 THE NATIONAL ASSEMBLY REPUBLIC OF KENYA	
DATE: 21 NOV 2023	
DAY: TUESDAY	
TABLED BY:	HON OWEN BAYA, MP Deputy Leader, Majority Party
CLERK-AT THE-TABLE:	Finlays Mureki



NATIONAL LAND COMMISSION

2022/2023

ANNUAL REPORT

Climate-Smart Land Governance



NATIONAL LAND COMMISSION



Vision

Excellent Administration and Management of Land for improved Livelihoods and Sustainable Development



Mission

To Secure and Manage Public Land and Exercise Oversight on Land for the benefit of all Kenyans



Core Values

Professionalism	Sustainability
Integrity	Inclusivity
Innovation	Equity



Motto

Our Land, Our Wealth, Our Heritage | Ardhi Yetu, Mali Yetu, Urithi Yetu

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
CCIOs	Constitutional Commissions and Independent Offices
CECM	County Executive Committee Member
CEO	Chief Executive Officer
CSOs	Community-based Organizations
CSP	County Spatial Plan
ELC	Environment and Land Court
EPRA	Energy and Petroleum Regulatory Authority
ESAs	Ecologically Sensitive Areas
FAO	Food and Agriculture Organization
GDC	Geothermal Development Company
HLI	Historical Land Injustice
ICD	Internal Container Depot
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information and Communications Technology
IGAD	Intergovernmental Authority on Development
IMPACT	The Indigenous Movement for Peace Advancement and Conflict Transformation
ISK	Institution of Surveyors of Kenya
KELiN	Kenya Legal & Ethical Issues Network on HIV and AIDs
KETRACO	Kenya Electricity Transmission Company Limited
LAPSSET	Lamu Port, South Sudan, Ethiopia Transport Corridor
LUP	Land Use Plan
NLC	National Land Commission
NLUP	National Land Use Policy
NRF	National Research Fund
NSP	National Spatial Plan
PAPs	Project Affected Persons
PDP	Part Development Plan
RICS	Royal Institute of Chartered Surveyors
TARDA	Tana & Athi Rivers Development Authority
TDR	Traditional Dispute Resolution
UNDP	United Nations Development Program
UNFCC	United Nations Framework Convention on Climate Change
WWF	World Wide Fund

COMMISSIONERS' PROFILES

Gershom Otachi - Chairperson



Gershom Otachi is a seasoned Lawyer with experience spanning over thirty years. He has been in Legal practice as an Advocate appearing before all levels of Courts and Specialized Tribunals in Civil, Criminal, Land and property, Succession and Election disputes besides practice in other aspects of Commercial law and Conveyancing. He has also practiced law in international courts for a period of over twenty years.

He has served as the Chairman in two State Corporations: The Policy Holders' Compensation Fund (PHCF) and Geothermal Development Company (GDC) for a total of six years. Gershom Otachi holds LLB Degree from the University of Nairobi.

Mr. Otachi is a member of the Law Society of Kenya, the East African Law Society, the International Commission of Jurists (Kenya), International Criminal Bar and International Association of Defence Lawyers. Additionally, he served as the vice chairman of the Association of Defence Lawyers of at the UNICTR for a period of six years. He is listed in the ICC list of Counsel.

Getrude Nduku Nguku- Vice Chairperson

Getrude Nguku is a recognized United Nations legal and judicial reform expert. She holds a LLB degree from the University of Nairobi and a Master of Advanced Studies in Peace and Conflict Studies from the European University Center for Peace Studies in Austria.

She has extensively researched and written on administrative and management reforms of Kenya land law and policy to end conflict and structural marginalization. Before joining the Commission, Ms. Nguku managed a United Nations Operations land program as a Deputy Head to investigate, adjudicate and mediate on historical land injustices and illegal occupations in Kosovo, Serbia and Macedonia. As an Advisor of the United Nations Police Commissioner in Timor-Leste, she collaborated with development partners, national and municipality government authorities to spearhead the development of the first administrative and investigation policy of the police Vulnerable Persons Unit.



Prof James K Tuitoek - Commissioner



Prof. James K. Tuitoek was sworn into office in November 2019. Prof. Tuitoek holds a PhD from the University of Guelph and a Master's degree in Animal Science from the University of Manitoba both in Canada and a Bachelor of Science in Agriculture from the University of Nairobi.

He is a research specialist with key competencies in the areas of animal science. In his career, he has served in various senior management roles at Egerton University for a combined period of 19 years. He was a Lecturer, Dean of Faculty, Deputy Vice-Chancellor and later the Vice-chancellor, a position he held until he joined the Commission.

Prof. Tuitoek played a key role in the management of University Pension Plans. He was also instrumental in establishing favourable employee/labour relations and corporate governance.

He heads the audit and risk management committee in the Commission.

Hon. Esther Murugi Mathenge, EGH - Commissioner

Hon. Esther Murugi Mathenge EGH holds a Master's degree in Global Business and Sustainability in Social Entrepreneurship from the UNIVESITA CATTOLICA DEL SACRO CUORE. She holds a BA in Land Economics from the University of Nairobi, and is a registered member of the Institute of Surveyors in the Valuation and Estate Agents' Chapter and Land Management Chapter. Before joining the Commission, Hon. Murugi served the Government and the people of Kenya in various capacities. She was a Member of Parliament for Nyeri Town Constituency for two terms, Land Administrator and Minister (currently referred to as Cabinet Secretaries) for two ministries: Gender, Children Affairs and Social Development; and Special Programmes.



Commissioner Hon. Esther EGH is in charge of the Land Use Planning, Research and Counties Committee.

Hubbie Hussein Al-Haji - Commissioner



Hubbie Hussein Al-Haji is an accomplished Gender and Governance specialist with proven experience in social and institutional development. She holds a Bachelor of Arts Degree in Developmental Studies from Kimmage Development Studies Centre – Kimmage Manor – Ireland, Diploma in Community Development – from Kenya Institute of Social and Community Development and Animal Health diploma from Egerton University-Kenya.

In 2010 she received the prestigious award of the Order of the Moran of the Burning Spear (MBS), which was conferred on her by His Excellency President Mwai Kibaki. The UN Human Rights Office has recognized her outstanding performance in Human Rights Advocacy. In 2006, she was awarded the Ralph Stone Memorial Award on women leadership in Washington DC.

She is the chair of the Commission's Human Resource, Administration and County Coordinators Committee.

Hon. Samwel Kazungu Kambi - Commissioner

Hon. Kazungu holds a Master in Business Administration (MBA) from University of East Africa, Baraton and a Bachelor of Arts Degree in Development Studies from the same University. He is currently pursuing his PhD at Maseno University.

A former legislator, Hon Kazungu has served the Kenyan Government and the public in the capacity of a member of parliament, Assistant Minister and Cabinet Secretary. He chaired the Coast Development Authority and was a Director at the Betting Control and Licensing Board before joining the Commission.



He is in charge of the Finance Planning and Supply Chain Management Committee in the commission and a member of other Commission Committees.

Reginald Okumu - Commissioner



Reginald Okumu holds a Master's Degree in Business Administration from Strathmore Business School, a Bachelor's Degree in Land Economics from the University of Nairobi, a Post Graduate Diploma in Valuation and Estate Management Surveying from the Institution of Surveyors of Kenya and Certificate in Land Administration in Africa Searching for Land Tenure Security from the World Bank Institute.

Commissioner Okumu is well conversant with the land estate sector, having specific expertise on land use and hands on experience in acquisition, development, valuation, management and disposal. He previously chaired the Institution of Surveyors Kenya and a Board Member, National Housing Corporation.

He is the chair of the Commission's Land Administration & Management, Natural Resources, Survey and GIM Committee.

Alister Murimi - Commissioner

Allister Murimi is a Real Estate and Construction expert who holds a Master of Science Degree in Business Administration, Construction and Real Estate from the University of Reading's Henley School of Business, in the United Kingdom. He also holds a Post Graduate Diploma in Project Management from Royal Institute of Chartered Surveyors (RICS). He has also acquired several Diplomas and Certificates related to planning and management

He is a Registered Estate Agent (2004), Registered Valuer (2003) and a Full Member of the Institution of Surveyors of Kenya. Having worked in diverse fields in real estate, Commissioner Murimi brings a wealth of knowledge to the Commission on matters related to land economics, valuation and sustainable development in the land sector.

He is the chair of the Commission's Land Valuation and Taxation Committee.



Hon. Tiyah Galgalo - Commissioner



Hon. Tiyah Galgalo is a former legislator, a seasoned public administrator and an educationist who holds a Masters in Educational Administration and Planning from the University of Nairobi. She holds a Bachelors of Education degree from Kenyatta University

She has a vast experience in Consultancy work in Research, Governance, and Education among others. Additionally, she is a champion for Disaster Risk Reduction (DRR), governance & gender, monitoring and evaluation and resource Mobilization.

Commissioner Hon. Tiyah is in charge of the Corporate Communication, Advocacy, Partnerships and Resource Mobilization Committee.



MESSAGE FROM THE CHAIRMAN

It is my profound privilege to present this Annual Report for Financial Year 2022/23, which has been prepared in compliance with Article 254 of the Constitution of Kenya and Section 33 of the National Land Commission Act, 2012. The Report details the activities and performance of the Commission over the past financial year in furthering the execution of our Constitutional, statutory and policy mandate.

As documented in this Report, we made considerable progress on our mission to secure and manage public land and exercise oversight on land for the benefit of all Kenyans whilst managing the unpredictable challenges that we encountered. One of the defining issues that perspicuously characterized the review period was climate change effects. The last year's events of the unprecedented drought, which was followed by floods were obvious manifestations and prove that the land sector has not been spared by the adverse effects of climate change. The Commission is cognizant of the fact that tackling the adverse impacts of climate change calls for collective efforts and, therefore, intends to, going forward, play its active role by responding to climate change through land governance. In this respect, the Commission will be at the forefront of developing frameworks for infusive climate smart land administration and management imperatives. Additionally, the Commission will continue sensitizing planning authorities in the national and county government levels to incorporate climate change adaptation measures in the development of land use plans. On the digitization and digitalization fronts, we remain solidly committed to expediting the development of Commission's systems on Ardhisasa platform and public land Cadastral as well as geo-referencing of public land parcels. Equally important, the anticipated launch of the Kenya's Natural Resources Atlas and geoportal in the coming financial year will enhance and buttress the Commission's digitization and digitalization efforts. The digitization and digitalization of land records, processes and resources are fundamental land reforms strategies for conclusively addressing the longstanding land question in Kenya.

What we achieved during the review period and what we aspire to achieve in the future is creditable to the support of our partners and key stakeholders in the land sector, including state and non-state actors. I, therefore, conclude by conveying my gratitude to all the Commission's treasured stakeholders and partners. I single out

the President for his unwavering support and acknowledging that Constitutional Commissions and Independent Offices are integral to the prosperity and stability of Kenya. Specific to land matters, the Cabinet's approval of the full roll-out of the land digitisation programme- National Land Information Management System- is a compelling evidence that the Kenya Kwanza Administration supports the full realization of the land reform agenda in Kenya.



Gershom Otachi Bw'omanwa

Chairman - National Land Commission



MESSAGE FROM THE SECRETARY/CEO

It is with tremendous joy that I present this Annual Report. The Report is prepared and published at the midpoint of the implementation of the Strategic Plan (SP) 2021-2026. The Commission is, therefore, in the preparation stage of conducting a mid-term review and evaluation to identify the progress made in the implementation of this SP, pick lessons learnt and, consequently, reformulate the implementation path based on the changing circumstances.

The Commission achieved a number of significant milestones over the year under review including but not limited to: making determinations to redress historical land injustices; application of the non-confrontational out-of-court dispute settlement mechanisms to resolve over 1,500 land disputes; enhancing the security of land tenure through regularizations, formalizations and processing the renewal/extension of leases on land parcels; availing land to national and county governments for development through compulsory acquisition; securing public land from illegal encroachment through final surveys and, subsequently, initiating the processes of vesting; launching the two tools to monitor the implementation of National Land Use Policy (NLUP) and National Spatial Plan (NSP) to facilitate sustainable development in the Kenyan territory by enhancing optimum and sustainable governance, use and stewardship of land and land-based resources; and conducting research on use of land and natural resources and subsequently sharing findings with the relevant authorities to inform decision making and formulation of land use policies.

These fundamental land reform milestones were achieved in spite of the numerous challenges that tested our resilience including, financial constraints. I, therefore, thank the Commissioners and members of Secretariat for remaining focused to the land administration and management transformation course; not even the encountered challenges could digress their focus into extraneous distractions. It is pleasing to see that our robust investment in a conducive working environment as well as employee development and wellbeing programs has paid off. Equally important, I thank our strategic partners with whom we constructively and cooperatively worked to expedite the attainment of the land reforms goal.

Moving forward, we intend to bring on board more strategic partners to our mandate of executing the land reform agenda in Kenya. We sincerely acknowledge that the land problem in Kenya is deeply-rooted, multi-

faceted and intricate and, therefore, we will enhance our commitment to achieving a multiagency approach to resolving this problem. Additionally, we will actualize the implementation of all the recommendations we devised to address challenges that we encountered during the review period. This way, then, we are hopeful of realizing a better and more effective execution our mandate in the forthcoming and future financial years.



Kabale Tache Arero

Secretary/Chief Executive Officer

EXECUTIVE SUMMARY

FY2022/2023 marked the eleventh year since this Commission was legally-constituted and tenth year since it became fully operational after the gazettelement of the first set of Commissioners. The Commission navigated a tumultuous nascent in 2013 to grow in leaps and bound and it is now midway in the implementation of the second Strategic Plan (SP), which runs from 2021 to 2026. This SP sets strategies on how the Commission will implement its Constitutional, legislative and policy mandate. FY2022/2023 Annual Report, which is prepared in compliance with Article 254 of the Constitution of Kenya and Section 33 of NLC Act 2012, therefore, is an account of the Commission's performance, during the review period, towards the realization of its mandate. Below is the enumeration of the Commission's performance and key achievements during the review period.

FY2022/2023 Performance Fast Facts

<u>194</u> No. of Allotment Letters Prepared and Issued as a result of Allocation of 194 Public Land Parcels	<u>3,566</u> No. of Allotment Letters Prepared and Issued following the Regularization of 3,536 Parcels	<u>57</u> No of Public Land Parcels the Commission Approved for Renewal of Lease
<u>591</u> No. of Digitized Public Land Parcels	<u>≈16,266.87 Ha</u> Size of Land in Hectares the Commission considered and approved for Compulsory Acquisition, in Line with Section 107(1) of the Land Act, 2012, for 48 National and County Government Projects	<u>10</u> No. of Draft County Spatial Plans (CSPs) whose Preparation was Monitored and Oversighted by the Commission by Reviewing and Making Recommendations on
<u>290</u> No. of Georeferenced Authenticated Survey Plans, Approved Development Plans and Authenticated Registry Index Maps	<u>4</u> No. of Themed Research Conducted on Land and Use of Natural Resources to inform Policy	<u>25</u> No. of Local and Urban Land Use Development Plans that the Commission Reviewed, Monitored, Oversighted, made recommendations and issued Advisories on
<u>2</u> No. of Finalized Surveys for the process of Vesting	<u>6</u> No. of Research Seminars held to disseminate Research Findings	<u>1,596</u> No. of Land Disputes Admitted to be Resolves by ADR, TDR and AJS mechanisms
<u>13</u> No. of Surveys Conducted to Support Land Dispute Resolution	<u>Kshs. 172 Million</u> Revenue Generated from Allocation, Formalization, Regularization and Renewal and Extension of Lease Fees	<u>115</u> No. Disputes Successfully Resolved by ADR, TDR and AJS mechanisms
<u>1,038</u> No. of HLI Claims the Commission Admitted Subject to the Admissibility Criteria Under Section 15(3) of NLC Act, 2012	<u>5</u> No. of Determinations made by the Commission to Redress HLI	<u>Kshs. 1.482 Billion</u> The Commission's Approved Budget for FY2022/23
<u>115</u> No. of HLI Claims the Commission Assessed for Admissibility		

In addition to the above quantitatively-described achievements, the Commission formalized the allocation of 20 parcels of land, reviewed and updated the draft Kenya's Natural Resources Atlas and subjected it to public participation, and launched the two tools to monitor the implementation of National Land Use Policy (NLUP) and National Spatial Plan (NSP) during the review period. Moreover, the Commission issued over 50

advisories/recommendations to various agencies subject to the provisions of Article 67 of the Constitution of Kenya, Section 33 of the NLC Act, 2012 and other pieces of legislation & policies. The other achievements of the Commission included mainstreaming climate change in the administration and management of land, encouraging the use of ADR mechanisms for dispute resolution, conducting public sensitizations on the land reform agenda and establishing and cementing more strategic partnerships and synergies among others.

All these achievements were made despite the numerous challenges the Commission encountered during the review period. Some of these challenges included financial constraints, the negative impacts of climate change, a backlog of unresolved court cases, operational disruptions occasioned by the tightly contested 2022 General Elections and unimplemented recommendations and advisories issued to various state agencies. Upon the identification of these challenges, the Commission remarkably devised practical and sound recommendations, which will inform future decision-making to realize a better and more effective execution of its functions and mandate.

CHAPTER ONE

1. INTRODUCTION

1.1. Background Information

The Constitution of Kenya, 2010 established the National Land Commission (NLC) under Article 67 and 248 with the broad mandate of spearheading the land reforms agenda in Kenya. The Commission was primarily operationalized by the National Land Commission Act of 2012. This law provides the legal framework for the establishment, composition, powers, functions and operations of the Commission. Other relevant laws and regulations such as the Land Act, 2012; Land Registration Act, 2012; Community Land Act, 2016; and Physical and Land Use Planning Act, 2019, among others, also play a critical role in the operationalization of the NLC by providing guidance on specific aspects of land administration, management, and governance in Kenya.

Paragraph 4.2.1 of Sessional Paper No.3 of 2009 on National Land Policy proposed the establishment of NLC as a critical body that would address the then-existing land administration and management institutional framework's problems. The Policy document noted that the then-existing institutional framework for land administration and management was highly centralized, complex, exceedingly bureaucratic, prone to corruption and neither encouraged nor facilitated public participation. According to the policy document, the establishment of NLC, as a constitutional body with sufficient operational autonomy and independence to perform its function was instrumental to addressing the highlighted land management and administration problems as well as promoting effectiveness and accessibility of land governance at national and local levels. Therefore, the Constitution of Kenya, 2010 established the Commission to actualize the intent and recommendations of the National Land Policy 2009, which ideally is to spearhead the land reform agenda in Kenya.

1.2. Mandate and Functions of the Commission

The Commission derives its mandate and functions from the Constitution of Kenya, 2010, Sessional Paper No.3 of 2009 on National Land Policy and other relevant land laws. Broadly, Article 67(2) of the Constitution of Kenya expressly donates the following functions to the Commission:

- a. Managing public land on behalf of the national and county governments;
- b. Recommending a national land policy to the national government;
- c. Advising the national government on a comprehensive programme for the registration of title in land throughout Kenya;
- d. Conducting research related to land and the use of natural resources, and making recommendations to appropriate authorities;

- e. Initiating investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommending appropriate redress;
- f. Encouraging the application of traditional dispute resolution mechanisms in land conflicts;
- g. Assessing tax on land and premiums on immovable property in any area designated by law; and
- h. Monitoring and having oversight responsibilities over land use planning throughout the country.

In accordance with Article 67(3) of CoK, the Commission may perform any other functions prescribed by national legislation. The main relevant land laws that prescribe more functions to the Commission include:

- National Land Commission Act No. 5 of 2012;
- Land Act No. 6 of 2012;
- Land Laws (Amendment) Act No. 28 of 2016;
- Community Land Act No. 27 of 2016;
- Land Registration Act 3 of 2012; and
- Physical and Land Use Planning Act No. 13 of 2019.

1.3. Powers of the Commission

The Commission derives its powers under Article 252 of CoK and Section 6 of the National Land Commission Act, 2012. Pursuant to Article 252 of CoK, the Commission has several General Functions and Powers, which include:

- i. Powers to conduct investigations on its own initiative or on a complaint made by a member of the public;
- ii. The powers necessary for reconciliation, mediation and negotiation;
- iii. Powers to recruit own staff; and
- iv. Powers to issue summons to witnesses to assist for the purposes of its investigations.

In line with Section 6(1) of the National Land Commission Act, 2012, the Commission shall have all the powers necessary for the execution of its functions under the Constitution, NLC Act 2012 and any other written law. Under Subsection (2), without prejudice to the generality of Subsection (1), the Commission has the powers to:

- a) gather, by such means as it considers appropriate, any relevant information including requisition of reports, records, documents or any information from any source, including any State organ, and to compel the production of such information where it considers necessary;
- b) hold inquiries for the purposes of performing its functions under the Act;
- c) take any measures it considers necessary to ensure compliance with the principles of land policy set out in Article 60(1) of the Constitution.

