



FACT SHEET

USAID/Kenya Supporting Land Reform through the Kenya Transition Initiative (KTI) (2008 – 2013)- \$1,765,798

Land reform is one of the critical priorities outlined in Agenda 4 of the Kenya National Dialogue and Reconciliation process (2008). Land related problems, including security of tenure, duplicate titles, forced evictions, inefficient and corrupt services at the Ministry of Land, abuse of power, and cronyism, are widely recognized as a root cause of the country's periodic episodes of violence. The pinnacle of the problem is manifested in the deep sentiments of historical injustices that have been pervasive throughout the country since colonization.

Despite 50 years of independence, Kenya has been unable and unwilling to address these issues. Although land issues surfaced to the top during the 2007–08 post-election violence (PEV), government leaders benefiting from the status quo have prevented reform and continue to pose an obstacle to progress.

KTI Interventions

KTI uses a multi-pronged approach for land reform activities. These include: (1) Research grants to inform KTI and civil society; (2) "Pull" grants to assist change agents within the Parliament and the Ministry of Lands and the new National Land Commission; (3) "Push" grants to assist civil society (including the private sector) in identifying problems and demanding reforms; (4) Technical guidance through USAID/Kenya, the US Embassy, and the Development Partners Group on Lands (DPGL); and (5) Support to build the capacity of local communities to address local land issues.

"...a feeling among certain ethnic groups of historical marginalization, arising from perceived inequalities concerning the allocation of land and other national resources as well as access to public goods and services. This feeling has been tapped by politicians to articulate grievances about historical injustices which resonate with certain sections of the public. This has created an underlying climate of tension and hate, and the potential for violence, waiting to be ignited and to explode." Commission of Inquiry into the Post Election Violence, 2009, p.23.

In Kenya, land conflicts emerged as a key driver of violent conflict. In KTI's (and others) analysis, if public confidence in key grievance-resolving institutions was not restored, people would take their frustrations out directly on each other and violence would escalate along ethnic lines. KTI did not attempt to tackle the entire system of land ownership in Kenya, but after close analysis, the program decided to address one clear question: How do current proposed land reforms affect the average citizen day to day? This led to a focus on modernizing land registries, drawing on programmatic successes from similar modernization work in courthouses. KTI improved systems and service delivery at several land registry offices. These efforts resulted in an increase in requests for documentation and a decrease in bribes/manipulation of land records, suggesting improved public confidence in a non-violent dispute resolution mechanism at a time when tensions were high." (USAID/OTI Lessons Learned Review, Independent Review Team, December 2012)



Research, \$189,600

In 2008/09, KTI undertook several research activities to inform and serve as a foundation for future programming. This included research on inheritance practices between elders and youth in the Kipsigis community, public land grabbing in Kisumu, and land myths in northern Rift Valley. KTI's findings provided insight into the complexities of land problems, informing dialogue between KTI and local partners and enabling KTI to screen out weaker local partners; however, the activities were time consuming and offered few programming opportunities. In late 2009, the first draft of the Constitution was released and the National Land Policy (NLP) was approved by Parliament. These two documents provided a framework for ongoing KTI research activities to support the Constitution and the implementation of the National Land Policy.

Following the commencement of its Coast program in 2012, a number of land research grants were initiated to inform KTI land programming within the Coastal context. Building upon the lessons learned during 2008–2009, these research grants were designed to be simpler and tie directly to activities being implemented by local organizations. For example, support was provided to local grassroots organizations Pwani Leadership Council (PLC) and Haki Yetu for research into existing controversial land cases. The research was to be used for local advocacy and for submission to the new National Land Commission.

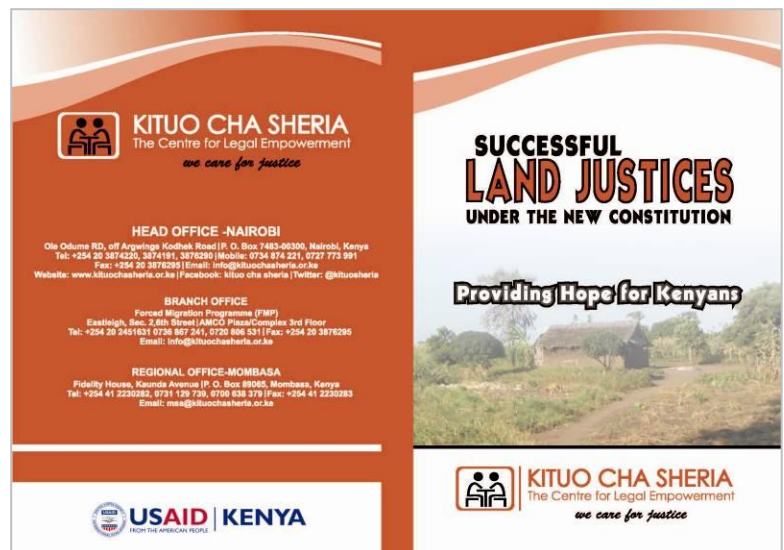
KTI recognized that it was equally important to provide hope to Coastarians before the 2013 election and to emphasize how the new constitution has already changed the way land cases are handled. KTI partnered with a national legal advocacy group, Kituo cha Sheria, to develop a small booklet on successful land cases. The booklet was published and distributed through dozens of organizations on the coast. Copies were even given to each individual who attended the KTI-sponsored governor debates in Mombasa, Kwale, and Kilifi counties.

