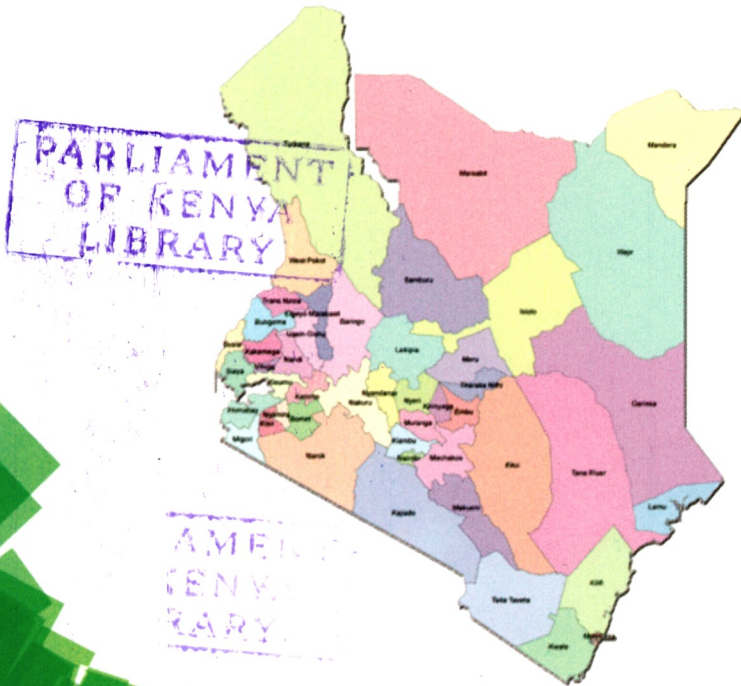




NATIONAL LAND COMMISSION

LAND GOVERNANCE IN THE COUNTIES



2016/2017

**ANNUAL
REPORT**

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**LAND GOVERNANCE
IN THE COUNTIES**

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NATIONAL LAND COMMISSION

LAND GOVERNANCE IN THE COUNTIES

ANNUAL
REPORT | 2016/2017



LAND GOVERNANCE IN THE COUNTIES

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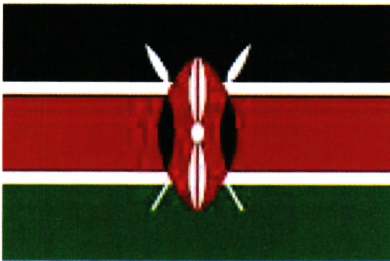


NATIONAL LAND COMMISSION



OUR VISION

Excellent administration and management of land for sustainable development



OUR MISSION

To implement an efficient land administration and management system in order to ensure equity in access to land



CORE VALUES

Efficiency
Transparency and accountability
Innovativeness
Integrity
Professionalism
Rule of Law
Independence

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MESSAGE FROM THE CHAIRPERSON



‘2016 – 2017 has been a year of reflection and transformation’

The rapid population increase in all the 47 Counties across Kenya (to date 45 million) - is reflected in the competitive demand for productive utilization of land coupled with questions of insecure land tenure - instills a sense of urgency towards monitoring and addressing land rights violations by the National Land Commission. Yet the increasing demand for land vis-a-vis rapid population rise, burgeoning youth population and insecure land rights also represents an opportunity for the Commission to make significant contributions towards addressing this astronomical demand for land in Kenya through a re-examination of the principles of land management as envisioned in Article 60(1) of the Constitution.

The urgency for the 47 counties to harness the potential offered by the various land tenure systems at play, while attacking the challenges associated with development in a devolved land governance system and securing land rights, are some of the priorities for urgent attention. Others are embedded in the implementation of the land policy, legal framework for land administration and management, natural resource monitoring, research, investigating land rights violations and addressing conflicts, all which continue to provide some stark reminders of the many challenges faced by the Counties. *“I see many people continue to live without secure land tenure; land ownership documents; grabbing of Public land; violations of women land rights, continued historical land injustices and low levels of land rights awareness, which must be addressed”.*

As witnessed in the 2016-2017 reporting year activities namely: *Supreme Court Advisory; State-House Land Summit; Land Law Amendments Act; Community Land Act, Launch of Standard Gauge Railway, Council of Governors Annual forum; Resolution of the Internal Displaced Persons* and push for resolving of Historical Land Injustices. Most Counties have unique set of land issues to specifically address and yet generally these issues relate to the wider land question discussion in Kenya. Many of these issues call for more proactive measures that need to be employed to catalyze land reform and improved land governance in order to generate forward looking land-based solutions for County and National Land concerns. The NLC addressing these gaps ultimately improves the livelihoods and wellbeing of the people living in those Counties.