1.4. Composition of the Commission

The constitution of the Commission is in accordance with Article 250 of CoK and Section 7(1) of the National Land Commission Act, 2012. The membership of the Commission, therefore, comprises the chairperson and eight other members. The procedure for the appointment of the Commission members is set out in the First Schedule of the National Land Commission Act, 2012. The responsibility of the nine (9) Commissioners is policymaking. In addition, the Commission has a Secretariat that is headed by the Commission Secretary, who is also the Chief Executive Officer (CEO), in adherence to Article 250(12) of CoK and Section (20)(3)(a) of the NLC Act 2012. The CEO is, also, the accounting officer of the Commission. The Secretariat is responsible for the running of day-to-day operations of the Commission and is organized as shown in Appendix 1 on the Commission's Organogram.

1.5. Devolved Units

After acknowledging that the high centralization of land administration and management in Kenya was one of the significant factors that contributed to corruption and inefficiencies in service delivery, Sessional Paper No.3 of 2009 on National Land Policy recommended institutional reforms to ensure devolution in land administration and management. Moreover, Article 6(3) of the Constitution of Kenya, 2010 and Sections 4(2) and 16(5) of the National Land Act, 2012 obligate the Commission, as a national organ, to ensure that its services are accessible in all parts of the Republic. Against these backgrounds, the Commission has decentralized and devolved its services by establishing 47 county coordination offices across the country. A snapshot of performance of the Commission in these offices is captured under Annexure 1.

CHAPTER TWO

2. PERFORMANCE AND ACHIEVEMENTS

This Chapter highlights the performance and achievements of the Commission during the review period. The Commission uses the Strategic Plan (SP) 2021-2026 as the most ideal tool to assess its performance against the set targets. In this regard, the Commission's performance and achievement in FY2022/2023 are pegged on the five Key Result Areas (KRAs) that are set out in the SP. The KRAs are:

1. Management and Administration of Public Land;
2. Use of Land and Security of Land Rights;
3. Revenue Generation from Land and Land-based Resources;
4. Land Dispute Resolution and Conflict Management; and
5. Institutional Strengthening.

2.1. Management and Administration of Public Land

The management and administration of public land on behalf of the National and County governments is one of function of the Commission, in line with Article 62(2), 62(3) and 67(2) of the Constitution of Kenya, 2010. Land Administration entails determining, documenting, updating and disseminating information that relates to the ownership, value and usage of land. In contrast, land management is the process of managing land use and development in urban and rural settings. During the review period, the Commission carried out various activities towards achieving its Constitutional mandate of managing and administering public land. These activities are bundled within five strategic objectives, as per the SP 2021-2026, namely:

- i. Securing Public Institutional Land;
- ii. Enhancing Access to Alienated and Unalienated Public Land for Development;
- iii. Regularization of Urban Land Allocations;
- iv. Converting Public Land for Public Purpose or in the Public Interest;
- v. Securing Compulsorily-acquired Land and other Public Land through Survey and Vesting;
- vi. Sustainable Management of Natural Resources; and
- vii. Public Land Inventorying and Databases.

2.1.1. Securing Public Institutional Land

2.1.1.1. Documentation of Public Institutional Land

The fact that public institutional land parcels that lack any form of ownership document are highly vulnerable to encroachment and illegal allocation is well documented. In this regard, the Commission remained resolutely committed to securing public institutional land through documentation. The Commission received applications to document 151 parcels of public institutional land.

2.1.1.2. Recovery of Public Institutional Land

The Commission, on recommendation of the Ethics and Anti-corruption Commission (EACC) and other statutory bodies, recovered two parcels of public institutional land. These parcels are Kitale Municipality Block 4/87 (0.1524ha) and Kitale Municipality Block 4/89 (0.1513) in Transzoia County.

2.1.2. Enhancing Access to Alienated and Unalienated Public Land for Development

The Commission, mainly, enhances access to alienated and unalienated land for public development through allocations, reservations of settlement scheme parcels, regularizations, formalizations and extension of leases.

2.1.2.1. Land Allocations

Section 12(1) of the Land Act, 2012 gives the Commission the responsibility of allocating public land on behalf of the National or County governments by employing five outlined methods. During the period under review, the Commission determined that the County Government of Siaya allocates LR No. Usonga/Usonga Block 1/4, Usonga/Usonga Block 1/7 and Usonga/Usonga Block 1/8 (approx. 6,900 Ha) to Lake Agro Limited for a 66-year lease.

Additionally, the Commission allocated 194 more public land parcels accounting to approximately 120.259 Ha of land in different Counties across Kenya, as broken down in Table 2.1.

Table 2.1: Breakdown of Allocations made by the Commission in FY2022/2023

S/No.	Type of Allocation	Number Allocations (Parcels) and Allotment Letters Issued	Size in Hectare
1.	New Allocation	164	119.213
2.	New Allocation (NHC)	26	0.971
3	Allocation (Civil Servants Housing Scheme)	4	0.075
	Total	194	120.259

2.1.2.2. Reservations of Settlement Scheme Parcels

In exercising its function under Section 134(5) of the Land Act, 2012, the Commission reserved one parcel for settlement of squatters in Nandi County upon the request the County Government of Nandi County. The reserved, land parcel L.R. No. 1462/1 (Litchet Farmers), is located in Kabutie Location, Tinderet Sub-County. Upon reservation of this parcel, the Commission advised the County Government of Nandi to collaborate with the Ministry of Land, Housing and Urban Development to ensure that the land is well planned and surveyed to provide adequate land for public utilities including schools, religious institutions, administrative offices and shopping centres among others.



Figure 2.1: Commissioner Reginald Okumu and other Stakeholders involved in the Reservation of Land Parcel L.R. No. 1462/1 (Litchet Farmers) | Photo Courtesy of Nandi County Government

2.1.2.3. Regularizations and Formalizations

Regularizations

The process of regularization aims to legalize interests in urban public land that is already owned/occupied without having been planned, surveyed or formal documents issued by relevant authorities. In accordance with Section 32(1) of the Land (Allocation of Public Land) Regulations of 2017, the Commission regularizes allocations of land made under any of the repealed Acts subject to the request of County Governments. During the review period, the Commission regularized 3,566 parcels resulting in the issuance of the same number of allotment letters. The breakdown and distribution of these regularizations is as summarized by Table 2.2.

Table 2.2: Summary of Regularized Allocations (Urban Land Allocations)

S/No.	Location with Regularized Allocations	No. of Regularized Parcels/Parcels	Acreage
1.	Kiambu	17	8.403
2.	Kisii	13	0.852
3.	Narok	773	61.086
4.	Nyeri	17	0.665

S/No.	Location with Regularized Allocations	No. of Regularized Parcels/Parcels	Acreage
5.	Machakos	122	85.679
6.	Uasin Gishu	12	0.522
7.	Garissa	2	0.128
8.	Wajir	3	8.372
9.	Samburu	2,607	354.299
Total		3,566	510.751



Figure 2.2: NLC Conducting a Due Diligence Exercise, which Preceded the Regularization of Land Ownership in Likii Area of Nanyuki in Laikipia County

Formalizations

The Commission formalizes land allocations in areas where people or institutions have some form of formal ownership document for public land that had already been planned and even developed. During the review period, the Commission formalized 20 parcels of land totaling 7.222 Ha. The distribution of these formalizations is illustrated in Figure 2.3.

Formalised Parcels in Hactares in different Counties

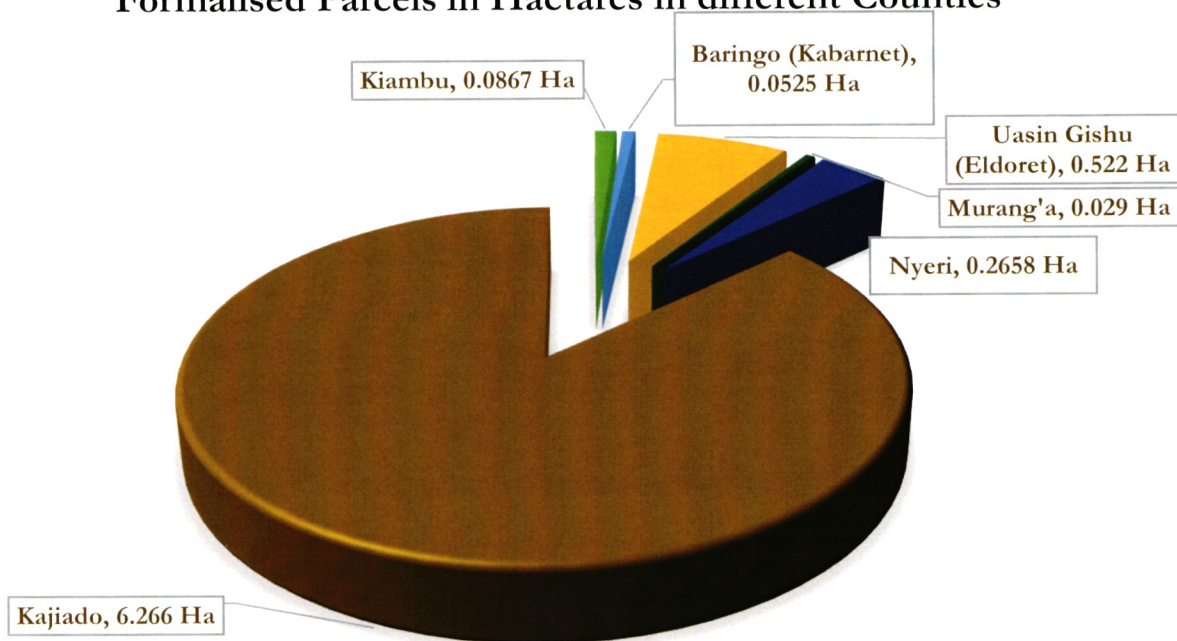


Figure 2.3: Distribution of Formalizations based on Size in Hectares

2.1.2.4. Renewal and Extension of Leases for Public Land

The Commission renews and extends leases for public land following the conditions specified under Section 13 of the Land Act, 2012. During the review, the Commission prepared and issued 37 notices for renewal and extension of leases on public land. Consequently, the Commission approved the renewal of lease on 57 public land parcels as broken down in Table 2.3.

Table 2.3: No. of Land Parcels Allocated from Renewal and Extension of Leases based on Counties

S/No.	County	No. of Land Parcels Allocated from Renewal and Extension of Leases
1.	Kiambu	10
2.	Nairobi	18
3.	Mombasa	1
4.	Kirinyaga	3
5.	Nyeri	3
6.	Murang'a	2
7.	Nyandarua	1

S/No.	County	No. of Land Parcels Allocated from Renewal and Extension of Leases
8.	Embu	1
9.	Meru	1
10.	Turkana	2
11.	Kisii	1
12.	Laikipia (Nanyuki)	1
13.	Kajiado	5
14.	Baringo (Kabarnet)	1
15.	Garissa	2
16.	Wajir	3
17.	Moyale	1
18.	Mandera	1
	Total	57

2.1.3. Converting Land for Public Purpose in the Public Interest through Compulsory Acquisition

The Commission is a critical enabler of the realization of Government development agendas including Vision 2030 and its Medium-term Plans (MTPs) and the Bottom-up Economic Transformation Agenda (BETA). The implementation of some of the Flagship Projects under these Agendas faces the challenge of inadequate land, which makes compulsory land acquisition unavoidable. The Commission carries out compulsory acquisition of land in accordance with Article 40(3) of the Constitution of Kenya, under Bill of Rights. Section 107(1) of the Land Act, 2012 grants the Commission the responsibility to compulsorily acquire identified land, for public use or in the public interest in exchange for prompt and full of just compensation, on behalf of the National or County Government. When implementing its compulsory acquisition responsibility, the Commission is guided by Constitution and various legal and regulatory provisions including the Land Act, 2012, the Land Value Amendment Act, 2019, the Community Land Act, 2016, and the Land (Assessment of Just Compensation) Rules, 2019 among others.

During the FY 2022/2023, the Commission undertook 48 National and County Government Projects which fall under five categories, namely, defense (1), education (1), energy (2), road infrastructure (30) and water, irrigation & sanitation (14). This information is illustrated by the pie-chart/Figure 2.4:

PROJECTS PER SECTOR

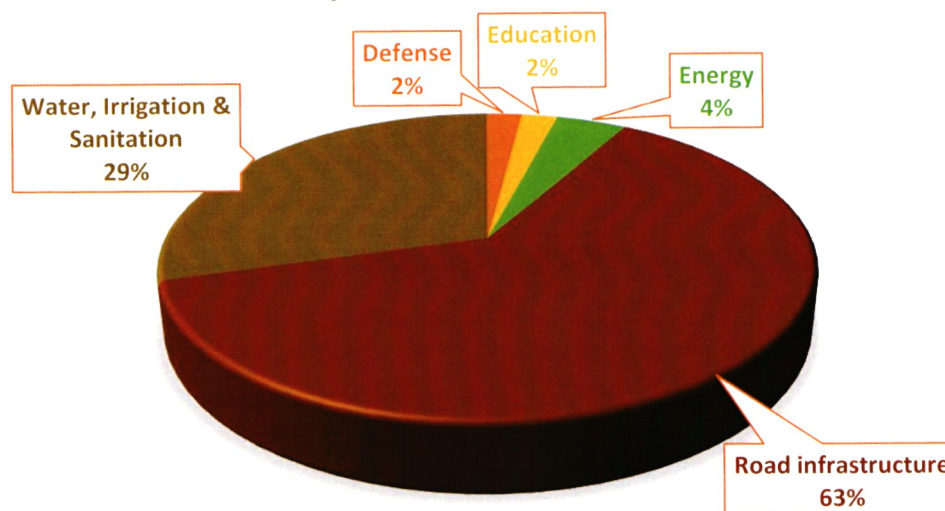


Figure 2.4: Graphical Presentation of Project Distribution per Sector

From the foregoing details, it can be construed that road infrastructure related projects take the bulk of the project undertaken by the Commission in the FY 2022/2023 at 63% followed at a distant second by water, irrigation & sanitation at 29% and then education at 4% and finally defense and education at 2% each combined rating.

The breakdown of these projects is as shown in Table 2.4.

Table 2.4: Summary of various Compulsory Land Acquisition Projects in FY2022/2023

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
1.	Rural Electrification and Renewable Energy Corporation (REREC)	The Kenya Electricity Modernization Project (KEMP) Sites	Supporting the use of solar and clean cooking technology to drive the electrification of households, enterprises, community facilities, and water pumps	Energy	Turkana and Marsabit Counties	6.00
2.	Kenya Rural Roads Authority (KeRRA)	Athi - Kimongoro – Nkinja - Ugoti - Katithine, Auki Thii - Gaiti, Kijiji Thii - Gaiti Roads & Access to Meru University Road Project	The project involves the construction of Athi-Kimongoro-Nkinja-Ugoti-Katithine, Auki Thii-Gaiti, Kijiji Thii-Gaiti Roads & Access to Meru University Roads. During implementation of the project, it was realized that there is need to acquire minimal additional land to the existing road reserve in some sections of the road and also drainage outfall thus the need to embark for acquisition.	Road infrastructure	Meru County	6.60

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
3.	KeRRA	Kutus - Kianyaga - Githure Kibugu Road Project	This is a 27 kilometers long road project within Kirinyaga. Construction works were undertaken by Kenya Rural Roads Authority for the rehabilitation of Kutus-Kianyaga-Githure-Kibugu Road Project. During the implementation of the project, the acquiring body noted that there is need to acquire some additional land in some sections of the road. The request for acquisition is for two private parcels	Road infrastructure	Kirinyaga County	0.0375
4.	Kenya National Highways Authority (KeNHA)	Rehabilitation of Mau Summit-Kericho-Nyamasaria-Kisumu Bypass Road Project	Improve accessibility	Road infrastructure	Kericho County.	0.40
5.	KeNHA	Kisumu Northern Bypass Road Project	Improve accessibility	Road infrastructure	Kisumu County	37.54
6.	Ministry of Water, Irrigation & Sanitation through Athi Water Works Development Agency (AWWDA)	Ruiru II Dam Water Supply Project	Water supply to Nairobi and Satellite towns.	Water, Irrigation & Sanitation	Kiambu County	36.54
7.	Ministry of Water, Irrigation & Sanitation through AWWDA.	Ruiru II Dam Water Supply Project	Water supply to Nairobi and Satellite towns.	Water, Irrigation & Sanitation	Kiambu County	29.05
8.	KeRRA	Iten-Kapsowar Road Project	Improve rural accessibility.	Road infrastructure	Elgeyo Marakwet County	7.34
9.	Ministry of Water, Irrigation & Sanitation.	Lower Nzoia Project (Secondary Canals 8 to 14)	Improve irrigation and flood mitigation.	Water, Irrigation & Sanitation	Siaya & Busia Counties	69.04
10.	Ministry of Water, Irrigation & Sanitation.	Lower Nzoia Project (Cross Drains 1 to 5)	Improve irrigation and flood mitigation.	Water, Irrigation & Sanitation	Siaya & Busia Counties.	15.64
11.	KeNHA	Construction of Siaya - Ruambwa (C29) Road Project	Increase accessibility between Siaya Town through small interior towns of Boro, Hawinga, Utanga, Nyadorera & Ruambwa.	Road infrastructure	Siaya County	11.80
12.	KeNHA	Nairobi Expressway Road Project	Ease of JKIA – Nairobi CBD Traffic	Road infrastructure	Nairobi County	23.42
13.	KeNHA	Mombasa Gate Bridge Project	Road linking Mombasa CBD with South Coast.	Road infrastructure	Mombasa County	1.90

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
14.	KeNHA	Western Bypass Road Project	Ease of traffic on Waiyaki Way to Thika Road route.	Road infrastructure	Kiambu County	7.95
15.	KeNHA	Mombasa Southern Bypass (Dongo Kundu) Road Project	Linkage of Nairobi Road with Mombasa Road traffic and South Coast.	Road infrastructure	Mombasa & Kwale Counties.	36.59
16.	KeNHA	Likoni Floating Bridge Project	Ease of foot traffic/reduction of ferry waiting-time.	Road infrastructure	Mombasa County	2.13
17.	AWWDA	Construction of Waste Water Treatment Plant on Del Monte Land	Sanitation	Water, Irrigation & Sanitation	Kiambu County	21.70
18.	Ministry of Defense	Kipini Military Land	Defence	Defense	Lamu & Tana River Counties.	12,900.00
19.	KeNHA	Eastern Africa Regional Transport, Trade and Development Facilitation Project (EARTTDFP) Lokichar – Napapal Road	Expansion/Improvement of the Northern Corridor.	Road infrastructure	Turkana County.	-
20.	AWWDA	Ruiru – Juja Sewerage Plant.	Sanitation	Water, Irrigation & Sanitation	Kiambu County.	31.00
21.	KeRRA	Upgrading and landscaping of Kenyatta Road.	Improve accessibility	Road infrastructure	Kiambu County.	2.68
22.	KeNHA	Kipsagak – Serem – Shamahoho Road Project.	Improve rural accessibility.	Road infrastructure	Vihiga & Nandi Counties.	11.62
23.	KeNHA	Kenol – Sagana Marwa Road Project.	To ease the high traffic experienced between Nairobi and Isiolo/Nyeri towns as well as other roads serving off shoot towns like Embu, Meru, Mwea, Kerugoya, Kutus, Kagio, Baricho, Kagumo, Mukurweini, Tumutumu among others that connect to this arterial road at various points.	Road infrastructure	Kirinyaga & Nyeri Counties.	99.88
24.	Ministry of Education	Mama Ngina University College.	To expand the University that currently sits on a 10-acre parcel of land hived off from Mutomo Primary School. The requirement from the Commission for University Education on minimum acreage for main campuses of 20 Ha necessitated further acquisition to attain the required acreage whereby the objective being to have at least 50 acres by the time the University is fully fledged.	Education	Kiambu County	16.85
25.	Kenya Railways Corporation	Miritini MGR Station-Mombasa SGR Terminus Link	To ease transport from SGR Terminus to Mombasa Town.	Road infrastructure	Mombasa	10.22
26.	KeNHA	Isinya-Konza-Malili Road	An important missing link that connects Athi River Namanga (A2) road at Isinya and	Road infrastructure	Kajiado & Makueni Counties	203.88