In mid-2012, KTI also supported research into the Kwale Sugar Factory as a pilot case study to investigate perceived historical injustices. The consultant hired to investigate this case is now the Chairman of the National Land Commission, and the consultancy gave him the opportunity to dive down into a controversial case that is similar to thousands across the country. In his debrief in August 2012, the Chairman-elect at the time stated that the case was not as clear cut as the public had been led to believe. The Government, the company, and the public were all to blame in their respective ways.

Pull Grants

KTI has supported land reform in Kenya by providing assistance to the Kenyan Parliament, the Ministry of Lands (MOL) registries, and the new National Land Commission (NLC).

Support to Parliament (\$20,059): In July 2008, KTI attempted its first intervention with Parliament surrounding land reform. While the activity was unable to be implemented due to a lack of organization in the nascent





Parliament, KTI successfully conducted a similar activity when a new opportunity presented itself. In late January 2012, KTI supported an off-site meeting for the Parliament Lands Subcommittee to review the final draft of contentious land bills before they were tabled on the floor of the House. This meeting brought together parliamentarians, the Ministry of Lands, and key civil society members.

Ministry Support- (*\$Error! Not a valid bookmark self-reference.*): In 2009, KTI began direct support to MOL Registries outside of Nairobi to carry out Phase 0 of the National Land Information Management System (LIMS) envisioned in the National Land Policy.

Despite obstacles working with the MOL to computerize the the Nakuru Lands Registry, KTI's intervention ultimately transformed the district registry as one "historically fraught with challenges of poor record keeping and missing files" to a "well-organized registry" (Law Society of Kenya, Audit of 5 Land Registries, February 2012). The Ministry now cites Nakuru as an shining example of USAID support. Over 100,000 files have been sorted, organized, and electronically indexed in Nakuru. These improvements have reduced misfiling and increased the speed at which staff members can access files, provide services, and locate documents needed to address land disputes before they escalate.

Snapshot: Support Provided to Ministry of Land Registries

- Four land registries supported
- Two 40 foot containers provided for archiving documents
- 12 computers
- 126 months of causal labor to archive and organize files
- Refurbish 3 reception areas



Nakuru Registry Before and after Support

Since the initial activity, KTI has developed a customer service center at the Nakuru Registry, provided training for registry staff on the new constitution and key land policies, and facilitated an exchange visit with staff of the Kitale registry to learn about best practices in land records management. In Kitale, KTI assisted the County Lands Office in improving efficiency in key processes, including access, retrieval and sharing of data, and building local registry staff capacity. KTI provided a consultant to improve the file inventory database, interns to complete data entry, and additional equipment (router, desktop computers, parcel files and network cabling).

Under its new Coast program, KTI has provided support to the Kilifi Lands Office by providing additional storage space, improvements in physical security, office supplies and filing equipment, and refurbishing the overall appearance of the registry. In 2013, KTI initiated support the Kajiado Lands Registry. This activity supports the County Lands Office with furniture, equipment, short-term interns to commence data archiving and file indexing using the best practices from Nakuru and Kitale.



Kilifi Land Registry KTI Support

KTI has learned that the key to success hinges upon the support from the local registry leadership, not the organization as a whole. As KTI seeks ways to strengthen district registries, the project attempts to identify change agents within the MOL and support them whenever they are found.

“Recognizing that delays in resolving land disputes were also contributing to low public confidence and increased community tensions, KTI decided to try to apply the same model to the Kenyan Land Registry system. KTI’s work in several Land Registry offices in the Nakuru area has led to localized cases of increased citizen trust, evidenced by an increase in requests for documentation and, reportedly, a decrease in requests for bribes/manipulation of the system. However, the program has encountered greater difficulties making broader inroads because they lacked an influential, dynamic government change agent to partner with. The Minister has somewhat reluctantly begun to plan how to improve other land registry offices in Kenya.” (USAID/OTI Lessons Learned Review, Independent Review Team, December 2012).”