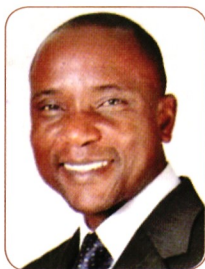
To accomplish further, there is a critical need for strengthening the potential of the National Land Commission to take its place at the forefront of promoting better land governance, knowledge generation, and for greater investment in researching land matters. As a chair of the National Land Commission, it is an incredible privilege for me, along with my eight Commissioners, to be part of this moment for land reforms in Kenya working through the NLC as it continues to make its mark-not only in the Counties, in the East African region and also in the African Continent.

I am profoundly grateful for the support, which the NLC continues to enjoy from the Government of Kenya and other agencies in our quest for securing land rights for all through better land governance initiatives. I am deeply appreciative of the NLC's staff spread throughout the 47 Counties and their commitment to making a difference in Kenyans association with land.



Professor Muhammad Swazuri
Chairperson – National Land Commission

STATEMENT OF THE SECRETARY/ CHIEF EXECUTIVE OFFICER



The reporting year 2016/2017 marks the 4th year of our Strategic Plan (2014-2018), and with one year left, this was a good time for taking stock of our implementation progress and energizing our efforts towards what we set to achieve three years ago. We have maintained our focus on the Commissions core mandate: Public land management and administration of land rights; Enhancing secure storage, access and retrieval of land data and information; Land disputes and conflict resolution; Sustainable management and use of land and natural resources; and Building the capacity for and efficient NLC to serve Kenyans. I am proud to report steady achievements in each of our core mandates and areas of work throughout Kenya.

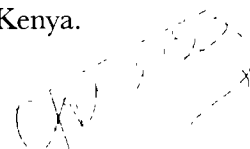
Our notable achievements include: 70% completion of the Electronic document management system (e-DMS) providing access to wider archived data; review of over 4,000 grants and dispositions; documented over 643 cases addressing historical land injustices; resolving over 550 land disputes in 34 Counties and strengthening the County Coordinators role in dispute resolution; verification of over 7416 letters of allotment; successful awarding of over 2,000 Public schools with title deeds providing for increase in securing land rights and conducting research on Public institutions in Embu, Makueni and Marsabit Counties; contributions towards the *'Land, Ethnicity and Conflict in Africa'* LPI research project. During the reporting year we also established and launched the Land Use Monitoring and Oversight Guidelines for use in the Counties and continue to influence the state of land use planning. We continued to research on land by focusing on land disputes (succession; women and land rights) and were involved in writing 'Women and Property Rights', Publication in partnership with Kituo Cha Sheria. In this reporting year, we had more achievements linked to our Strategic direction and objectives on improving the livelihoods of all who interact with and on land.

The Second Medium Term Plan (Second MTP 2013-2017), Sector Plan for Land Reforms is coming to an end. The beginning of the Third MTP (2018-2022); the 17 Sustainable Development Goals and increased discovery of natural resources (Chondrite meteorites in Isiolo County), the shift to a broader and more inclusive land governance agenda and priority towards ending poverty, protecting the environment and ensuring prosperity for all working on land the priorities for land reform in Kenya continues to change.

Therefore, no longer can the National Land Commission deal with ensuring land rights for all in isolation of other key land stakeholders – the Government and other agencies; no longer can the NLC divorce securing rights to land, property and natural resources in identifying areas of concern in land administration and management without a National Land Information System; no longer can the NLC ignore the role of technology in oversight and monitoring of land use planning; and no longer can the NLC ignore the role of research, documentation and knowledge management in shaping the destiny of women, men and indigenous peoples and local communities in securing rights to land. These synergies and working together shape the future of land reform success stories in Kenya.

As the NLC considers its next growth phase in line with the Constitution; National Land Policy 2009; various land legislation and statutory requirements; MTP 3 and Vision 2030, the strengthening of our County Offices is paramount for effective delivery of service in order to meet the overwhelming demands from the citizens. This strengthening towards fully-fledged offices at the Counties will significantly improve our services and enhance the NLC's leadership role in land reforms. In this future, we are beginning to formulate answers to the land questions where NLC should, can, and must, guide activities focusing on the future of Kenya in the land question while addressing challenges that transcend country and regional boundaries.