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
			Mombasa-Nairobi (A8) road at Malili.			
27.	KeRRA	Embu Hospital-Kathangariri-Kianjokama-Kanja-Runyenjes-Siakago Road	Upgrading of the road network to ease traffic.	Road infrastructure	Embu County	6.97
28.	KeRRA	Umande-Jua Kali-Akorino Road	There is need to acquire land for construction of a re-aligned section of the road to accommodate a bridge.	Road infrastructure	Laikipia County	0.25
29.	AWWDA	Karimenu Dam-Ruiru-Juja Pipeline	Pipeline is to convey water to Ruiru reservoir	Water, Irrigation & Sanitation	Kiambu County	221.44
30.	KeRRA	International School of Kenya- Gathiga Road Project	Accessibility.	Road infrastructure	Kiambu County	0.4794
31.	Coast Water Works Development Agency (CWWDA)	Makamini Dam Phase 1 Project	Water supply.	Water, Irrigation & Sanitation	Kwale County	402.65
32.	AWWDA	Construction of Solar Farm and Water Treatment Works in Wote	Power supply	Energy	Makueni County	0.8043
33.	Nairobi City County	Construction of Globe Roundabout Public Transport Terminal in Nairobi City County	This is a project initiated by Nairobi City County whose intention is to acquire parcels adjacent to the Globe Cinema roundabout along Murang'a road to build a bus terminus in a bid to relocate matatu from the central business district (CBD).	Road infrastructure	Nairobi City County	2.6
34.	Kenya Urban Roads Authority (KURA)	Construction of Storm Water Drain Outfall in Nakuru City County	This is a project is to address the frequent storm water flooding along a section of Maragoli Road, Milimani area in Nakuru County.	Road infrastructure	Nakuru City County	0.1573
35.	KeRRA	Construction of Kiaga-Mukinduri And Njegas Mutitu-Kagumo-Kangaita Road Project	Accessibility.	Road infrastructure	Kirinyaga County	0.04
36.	AWWDA	Construction of Gatundu Water Supply and Sewerage Project - Ruabura Water Supply	The project is aimed to provide drinking water to Kiambu and Nairobi residents	Water, Irrigation & Sanitation	Kiambu County	10.60
37.	AWWDA	Construction of Gatundu Water Supply and Sewerage Project - Handege Water Supply	The project is aimed to provide drinking water to Kiambu and Nairobi residents	Water, Irrigation & Sanitation	Kiambu County	1.33
38.	AWWDA	Construction of Gatundu Water Supply and Sewerage Project - Ngenda Water Supply	The project is aimed to provide drinking water to Kiambu and Nairobi residents	Water, Irrigation & Sanitation	Kiambu County	4.55

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
39.	Ministry of Water & Sanitation and Irrigation (MoWSI)	Mwache Multi-Purpose Dam - Priority Area 3	The project is aimed to provide water to Kwale and Mombasa residents	Water, Irrigation & Sanitation	Kwale County	2,000.00
40.	KeRRA	Ngecha-Gitangu-Kanjeru/Gitangu (Karia)-Nyathuna/Ngecha-Mahiga-Site (Jct104) Kabocha-Gikuni-Mukui-Karura/ Zambezi-Kamugaga-Kiambaa-Gwa Gichini And Zambezi-Kamuguga Polytechnic Mangorano Roads: Rwc499	The project involves the undertaking of improvement to bitumen Standard of Ngecha-Gitangu-Kanjeru/Gitangu (Karia)-Nyathuna/ Ngecha-Mahiga-Site (Jct104) Roads	road infrastructure	Kiambu County	0.1267
41.	KeRRA	Maparasha Bridge and Approach Roads	The project involves construction of approach roads and a bridge across Kajiado River	Road infrastructure	Kajiado County	1.0950
42.	KURA	Valley Road/Ngong Road/Nyerere Road Interchange and Upperhill/Haile Selassie Overpass	The project involves construction of two overpasses and a series of road interchanges linking Upper Hill to the Nairobi Central Business District (CBD).	Road infrastructure	Nairobi County	0.7279
43.	KENHA	Eldoret Town Bypass Road Project (Water Outfalls)	The project involves the construction of Eldoret Town Bypass Road. During the implementation of the project, it was realized that there is need to acquire minimal additional land for water outfalls in some sections of the listed road thus the need to embark on land acquisition.	Road infrastructure	Uasin Gishu County	0.3733
44.	Makueni County	Kwa Mbila Earth Dam Project	The project involves compensation of part of Parcel No. Mbuvo/Kiangini/32, submerged by Kwa Mbila Earth Dam, which was constructed by the County Government of Makueni in 2016.	Water, Irrigation & Sanitation	Makueni County	1.1938
45.	Kenya Rural Roads Authority	Gakira – Ngonda – Mununga & Mukuyu – Kambirwa – Mirira/Jcn A2 (Mukuyu Gwa Thamaki) Roads Project	The objective of the project is to open up the various centres and increase agricultural and economic activities.	Road infrastructure	Muran'ga County	4.0571
46.	AWWDA	Machakos Sanitation Project (Phase II)	The purpose of the project is to provide sewerage infrastructure and sanitation services within Machakos Municipality.	Water, Irrigation & Sanitation	Machakos County	3.6620
47.	Kenya Rural Roads Authority	Colacola-Mpuri-Kithaku-Katheri And Kithurune-Kariene-Kaguma-Giaki Roads Project	These are links roads aimed at connecting various centres within Imenti Central division Meru County	Road infrastructure	Meru County	13.8075

S/No.	Acquiring Body	On-going Projects Name	Project Objective	Project Category	Area of Scope	Approx. Scope Area (Ha) of the Project
48.	Kenya Rural Roads Authority	Karima-Kianjege-Karatina road project	The objective of the project is to open up the various centres and increase agricultural and economic activities.	Road infrastructure	Kirinyaga County	0.1500
<u>TOTAL</u>						<u>16,266.87</u>

From the above, the Commission made available approximately 16,267 hectares (40,196 acres) for both national and county governments projects spread across the various sectors countrywide.

Further, in the actualization of the land acquisition process, the Commission made the following additional milestones:

- a) Gazettement and serving of; 16 notices of Intention to Acquire for new projects – MGB, KEMP, KeRRA; 25 Notices of Inquiry; 34 addenda, corrigenda and deletions
- b) Conducted; Inspection for Assessment of Value of 25 Projects; 25 Inquiries; Finalization of 29 Valuation Reports amounting to KES. 10,683,266,060/-, Approval of 24 Valuation Schedules a for Awarding, and issued Five (5) Projects with Notices of Taking Possession/Early Entry.
- c) Conducted four (4) field visits conducted for familiarization and dispute resolution;
- d) Held five (5) No. stakeholder forums with MWS&I, REA, KRA, GDC, KDF and AWWDA on progress of land acquisition projects;
- e) Prepared in liaison with Research Department, concept notes for (i) “*Assessment of Tax on Land and Premiums on Immovable Property Assessment in Kenya. Pilot in Nairobi, Mombasa, Kisumu and Nakuru*” – for funding under the FY2023/24 – 2025/26 Medium Term Budget; (ii) “*Transformation of Assessment of Land Tax through Improved Inclusive Policy, Legal and Institutional Frameworks*” – for funding under Food and Agriculture Organization (FAO);
- f) Assessed Stand Premium and Annual Rent to facilitate land allocation (335 Applications);
- g) Made three (3) advisories on Market Value and Market Rental Valuations conducted for KenGen and TARDA; and
- h) Participating in the Institution of Surveyors of Kenya (ISK) Regional Conference in Kisumu in Nov. 2022.



Figure 2.5: NLC Receiving Feedback from Project Affected Persons during the Commission's visit to Horn of Africa Gateway Development Project Lot 1 & 2 in Isiolo and Meru Counties



Figure 2.6: Inquiries at Lower Nzoiia Irrigation & Flood Mitigation Project, Siaya County



Figure 2.7: Chairman NLC and Commissioner Mwirimi during their Ground Visit to monitor the Progress of Land Acquisition for Karimenu Water Dam Project

2.1.4. Securing Compulsorily-acquired Land and other Public Land through Survey and Vesting

There is a high propensity of illegal occupation of public land or compulsorily-acquired land if it is not secured by conducting the processes of final survey and vesting. In the case of compulsorily-acquired land, the Land Act No. 6 of 2012 (revised 2019) mandates the Commission to cause a final survey subject to remittance of funds by acquiring bodies. The Commission performance in relation to securing public land through survey and vesting is as discussed in the section below.

2.1.4.1. Final Survey and Vesting for Compulsorily Acquired Land

Section 118 of the Land Act No. 6 of 2012 (revised 2019) requires the Commission to, as soon as practicable, cause a final survey to be made of all the land acquired. Worth noting is that Article 62(1)(c) of CoK, 2010 defines public land as land transferred to the State by way of sale, reversion or surrender, which implies that compulsorily acquired land becomes public land once the affected persons are fairly, fully and promptly compensated. During the review period, the Commission made tremendous strides in regards to final survey for compulsorily-acquired land.

I. Road Projects Final Survey Guidelines

The Commission spearheaded the development of the Draft *Guidelines to Operationalize the Final Survey for Land Acquired for Road Projects*. These Guidelines were developed by a Technical Committee comprising members from the Commission and the three legally-established road authorities in Kenya namely Kenya National Highways Authority, (KeNHA), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KeRRA). The guidelines are expected to bring fundamental changes in the way the Commission executes final survey. Precisely, the guidelines will enhance efficiency and timeliness in the final survey activity in addition to ensuring that the execution of final survey adheres to the existing National Regulations and approved institutional policies.

II. Finalized Final Surveys for Vesting

Section 111(1A) of Land Act No. 6 of 2012 requires acquiring authorities to deposit with the Commission survey fees and other costs, which include vesting funds. The Commission finalized two (2) surveys for vesting on two projects/land parcels and submitted reports to the Director of Surveys for processing. The two projects on which final surveys were completed include the Upper Tana Survey and Kimugu Water Project L.O. 628 in Kericho.

III. Ground Inspections and Preliminary Surveys

Preliminary Surveys are a critical step in the process of final survey and vesting of compulsorily-acquired land. These preliminary surveys are outlined and summarized by Table 2.5.

Table 2.5: Summary of Preliminarily-surveyed Projects

S/No.	The Preliminarily-surveyed Project/Land	Remark
1.	Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor Project	The Survey and Inspection of the LAPSSET Corridor in the Counties of Lamu, Garissa, Isiolo, Meru, Samburu and Turkana was done to facilitate land acquisition on behalf of LAPSSET Corridor Development Authority- LCDA.
2.	Upstream Petroleum Projects in Turkana	The preliminary survey covered six projects sites, commonly known as Polygons, namely Ngamia, Amosing, Agete, Etom,

S/No.	The Preliminarily-surveyed Project/Land	Remark
		Twiga and Ekales. Preliminary survey having been conducted, the Upstream Petroleum Projects will proceed to inquiries.
3.	Ground Survey of LR MN/VI/3823 within Makupa, Mombasa	The Commission finalized a review of past survey records and ground survey of a parcel of land registered under LR MN/VI/3823
4.	Kenya-off Grid Solar Access Project (KOSAP)	A preliminary survey to support acquisition of several solar power sites. The Commission Surveyors undertook a joint Survey with KPLC and REREC to locate the sites. Several sites were identified in several counties. A total of eleven Counties (Garisa, Tana River, Kwale, Lamu, Isiolo, Samburu, Marsabit, Mandera, Wajir, Turkana) were covered.

2.1.4.2. Dispute Resolution Surveys

Survey is a fundamental aspect of dispute resolutions particularly in disputes involving land boundaries. The Commission's performance in relation to conducting survey aimed at providing redress to land disputes is summarized in Table 2.6.

Table 2.6: Summary of Survey Conducted to Support Land Dispute Resolution

S/No.	Area where Survey was Conducted	Disputing Parties and Aim of the Survey
1.	Survey of 12 different land parcels in Miritini SGR acquisition	This survey was conducted to review spatial status of several land parcels within Miritini area which were subject of compulsory acquisition for SGR and related services but are currently under dispute due to conflicting interests. The Survey was conducted to support court cases.
2.	Field Confirmation survey of Mariakani Road project	The Survey was conducted to establish the extent of LR MN/VI/3823 that is affected by for Mariakani Road expansion land acquisition.
3.	Survey of Kabarage Squatter Scheme	To establish spatial location of the Scheme against that of the neighbouring land
4.	Kenya Forest Service (KFS) vs. LR No 17942	Ownership dispute of LR No 17942 along Kiambu Road. The disputing parties were KFS and a private owner/investor. The analysis of survey data revealed that the boundaries of the parcel fall within Karura Forest. However, since there is an active appeal in Court, the Commission could not make a conclusive resolution/determination.
5.	Ground Confirmation Survey on LR No. 1040/2 vs MN/VI/1040 Vs LR No. 31537	The disputing parties are Dopp Investment Limited and Kahia Transporters and Trade Lead Limited. This is a land compensation dispute and the Confirmation Survey

S/No.	Area where Survey was Conducted	Disputing Parties and Aim of the Survey
		was aimed at determining the actual spatial location of MN/VI/1040, LR 1040/2 and LR NO. 31537 and to establish the actual land parcel that was acquired for SGR.
6.	Gituamba Squatters Settlement Scheme Vs Kasarani Stadium	To establish spatial location of the Scheme against that of Kasarani Sport Complex.
7.	Survey to establish Spatial Relationship between Got Ramogi Forest and Got Ramogi Technical Institute Land	The MP for Bondo Constituency alleged that Got Ramogi Forest had encroached into 8 acres of Got Ramogi Technical Institute land. The survey aimed to: <ul style="list-style-type: none"> • Establish the boundary of Got Ramogi and that of the Institute as per the registered Preliminary Index Diagram (PID); • Establish if Got Ramogi Forest had encroached in the Institute's land; and • Establish the extent of the Forest land that is claimed by the community and the Institute as the original boundary of the Institute.
8.	Tott Farm Eldoret	This preliminary survey was done to support valuation of Land Parcel LR No. 8500 following a court order regarding Civil appeal No 156 of 2019 pitting Attorney General & others versus Pius Kibet Tott and others. The objectives of the survey was to determine: <ul style="list-style-type: none"> • the ground status of LR 8500; • the boundary of the original LR 8500; • the extent of the land occupied by settlers.
9.	Thika Municipality Block 9	To establish the spatial location of Thika Municipality Block 9
10.	Miritini SGR Land Acquisition Issues – Dispute LR No. 4805/1 vs MN/VI/5169,	Ground/Investigative survey was conducted to establish spatial location of the above land parcel and to determine the actual land parcel that is affected by SGR.
11.	UNOA 34 in Makueni	This survey aimed to resolve a dispute on who was the real owner of a 0.6 Ha, which remained after a final Survey that was conducted in 1995. The survey established that the Kenyan Government had gazetted 14.6 Ha instead of 14 Ha in a land that it compulsorily acquired in 1989. In its advisory, the Commission indicated that there was no need for another survey since all survey data were available at the District Survey Office in Makueni and, therefore, the 0.6 Ha of the extra gazetted land should be registered to the original land owner.
12.	Boundary dispute between Kisii and Nyamira County	Joint Survey comprising of National Government Surveyors, County surveyors from both Kisii and Nyamira, National Land Commission. The Survey was

S/No.	Area where Survey was Conducted	Disputing Parties and Aim of the Survey
		conducted to guide the Court proceeding with regard to the boundary dispute.
13.	Kwale International Sugar Company Limited (KISCOL) vs. Cabinet Secretary (CS), Treasury & Attorney General	Joint Survey of the suit properties LR 27742, 5056/6. The main purpose was to determine the extent of KISCOL land occupied by squatters. This was in response to a Court order, Mombasa High Court Commercial Case No. E20 of 2022.



Figure 2.8: Members of NLC, MP, Hon. Dr. Gideon Ochanda and Local Communities during a Consultative Forum at GOT Ramogi Training Institute

2.1.5. Sustainable Management of Natural Resources

Article 260 of the Constitution of Kenya, 2010 defines natural resources as *the physical non-human factors and components, whether renewable or non-renewable, including:*

- a. sunlight;*
- b. surface and groundwater;*
- c. forests, biodiversity and genetic resources; and*
- d. rocks, minerals, fossil fuels and other sources of energy.*

The Constitutional definition of land, under Article 260 of CoK, includes natural resources as a critical component that constitutes the land. This implies that land and natural resources are heavily and intricately interweaved and interrelated. The majority of natural resources fall under the category of public land, which the Commission is obligated to administer and manage on behalf of the National and County governments pursuant to Article 62(2) and Article 67(2)(a) of CoK. According to Article 69(1)(a) of CoK, the State has the obligation of ensuring that the environment and natural resources are sustainably exploited, utilized, managed and conserved and benefits that accrue from them equitably shared. The people of Kenya delegated the responsibility of the sustainable conservation of land-based natural resources to the Commission through Section 19 of the Land Act, 2012. In addition to the conservation responsibility, the Commission manages natural resources pursuant to Section 4(2)(c) and (e), 11 and 15(3) of the Land Act, 2012.

The Commission's performance and achievements with respect the sustainable conservation and management of natural resources are bundled within the following key activities:

- i. Inventorying Natural Resources in Kenya;
- ii. Developing Guidelines, Regulations and Frameworks for Sustainable Management of Natural Resources;
- iii. Mainstreaming Climate Change in the Administration and Management of Land;
- iv. Accelerating the Management and Development of Blue Economy Land Resources;
- v. Securing Wildlife Connectivity Corridors and Dispersal Areas;
- vi. Strengthening the Governance for Natural Resources;
- vii. Managing Conflicts related to Natural Resources; and
- viii. Issuance of Advisories on Sustainable Management of Natural Resources.

2.1.5.1. Inventorying Natural Resources in Kenya

Kenya's Natural Resources Atlas and Geoportal

The Commission made a significant milestone towards the finalization of the Kenya Natural Resources Atlas, which inventorizes all the natural resources in Kenya in the fulfilment of Section 15(3) of the Land Act, 2012. The six-chapter Atlas will provide a visually-orienting information of Kenya's natural resources in the form of

maps, images, photographs and statistical presentations depicting the current status of natural resources, including their specific contribution to the country's gross domestic product (GDP). Therefore, the Atlas will be a one-stop information shop for decision making, planning, and sustainable exploitation of these resources. Besides promoting good governance and stewardship of the country's natural capital, the Atlas will be instrumental in advancing the Commission's oversight responsibility.

In partnership with Food and Agriculture Organization (FAO) through the Digital Land Governance Programme (DLGP) that is supported by the European Union (EU), the Commission steered the review and update exercise of the draft Kenya Natural Resources Atlas. The reviewing and updating of this Atlas were accomplished by an interagency technical committee that drew membership from various relevant organizations, stakeholders and experts in the field of natural resources.



Figure 2.9: The Commission CEO, FAO's Team Leader of the Digital Land Governance Programme, Husna Mbarak, and the Interagency Technical Committee that Reviewed and Updated the Draft Atlas

Subsequently, the Draft Atlas, being a major policy document, was subjected to public participation by dint of Article 10 of the Constitution of Kenya and Section 4 of the Land Act, 2012 (Revised 2019). To maximize public participation, the Commission exploited a two-dimensional approach: virtual and physical public participation meetings. Public participation invites were circulated through the Commission's official website and social media pages, print media, letters and emails.



Figure 2.10: NLC's Head of Natural Resources Department Presenting the Draft Atlas in one of the Physical Public Participation Sessions in Nakuru County

These public participation sessions attracted views and inputs from stakeholders and members of public from all walks of life including Government Agencies, development partners, scholars and academicians, NGOs, CBOs and CSOs as well as local communities. The incorporation of these views and inputs will be critical to strengthening the Atlas. The Commission, with the support of FAO, will moderate the incorporation of the relevant views and inputs through an interagency technical working session so as to finalize the Atlas for inputting/validation and subsequent launch.

The periodic updating of the Geoportal, which is already hosted on the Commission's website, continues as the development of the Kenya's Natural Resources Atlas happens. Precisely, Geoportal is the web-based atlas or portal that allows users to access and view geospatial resources and information including Kenya's natural resources.

Mapping of Ecologically Sensitive Areas

Section 11 of the Land Act, 2012 (Revised 2019) gives the Commission the exclusive responsibility of spearheading the conservation of ecologically sensitive public land. According to this Section, public land that comprises endangered or endemic species of flora and fauna, critical habitats or protected areas is ecologically-sensitive. In accordance with the obligation of Section 11(2) of the Act, the Commission identifies Ecologically

Sensitive Areas (ESAs) within public land in Kenya and takes the justified actions of mapping them and compiling reports that are shared with various relevant stakeholders for the purpose of conserving them. During the period under review, the Commission identified and mapped ESAs in six (6) counties, including Nandi, Kakamega, Kisii, Vihiga, Homabay and Kwale. Consequently, six (6) advisory reports on the mapped ESAs were developed and shared with various stakeholders including the respective county governments and relevant national agencies.

2.1.5.2. Developing Guidelines, Regulations and Frameworks for Sustainable Management of Natural Resources

The Commission was a key stakeholder in the development of the draft National State of Environment (SoE) Report, being spearheaded by NEMA.

Equally, the Commission participated in consultative meetings and stakeholder engagements while providing leadership and guidance in the following;

- The development of the Marine Spatial Plan;
- The development of Environmental and Social System Assessment for the Proposed Kenya Integrated Devolution and Urban Support Programme;
- Master Plan Development and Strengthening Policy and Regulatory Frameworks for Coastal, Marine tourism and mining activities; and
- The development of Kenya Country Natural Resources Accounting Framework under United Nations Development Program (UNDP)/SRC.

In response to NEMA's requirements that all persons and agencies likely to be affected by the proposed Sand Harvesting Regulations 2023 submit written comments, the Commission developed and submitted a Memorandum. The main objective of these Regulations is to, *inter alia*, ensure sustainable utilization of the sand resource and proper management of the environment as well as promote sustainable exploitation, utilization, management and conservation of the environment. Therefore, the Commission, in its Constitutional mandate of administering and managing public land on behalf of the national and county governments is likely to be affected by these Regulations, which elucidates why the Commission developed and submitted the Memorandum.