Quotes from Kilifi Lands Registry Staff:

- “When we first got started we weren’t sure it was going to happen—we suspected it was too good to be true and it didn’t sink in until after the BOQ arrived—then we knew it was going to happen.”
- “We are used to senior management coming to our office and asking us, ‘what are your problems?’ After we tell them they leave and we never hear back from them.”
- “We were really impressed with the time factor. It all happened in six months and in a government bureaucracy it never happens like this.”
- “Improved delivery of services. We are now able to meet our targets. The expansion of the office and file storage has made us a more client-friendly environment.”
- “We are now able to meet our service charter goals. We should be able to find a person’s file (complete a request) in 4 days. Before we improved our filing system (with KTI grant), we could never locate files. We could take days files and it was very frustrating for people who had to come back day after day.”
- “The fencing and strong room have increased our confidence and improved our morale.”
- “Our clients have noticed the changes and they complement us on the improvements. I think they have more confidence in the Land Office now.”
- “Quality was high and the monitoring of the project by KTI staff was great. I was impressed by how involved KTI staff was in the project. They sent lots of staff to check on us. KTI encouraged us to own the project and ask questions of the building contractor when we had concerns. We never felt like we could do that before.”



Indirect Ministry Support (\$46,303): Through its efforts to strengthen civil society's relationship with the MOL, KTI supported three grants for information campaigns for the public but also provided in-kind assistance to District Lands Offices (Narok and Kisumu). While each activity fulfilled its short-term objectives, long-term collaboration is unlikely in the near future as each group has different priorities and often competes for the same resources.

Support to National Land Commission (\$95,491): The National Land Commission, envisioned in the 2009 National Land Policy and formalized in the new Constitution of 2010, was operationalized in May 2013. However, due to internal struggles between land reformers and anti-reformers, the commissioners did not take their oaths until 27th February 2013 after civil society went to court. The NLC, in its infancy, will be facing a host of hurdles from those who do not want it to succeed. On February 27, immediately after the swearing in, KTI organized a meeting with the Development Partners (see section on technical guidance below). On March 8, 2013, responding to a funding request from the new organization, KTI awarded an initial grant to support the commission by providing office space, equipment, technical assistance (media and human resources), strategic plan development, and support for meetings and retreats to allow the NLC to quickly start on their mandated responsibilities.

Push Grants

Pushing for Reforms: Keep the Focus on Land Reform (\$149,341): With so many different reforms and political events between 2008 and 2010, Land Reform was often sidelined. KTI could only engage in a series of grants to raise the conversation on the reform agenda and on land reform as a component of that agenda. This engagement, in 2009-2010, consisted of a number of roadshows and grassroots events through the Trade Unions, Kenya ni Wajibu Wangu (Kenya is my responsibility) roadshows, and dissemination of video material on Agenda 4 issues, including land injustices¹ and photo exhibitions where the public got an opportunity to reflect on post-election violence. The number of related grants and the total value cannot be directly attributed to land reform only since they were part of a larger Agenda 4 conversation, however, KTI estimates that 10% of these grants focused on land reform.

Constitution, (\$518,920 - 10% of total investment in the Constitution): KTI invested significant resources in the Constitution, which is covered in detail in the Constitution Fact Sheet. Land Reform experts recognized that the principles of the National Land Policy had to be enshrined in the constitution. The Committee of Experts that drafted the constitution lifted those elements out of the policy and inserted them into Chapter 5 of the Constitution which dealt with land. This chapter was one of the most controversial chapters of the Constitution. KTI can conservatively estimate that 10% of its investment in the Constitution supported land reform.

Land Reform Advocacy. Land reform efforts in Kenya have often been undermined by Government actors who benefit from the status quo by securing titles for themselves or by 'charging' clients for improper transactions inside lands offices. This problem manifested itself in 2011 and early 2012 when the draft land bills that were called for in the new constitution were presented to the public and found to be lacking in several critical areas.

"We take the technical approach while OTI does the local political work, creating demand."
Charles Oluchina, USAID/KENYA Land Specialist

¹ DAINBO049, Mars Group



To address this issue, KTI has supported several non-state actors to advocate for land reforms. For example, KTI has partnered with the Kenya Private Sector Association to hold high level meetings to address the impasse in the development of key land legislation. Based on the recommendations that came out of these meetings, KTI supported the Law Society of Kenya (LSK) to provide practical training for Ministry officials to enhance their knowledge of land management and key land legislation. LSK also conducted an audit of four district land registries together with Ministry staff. The audit opened the eyes of many Nairobi-based Ministry staff as well as non-state actors to the challenges posed by the weak infrastructure in the district registries.