I am proud of the critical Constitutional role we continue to play in the land sector in Kenya through secure land tenure activities that lead to meaningful programs and policy direction in Kenya. As the NLC marks its fourth year, may we continue to advance and improve on the contributions and achievements and remain invigorated in our quest to serve Kenya.



Chavangi Aziz Tom
Chief Executive / Secretary

ABBREVIATIONS/ACRONYM

ADR	Alternative Dispute Resolution
AIA	Appropriation-In-Aid
APSEA	Association of Professional Societies in East Africa
ASALs	Arid and Semi-Arid Lands
CCO	County Coordination Office
CDF	Constituency Development Fund
CECs	County Executive Committees
CEO	Chief Executive Officer
COG	Council of Governors
CLMBs	County Land Management Boards
CSOs	Civil Society Organizations
CSP	County Spatial Planning
CRA	Commission on Revenue Allocation
DV	Development Vote
EACC	Ethics and Anti-Corruption Commission
e-DMS	Electronic Document Management System
FA	Finance and Administration
FAO	Food and Agriculture Organization of the United Nations
FIDA	Federation of Women Lawyers
FY	Financial Year
GIS	Geographical Information System
GLTN	Global Land Tool Network
GPS	Global Positioning System
GROOTS	Grassroots Organization Operating Together in Sisterhood
ICT	Information Communication and Technology

KenGen	Kenya Electricity Generating Company Limited
KeNHA	Kenya National Highways Authority
KeRRA	Kenya Rural Roads Authority
KETRACO	Kenya Electricity Transmission Co Ltd
KFS	Kenya Forestry Service
KLA	Kenya Land Alliance
KPA	Kenya Ports Authority
Kshs.	Kenya Shillings
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
LAC	Land Acquisition Committee
LAPSSET	Lamu Port Southern Sudan Ethiopia Transport Corridor
LAN	Local Area Network
LIMS	Land Information Management Systems
LR No.	Land Registration Number
LTSS	Land Tenure and Settlement Scheme
LSLA	Large Scale Land Acquisition
MDA's	Ministries Departments Agencies
MoLHUD	Ministry of Land, Housing and Urban Development
MoLPP	Ministry of Lands and Physical Planning
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NLC	National Land Commission
NLIMS	National Land Information Management System
NLP	National Land Policy
PAPs	Project Affected Persons
PDP	Part Development Plan
PSTSS	Public School Titling Support System
REDD+	Reducing Emissions from Deforestation and Forest Degradation

RRI	Resource Rights Initiative
SGR	Standard Gauge Railway
SIDA	Swedish International Development Cooperation Agency
SoK	Survey of Kenya
SPRO	Spatial Planning Records Office
SRC	Salaries and Remuneration Commission
TA	Transition Authority
TDR	Traditional Dispute Resolution
UN-HABITAT	United Nations Human Settlement Programme
USAID	United States Agency for International Development
WB	World Bank

CHAPTER ONE

MANDATE AND STRATEGIC FOCUS

Introduction

Land, as a factor of production, is the most important natural resource that Kenya is endowed with. It is critical to economic, social, political and cultural development. It is also considered as the principal source of livelihood and material wealth by playing host to natural resources. Secure access to land, sustainable land use planning and equitable distribution of land remains immensely important to the socio-economic development of the country by ensuring food security, employment, growth of industries, facilitation of local and foreign investments and foreign exchange earnings.

About this Report

This is the Fourth Annual Report. It aims to present a transparent assessment of our performance, achievements, challenges and recommendations on the way forward on land management and administration with a focus on counties. The report primarily covers the reporting period from **1st July 2016 to 30th June 2017** in fulfillment of Article 254(1) of the Constitution of Kenya.

During the reporting period, the devolved units were restructured and re-organized after the repeal of Section 18 of National Land Commission Act, 2012 through the enactment of the Land Laws (**Amendment**) Act, 2016.

Reporting frameworks

The preparation of this report was guided and supported by the following legal and policy frameworks:

- The Constitution of Kenya
- The National Land Policy (2009)
- The Strategic Plan (2013- 2018) and supporting Work Plans.
- Kenya Vision 2030 – Sector plan for Land Reforms (2013- 2017)

- The National Land Commission Act (2012)
- Land Registration Act (2012)
- Land Act (2012)
- Environment and Land Court Act (2011)
- Land Laws (Amendment) Act (2016)
- The Commission's Annual Report (2015-2016)
- The Medium Term Plan (Second MTP 2013-2017)
- County Spatial Development Plans
- The County Integrated Development Plans

Mandate

National Land Commission (NLC) draws its mandate from the Constitution of Kenya, National Land Policy of 2009, National Land Commission Act 2012, the Land Act 2012, the Land Registration Act of 2012 and the Land Laws (Amendment) Act of 2016.