2.1.5.3. Mainstreaming of Climate Change in the Administration and Management of Land

Kenya heeded to the United Nation Framework Convention on Climate Change (UNFCCC)'s call that contracting parties make submissions for discussion and adoption during the 27th Conference of the Parties to the UNFCCC (COP27) that was held in Shamel Sheik, Egypt. In this regard, the Commission took a leading role in the development of the Country Position Paper on the nexus between land and climate change. Noteworthy, the development of these papers was spearheaded by Kenya's Climate Change Directorate.

Moreover, the Commission Participated in 2 technical preparatory meetings/caucuses and guided climate change adaptation thematic area including review of the Global Adaptation Committee Report for 2021/22.

The Commission participated in the Environment and Land Court (ELC) @10 Conference that was convened in Kilifi on 28th November – 2nd December 2011. In this Conference, the Commission moderated the session on Climate Change. This was a very empowering session for the ELC judges to embrace and appreciate the technical aspect of climate change on land. As a follow up to the Conference, the Commission trained ELC judges on climate change litigation and climate justice. The three-day training session that was conducted between 29th March and 31st March 2023 was supported by FAO of the United Nations.

2.1.5.4. Accelerating Blue Economy Land Resource Management & Development

The Commission was a key stakeholder in the development of the Draft Blue Economy Strategy, which was spearheaded by the Department of Blue Economy in the Ministry of Mining, Blue Economy and Maritime Affairs. Moreover, the Commission was conspicuously represented and provided its input in meetings and technical working groups that saw the boundary of Lake Naivasha Land demarcated. Importantly, the Commission participated in two technical meetings relating to Lake Victoria Spatial Planning and Marine Spatial Planning.

Lastly, to foster the knowledge and capacity of its staff members in relation to accelerating the management and development of Blue Economy land resources, the Commission facilitated their participation in a virtual meeting on greening the green economy. This virtual seminar was organized by BE- an organization that deals with Blue Economy.

2.1.5.5. Securing Wildlife Connectivity Corridors and Dispersal Areas

The Commission is committed to mapping wildlife corridors in various parts of the country. In this regard, the Commission convened two technical stakeholder sessions/meetings aimed at executing the mapping of wildlife corridors in Isiolo and Samburu Counties. Equally, the Commission convened a stakeholder meeting to discuss Gravy Zebra Conservation. Jointly with WYSS Academy for Nature, the Commission also held an expert meeting to discuss wildlife corridor mapping. Importantly, the Commission conducted a training session on gazettelement process of wildlife and critical habitats.

Lastly, the Commission exhibited its commitment to securing wildlife connectivity corridors and dispersal areas by participating in the launch of the UNGANISHA Programme, which is a green wildlife corridors project, with conservation as one of the outcomes.



Figure 2.11: Commissioners Prof. Tuitook and Okumu and the CEO Preparing to plant Trees during the Launch of the UNGANISHA Programme

2.1.5.6. Strengthening the Governance of Natural Resources

The Commission hosted the second Lake Region Economic Block (LREB) Natural Resources Review Forum in Kisumu, in partnership with KELIN. The Forum aimed to provide an opportunity to various stakeholders who participated to engage in a strategic conversation and share experiences and knowledge on sustainable and prudent management and use of natural resources. Additionally, this was an effective platform for capacity building and awareness on sustainable management and prudent use of natural resources.

The Commission, also, initiated the process of convening such a Forum for Frontier Counties Development Council (FCDC). A concept note for funding of this imminent Forum was developed and shared with Dryland Capacity Development Initiative (DCDI) and Natural Justice for support and collaboration.



Figure 2.12: A Section of stakeholders who attended the 2nd LREB Natural Resources Review Forum in Kisumu

Lastly, the Commission held a consultative meeting with Migori County Government to discuss matters land and natural resources management in the County and develop a common understanding and identification of priority areas of mutual work programme and support.

2.1.5.7. Managing Conflicts related to Natural Resources

Some of the Commission’s efforts and successes in natural resources conflict management are summarized by Table 2.7.

Table 2.7: The Commission’s Performance in relation to Managing Natural Resources-related Disputes/ Conflicts

S/No.	Conflict/Dispute	Remark
1.	Ownership Dispute of the John Michuki Park	The Commission guided and provided key inputs for the development of an affidavit for the Nairobi River Riparian land (John Michuki Park) whose ownership is contested by parties.
2.	Lake Naivasha Riparian Land Dispute	The Commission prepared supporting affidavits for resolving Lake Naivasha riparian land dispute. A concept note on the same was developed and shared with UNDP.

2.1.5.8 *Advisories related to Sustainable Management of Natural Resources and Climate Change*

Pursuant to Article 67(2) of the Constitution of Kenya, as read together with Section 33(1)(d) of NLC Act 2012, the Commission develops well-researched scientific advisories to inform evidence-based policy decisions and actions by relevant authorities in relation to the sustainable exploitation and management of natural resources. During the period under review, the commission developed and shared with relevant actors multiple advisories for enhancing natural resource management and governance. Table 2.8 summarizes some of the key advisories that the Commission developed and issued in this respect.

Table 2.8: *Advisories on Sustainable Management of Natural Resources*

S/No.	Advisory	Authority/Agency to	Purpose of the Advisory
1.	The Reconstitution of the UNFCCC Committee and the need to consider Climate Change Costs	UNFCCC on behalf of Kenya	The Commission made recommendations/advisory to UNFCCC on behalf of Kenya on the need to engender the committee as constituted based on the requirements of the governing membership. Additionally, the Commission recommended that UNFCCC needs to consider loss and damage costs brought about by climate change especially in developing nations such as Kenya
2.	Conservation of ESAs	County governments, NEMA, Water Resources Authority.	After mapping ESAs in five counties, the Commission shared reports with relevant authorities and existing authorities that deal with conservation.
3.	The Proposed Land Use and Subdivision plan for Eselenkei and Mbirikani Group Ranches	NEMA	Advisory aimed at informing an environmental impact assessment report, regarding the intended subdivision of these group ranches.
4.	The Status of Roromo Swamp in Kiambu County	WRA	The advisory was meant to guide irregular allocation of Roromo swamp in Kiambu, which has enjoyed the status of a public resources over the years. The commission hold the view that Roromo swamp is public and must remain so without attracting any compensation to adjoining land owners.
5.	Kenya Alliance of Resident Associations (KARA) Members Land Issues	KARA	During the KARA Annual general meeting, the commission advised the Alliance to compile land issues affecting its members and share them with NLC for review and action. The issues include visual encroachment, rampant changes in

S/No.	Advisory	Authority/Agency to	Purpose of the Advisory
			land uses, boundary conflicts and encroachment into ecologically sensitive lands and public spaces. Further, the two parties agreed to formalise their engagements through a memorandum of understanding.
6.	Claim of Erroneous Encroachment of Got Ramogi Forest into Got Ramogi Technical Institute in Yimbo, Siaya County	Kenya Forest Service (KFS) & Got Ramogi Institute	In this Advisory, the Commission was acting/reacting on a complaint letter from the Member of Parliament (MP) for Bondo Constituency, Hon. Dr. Gideon Ochanda, that Got Ramogi Forest had erroneously encroached into Got Ramogi Technical Institute by eight (8) acres. The Commission established that the forest has not encroached into the institute, instead it is the institute that has actually encroached into the forest reserve.

2.1.6. Public Land Inventorying and Databases

Section 8(1)(a) of the Land Act No. 6 of 2012 (revised 2019) obligates the Commission to identify public land, prepare and keep a database of all public land for the purpose of being geo-referenced and authenticated by the statutory body responsible for survey. The Commission made significant accomplishments towards implementing this statutory mandate during the review period. The first accomplishment was the deployment of the developed functional geoportal for natural resources to the Commission's servers. This geoportal, which will be periodically updated, allows members of public to access and interrogate geospatial resources, attribute data and information held by the Commission.

In addition to deploying the geoportal, the Commission georeferenced 290 authenticated survey plans, approved development plans and authenticated registry index maps (RIMs). Importantly, 591 public land parcels were digitized during the review period.

Equally important, the Commission initiated the process of the development of Public Land Inventory (PLI) Standards and Guidelines. Once developed, approved and adopted by the Commission, these Standards and Guidelines will be uploaded in the geoportal. They will enhance the inventorying of public land in the county by outlining how parcels of public land will be identified and documented. They will also guide how public-land parcels data and information in the geoportal will be updated, stored, managed, analyzed, and published and shared.

The other achievements of the Commission in relation to inventorying of public land during the year under review include:

- Reviewing workflows for inclusion into Ardhisasa;
- Public land mapping and creation of public land inventory in Kajiado County. The Commission also sensitized ward administrators and National Government Administrative Officers during this exercise; and
- Partnering/engaging with ESRI East Africa on ArcGIS Software, PLI Data Management and Web Tool.

2.2. Use of Land and Security of Land Rights

Land Use Planning (LUP) is an interdependent function of the National and County governments, as well as NLC. Precisely, land use planning is the responsibility of the 47 County Governments as per Part 2 Item 8 of the Fourth Schedule of the Constitution of Kenya. The National Government is responsible for developing the general principles of land planning and the coordination of planning by the counties as per Part 1 Item 21 of the Fourth Schedule of CoK. On the other hand, the Commission is the monitoring and oversight agency over land use planning as per Article 67(2)(h) of CoK and Section 9(a) of the Physical and Land Use Planning Act, 2019 (PLUPA).

2.2.1. Mainstreaming Land Use Planning in the National and County Development Agenda

To mainstream land use planning in the national and county development agenda as well as promote good land governance, the Commission carried out six activities namely:

- i. Launching and Dissemination of Tools to Monitor and Oversee the Implementation of the National Land Use Policy (NLUP) and National Spatial Plan (NSP);
- ii. Monitoring and Overseeing the Preparation, Implementation, Approval and Implementation of County Spatial Land Use Plans;
- iii. Monitoring and Overseeing the Preparation, Implementation, Approval, and Implementation of Local and Urban Land Use Plans;
- iv. Monitoring and Oversight Visits;
- v. Land Use Planning Sensitization and Capacity-building Programmes; and
- vi. Land Use Planning Advisories.

2.2.1.1. Launch and Dissemination of the Tools to Monitor and Oversee the Implementation of NLUP and NSP

The Commission, in partnership with the World Wide Fund for Nature-Kenya (WWF), launched the tools to monitor and oversee the implementation of the National Land Use Policy (Sessional Paper No.1 of 2007) and National Spatial Plan (2015-2045). The two policy documents, which were prepared and approved by the Ministry of Lands, Housing and Urban Development, comprise fundamental land use practices, strategies, principles and guidelines that can facilitate the achievement of optimum and sustainable governance, use and stewardship of land and land-based resources for sustainable development in the Kenyan territory.

Precisely, NSP is a land reforms flagship project under Kenya's Vision 2030 whose objective is to enhance a balanced, long-term and sustainable growth and development of Kenya through optimal land use planning and management. On the other hand, NLUP has the objective of promoting optimal, sustainable and desirable utilization and productivity of land-based resources across the national, county and community levels.

The Commission developed, printed, launched and disseminated the tools to monitor and oversee the implementation of NLUP and NSP under the responsibilities conferred by Paragraph 4.1.6 of NLUP and Paragraph 5.7(6) of NSP, respectively.



Figure 2.13: The Launch of the Tools to Monitor and Oversee the Implementation of NLUP and the NSP at 316 Upper Hill Chambers on 4th July 2022

The Commission printed 500 copies of NLUP and 500 copies of NSP tools and disseminated them to all the implementing agencies identified by the two policy documents. Further, the Commission sensitized 10 implementing agencies on their functions relating to the implementation of the two policies.

2.2.1.2. Monitoring and Overseeing the Preparation, Approval and Implementation of County Spatial Plans

County Spatial Plans (CSPs) are critical components of county-level planning whose preparation is based on NSP, which is a national tier development plan. Being the body that is Constitutionally mandated to monitor and oversee the implementation of land use planning throughout the Country, the Commission monitored and oversaw the preparation of CSPs by reviewing and making recommendations on ten (10) draft CSPs. These draft CSPs are of the following 10 counties: Kajiado, Kiambu, Kirinyaga, Machakos, Samburu, West Pokot, Murang'a, Laikipia, Garissa and Taita Taveta. These counties were at various level of plans preparation.

Moreover, the Commission initiated the process of monitoring and overseeing the implementation of the already finalized, approved and launched CSPs. In this regard, the Commission sent letters to the Counties with approved CSPs sensitizing and detailing them on what was expected of them to make implementation seamless and time-bound. The twelve Counties with approved CSPs include Makueni, Bomet, Baringo, Kericho, Kwale, Nakuru, Narok, Kilifi and Lamu, Kajiado, Bungoma and Trans Nzoia



Figure 2.14: Commissioner Hon. Esther Murugi receives a Copy of the Kilifi CSP (2021-2030) from the former Kilifi Governor H.E. Amason Kingi during its Launch

2.2.1.3. Monitoring and Overseeing the Preparation, Implementation, Approval, and Implementation of Local and Urban Land Use Plans

Urban Land Use Plans are fundamental to achieving enhanced productivity, efficiency, competitiveness, livability and investor-friendly urban places. The Commission has a Constitutional responsibility for monitoring and overseeing the implementation of all types of urban plans that are outlined under Section 111(1) of the County Government Act, 2012.

During the Financial Year 2022/2023, the Commission reviewed, monitored and oversighted, made recommendations and issued advisories including authority to plan on a total of 25 land use development plans in the country. These plans are listed in Table 2.9.

Table 2.9: Summary of the Reviewed Plans

S/No.	Plan	County
1.	The Kaloleni Trading Centre	Kilifi
2.	Kenyatta University Part Development Plan	Kiambu
3.	Eldama Ravine Town	Baringo
4.	Mandera Town	Mandera
5.	Kiliwaheri Centre	Mandera
6.	Rhamu Dintu Centre	Mandera
7.	Sala Centre	Mandera
8.	Khalileo Centre	Mandera
9.	Murang'a Town	Murang'a
10.	Kandara Town	Murang'a
11.	Kangari Town	Murang'a
12.	A2 Kabati Node	Murang'a
13.	A2 Kenol Node	Murang'a
14.	Maragua Town	Murang'a
15.	Konza Buffer Zone Local Physical and Land Use Development Plan	Machakos
16.	Ngong Vet Farm Part Development Plan	Kajiado
17.	Kenyatta University Part Development Plan;	Kiambu
18.	PDP for Squatter Settlement on LR. No. 7057	Tinderet Sub-County Nandi
19.	PDP for proposed Garissa Airport (Modikar Airport) PDP No. NRB/2359/2023/01	Garissa
20.	Kuranze Ranch (Authority to Plan) LR. No. 14210	Kwale
21.	Linga Lunga Ranch (Authority to Plan) LR. No. 14211	Kwale
22.	PDP for Nyali Fish Market	Mombasa
23.	PDP for Mombasa City Bus Terminus	Mombasa
24.	PDP for Liwatoni Fisheries	Mombasa
25.	PDP for Redevelopment Mzima County Estate	Mombasa

2.2.1.4. Monitoring and Oversight Visits

Field visits are critical aspects of verifying the status of the preparation and implementation of land use plans. Moreover, these visits allow the Commission and the planning agencies, particularly County Governments, to have in-depth discussions relating to the effective and ideal ways of the preparation and implementation of

CSPs and other land use plans. In this regard, the Commission made field visits to five (5) counties and developed reports. The five counties are: Machakos, Kirinyaga, Kajiado, Nyeri and Kiambu.

2.2.1.5. Land Use Planning Sensitization and Capacity-building Programmes

The Commission carried out sensitization and capacity-building programmes to equip planning stakeholders in County Governments with the necessary knowledge related to the functions, processes and procedures that NLC follows while undertaking its land use planning monitoring and oversight mandate. Generally, these sensitization programs are important in helping County governments understand the importance of land use planning and management. During the review period, the Commission held 15 sensitization workshops which covered 33 counties. The vast majority of these sensitizations were supported by FAO of the UN under the Digital Land Governance Programme.

The sensitized counties include: Nyeri, Murang'a, Kajiado, Machakos, Kiambu, Garissa, Mandera, Lamu, Tana River, Taita Taveta, Kwale, Mombasa, Kilifi, Nairobi, Isiolo, Samuburu, Marsabit, Wajir, Tharaka Nithi, Embu, Laikipia, Turkana, West Pokot, Transoia, Uasin Gishu, Nandi, Nyamira, Kisii, Nakuru, Narok, Kirinyaga, Elgeyo Marakwet and Meru. Additionally, the Commission sensitized Governors and County Executive Committee Members (CECM) in a workshop that were held in Mombasa and Naivasha.



Figure 2.15: Induction of County Executive Committee Members in charge of Lands, Physical Planning and Urban Development in Mombasa

In the two workshops, NLC emphasized the need for County Governments and particularly the CECMs in-charge of Physical Land Use Planning and Urban Development to expedite the preparation, approval and implementation of CSPs in all counties.

2.2.1.7. Land Use Planning Advisories

The Commission issued (4) major Advisories on the status of land use planning as summarized by Table 2.10.

Table 2.10: Advisories Issued by the Commission on Status of Land Use Planning

S/No.	Plan Title where the Advisory was Issued	Description of the Advisory	Agency to/Actor
1.	Konza Technopolis Buffer Zone Plan	Reviewed and issued comments	Konza Technopolis Development Authority (KOTDA)
2.	Regularization of Shanzu Scheme Open Space - 1974	Reviewed and made recommendations on the Draft Plan	County Government of Mombasa
3.	Mombasa County Government PDPs (Nyali Fish Market, Mombasa City Bus Terminus, Liwatoni Fisheries and Mzima County Estate Redevelopment Plan)	Reviewed and made recommendations on the Draft PDPs	County Government of Mombssa
4.	Plan for the Settlement of Squatters in Tinderet Sub-county, Nandi County	Site Visit undertaken, reviewed and made recommendations on the proposed Plan.	County Government of Nandi and Ministry of Lands & Physical Planning

2.2.2. Promoting Research on Land Use and Use of Natural Resources

Conducting research related to land and the use of natural resources and making recommendations to appropriate authorities is a Constitutional function of the Commission under Article 67(2)(d). This function is amplified by Section 5(1)(d) of the National Land Commission Act, 2012. Against this background, the Commission continued to intensify its research efforts on critical issues defining the land question and sustainable use of natural resources in Kenya. The Commission's main activities during the review period in relation to research and use of natural resources can be broadly categorized into three main areas namely:

- i. Themed Research on Land and Use of Natural Resources to inform Policy;
- ii. Research Seminars; and
- iii. Land Conferences and Regional Workshops.

2.2.2.1. Themed Research on Land and Use of Natural Resources to inform Policy

The application of scientific knowledge in formulating policies related to land and natural resources is long overdue. In fact, the formulation of evidence-based policies is inevitable for the realization of the envisaged land reforms in Kenya. NLC, has a significant role to play in spearheading the generation of scientific knowledge, through conducting themed-based research, and sharing it with relevant authorities/policymakers. Tables 2.11 summarize the Commission's performance in relation to conducting research on use of land and natural resources to generate scientific knowledge that would inform the formulation of evidence-based policies.

Table 2.11: Summary of Research Studies Completed in FY2022/2023

S/No.	Title of the Research	Brief/Summary	Status
1.	Land Monitoring for Kenya	This Research was developed by a multi-stakeholder team comprising of the Ministry in-charge of land, Kenya National Bureau of Statistics (KNBS), State Department of Gender, Federation of Women Lawyers (FIDA) and Judiciary with the support of IGAD and Swiss Agency for Development and Cooperation.	Final Report completed and validated.
2.	Tenancy-at-will Land Tenure System: Its Sustainability and Place in Kenya's Legal Framework (Case study of Mombasa and Lamu Counties)	This research was aimed at examining the <i>tenancy at will</i> tenure system and its sustainability and place in Kenya's policy and legal framework.	Final Report Completed and Validated.

S/No.	Title of the Research	Brief/Summary	Status
3.	Monitoring the transition of Group Ranches to Community Land in Kenya	This research was done by a multi-stakeholder team comprising of NLC, Ministry of Lands, and County Governments of Laikipia, Kajiado, West Pokot and Samburu with support from NAMATI.	Final Report Completed.
4.	Rural Women, Indigenous and Contemporary Knowledge Response to Climate Change & Food Security	The study looked at indigenous and contemporary knowledge used by rural women in response to climate change adaptation and food security in Kenya. The research used Systematic literature review and case studies from different communities in Kenya to highlight the historical legacy of indigenous and contemporary knowledge and the effectiveness in adapting to climate change on food security.	The research was completed and paper presented at the 2 nd Regional Research Conference held in May 2023.

2.2.2.2. Research Seminars

The Commission uses Research Seminars as platforms to disseminate research findings and discussing topical issues in the land sector. The Commission held 6 Research Seminars during the review period that are analysed in Table 2.12.