Technical Guidance

KTI has been an active member of the Development Partners Group on Lands (DPGL), a donor coordination effort led by UN Habitat. The DPGL provides a platform to share ideas across donors, including the Swedish International Development Cooperation Agency, USAID, and the World Bank, explore new initiatives and programs, and coordinates engagement and meetings with the Ministry. Through its involvement, KTI has helped DPGL members change their thinking to better understand the political ramifications of lands projects.

“Essentially, once [KTI] arrived with your new political economy framework of the country the donor group could become more focused and agree on how to move forward.”

Clarissa Auagustinas, UNHABITAT



Local Land issues, \$369,608

KTI has worked with local organizations that promote land reform at the community level, including supporting communities in Narok to address the problem of double leasing and communities in Taveta to address historical injustices in land ownership. In Siaya County, KTI supported a grassroots effort to tie the lack of progress in land reform, the inefficiency and corruption of local land registries, and the prevalence of forced evictions with the personal interests of the Minister of Lands and Prime Minister, who both hail from the area. As a result, community members were able to document

several silent cases of land grabbing, both historic and current, and successfully put pressure on the Minister to address the local land issues that came to light through their activities.



Annex - Grant References:

Ministry Support	Value (US \$)	Totals
DAINBO042, Nakuru Registry I (11/2009-2/2011)	94,237	0
CHXNBO043, Nakuru Registry II (3/2012-11/2012)	19,959	0
CHXELD002, Kitale Registry I (7/2011-12/2011)	3,819	0
CHXELD031, Kitale Registry II (3/2012-10/2012)	30,314	0
CHXMSA002, Kilifi Registry (8/2012-4/2013)	93,912	0
CHXNBO Kajiado Registry (4/2013)	60,430	0
Direct support Sub Total	302,671	\$302,671
Indirect MOL Support		0
DAIKIS0026, KCPA (Indirect)	18,494	0
DAIKIS044, Titles (Indirect)	17,420	0
CHXNBO041, Narok (25% of \$41,555) (Indirect)	10,389	0
Indirect support Sub Total	46,303	\$46,303
Direct NLC Support		0
CHXMSA070 NLC (3/2013)	95,491	0
	0	0
Direct NLC Support sub total	95,491	\$95,491
Research (KTI-1)		0
DAIKIS019 - Kipsigis Inheritance Study	19,562	0
DAIKIS0035 - Kisumu Public Land grabbing	50,590	0
DAIELD008 - North Rift land myths	27,030	0
CHXMSA001 – Pwani Leadership, Land Cases	22,512	0
CHXMSA007 – Haki Yetu, Land Cases for NLC	34,643	0
CHXMSA013 / 034 – Kitu Cha Sheria, Successful Land Cases under New constitution	29,178	0
CHXMSA018 – Kwale Research, Land Case	6,085	0
Research Coast Subtotal	189,600	\$189,600
Advocacy		0
CHXNBO011 – Kenya Private Sector Alliance	9,926	0
CHXNBO025 – Law Society of Kenya	63,879	0
Advocacy Sub Total	73,805	\$73,805
Roadshows		0
DAINBO063, COTU	\$98,577	0
DAINBO076, KETAWU	\$68,275	0
DAINBO077, KPAWU	\$99,328	0
DAIVarious Roadshows 1, 2, 3, 4, and 5. See constitution paper for details	\$1,077,801	0
DAIELD069, Roadshow KASS Post-Aug 2010	\$97,151	0
DAIKIS065, Roadshow Kericho Great commission	\$52,282	0
Roadshow Subtotal	\$1,493,414.00	\$149,341
Constitution	\$5,189,201	\$518,920
Local Issues		0
CHXNBO041 – Sisi ni Amani, Narok (75% of \$41,555)	31,166	0
CHXBNO029 – Taita Resource Center	38,026	0
CHXELD051 – Wareng Youth	30,816	0

CHXMSA000 – Kenya Land Alliance, policy, legislation	67,819	0
CHXMSA011 –Taita Resource Center, Land Governance	44,009	0
CHXMSA023 – KMYA Lamu Land Conflict Mitigation	62,221	0
CHXKER022 and 41 – CIAG, Siaya Advocacy	95,551	0
Local Issues Sub Total	369,608	\$369,608
Parliament		0
CHXNBO044	20,059	\$20,059
Total USAID/OTI Support		\$1,765,798