1. Pursuant to Article 67(2) of the Constitution, the functions of the Commission are:
 - i. Manage Public land on behalf of the national and county governments
 - ii. Recommend a national land policy to the national government
 - iii. Advise the national Government on a comprehensive programme for the registration of title in land throughout Kenya
 - iv. Conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities
 - v. Initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress
 - vi. Encourage the application of traditional dispute resolution mechanisms in land conflicts
 - vii. Assess tax on land and premiums on immovable property in any area designated by law
 - viii. Monitor and have oversight responsibilities over land use planning throughout the country.

2. Under the National Land Commission Act 2012, the Commission shall:

- i. On behalf of, and with the consent of the national and county governments, alienate Public land
- ii. Ensure that Public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations
- iii. Develop and maintain an effective land information management system at national and county levels
- iv. Within five years of the commencement of the NLC Act, the Commission, on its own motion or upon a complaint by the national or county government, a community or an individual was mandated to review grants and dispositions of Public land to establish their propriety or legality.¹

3. Powers and functions

In line with the National Land Commission Act 2012, the Commission is obligated to exercise all the powers necessary for the execution of its functions under the Constitution and supportive legislations. This translates into exercising its powers in various ways such as:

- a. The Commission shall have powers to:
 - i. 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
 - ii. Hold inquiries for the purposes of performing its functions.
 - iii. 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 During the period under review the five-year period elapsed. The Commission has since submitted a request to parliament for the extension of the period.

- b. Pursuant to Article 252 of the Constitution, the Commission demonstrates the following:
 - i. Powers necessary for conciliation, mediation and negotiation
 - ii. Powers to recruit staff
 - iii. Powers to issue summons to a witness to assist for the purpose of its investigations.
- c. In exercise of its powers and discharge of its functions, the Commission;
 - i. May inform itself in such manner, as it may consider necessary
 - ii. May receive written or oral statements; and
 - iii. Is not bound by the strict rules of evidence.

In carrying out its functions, the Commission worked in consultation and co-operation with the national and county governments subject to Article 10 (National values and principles of governance) and Article 232 (Values and principles of Public service) of the Constitution. In the spirit of bringing services closer to the people, the Commission established offices in the 47 Counties and may, in future, establish other offices in the sub-counties, as it may consider necessary in conformity with Article 6(3) of the Constitution and Section 16 of National Land Commission Act 2012.

The Strategic Direction in Focus

The Strategic Direction

In carrying out its mandate and keeping to the thematic focus of *Implementing land governance in the Counties*, in the FY 2016/ 2017, the Commission applied the following strategies as outlined in its five (5) year Strategic Plan 2013- 2018.

Table 1:1 Strategic Direction

Strategic Direction	Inputs
Strengthening capacity to enhance quality service delivery in the counties.	The Commission developed and increased efficiency in the counties by enhancing the capacity of the County Coordination Offices (CCOs) across the 47 Counties. The Coordination offices, using Public Participation and Consultation approach, are the focal points in dealing with land matters in the counties. During the period under review, the CCOs were able to, among other achievements, resolve land conflicts, process development applications and create awareness on the roles of the Commission in the counties.
Facilitation of the Access and security of land rights and Promotion of efficient Land use.	The Commission enhanced access and security of tenure in the entire country. This was achieved through efficient and effective land administration and management programs such as researching on land matters, identification, registration and protection of Public land, providing monitoring and oversight on Land Use Planning, carrying out valuations and taxation on land, resolution of disputes on land and natural resources and reviewing of grants and dispositions.
Policy, guidelines and advisory to the National and County governments and other Agencies	In the spirit of ensuring sustainable land use, the CCOs continuously consulted and cooperated with all the relevant stakeholders. These culminated in the issuance of policies, guidelines and advisory opinions in the following areas; Planning, Survey, land use planning, land dispute resolutions, protection and security of Public land, regularization and formalization of land rights and processing of development applications. These initiatives have enhanced efficient and effective land governance.
Stakeholder engagement and collaboration	To meet continued overwhelming demand for efficient service delivery in the land sector and the dissemination of information to the Public, the Commission facilitated Public and stakeholder engagements. This was achieved through civic education and engagement forums, collaborations, partnerships and meetings/workshops with implementing agencies, County governments, Independent Commissions and dealing with submissions received by Parliament.