Table 2.12: Research Seminars

S/No.	Research Presentation Title	Presenter	Platform & Date	Summary of the Presentation
1.	Environmental and Land Use Effects from Mining and Quarrying	NLC in partnership with World Wide Fund for Nature Kenya (WWF).	Workshop held on 14-16 th November 2022.	The Workshop focused on Post-mining restoration and a follow-up on the recommendations from the published research report on Report on Environmental and Land Use Effects from Mining and Quarrying in Kwale County.
2.	Dissemination of Land Use and Environmental Effects of Land Fragmentation research findings	NLC in partnership with FAO, Council of Governors and respective County Governments	Stakeholder Workshops held within the reporting period.	Research findings disseminated to Members of County Assembly and Land Technical staff of Marsabit, Isiolo, Meru, Embu, Taita Taveta, Nairobi, Kiambu, Kajiado, Narok and Uasin Gishu Counties

S/No.	Research Presentation Title	Presenter	Platform & Date	Summary of the Presentation
3.	Valuation of Unregistered Land in Kenya	NLC in partnership with Royal Institute of Chartered Surveyors (RICS).	Virtual on 18 th August 2022	The focus was on having guidelines on valuing unregistered land in Kenya.
4.	Rethinking the Land Question: History and Squatting in Coastal Kenya	NLC in partnership with University of Nairobi and Kituo Cha Sheria. Prof. Karuti Kanyinga- University of Nairobi and Allan Nyange - Kituo Cha Sheria were the panellists.	Virtual on 9 th November 2022.	The panellists highlighted the nature of land issues in Coast region and the need to conclusively resolve historical land injustices particularly in the Coast region.
5.	The Promise of the Digital Land Governance in promoting Service Delivery in the Land Sector	NLC in collaboration with Transparency International and. Kituo Cha Sheria.	Virtual on 28 th October 2022	The webinar emphasized the need for digital governance in the land sector in the country.
6.	Public Land in My Hood	Commissioner Reginald Okumu	Virtual on 15 th November 2022.	The Presentation aimed to motivate residents to enhance their vigilance in supporting the government initiatives that promote rightful, effective and sustainable use of public land.

2.2.2.3. Land Conferences and Regional Workshops

Land conferences provide a platform for stakeholders to deliberate and share knowledge on the current and emerging issues related to the use of land and natural resources and give policy recommendations for land governance as well as supporting the country's economic development.

2nd Regional Research Conference held on 24th -25th May 2023

The Commission, in partnership with National Research Fund (NRF), the University of Nairobi and the State Department for Environment and Climate Change among other partners held the 2nd Regional Research Conference on 24th – 25th May 2023. This hybrid Conference attracted over 290 participants who included Researchers, Policymakers, Practitioners, Academia and Civil society societies among other land stakeholders. The theme of the Conference was *Responding to Climate Change through Land Governance in the Region*.

The Conference was held at an opportune time; just when Kenya and the greater Horn of Africa region were emerging from the worst drought experienced in 40 years occasioned by factors attributable to the adverse impacts of Climate Change. The theme of the Conference, also, resonated with the current global climate change agenda. The aim of the Conference was to allow participants to deliberate and share knowledge on various topics including:

- i. The nexus between land and climate change;

- ii. Climate smart land governance and administration; Opportunities and Challenges
- iii. Indigenous and contemporary knowledge management systems and climate change adaptation
- iv. Gendered approaches towards climate smart land management and administration
- v. Carbon Trading in the Region: Emerging land issues

The end result of the deliberations and knowledge sharing of this Conference was policy recommendations for policy makers to expedite their efforts in mainstreaming climate change in land governance not only in Kenya, but regionally.



Figure 2.16: Dignitaries During the Opening of the 2nd Regional Research Conference at KSG, Nairobi



Figure 2.17: NLC Commissioner Prof James Tuitoek Making his Presentation at the 2nd Regional Research Conference

IGAD Member States Land Commissions' Workshop on Strengthening Land Governance

This inaugural IGAD member-states Land Commissions' Workshop was held in Mombasa on 5-7 December 2023 and was supported by IGAD in collaboration with Kenya's National Land Commission. The workshop attracted participants from four countries with Land Commissions namely Kenya, Uganda, Sudan and South Sudan. The Workshop had four objectives that included:

- Taking stock of the region's achievements in land governance;
- Identifying the salient challenges and emerging issues faced by the Commissions in executing their mandate;
- Recommending ways to bolster the efforts in achieving the Commissions' mandate in land governance in the region; and
- Developing the region's agenda for enhancing land governance.

The Workshop provided a platform for Commissions from IGAD member states to take stock, cross-learn, exchange experiences and identify areas of collaboration to enhance land governance in the region. The Workshop culminated in a vibrant peer learning for the Commissions, declaration to have the workshop annually and the development of a regional agenda for land governance highlighting eight (8) critical areas of action for improving land governance in the region over the period of five years.



Figure 2.18: Participants at the Inaugural IGAD Member States Land Commissions' Workshop on Strengthening Land Governance

The eight critical areas of action include:

- Promoting Land Reforms in the Region;
- Gender Mainstreaming in Land Governance;
- Land Based Dialogue on Special Land Issues;
- Strengthening Access to Land Justice;
- Public Land and Natural Resources Inventory;
- Institutional Strengthening for effectiveness and efficiency;
- Resource Mobilization; and
- Research and Monitoring.

Other Land Conferences and Workshops attended by the Commission

In addition to the 2nd Regional Research Conference, IGAD Member States Land Commissions' Workshop and Regional Land Data and Digitization Conference, the Commission attended the following land conferences and workshops as summarized in Table 2.13:

Table 2.13: Summary of Other Land Conferences and Workshops attended by the Commission

S/No.	Conferences/Workshop	Remark
1.	The ISK Annual Conference	The Commission participated in the ISK annual conference that was held in Kisumu on 10-11 November 2022. NLC's Deputy Director of Research, Dr. Mary Macharia presented a paper on Land Rights Monitoring in the Country.
2.	Environment Institute of Kenya (EIK) Conference	NLC participated in the EIK Conference that was held on 24-25 November 2022. The Commission presented two papers on Environmental Effects of Mining and Quarrying and Issues of Land Rights.
3.	Regional Land Data and Digitization Conference	The conference was held on 6-7 December 2022 organized by FAO, International Land Coalition (ILC) and Global Land Alliance. NLC's Commissioner Reginald Okumu and Dr. Mary Macharia, Deputy Director Research Department were among the panelists. Commissioner Okumu made a presentation on <i>Closing Gaps in Land and Natural Resources Data</i> .
4.	Workshop on IGAD Monitoring of Land Rights and Validation of the Research Report	NLC staff members participated in this Workshop that was held on 29 th January-3 rd February 2023 in Djibouti.
5.	Promoting Access to Justice for Peace, Sustainable Development and Climate Change Adaptation	Dr. Mary Macharia made the presentation during the IGAD Land and Conflict conference on 24-28 October 2022.
6.	Kenya Institute for Public Policy Research and Analysis (KIPPRA) Symposium on Reflections from CoP27 on Youth Participation in Climate Adaptation	NLC staff members participated in this Symposium that was held on 2-3 February 2023 in Nairobi.

2.3. Revenue Generation from Land and Land-based Resources

Pursuant to Article 67(2)(g) of the Constitution of Kenya, the Commission assesses tax on land and premiums on immovable property in any area designated by law. This function shows that the Commission plays a critical role in complementing the Government revenue generation efforts. The Commission employs various strategies to generate revenue from land and land-based resources. These strategies include:

- i. Determining Fees on Processed and Issued Letters of Allotment, Stand Premiums, Annual Rent, Approvals and Consents;
- ii. Valuation of Properties for Various Purposes;
- iii. Reviewing the existing Property Tax Legislative Framework.

2.3.1. Determining Fees on Processed and Issued Letters of Allotment, Stand Premiums, Annual Rent, Approvals and Consents

The Commission generates revenue from legal fees and approvals on land allocation, formalization, regularization and extension and renewal of leases processing. As per the Section 28(1) of the Land Act, 2012 (Revised 2019), many of these payments are made at the office of the National or County Government or at such place that the respective government may prescribe. Therefore, the Commission's role is mainly to generate and not collect revenue from land and land-based resources. During the period under review, the Commission generated Ksh. 171.958 million in revenue, which is monies due to government, compared to Ksh.163.63 million in the previous FY, which represents a 5.09% revenue generation growth. Figure 2.18 compares the Commission's revenue generation performance between FY2021/2022 and FY2022/2023.

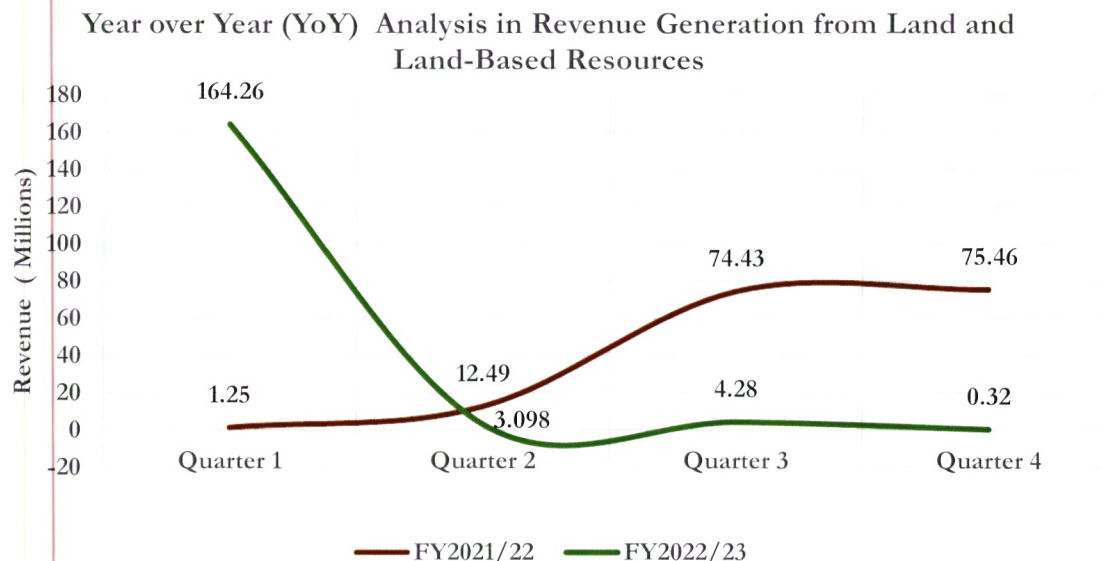


Figure 2.19: Comparison of Revenue Generation from Allotment Letter Fees, Stand Premium, Annual Rent, Approval Fees and Consent Fees in FY2022/23 and FY2021/22

2.3.2. Reviewing the existing Property Tax Legislative Framework

The Commission reviews the existing property tax legislative frameworks and proposes amendments to enable and facilitate efficient revenue collection. During the review period, the Commission review the Sectional Properties Regulations, 2021.

2.3.3. Valuation of Properties for Various Purposes

The Commission carries out valuation of properties for various purposes and issue advisories to relevant stakeholders. Section 33(1)(d) of the National Land Commission Act, 2012 requires the Commission to report on recommendations it makes to the county or national governments or any state agency or organ and the action taken on such recommendations. In this regard, the Commission issued the following advisories, shown in Table 2.14, to the respective state agencies/organs:

Table 2.14: Summary of Issued Advisories related to Valuation of Properties for various Purposes

S/No.	Advisory	Agency to
1.	Advisory on Market Rates	Export Processing Zones Authority (EPZA)
2.	Advisory on Market Rates	Kenya Electricity Transmission Company (KETRACO)
3.	Advisory on Market Rates	Tana and Athi Rivers Development Authority (TARDA)
4.	Advisory on Valuation for properties at Ol Karia	Kenya Electricity Generating Company (KenGen)
5.	Advisory on valid Squatter Claim at Jomo Kenyatta International Airport (JKIA)	Kenya Airports Authority (KAA)
6.	Advisory on 1,000 Ha Parcel of Land in Langas Estate, Eldoret, Uasin Gishu County	Attorney General

2.4. Land Dispute Resolution and Conflict Management

Land ownership, access and usage are emotive in Kenya and have mostly resulted in disputes and conflicts. Some land disputes and conflicts are long-standing and historical, stemming back to the colonial period. These disputes and conflicts have far-reaching impacts such as the Mau Mau Uprising, post-independence tribal land clashes and Post-election Violence that Kenya experienced in 2007/2008.

The National Land Commission has the Constitutional duty of resolving disputes and managing conflicts related to land, be they historical or contemporary. Article 67(2)(e) of the Constitution of Kenya assigns the Commission the task of initiating investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommending appropriate redress. On the other hand, Article 67(2)(f) task the Commission the function of encouraging the application of traditional dispute resolution mechanisms in land conflicts. Article 252(1)(b) confers upon the Commission the powers necessary for conciliation, mediation and negotiation. Cognizant of these Constitutional functions and powers, the Commission has pegged its performance and achievements in regards to resolving disputes and managing conflicts related to land on three key areas namely:

- i. Provision of Redress for Historical Land Injustices;
- ii. The Application of ADR, TDR and AJS in the Provision of Redress for Land Disputes;
- iii. Civil Litigation.

2.4.1. Provision of Redress for Historical Land Injustices

Historical Land Injustices (HLI) in Kenya are not only delicate but complex, which makes it almost impossible to directly and adequately resolve them through litigation like other ordinary land issues. HLIs have repeatedly been articulated in various Commissions of Inquiries that the Government of Kenya set up including the Akiwumi Commission of Inquiry into Tribal Clashes, Njonjo Commission of Inquiry into Land Law Systems, Ndung'u Land Commission of inquiry into Illegal/Irregular Allocation of Public Land and Truth, Justice and Reconciliation Committee (TJRC) Commission. In particular, Chapter Two of Volume II B of TJRC Report on *Land and Conflict* found that there is a close link between land injustices and ethnic violence in Kenya, such as the 2007/08 Post-election Violence.¹

Section 15(2) of NLC Act 2012 outlines what constitutes HLI. Based on this Section, HLIs are, generally, the hitherto unresolved grievances that stretch back to the earliest colonial land adjudication processes, land laws and policies and treaties or agreements leading to massive dispossession of Africans from their customary land, land alienation, landlessness and the squatter problem and a skewed land ownership system. Unfortunately, the first two post-colonial governments re-entrenched and sustained the colonial precedence by using cronyism and political patronage in the acquisition and allocation of land, which exacerbated HLI. Luckily, the

¹ Pp.165-341 of the Report of the Truth, Justice and Reconciliation Commission, Volume IIB

promulgation of the Constitution 2010 gave Kenyans the long-awaited opportunity to right these wrongs and Article 67(2)(e) expressly gave the Commission the responsibility to spearhead the initiative of investigating HLI and recommending appropriate redress. This Article was operationalized by Section 15 of the National Land Commission Act, 2012 as amended by Section 38 of Land Laws (Amendment) Act, 2016. The Commission made tremendous achievements towards righting the wrongs of HLI during the period under review.

2.4.1.1. Achievements made to Redress for Historical Land Injustices

To begin with, the Commission conducted a data cleaning exercise on received claims and found that subject to Section 15(1) of NLC Act, 2012, it had received 3742 HLI claims as at the lapse of the claim receiving period, which was 21st September 2021. As per Section 15(11) of NLC Act as Amended by Section 38 of Land Laws (Amendment) Act, 2016, the Commission has until 21st September 2026 to assess for admissibility, admit, hear, determine and gazette the 3740 received HLI claims. To assess the 3742 received HLI claims for admissibility, admit, hear, determine admissible claims and direct on the course of action for inadmissible claims.

During the review period, the Commission embarked on analysing the received claims by first creating a HLI registry assisted by the National Youth Service and also created a digital HLI register. Furtherance to its mandate the Commission assessed 3,614 claims for admissibility out of which 1,038 claims were admitted subject to the admissibility criteria under Section 15(3) of NLC Act, 2012. The cumulative total of the assessed and admitted HLI claims now stand at 3742 and 1168, respectively. Subsequently, the Commission held 46 virtual status conferences and physical status meetings for 93 claims of the Mbaris and the Ogieks for purposes of discussing the status of the HLI Claims and to subsequently plan for investigative hearings. The held status conferences/meetings are annexed as Annexure 2. These Proceedings were followed by 124 investigative hearings that are annexed as Annexure 3. Lastly, the Commission made five (5) determinations while the drafting of three other determinations was ongoing as at the close of FY2022/2023. These determinations are summarized by Table 2.15

Table 2.15: Summary of Determination Status of HLI Claims

S/No.	The HLI Claim Title	Determination Recommendation
1.	Ontulili Squatters vs. the Estate of J.H Angaine	The Commission recommended that: <ul style="list-style-type: none"> i. The Ministry of Interior and Coordination of Government identifies and profiles genuine squatters from the Claimants (Ontulili Mt. Kenya Forest Squatters, Mt. Kenya Squatters Group and Kiambogo Ontulili Farmers Squatters); ii. The Ministry of Lands, Housing and Urban Development confirms the names of those from the profiled squatters who have not benefitted from any settlement programme;

S/No.	The HLI Claim Title	Determination Recommendation
		<ul style="list-style-type: none"> iii. The identified and confirmed Claimants be, thereafter, referred to the Land Settlement Fund Board of Trustees who shall identify and acquire appropriate land to resettle the Claimants; and iv. The first Respondent (Estate of J.H Angaine) contributes 25% of the costs of resettlement of the identified Claimants.
2.	Tunyai 'B' Adjudication Section	Determination Finalized
3.	Kamnarok Farmers Group	<p>The Commission recommended that:</p> <ul style="list-style-type: none"> i. The Ministry of Lands, Public Works, Housing and Urban Development in consultation with the County Government of Baringo identifies the 560 individuals who had benefited from the 1980 Kapluk adjudication Section demarcation exercise but were displaced from their land by the boundary overlap occasioned by the establishment on 14/06/1983 of Kamnarok Game Reserve; ii. The claimants move out of Kamnarok Game Reserve upon compensation by the Ministry of Tourism and Wildlife and County Government of Baringo after they have been identified and validated as recommended in (i) above as having been displaced. The compensation can either be monetary or alternative land; iii. The County Government of Baringo apologizes to the affected people; iv. The County Government of Baringo, the Ministry of Tourism and Wildlife and Ministry of Education relocate the public schools out of the Kamnarok Game Reserve; v. In consultation with the National Land Commission, the County Government of Baringo works out a benefit sharing formula with the local community from the income generated out of Kamnarok Game Reserve; and vi. The people or persons who had their parcels of land demarcated outside the overlapped area during the adjudication exercise be issued title deeds by Ministry of Lands.
4.	Kima Evictees - Konza Ranching & Cooperative Society	The Claim by KIMA Evictees Group that Konza Ranching and Cooperative Society has forcefully taken their ancestral land and shared it among its members was dismissed.
5.	Kipchumba Rutto vs Estate of Kipyego Cherugut & Others (Lembus Torongo)	The Commission dismissed the Claim by Kipchumba Rutto, representing Estate of Teriki Chepkunur, on the grounds that it did not meet the threshold for admission,

S/No.	The HLI Claim Title	Determination Recommendation
		registration and processing envisaged pursuant to Section 15(3)(a), (c) and (d) of the NLC Act, 2012 (as amended by Section 38 of Land Laws (Amendment) Act, 2016).

The Summary of the ongoing determination finalization and drafting is summarized by Table 2.16.

Table 2.16: Summary of the Ongoing Determination Drafting

S/No.	Title of the Claim under Determination	Status
1.	All (68) the Mbari Claims	Drafting of the Determination Ongoing
2.	The Kalenjin Enterprise Claims	The Drafting of the Determination Complete; at the Commission's HLI Committee Stage
3.	Boundary Dispute between Makueni, Taita Taveta and Kwale Counties	Drafting of the Determination at Preliminary Objection Stage.

Overall, the Commission's performance in relation to redressing HLI is summarized by Table 2.17.

