

#### **4.9 INNOVATIONS FAIR**

An innovations fair concentrating on how advances in technology and open data can help improve land governance at scale, providing an opportunity for governments, civil society, academia and the development community to access new technology aimed at improving reforms in the land sector was held. These innovations and new tools—along with the dialogue around the Sustainable Development Goals it was noted would further increase demand for reliable data and good analysis. The Closing plenary that was held on Thursday 22<sup>nd</sup> March highlighted the need for a participatory approach to land matters that includes governments, policy markets, people at the grassroots levels, women and youth in order to ensure that policies to improve land tenure and security and especially for developing countries achieve their desired results. It was further noted that a more evidence-

based and output-driven approach to land can provide a basis for enhanced World Bank engagement in this important sector. Responding to it in a smart way will therefore require support to local capacity to generate and analyze administrative, spatial, and household data and to persistently feed results into ongoing policy debates to secure rights for those who have been excluded.

## **5.0 LESSONS LEARNT:**

The conference was a center for sharing good practice and innovations for land governance across multiple domains. The following are key lessons drawn from different thematic areas:

### **1. New Technologies:**

These are helping to document rights to family and community lands held by traditionally disenfranchised people such as forest communities, slum dwellers, and pastoralists by enabling participatory mapping and local negotiation over rights, including with investors.

### **2. Clear Documentation and Improved Land Management:**

These can improve tenure security, reduce disputes, assist planning, and help assess the tax gap. Also, where appropriate, disposal of public land through transparent means such as auctions can allow proceeds to benefit all rather than a few well-connected individuals.

### **3. Participatory Processes:**

These can be incorporated into the assessment of a country's land governance compared to global best practice. These assessments then feed into country strategies, allow monitoring using administrative data, and provide a basis for field experiments and new ways of combining spatial, administrative, and household data to put in place policies to reduce sprawl and increase density.

### **4. Supply Chain Monitoring:**

Enhanced abilities to monitor throughout the supply chain allow agribusinesses, traders, processors, and consumer goods firms to make better sourcing decisions, disclose information to document compliance with global goals such as pledges for 'zero deforestation', and manage risk in a way that facilitates global capital flows into regions and sectors traditionally considered too risky.

### **5. Administrative Data:**

Better use of administrative data by governments can assist in monitoring the extent and impact of large-scale land acquisition. Making this information available through national reporting

systems can also help investors make better-informed decisions. This requires combining records and administrative data to better assess potential benefits from land taxes, push towards tenure regularization, and capture land value increases that can be used for investment in public infrastructure and services.

#### **6. Data Revolution:**

The data revolution can be harnessed to create approaches to land governance monitoring that combine surveys, administrative data, and global tools such as the Doing Business indicators to allow low-cost, high-frequency monitoring of gender-disaggregated data that stakeholders can draw on to track progress.

These innovations share several elements:

- a. They put a strong focus on data to measure progress,
- b. They place a premium on open standards and interoperability to make information available to interested parties and feed into country strategies that build on evidence-based discourse,
- c. They use real-time impact evaluations to revise and refine policy reforms.

### **6.0 CONCLUSION**

The conference was a forum for participants to discuss findings from new research, examine ways to integrate these findings into policies and country strategies, learn from one another at a time when land rights for the poor are increasingly at risk on a global scale, showcase what other countries are doing, as well as to learn from them. This included best practices in land registration systems, land management systems, and processing times for establishing legal land ownership.

Gender aspects and the central importance of women's land rights were highlighted in numerous papers, debates and the program. This highlighted the need for an all-inclusive approach which include women in the decision-making process in matters related to land reforms.

The conference highlighted that land ownership and an efficient and transparent transfer of title is critical to a well-functioning and just economy.