The Strategic Results achieved in the Counties.

Within the First quarter (July-September, 2016) of the year under review, the National Land Commission had devolved its functions to counties through establishment of County offices and Land Management Boards (CLMB). The strategic results that the Commission attained at the counties in the FY 2016/2017 include:

- a. Re-organized and restructured the devolved units through creation of the CCOs whose functions, roles and responsibilities include:
 - ✓ Review and make recommendations on all Development Applications at the County level in accordance with the law;
 - ✓ Prepare quarterly, annual performance reports and annual budgets;
 - ✓ Coordinate identification and development of a Public land inventory;
 - ✓ Collection of data, information on secure land rights towards research and advocacy;
 - ✓ Coordinate the preparation of a register of all private land converted to Public land by way of compulsory acquisition and Community land converted into Public land;
 - ✓ Prepare and implement approved annual work plans in every financial year;
 - ✓ Day to day administration and management of the affairs of the County Office including staff training/development, appraisal and welfare;
 - ✓ Ensure staff compliance with Public Service values, principles and high levels of ethical standards;
 - ✓ Provide strategic leadership to facilitate effective delivery of Commission's mandate;
 - ✓ In charge of County Office finances including revenue collection for services rendered;
 - ✓ In charge of all assets and the discharge of all liabilities of the Commission at the County Office;
 - ✓ Resolution of land disputes (Encouragement of TDR and ADRs);
 - ✓ Initiate the evaluation of parcels of Public land based on land capabilities;

- ✓ Facilitated access to land through processing of the land development applications which included; review and approval, deferment or rejection of development applications, lease renewal, lease extensions, change/extension of use, subdivision of land, allocation of Public land, amalgamation of land and processing of Public land ownership documents;
- ✓ Resolved land related disputes through ADR and TDR;
- ✓ Promoted awareness, advocacy and civic education on land reforms and the mandate and functions of the Commission;
- ✓ Monitored Land Use Planning at the County Level;
- ✓ Participated in land data documentation and conducting research on land related matters; and
- ✓ Acquired land for strategic flagship projects like Standard Gauge Railway; Thwake Dam; Sondu Miriu; Kisumu-Kakamega Road.

In conclusion, the chapter provides an overview of the basis for this Annual Report, focusing on the thematic areas of the mandate of the Commission as achieved in the FY 2016/2017 as presented in the subsequent chapters.



Figure 1: Working in the Counties – along the Standard Gauge Railway Line Phase 1

ACHIEVEMENTS AND CHALLENGES

Introduction

The Commission, in its effort to achieve its mandate in managing Public land on behalf of both the National and County Governments and as decreed in section 16(5) of the National Land Commission Act 2012, has established CCOs across the forty seven (47) counties. The County offices are responsible for coordinating and executing the decentralized functions of the Commission. This chapter gives, in detail, the achievements, challenges and recommendations in the delivery of services in line with the key result areas as presented below:

Key Result Area 1: Public Land Administration and Management of Land Rights

I. Guarantee of land ownership and security of tenure

a. Documentation of Public institutions

The Commission is mandated to ensure that all land that is reserved for Public schools and other Public institutions is titled as a safeguard from all forms of interference or threat. Previously, it was enough protection to plan, survey, gazette and at times issue letters of reservation for school land and other Public purpose land.

However, with increase in population and by extension demand for land it became necessary to document these parcels by way of issuance of letters of allotment and registration to safeguard them from encroachment and grabbing.

(i) School Titling Programme

Based on analysis of data collected during the 2015 KEPSHA conference, Transitional Authority (TA) and County Offices indicated that, out of the 29,404 Public schools in Kenya, **83%** did not have any form of ownership documents,

55% are not surveyed, **41%** at risk of encroachment and grabbing and **14%** **reported** land grabbing/disputed cases.