Table 2.17: Overall Summary of Achievements made by the Commission in the Provision of Redress for HLI

S/No.	HLI Particulars	Total During FY2022/2023	Cumulative Total
1.	No. of HLI Claims received as at the Claims receiving Deadline of 21 st Sept 2021 after Data Cleaning	-	3742
2.	No. of HLI Claims Assessed for Admissibility	3614	3742
3.	No. of claims Admitted	1038	1164
4.	No. of Status Conferences/Meetings	139	265
5.	No. of Investigative Hearings	116	242
6.	No. of HLI Determinations	5	130



Figure 2.20: The Commission's HLI Committee and Secretariat during the Hearing Ogiek Claim at Utalii College in Nairobi



Figure 2.21: The Mbaris presenting their Claims, which were largely based on Morris Carter Report of 1932, to the Commission's HLI Panel

2.4.1.2. Other Activities aimed at Facilitating the Efficient and Expeditious Provision of HLI Redress

The Commission implemented various strategies to enhance efficiency and swiftness in the process of admitting, hearing, determining and gazetting HLI claims to comply with the set statutory deadline of 21st September 2026. These strategies include:

- Increasing awareness and collaborating on HLI matters by engaging with 20 key stakeholders including government institutions and civil society organizations (CSOs). Some of these stakeholders include Community Land Action Now (CLAN); Natural Justice; Ministry of Gender, Labour and Social Development; Kenya Forest Service (KFS), Kenya Wildlife Service (KWS), Department of Defence; Ministry of Lands, Housing and Urban Development; Ministry of Environment and Natural Resources; and Ombudsman Office.
- Making the HLI Paper-based Records Management Records Systems functional by systematically filing the HLI files containing claims;
- Development of HLI database that can continuously be updated;
- Mobilizing resources by drafting concept notes and sharing them with potential funders, specifically, FAO of the UN;
- Convening two (2) discussion/meetings/engagement sessions with experts and professionals to enhance the HLI Committee² and Secretariat members' understanding of HLI;
- Initiating the process of acquiring and maintaining appropriate infrastructure to accommodate the HLI Secretariat team members and support their conducive work environment; and
- Doing a corrigendum on the Gazette Notice No. 1995, which was issued in February 2021.

2.4.2. The Application of ADR, TDR and AJS in the Provision of Redress for Land Disputes

The application of Alternative Dispute Resolution (ADR), Traditional Dispute Resolution (TDR) and Alternative Justice System (AJS) mechanisms has significantly been emphasized by the Constitution of Kenya and the National Land Policy of 2009 as a means of resolving land-related disputes. Article 252(1)(b) of the Constitution of Kenya, 2010 vests the powers of applying the ADR means conciliation, mediation and negotiation in all Constitutional Commissions, including NLC. On the other hand, Article 67(2)(f) places the responsibility of encouraging the application of TDR mechanisms in land conflicts on the Commission. Equally important, Article 60(1)(g) requires communities be encouraged to settle land disputes using recognized local

² HLI Committee is made up of at least three Commissioners and is supported by the HLI Secretariat. HLI Committee is allowed to co-opt experts in its responsibility of hearing and recommending remedies for HLI claims

community initiatives consistent with the Constitution. ADR, TDR and AJS are a sharp contrast to the court processes because they are non-confrontational, cheaper and faster methods for dispute resolution. Noteworthy, in addition to being insensible, time-consuming, and devastating to both winners and losers, litigations are associated with various costs such as legal billings, damage awards and the litigants' transport.

The Commission continued to apply the ADR, TDR and AJS mechanisms not only to expedite the land dispute resolution process and reduce dispute resolution costs, but also promote peaceful coexistence among Kenyan communities. Table 2.18 summarizes the performance of the Commission in relation to the use of ADR, TDR and AJS mechanisms in the provision of redress to land disputes.

Table 2.18: Performance in Relation to the Application ADR, TDR and AJS Mechanisms

S/No.	Particulars	No. of Disputes	Remarks
1.	Land Disputes Received and Admitted to be resolved by ADR, TDR and AJS mechanisms	1,596	We were able to admit 1,596 disputes in all the 47 counties
2.	Disputes Successfully Resolved by ADR, TDR and AJS mechanisms	115	We Successfully resolved 115 cases using ADR, TDR and AJS mechanisms
3.	The Ongoing Hearings	1,481	1,481 Hearings are ongoing

Further, to enhance the acceptability of AJS, ADR and TDR, the Commission constituted eight (8) panels to hear disputes for the segments in Kajiado County. These panels were trained and using the developed AJS Guidelines for Kajiado, undertook an analysis of 1,500 disputes in Kajiado and began hearing/reviewing disputes. Currently, the hearing/reviewing of disputes in Kajiado is ongoing. Additionally, the Commission is developing AJS guidelines for various other counties.

Additionally, on AJS, the Commission launched County Action Plans (CAPs) for Turkana, Mandera and Marsabit. The development of CAPs for Isiolo, Nakuru and Uasin Gishu is ongoing.

2.4.3. Civil Litigation

Despite, the backing of the Constitution, the acceptability of ADR in resolving land-related disputes in Kenya remains relatively low due to factors attributable to public ignorance; a vast majority of Kenyans are unaware that ADR is now a legal system of dispute resolution. As a result, the Commission has been enjoined in a high number of cases challenging its decisions and processes. The Commission had 3,385 cases in court, spread across 41 Counties, as at the close period under review. As Figure 2.22 shows, the vast majority of these cases were in Nairobi County while Lamu and Pokot Counties had the least. Additionally, there were 2,817 hearings, 3,108 mentions, 1,106 rulings and 689 judgments.

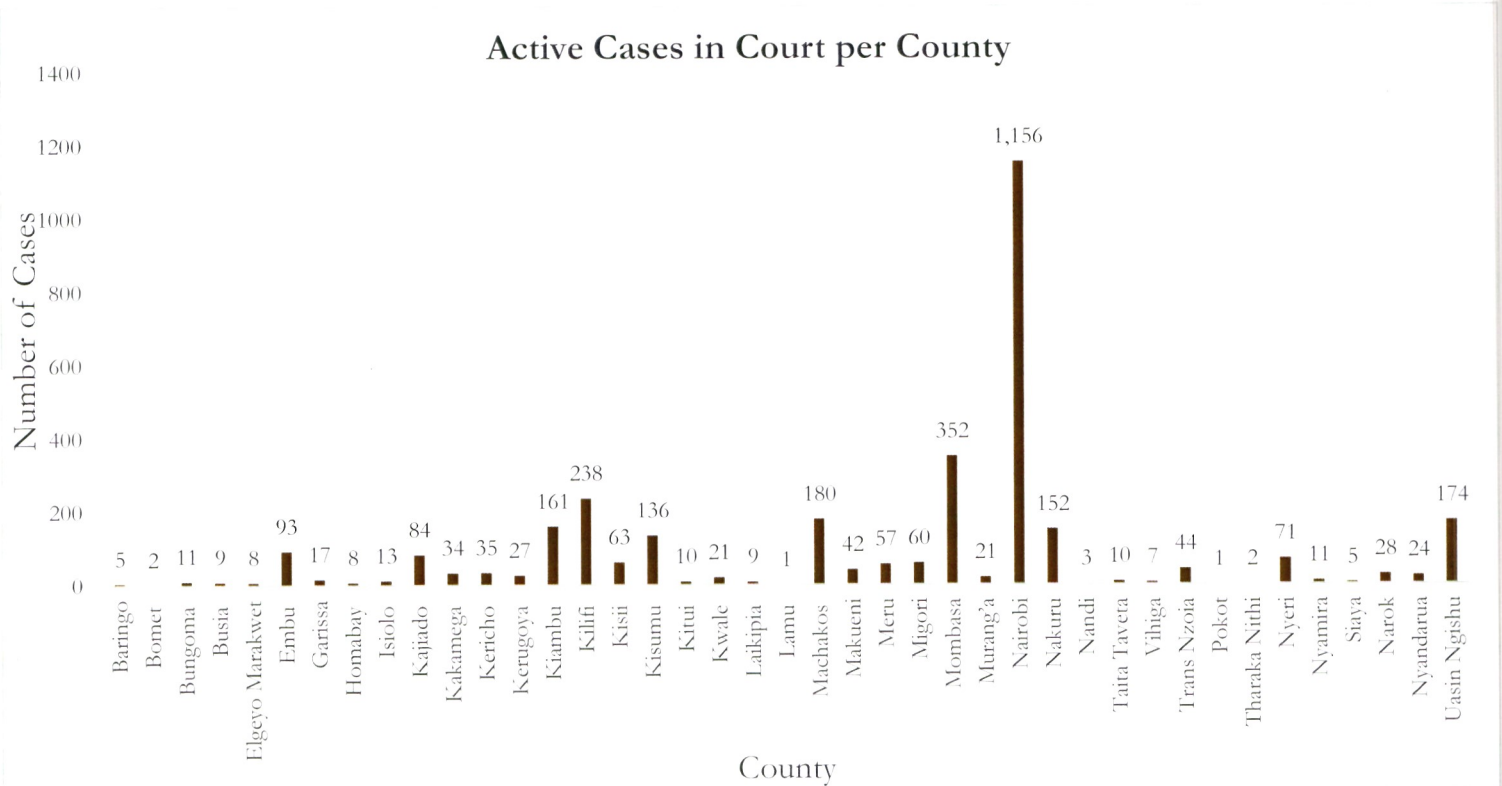


Figure 2.22: Active Cases in Court

The Commission acknowledges that the high number of court cases detrimentally impacts service delivery and adversely derail the implementation of land reforms in Kenya. As a result, the Commission developed and implemented several strategies aimed at expediting litigation and resolving these cases. These strategies include:

- Encouraging the use of ADR mechanisms for dispute resolution;
- Handling court-annexed mediation cases in Kisumu and Mombasa;
- Conducting mediation exercise for the Ministry of Defense/Eldoret Department of Defense land dispute;
- Preparing, approving and adopting Standard Operating Procedures (SOPs) for case management;

- Facilitating the training of its staff (advocates) on enhancing efficiency in litigation. This training was undertaken by the judiciary. Furthermore, the Commission legal staff members were trained and benchmarked on the best practices for litigation;
- Encouraging and facilitating advocates to achieve 80% court sessions attendance; and
- Partnering with the Judiciary to enhance the Commission’s legal framework.

In addition to litigating matters related to land disputes, the Commission issued several legal advisories to several government agencies and reviewed and proposed amendments to eleven bills and pieces of legislation.

2.4.4. Issued Legal Advisories

Table 2.19 summarizes the advisories issued to various agencies during the review period.

Table 2.19: Summary of Legal Advisories Issued by the Commission

S/No.	Title of the Advisory	Authority/Agency To	Purpose of the Advisory
1.	Advisory on Leases	Internal (NLC)	Clarify the role of the counties and national government, and the Commission as the manager of public land
2.	Advisory on the implementation of KISCOL Judgment	Office of Attorney General and National Treasury	To gather witness statement as well as ground visit and report to support Case No. E20 of 2022 Mombasa High Court Commercial.
3.	Advisory on Darfur Dupoto allocation	Ministry of Lands, Housing and Urban Development	To determine the proprietary interest on land
4.	Preparation of guidelines on Investigation of Land Disputes	Internal (NLC)	To support the development of the the framework for resolving land disputes
5.	Advisory on digitization and digitalization on Land Records	The Ministry of Lands	To Advise on the importance of digitization and digitalization
6.	An Advisory on Mediation as a Way to resolve conflict between KERRA and Tana Delta	KERRA	To encourage out-of-court settlement between the disputing communities
7.	Advisory to National Housing Corporation	National Housing Corporation (NHC)	To Partner with NHC on the government’s flagship project on affordable housing
8.	Advisory to the East African Portland cement	East African Portland	To resolve dispute over East African Portland land
9.	Advisory to the Special Economic Zone Authority (SEZA)	Special Economic Zone Authority (SEZA)	To resolve dispute over Special Economic Zone Authority land

S/No.	Title of the Advisory	Authority/Agency To	Purpose of the Advisory
10.	Advisory on Agricultural Development Corporation (ADC) Land	ADC	To promote resolve dispute on the grabbed ADC land
11.	Advisory on Land Acquisition for KenGen	KenGen	To evaluate and determine land rights and acquisition strategy for the proposed Marsabit Wind Power Project

2.4.5. Bills and Legislation the Commission Reviewed and Proposed Amendments

Table 2.20 summarizes the bills and legislation the Commission reviewed and proposed amendments during the review period.

Table 2.20: Summary of Reviewed Bills and Legislation

S/No.	Title of the Bill Legislation	Remarks
1.	NLC (Amendment) Bill 2023	Comments Published and submitted to the Parliamentary Departmental Committee on Lands
2.	The National Rating Bill 2022	Comments Published and submitted to the Parliamentary Departmental Committee on Lands
3.	The Land Control Bill 2022	Comments Published and submitted to the Parliamentary Departmental Committee on Lands
4.	The Conflict of Interest Bill 2023	Submitted the proposals to the State Law Office
5.	ADR Policy	At the discussion stage
6.	Land (Public Right of Way) Compensation Regulations 2023	At the developing Stage in liaison with the Energy Sector

2.4.6. Other Key Achievements of the Commission relating to Land Dispute Resolution

The other significant achievements of the Commission in regards to land dispute resolution during the review period include:

- Attending the ELC@10 Conference where the Commission members formed the panel that discussed the topic “The Role of Quasi-judicial Bodies as Duty Bearers in the Enforcement of Court Decisions of the Environment and Land Court.”



Figure 2.23: NLC Vice Chair Addressing the ELC@10 Conference

- Initiating the development of practitioners guidelines for conducting inquiries and investigations on land disputes in partnership with donors, particularly FAO;
- Development of guidelines to encourage/promote communities to settle land disputes through recognized local community initiatives consistent with the Constitution of Kenya, 2010;
- Partnering with the Departmental Committee on Lands to address the land question including disputes in Miritini (Mombasa) and Kandara (Murang'a) – Del Monte Land Dispute;
- Partnering with the Ministry of East African Community, the ASALs and Regional Development on the Northern Corridor Integration Projects (NCIP) land for infrastructure development cluster;
- Giving a Report to the Ministry of Trade, Industry and Cooperatives in regards to the East African Cement Portland Cement;
- Partnering with Judiciary on Court Users Committees (CUCs) and Bar Bench meetings;
- Partnering with the National Council on Administrative of Justice;
- Making submissions to standing Committee on Justice, Legal Affairs and Human Rights;
- Issuing advisories to the Ethics and Anti-Corruption Commission on the status various land disputes;
- Partnering with the Parliamentary Committee on Implementation on responses;

- Partnering with the Intergovernmental Relations Technical Committee (IGRTC) on alternative ways of resolving land disputes; and
- Partnering with counties on land dispute resolution.

2.5. Institutional Strengthening

The Commission's commitment to increasing and sustaining the capacity to perform its functions in relation to providing quality and timely services to the People of Kenya is indisputable and apparent. This argument is buttressed by the fact that the Commission has included Institutional Strengthening as one of the key result areas in its Strategic Plan 2021-2026 (SP). During the review period, the Commission's performance and achievements with regards to Institutional Strengthening are pegged on six broad categories namely:

- i. Strengthening Human Resources Capacity;
- ii. Improving the Work Environment;
- iii. Records Management;
- iv. Enhancing Corporate Image;
- v. Strengthening Internal Systems; and
- vi. Promoting Effectiveness and Efficiency in Procurement Processes.

2.5.1. Strengthening Human Resources Capacity

2.5.1.1. Staff Recruitment

The Commission's main achievement with this respect to staff recruitment was the recruitment and appointment of the Secretary/Chief Executive Officer (CEO). By invoking Article 250(12) and 252(1)(c) of the Constitution of Kenya and Section 20 of the National Land Commission Act, 2012, the Commission recruited and subsequently appointed Ms. Kabale Tache Arero as its Secretary/CEO. The recruitment of Ms. Kabale followed a rigorous, open and competitive process. Prior to her recruitment and appointment, Ms. Kabale was the acting Secretary/CEO of the Commission. She was sworn in on 19th July 2023 thereby becoming the second substantive Secretary/CEO of the Commission since its inception.

In addition to the recruitment of the Secretary/CEO, the Commission signed up 14 more staff members. Still on matters of staff recruitment, the Commission identified a staff gap and placed job adverts for 21 positions, which will result in recruitment of 51 new staff members. The longlisting report has been developed already.



Figure 2.24: Ms. Kabale taking Oath of Office at the Supreme Court of Kenya

2.5.1.2. Career Progression Guidelines

The Commission presented the finalized Career Progression Guidelines to the Human Resources, Administration Committee for presentation to the Commission's Plenary for consideration and approval. The Commission, also, reviewed the Code of Code of Conduct and Ethics.

2.5.1.3. Performance Contracting

To support the government's endeavor of improving service delivery in the public service, the Commission is in the process of developing, signing and implementing Performance Contracting (PC). In this regard, the Commission, during the review period, wrote to State Department for Performance Management to assist in training and development of a PC for the Commission.

2.5.1.4. Staff Training and Development

The Commission understands that staff training and development are critical to enhancing their staff morale and job satisfaction and, eventually, improved productivity. Against this background, the Commission trained and facilitated/supported the training of its staff members on various thematic areas as summarized by Table 2.21.

Table 2.21: Staff Training Analysis Summary

S/No.	Type/Name of the Training & Development Programme	No. of Staff Members Trained
1.	LSK Annual Congress	23
2.	Induction Training at Kenya School of Government (KSG)	12
3.	Seminar on Men in HR, which was organized by IHRM	8
4.	The Workshop on Procurement	8
5.	Risk Management Masterclass, which was organized by ICPAK	10
6.	Kenya Institute of Supplies Management (KISM)	5
7.	Induction training for the Corporate Communication & Advocacy Department's staff members (Online)	12
8.	Performance Management System Training (Online)	172
9.	Training on a Gendered Lens on Land Rights	20
10.	Gender Land Responsive Budgeting Training by IGAAD	9
11.	The 6 th Records & Archives Management Conference 2022	11
12.	ISK Regional Conference	10
13.	The ICPAK Workshop for Men	13
14.	KIP – 16 th Annual Planners Conference	10
15.	The Lady Accountants Conference (ICPAK)	16
16.	Sensitization of Staff on HIV & AIDs (Online)	129
17.	Training on Office Etiquette (Online)	173
18.	IHRM Workshop on Women & Leadership	4
19.	Institute of Internal Auditors Annual Conference	11
20.	40 th Annual Seminar (ICPAK)	17
21.	Kenya Institute of Planners Annual Convention	13
22.	Institute of Human Resource Annual Congress	10
23.	Land & Conflict in the East and Horn of Africa	4
24.	ELC Conference	4
Total		704

2.5.1.5. Training Revolving Fund

Following a rigorous, interactive and insightful benchmarking with various government agencies, the Commission developed the Draft Training Revolving Fund Policy. The Draft Policy awaits presentation to the Human Resources, Administration Committee for consideration, deliberation and approval.

2.5.2. Improving the Work Environment

2.5.2.1. Improving Staff Welfare

The Commission continued to implement policies aimed at promoting the welfare of its staff members to enhance their job satisfaction and productivity. During the review period, the Commission sourced and availed funds for mortgage and car loans, which resulted in a number of staff members benefiting. Furthermore, the Commission procured/renewed and operationalized four insurance covers namely Medical, Group Life, Group Personal Accident and Work Injury Benefits Act (WIBA).

2.5.3. Records Management

The Commission established six registries, during the review period, to enhance records management and expedite service delivery to the people of Kenya. The six registries and their significance are exhibited in Table 2.22

Table 2.22: The Six Registries Established by the Commission in FY2022/23

S/No.	Registry	Significance
1.	Personnel Registry	To control, store, secure and promote the speed of retrieval of the Commission's Human Resource and Administration files
2.	Review and Regularization Registry	To control, store, secure and promote the speed of retrieval of the Commission's Review and Regularization files
3.	Land Administration Registry	To control, store, secure and promote the speed of retrieval of the Commission's Land Administration files
4.	Land Use Planning Registry	To control, store, secure and promote the speed of retrieval of the Commission's Land Use Planning files
5.	Valuation and Taxation Registry	To control, store, secure and promote the speed of retrieval of the Commission's Valuation and Taxation files
6.	CEO	To control, store, secure and promote the speed of retrieval of the CEO's files

Further, the Commission developed, approved and adopted a new file classification and indexing scheme, which will facilitate a timely identification and preservation of valuable records, accurate and efficient retrieval of information, efficient management of registries, and cost-effective preservation and disposal of records.

2.5.4. Enhancing Corporate Image

Strongly positive perception and reputation of NLC are fundamental to securing stakeholders' buy-in of the land reform agenda. Against this background, the Commission continued to invest heavily in enhancing its corporate image. During the reporting period, the Commission embarked on programmes/activities aimed at:

- Strengthening communication with all the relevant stakeholders; and
- Improving its visibility.

2.5.4.1. Strengthening Communication with all the relevant Stakeholders

The Commission conducted 22 public education and awareness campaigns/forums aimed at sensitizing the public on various land topics, projects, specific mandate and functions of the Commission. These awareness campaigns/forums are summarized by Table 2.23.

Table 2.23: Commission's Awareness Campaigns/Forums

S/No.	Project/the Specific Mandate and Function of The Commission	Purpose and Targeted Audience Public for the Awareness Campaign/Forum
1.	Land Acquisition for the polygons and Community Land Registration for Project Oil Kenya in Turkana and West Pokot Counties.	The Commission conducted sensitization and public awareness campaigns to enhance the communities' understanding of the process of compulsory acquisition to achieve a seamless land acquisition and the elucidate the benefits of the Project Oil Kenya to the affected communities. 4536 people were reached where 3026 were Men (66.71%) and 1510 were Women (33.29%).
2.	Land Acquisition for Thwake Multipurpose Water Development Programs	The Commission conducted engagement meetings with Project Affected Persons (PAPs) and the area local leaders for a seamless implementation of the land acquisition process of Thwake Multipurpose Water Development Program in 7 Sub counties Makueni County. The Sub-counties are Kathulumbi, Syokuvali, Kathongo, Nzambia, Katithi, Syomakanda, Mavindini. Total number of people who were reached was 1040.
3.	Kajiado County Alternative Justice System (AJS) Committee	In partnership with KELiN, sensitized the Kajiado County AJS Committee on AJS implementation.
4.	Compulsory land acquisition for Geothermal Development Company (GDC) Baringo Silale project.	The Commission conducted sensitization and public participation on community land registration and compulsory land acquisition for the GDC Baringo Silale Project. 250 community members were reached during the exercise.
5.	Makamini Dam Phase 1 Project in Kwale County	The Commission conducted public sensitization of persons affected by the Makamini Dam Phase 1 Project. The project is fully funded by the Government of Kenya.
7.	Friedrich Ebert Stiftung Kenya (FES)	Conducted 9 public awareness and education forums in informal settlements within Kisumu city.



Figure 2.25: Public Sensitization of Persons affected by the Makamini Dam Phase 1 Project

2.5.4.3. Improving Visibility

The Commission developed its Brand Identity Manual to enhance its visibility, identity and consistency in its operations. The Table 2.24 is a summary of activities undertaken to improve the Commission's visibility.

Table 2.24: Commission's Brand Visibility Activities

S/No.	Brand Visibility Activity	Remark
1.	Production and Distribution of Communication, Education and Public Awareness (CEPA) Materials	The Commission produced and distributed over 5,000 CEPA materials that include: <ul style="list-style-type: none"> • 2000 Constitutional Commissions and Independent Offices (CCIOs) Compendium Booklets; • 1000 NSP and NLUP materials; • 2000 copies of succession materials and other thematic fliers, brochures and posters.
2.	Media Presence	The Commission conducted 10 talk shows, interviews and press conferences through mainstream and local media to educate

S/No.	Brand Visibility Activity	Remark
		members of the public on the Commission's mandate and programmes.
3.	Establishment of 4 Customer Care Desks.	The Commission established 4 customer care desks to improve customer satisfaction.
4.	Customer Care Week	During the customer care week the Commission interacted with and addressed queries from over 500 customers.

2.5.4. Strengthening Internal Systems

The Commission has the goal of becoming a strong, dynamic, and resilient organization so as to enhance effectiveness and efficiency in the delivery of its mandate. As a result, the Commission has invested in various strategies aimed at strengthening internal systems and processes to meet internationally-accepted service delivery standards. These strategies include:

- i. Effective Performance Management;
- ii. Leveraging ICT in all Operations; and
- iii. Enhancing Risk Management and Guaranteeing Quality of Services.

2.5.4.1. Effective Performance Management

The Commission continuously monitored the progress of the implementation of the Strategic Plan 2021-2026, and subsequently, developed four quarterly performance reports. The recommendations made in these reports were critical enhancing the Commission's compliance with the relevant Constitutional and statutory provisions as well as aligning its activities to the government development blueprints and agendas. Additionally, the Commission developed the Annual Workplan for FY2023/2024, which provides a strategic guidance for the implementation of SP 2021-2026.

2.5.4.2. Leveraging ICT in all Operations

The Commission is cognizant of the fact that ICT is a critical tool for optimizing and enhancing good governance in land administration and management. As a result, being the de facto administrator and manager of public land in the country, continued leveraging ICT in all its operations.

To prevent service breakdown as a result of a possible unavailability of primary data, the Commission renewed its contract with Cloud service provider on Cloud based solution. Five (5) systems were replicated in this cloud-based solution. In relation to the automation and digitization of processes and procedures, the Commission collected workflows from various directorates for the development of the ArdhiSasa System, which will be funded by the Ministry of Land and donors. Importantly, the Commission sensitized nearly all staff members on ICT Policy and Cyber Security Awareness Training.

2.5.4.3. Enhancing Risk Management and Guaranteeing Quality of Services

The Commission conducted various audit reviews that ranged from financial and operational to compliance audit. Consequently, audit review reports were compiled with recommendations that enhanced the Commission's governance, risk management and internal control systems.

2.5.5. Promoting Effectiveness and Efficiency in Procurement Processes

In compliance with Article 227 of the Constitution of Kenya 2010, the Commission's procurement processes are undertaken within the provisions of the Public Procurement and Asset Disposal Act, 2015, Public Procurement and Asset Disposal Regulations 2020, Supplies Practitioners Manual, Guidelines and Directives issued by the National Treasury and the Public Procurement Regulatory Authority (PPRA), Executive Orders, and Legal Notices among other relevant stipulated policies and procedures.

During the reporting period, the Commission achieved a 100% compliance on procurement planning and uploaded the approved procurement plan, FY2022/23, on Integrated Financial Management Information System (IFMIS). The Commission's procurement plan conforms with the fiscal policy objectives. To achieve an optimal inventory and effective asset management, the Commission inspected stocks and assets and captured the information in the ledger cards throughout the year. Importantly, accurate Statutory Reports to the Public Procurement Regulatory Authority (PPRA), National Treasury, Kenya Institute of Supplies Management (KISM), and other stakeholders were prepared and submitted. The other achievement worth reporting is that the Commission facilitated all its supply chain management staff members attain training and, consequently, the renewal of their membership and practicing licenses from KISM.



Figure 2.26: KISM Chairman presents Appreciation and Compliance Certificate to the Commission Accounting Officer

CHAPTER THREE

3. PARTNERSHIPS AND NETWORKS

In the execution of the land reform agenda, the Commission remained focused on establishing and cementing strategic partnerships and synergies with MDAs, development partners, research institutions, NGOs, CBOs, CSOs, and CCIOs with whom it has shared purpose and interest.

The Commission continued to leverage on partnerships, collaborations and networks to implement its mandate, programmes and activities, to enhance resources to the mobilization, build capacity, widen the land conflict resolution platform and enhance innovation and knowledge exchange. Table 3.1 lists the Commission’s partners and collaborating agencies/organizations during the review period and provides a brief description of the area of collaboration and the made achievement.

Table 3.1: Summary of Partners and Areas of Partnership during FY2022/2023

Partners	Area of Partnership and Achievement
MDAs	
Ministry of Lands, Housing and Urban Development	The Commission and the Ministry of Lands, Housing and Urban Development continued to cooperate with regards to actualizing the government’s Affordable Housing Programme. The Commission has a central enabling role to play in the reservation and acquisition of land for this Programme. Additionally, the Commission and the Ministry continued to cooperate in the implementation of the Digital Land Governance Programme (DLGP). The two institutions, also, held discussions to address various land-related challenges including those in ICD-Longonot Station MGR line link. Equally important, the Commission and the Ministry
KENHA, KURA, and KERRA	The Commission and the three Roads Authorities established by the Kenya Roads Act, 2007 continued to collaborate in various matters related to land acquisition and compensation. For example, the Commission and these authorities developed the <i>Guidelines to Operationalize the Final Survey for Land Acquired for Roads Projects</i> . Further, the Commission and the authorities continued to consult and discuss the various aspects affecting the full execution of infrastructural projects such as the LAPSSSET-Corridor.
Geothermal Development Authority (GDC)	NLC and GDC partnered in conducting reconnaissance visit to the Paka community land in Baringo County in preparation for its compulsory acquisition for geothermal project.
National Youth Service (NYS)	NYS staff supported the Commission in sorting out records and separating HLI files from legal.
Attorney General	The Commission and the Attorney General’s Office continued to collaborate in the implementation of AJS and the development of Standard Operating Systems (SOPs) for case management.

Partners	Area of Partnership and Achievement
Judiciary	
Judiciary	<ul style="list-style-type: none"> • The Judiciary also trained the Commission staff on enhancing efficiency in litigation. • The Environment and Land Court (ELC) continued to be a critical partner of NLC in promoting environment and land justice. As a result, the Commission attended the ELC@10 National Environment and Land Conference 2022 and moderated the sub-theme on <i>Climate Funding for the Judiciary</i>. Additionally, the Commission partnered with ELC to train ELC judges on Climate Change Litigation. Generally, NLC and ELC continued to collaborate in matters related to land dispute resolution.
Development Partners	
Food and Agriculture Organization (FAO) and European Union (EU)	<p>Under the programme dubbed “Digital Land Governance Programme (DLGP),” FAO and EU continued to fund critical activities within the Commission including:</p> <ul style="list-style-type: none"> • The development of Kenya Natural Resources Atlas; • Sensitization Workshops and consultative meetings in Counties on the Digital Land Governance Programme and fast tracking the completion of CSPs; • Supported the training of ELC judges on Climate Change Litigation; and • The refurbishment of Haki Kwa Ground software.
World Wide Fund for Nature-Kenya (WWF)	<p>The Commission partnered with WWF to launch and print the tools to monitor and oversee the implementation of the National Land Use Policy (Sessional Paper No.1 of 2007) and National Spatial Plan (2015-2045). Further, the two organizations partnered in holding the workshop on Post-mining restoration held in Kwale County on 14-16 Nov 2023.</p> <p>Also, WWF funded the Commission in the compilation of the oversight report for the Review of the County Spatial Plans for Bomet, Kilifi and Narok.</p>
World Bank	<p>The Commission and the World Bank initiated collaboration to develop guidelines on preparing, implementing and monitoring Resettlement Action Plan (RAP). These guidelines will document the procedures and actions that should be followed when compensating project affected persons (PAPs) and communities. Furthermore, the Commission and the World Bank cooperated in finding modalities on the best way to finalize land acquisition for its funded projects, specifically the Mwache Dam in Kilifi, which is under the Ministry of Water, Sanitation and Irrigation.</p>
Inter-governmental Authority on Development (IGAD)	<p>In November-December 2022, the Commission participated in the Conference on Land and Conflict in East and Horn of Africa that was</p>

Partners	Area of Partnership and Achievement
	organized by IGAD and International Development Law Organization.
The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ)	The Commission's Legal and Regulatory Affairs Directorates partnered with GIZ to develop investigation and inquiry guide.
International Organizations	
NAMATI	NAMATI facilitated the Commission in conducting the Study titled "Land Rights Monitoring."
Transparency International	Transparency International partnered with NLC, among other stakeholders, to conduct a Webinar titled "The Promise of the Digital Land Governance in promoting Service Delivery in the Land Sector"
NGOs, CSOs and CBOs	
KELiN	<p>In November, 2022, the Commission partnered with KELiN to convene a two-day training on Gender Transformative Change where participants were sensitized and educated, on among other topics, the basics of gender transformative methodologies, legal perspectives to gender transformative approaches and intersectionality in programming.</p> <p>Further, the two organizations partnered in sensitizing Kajiado leaders and AJS Committee on Alternative Justice System (AJS) and supported the 2nd regional research conference.</p>
Community Land Action Now (CLAN)	CLAN supported the Commission in holding the HLI Admissibility Assessment workshop in Nakuru on 5th-10th February 2023
IMPACT and Samburu Women Trust	The Commission was one of the partners and participants in the East African Indigenous People's Land Summit 2022 that was convened by IMPACT.
Kituo Cha Sheria	<p>Kituo cha Sheria helped the Commission develop the content for the second edition of 'Know your Land rights booklet'</p> <p>Additionally, Kituo cha Sheria cooperated with the Commission on a fact-finding mission to address the unique and predominant land issue and squatter problem in the Coast region.</p>
Natural Justice	The Commission partnered with Natural Justice to organize a brainstorming engagement session aimed at identifying possible areas where the CSOs can support in the Historical Land Injustices redress processes. Importantly, Natural Justice supported the Commission the in assessing the received HLI claims for admissibility.
Drylands Learning and Capacity Building Initiative (DLCI)	The Commission and DLCI partnered in conducting Public Education awareness campaigns through land clinics.
WYSS Academy for Nature	Partnered with the Commission in the endeavour to secure wildlife corridors.
Wasee wa Zamo Mtaani (WWZM)	The Commission collaborated with WWZM to convene a virtual Meeting on 15 th November 2022, in which NLC Commissioner Reginald Okumu made his presentation titled "Public Land in my Hood"

Partners	Area of Partnership and Achievement
Educational and Research Institutions	
National Research Fund (NRF)	The Commission and NRF jointly hosted the 2nd Regional Research Conference on 24 th – 25 th May 2023, together with other partners already discussed in this Report. Additionally, NRF supported the Commission in publishing the <i>National Research Conference Report on Sustainable Use of Land and Natural Resource</i> .
Kenya Institute for Public Policy Research and Analysis (KIPPRA)	KIPPRA continued to be a critical partner of the Commission on matters regarding capacity building for staff members. Precisely, several Commission’s staff members were sensitized on how they can participate in climate change mitigation through the <i>KIPPRA Symposium on Reflections from COP27 on Youth Participation in Climate Adaptation</i> that was held on 2-3/2/23 in Nairobi.
University of Nairobi	The Commission and university collaborated in various areas in the preparation and during the 2 nd Regional Research Conference.
Professional Bodies	
Kenya Institute of Planners	
Royal Institute of Chartered Surveyors (RICS)	Collaborated with the Commission in conducting research seminar series relating to land valuation.
Law Society of Kenya (LSK)	The Commission involved and collaborated with LSK in reviewing various pieces of legislation.
Council of Governors and County Governments	
The relationship between the Commission and County Government is guided by Article 6 of the Constitution of Kenya which advances the use of consultations and cooperation when the government at the national and county levels are exercising interdependency and conducting their mutual relationships. This being the case, the Commission continued to cooperate and consult with county governments on various matters aiming at addressing land issues. Noteworthy, the Commission partnered with Council of Governors and other critical partners to train County Executive Committee Members (CECMs) in-charge of Physical Land Use Planning and Urban Development on 28 th -3 rd March 2023.	
Constitutional Commissions and Independent Offices (CCIOs)	
The continued to engage and consult with other CCIOs to deliberate various matters that touch on the common mandate under Chapter 15 and particularly Article 249 of the Constitution of Kenya. Specifically, CCIOs jointly held a consultative forum with President H.E. Dr. William Samoei Ruto on 17 th January 2023. Further, to enhance collaboration and cooperation with the Executive arm of government, these CCIOs held a consultative forum with the Deputy President on 21 st June 2023.	

Notably, in its commitment to expand the scope of partnerships and collaborations, the Commission signed a partnership framework with National Environmental Complaints Committee (NECC) on 8th February 2023. This partnership deal will enable the two institutions protect the environment by working together to reclaim the grabbed public land.



Figure 4.1: NLC signing a Partnership Framework with NECC

Additionally, the Commission entered into a partnership agreement with Land Portal Foundation. The partnership, which was formalized by a memorandum of Understanding, will allow the two organizations collaborate in eight areas that are critical to the realization of land reforms in Kenya.

The Commission also initiated talks on possible partnerships and collaborations with various stakeholders and organizations; the Energy and Petroleum Regulatory Authority (EPRA), Hans Siedel Foundation, Kenya Department of Film Services (DFS), GLTN and Pamoja Trust.

CHAPTER FOUR

4. CHALLENGES AND RECOMMENDATIONS

In the course of executing its mandate and implementing the programmes under SP 2021-2026, the Commission encountered several challenges. The Commission finds it prudent to discuss these challenges because it is a statutory requirement under Section 33(1)(e) of the National Land Commission Act, 2012. Additionally, the acknowledgment of these challenges is vital in devising practical and sound recommendations, which will inform decision-making that would result in the Commission realizing a better and more effective execution of its functions and mandate in the forthcoming and future financial years.

- 1. Financial Constraints:** The attachment of the Commission's accounts at the beginning of the financial year under review nearly grounded operations to a halt. Budget cuts aggravated the Commission's financial woes. Following the Presidential Directive, the Commission's budget allocation was reduced (cut) by Kshs. **90,864,214** during Supplementary I Estimates FY2022/2023. This budgetary cut had deleterious impacts on the execution of the Commission's mandates and settling of the pending bills, which stood at Kshs. **531,496,362** as at the close of the year under review.

Recommendation: The Commission will continue to engage and sensitize parliament of its obligation, under Article 249(2) of the Constitution, to allocate adequate funds to the Commission to enable it perform its functions. Further, the Commission will reinvigorate its resource mobilization efforts by forging more partnerships to plug in the existing budgetary deficits.
- 2. Electioneering and Elections Period:** The tightly contested 2022 General Elections culminated in a highly uncertain, tense and volatile electioneering and elections period, which substantially disrupted the efficient and seamless delivery of services at the Commission.

Recommendation: NLC will enhance its resilience to such disruptions by increasingly focusing on performance optimization through continually refining and improving the hitherto existing competencies. Equally important, the Commission will be flexible in exploiting the current and emerging technologies to ensure that service delivery remains undisrupted even in the midst of uncertainties, tensions and volatilities that might mark the future elections and other crisis.
- 3. Ignored/Unimplemented Recommendations and Advisories:** Against the background of spearheading the land reform agenda in Kenya, the Commission issues various advisories and recommendations to the National and County Governments as well as to other relevant agencies and authorities. The Commission derives this power from Article 67(2)(b), (c), (d) and (e) of the Constitution of Kenya and other relevant statutes. However, it is noted that all the recommendations and advisories that the Commission issues are not implemented.

Recommendation: The Commission will continue engaging the implementing authorities and agencies and provide technical support where required or necessary for the sake of achieving effective implementation of the issued advisories and recommendations.

4. **Climate Change:** FY2022/23 marked the fifth consecutive year of failed rainy season and the worst drought experienced in Kenya and the greater Horn of Africa region in 40 years.³ The severity of this situation pushed Kenya to an unprecedented humanitarian, environmental and ecological catastrophe. For example, the drought threatened biodiversity by deteriorating ecosystems, degrading forests and wetlands and eroding Kenya's livestock and wildlife populations. The damaged ecosystems significantly disrupted the Commission's mandate of managing Kenya's natural capital.

Recommendation: The Commission acknowledges that the Horn of Africa region is exceptionally vulnerable to Climate Change-related risks and, therefore, will continue guiding the National and County governments to incorporate measures that facilitate adequate adaptation to climate change when developing land use plans. Additionally, the Commission will take a leading role in developing frameworks for infusive climate smart land management and administration imperatives. Equally important, the Commission will take a leading role in the *National Program for Accelerated Forestry and Rangelands Restoration* that was initiated by H.E. President Dr. William Ruto and aimed at having 15 billion trees planted by 2032.⁴

5. **A Backlog of Unresolved Court Cases:** The Commission has a large inventory of cases pending in courts. This number might keep growing due to an increase in incoming cases. Some of these cases were inherited from the Commission's predecessor, the Commissioner of Lands. The backlog of has immensely contributed to delays in service delivery and adversely derailed the implementation of the land reform agenda.

Recommendation: The Commission will continue encouraging and facilitating out-of-court settlement mechanisms to land disputes. Additionally, the Commission will strive to enhance its cooperation with courts, particularly the Environment and Land Court.

³ World Meteorological Organization. (2022, August 26). *Greater Horn of Africa Faces 5th failed rainy season*. World Meteorological Organization. Retrieved June 21, 2023, from <https://public.wmo.int/en/media/news/greater-horn-of-africa-faces-5th-failed-rainy-season>

⁴ The Program aims to reduce GHGs, stop and reverse deforestation and restore 5.1 million hectares of deforested and degraded landscapes. <https://www.president.go.ke/wp-content/uploads/National-Program-for-Accelerated-Forestry-and-Rangelands-Restoration.pdf>

CHAPTER FIVE

5. FINANCIAL PERFORMANCE AND STATEMENTS

The Commission's Financial Statements are prepared in accordance with the Cash Basis of Accounting Method under the International Public Sector Accounting Standards (IPSAS). This section of the Annual Report demonstrates the Commission's accountability and allows the people of Kenya to scrutinize our utilization of public financial resources.

5.1. Approved Budget for FY2022/23

In FY2022/23, the Commission had a gross budget of Kshs.1,482,435,786, which was all recurrent in nature. This translates to a budget decrement of Kshs.243,464,829 when compared to the gross allocation of Kshs.1,725,900,615 in FY2021/22.

5.2. Approved Budget Allocation per Sub-programme

The Commission was to spend the gross budget under the Land Administration and Management programme, which is broken down into the following sub-programmes shown in Table 5.1 and Figure 5.1.

Table 5.1: Approved Budget Allocation per Sub-programme

Programmes	Approved Budget Allocation	Actual Payments	Variance
	KShs	KShs	KShs
General Administration	1,392,943,905	1,393,232,695	-288,790
Land Administration	62,693,060	59,987,284	2,705,776
Public Land Information System	4,399,209	4,029,278	369,931
Conflicts and Resolutions	22,399,612	20,825,195	1,574,417
Land Administration and Management	1,482,435,786	1,477,325,323	4,362,365

Budget Allocation by Sub-programme

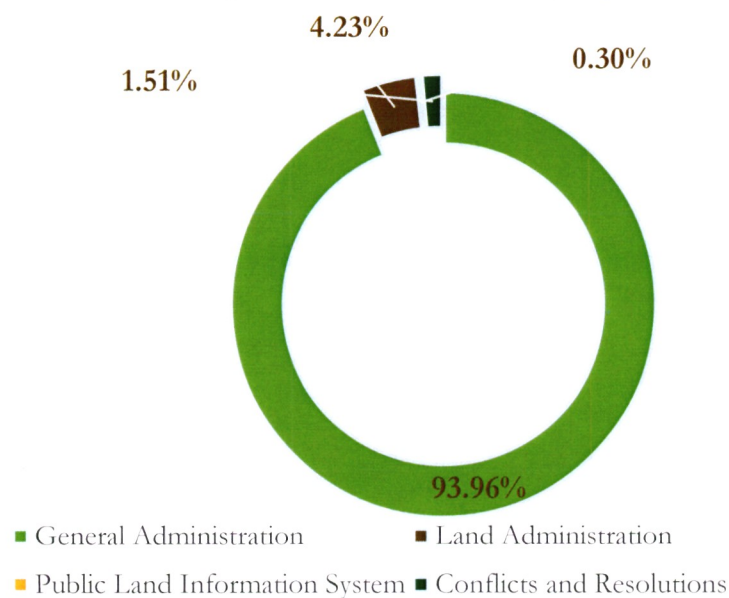


Figure 5.1: Budget Allocation by Sub-programme

5.3. Budget Utilisation Per Economic Classifications

The Commission spent **Ksh. 1,477,325,323** against an approved budget of **Ksh. 1,482,435,786** representing absorption of **98%**. Utilisation of the budget was carried out through various activities (economic classifications) as shown in Table 5.2.

Table 5.2: Budget Utilisation per Economic Classification

Economic Classification	Approved Budget Allocation	Actual Payments	Variance
Compensation of Employees	1,081,842,750	1,076,088,076	5,754,674
Use of Goods and Services	354,906,140	352,285,377	2,620,763
Social Security Benefits	16,047,250	16,020,962	26,288
Acquisition of Assets	29,639,646	32,930,908	(3,291,262)
Total Payments	1,482,435,786	1,477,325,323	5,110,463

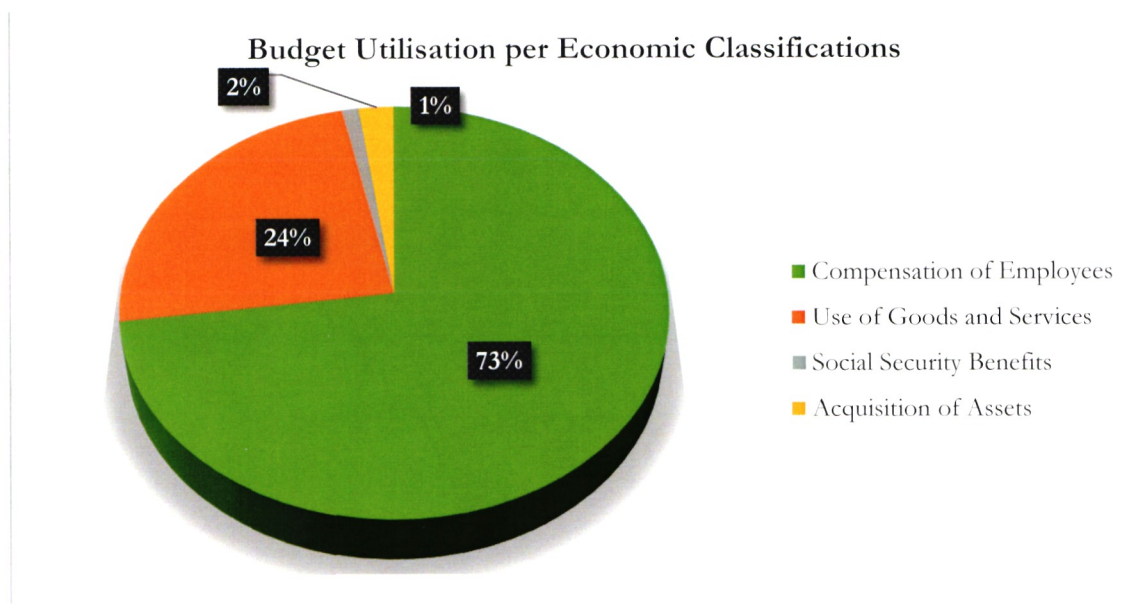


Figure 5.2: Budget Utilisation per Economic Classification

Based on Figure 5.2, it is noted that 73% of the Commission’s budget was used on compensation of employees, 24% on use of goods and services, 2% utilised in Acquisition of assets and 1% on board expenses and social security benefits.

5.4. Total Payment Breakdown

Table 5.3: Total Payment Breakdown

	2022-2023	2021-2022	Change	% Change
	Kshs	Kshs		
PAYMENTS				
Compensation of Employees	1,076,088,076	988,938,745	87,149,331	9%
Use of goods and services	352,285,377	589,814,663	(237,529,286)	-40%
Social Security Benefits	16,020,962	3,548,375	12,472,588	352%
Acquisition of Assets	32,930,908	111,909,766	(78,978,858)	-70%
Other Expenses-Compensation	7,479,053,539	14,597,577,100	(7,118,523,561)	-49%
Board Expenses	-	17,932,972	(17,932,972)	-100%
TOTAL PAYMENTS	8,956,378,862	16,309,721,621	(7,353,342,759)	-45%

5.5. Management and Administration of Compensation Fund

Section 111(1A) of the Land Act 2012 requires the acquiring bodies, in the case of compulsory land acquisition, to deposit compensation funds with the Commission in addition to survey fees, registration fees, and any other costs before the acquisition is undertaken. During FY 2022/23, the Compensation Fund received Ksh. 4,881,922,837. In addition, the Commission brought forward funds from FY 2021/2022 of Ksh. 11,002,047,172 making a total of Ksh. 15,883,970,009 available for payment to Project Affected Persons (PAPs).

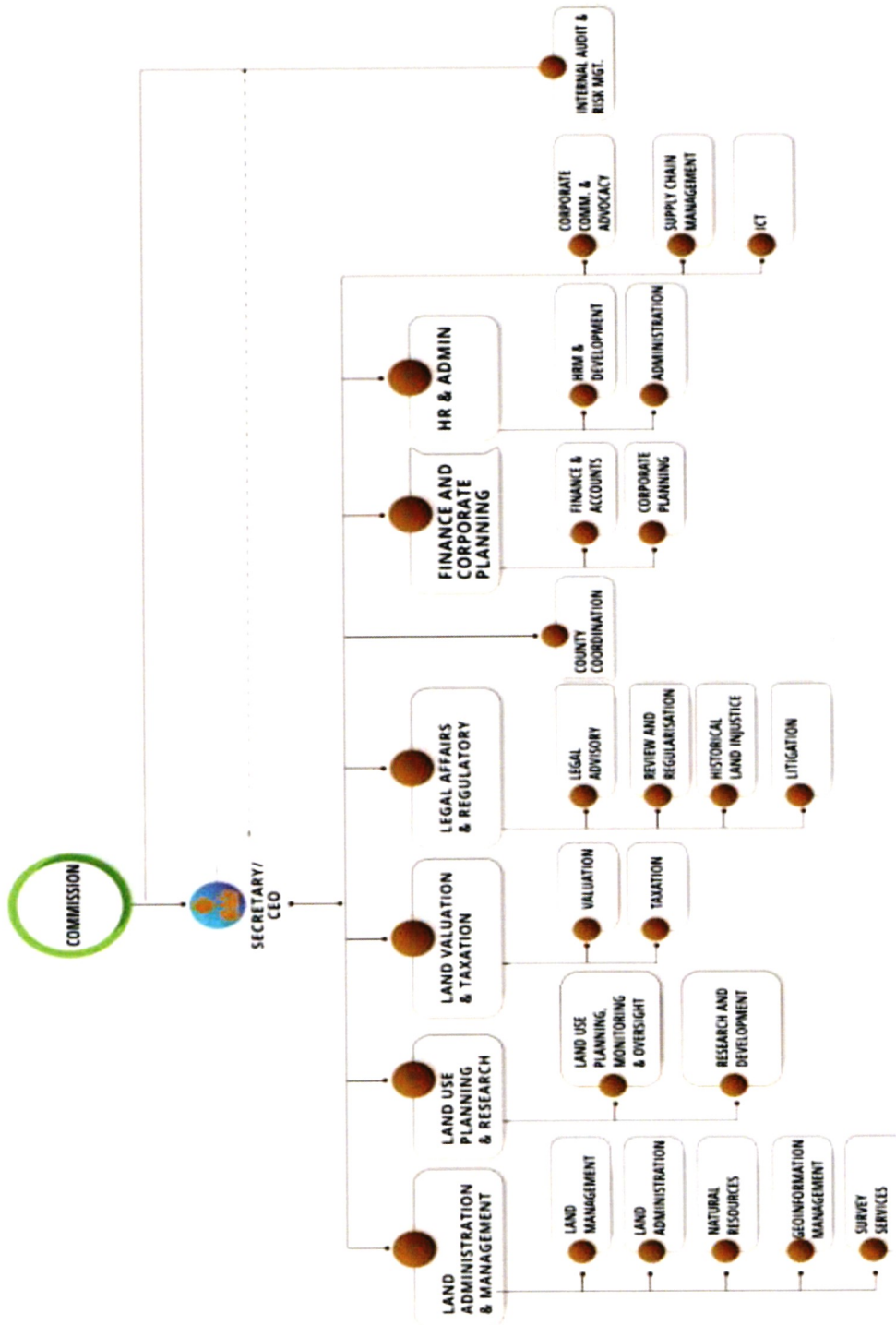
Table 5.4: Breakdown of Transfers from Government Agencies

Description	2022-2023	2021-2022
	Kshs.	Kshs.
Kenya Railways Corporation		1,773,618,670
KENHA	1,856,941,233	3,199,190,991
KERRA	96,241,763	
KPA	1,408,572,440	
Ministry of Water & Irrigation	255,312,820	1,804,433,826
Ministry of Education	-	797,370
Athi Water Works Agency	1,264,854,581	545,847
Administrative Receipts-Transfers from NLC GoK	-	95,636,681
Administrative Cost		
Total	4,881,922,837	6,778,586,704
CBK SGR compensation	-	1,226,336,249
TOTAL	4,881,922,837	8,100,559,635

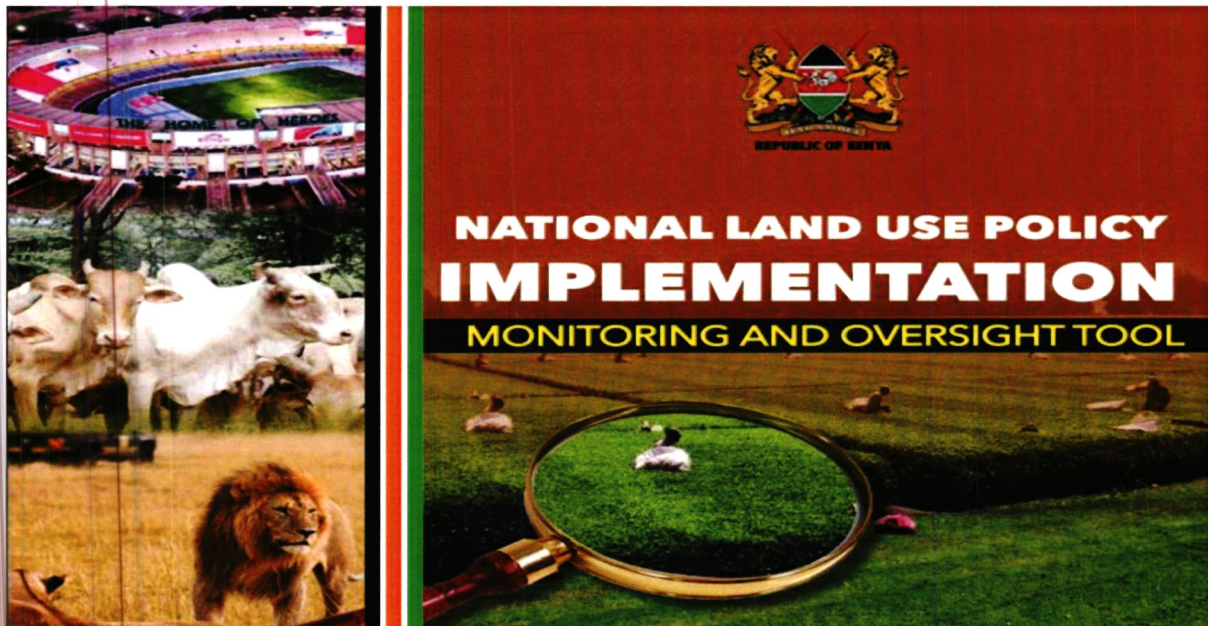
As the Table 5.4 shows, transfers from other government agencies for compensation to PAPs declined 39.73%.

APPENDIXES AND ANNEXURES

Appendix 1: The Commission's Organogram

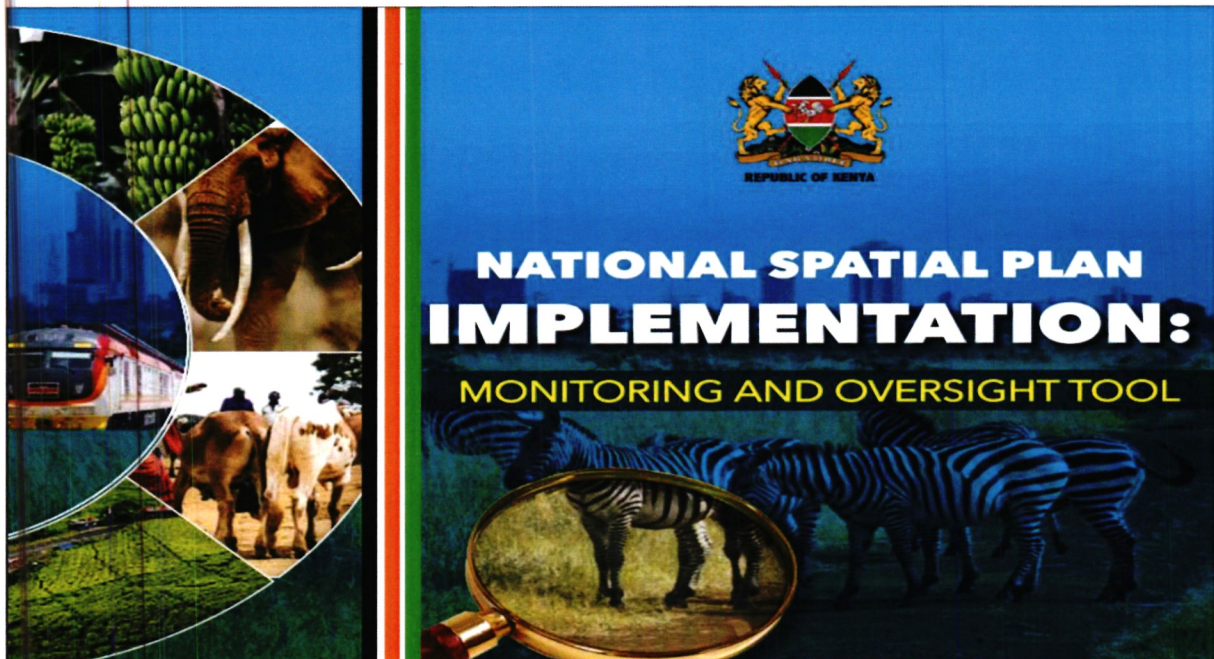


Appendix 2: National Land Use Policy Implementation Monitoring and Oversight Tool



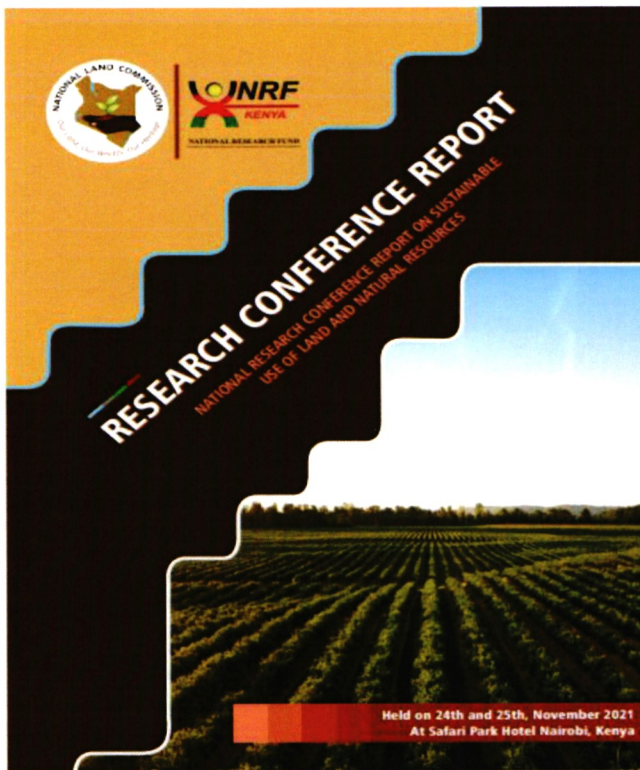
(Accessible via: <https://landcommission.go.ke/download/national-land-use-policy-implementation-monitoring-and-oversight-tool/?wpdmdl=17894&refresh=649d3e9753cf81688026775>)

Appendix 3: National Spatial Plan Implementation Monitoring and Oversight Tool



(Accessible via: <https://landcommission.go.ke/download/national-spatial-plan-implementation-monitoring-and-oversight-tool/?wpdmdl=17896&refresh=649d3fc6744211688027078>)

Appendix 4: National Research Conference on Sustainable Use of Land and Natural Resources



(Accessible via: <file:///C:/Users/LENOVO%20T460s/Desktop/Commission's%20Documents/RESEARCH-CONFERENCE-REPORT-PRINT.pdf>)

Annexure 1: Performance of the County Coordination Offices

KRA	Strategic Objective	Performance Indicators	Achievements
Management and Administration of public land	To secure public institutional land.	Number of parcels identified and submitted to Land Administration for processing	189
		Number of public institution land parcels identified for recovery	168
	Mainstream final survey in the vesting process for compulsorily acquired lands	No. of Parcels identified	555
	To sustainably manage natural resources	No. of sites identified	54
	To enhance access to alienated and un-alienated public land for development	No. of applications submitted to Land Administration	95
		No. of public land parcels identified	352

KRA	Strategic Objective	Performance Indicators	Achievements
	To develop a comprehensive public land inventory	Status reports	80
	To regularize urban land	Status reports on status of urban centers submitted	47
		No. of Verified lists of beneficiaries submitted	84
Use of land and security land rights	To mainstream land use planning in the national and county development agenda	Status report prepared and submitted (Basis of monitoring will be provided by HQ)	47
		No. of parcels identified and submitted to HQ	18
Land Dispute Resolution and Conflict Management	To provide redress to land disputes	No. of disputes handled (rcvd and processed)	326
	Enhance case management system for land disputes	No. of Court User Committee sessions attended	132
		Timely submission of Cause List (Weekly)	188
	To provide redress to Historical Land Injustices (HLI)	No. of preliminary investigations conducted	43
Institutional strengthening	To enhance corporate image of the Commission through County office	No. of public awareness forums/meetings	181
		No. of County engagement meetings	188
		No. Of CEPA materials distributed	100%
	To improve work environment	No. of requisitions	51
		An updated asset register	47
	To ensure financial sustainability	% utilization of office imp rest	100%
	To strengthen internal systems and processes for efficient service delivery	Work plan prepared and in place	47
No. of Reports		47	
No. of PAS filled		235	

Annexure 2: HLI Status Conferences/Meetings

S/No.	HLI Status Conferences held
1.	18 status Conferences
2.	Taita Taveta Vs. Kwale and Makueni County
3.	Kogony Council Vs. Kenya Airports Authority
4.	Keiyan Self-help group Vs. Keiyan Group Ranch and Others
5.	Nyaimbo Welfare Association Vs. Migori County
6.	Estate of Malakwen Vs. Government of Kenya
7.	Milka Otula Vs. Abwao Agenga Family
8.	Rajab Akumu Vs. Other Family Members
9.	Samburu Community Vs. Laikipia County
10.	Utange Lamkani Vs. African University Trust
11.	Status Conferences on Eight (8) claims against Kakuzi Ltd Plc led by Kenya Human Rights

Annexure 3: HLI Investigative Hearings

S/No.	HLI Investigative Hearings
1.	Otange Family Versus University of African Trust of Kenya
2.	Rea Vipingo
3.	Kima Evictees
4.	Kima Kimwe Residents
5.	62 Investigative Hearings for Mbari Claims
6.	31 Investigative Hearings for Ogiek Claims
7.	1 Investigative Hearing for the Torongo Claim
8.	The Herti/Isaak of Isiolo Investigative Hearing
9.	Kalenjin Enterprises Investigative Hearing and Site Inspection
10.	Site inspection of Lembus Torongo
11.	Site Inspection of Absentee Landlords' claims in Kilifi
12.	Investigative Hearing for Kogony Council of Elders Vs KAA
13.	Investigative hearing for Nyaimbo Welfare Association Vs County Government of Migori
14.	Investigative hearing on boundary dispute between Makueni, Taita Taveta and Kwale Counties