Figure 2: Attending School Titling Program meeting with Kakamega School Heads at County Education Boardroom

A general observation showed that schools are at various stages of documentation as indicated:

- i. Some schools had their land planned but PDPs not yet approved
- ii. Some schools had approved PDPs but no letters of allotment issued
- iii. Some schools had letters of allotment and survey had not been done
- iv. Some schools had deed plans but had not surrendered for further processing of title
- v. Some schools were on land that had not been planned

- vi. Some schools were in areas that had not been declared as adjudication areas
- vii. The largest number of schools were set aside during adjudication and creation of settlement schemes but documentation had not been done
- viii. School land resulting from subdivision of company farms
- ix. Parcels belonging to schools were registered in private individuals names
- x. Schools with disputes i.e. Boundary disputes, Disputes with other institutions on same land.

Categories of school land for purposes of titling

- 1. Land reserved during adjudication and creation of settlement schemes.
- 2. Land planned and allocated to schools within urban areas.
- 3. Land donated by private individuals.
- 4. Land surrendered as a precondition for approval of a subdivision scheme.
- 5. School land within expansive Government Institutions land.
- 6. Land for land exchange.

Approaches in securing land rights in schools

The Commission employed several strategies in order to achieve their goal in ensuring that the school-titling programme has been achieved. It should be noted that acquisition of title to school land involves rigorous participation of a number of stakeholders including the Ministry of Lands and Physical Planning (MoLPP), the County Governments and the Ministry of Education, Science and Technology (MoEST). The table below depicts the activities of school land registration:

Table 2.0 Stages of Land Registration

	Activity	Key Result	Collaborating partner
1	Conduct searches for school land whose survey numbers have been determined	Status of registration of the identified school land obtained	County Land Registrar
2	Verify survey numbers given by County Directors of Education/ Acquire survey maps and RIMs	Survey numbers verified and maps acquired	County Surveyor, County Land Administration Officer
3	Acquire PDPs for schools in all urban areas; visit and identify specific sites and undertake ground verification where necessary	PDPs acquired to facilitate issuance of letters of allotment	County Physical Planning Officer, County Land Administration Officer
4	Source for more information on schools from relevant authorities and take note of emerging issues for policy and administrative guidance	An up-to-date inventory developed	County Director of Education, County Executive Member for Lands
5	Complete inventory of schools to include those whose titles were issued before the current titling program began	An up-to-date inventory for uploading onto NLC website	County Land Registrar, County Land Administration Officer

Other activities to be noted include:

1. Preparation of transfers from the defunct local authorities to the Cabinet Secretary Treasury as custodian of Public assets in the country
2. Preparation of letters of allotment after planning and mostly in urban areas
3. Preparation of leases for onward transmission to the MOL for registration and issuance of certificate of leases in the name of the Cabinet Secretary Treasury

II. Key Milestones and Achievements

- i. Established Rapid Response Initiative Desks within the MoLPP including a specialized Unit for titling of Public schools within the Commission
- ii. Secured the Government's commitment to protection and registration of Public school land
- iii. Waiver of statutory fees for the registration, survey and titling process for Public school land by both the Ministry of Lands & Physical Planning and National Lands Commission
- iv. A commitment by the Institution of Surveyors of Kenya for its members to provide pro bono services to school
- v. An increase in the number of applications received for titling from Public schools. By the end of the reporting period over 10,000 Public schools had since applied for title deeds
- vi. The launch of Uasin Gishu County school titling pilot program.
- vii. Over 1000 transfer of land documents signed and executed by the Commission were handed over to Cabinet Secretary MoLPP for registration and issuance of titles
- viii. 15 letters of allotment issued.



Figure 3: CEO- Chavangi Tom during the launch of the Standards and Guidelines validation workshop for the NLIMS programme – partners FAO & MoLPP

III. Challenges and way forward

- The lack of financial support to conduct research that will enable the Commission get a holistic picture, and look at the problem objectively and analyze the gaps.

Recommended: The Government supports research financially in order for knowledge on the land sector to be enhanced and the empirical results used to clarify confusion.

- There has been a challenge in documentation of schools land which were formally reserved in the name of the defunct local authorities where formal transfer of assets and liabilities between national and county governments was not completed by the Transition Authority

Recommended: The formal sharing and transfer of assets and liabilities should be fast tracked by the government.

- Resistance by religious bodies as sponsors (e.g. Roman Catholic; Pentecostal; Salvation Army, Seventh Day Adventist) to relinquish Public schools previously administered by them but which have been taken over by the Government.

Recommended: Policy direction is required to resolve issue of land ownership in Public schools. (see Appendix 1 for draft Policy Direction on Public Land)

- Lack of database on schools and the respective land parcel numbers

Recommended: Requires concerted efforts between sectors and stakeholders in order to have a comprehensive database of all schools land in the rural areas for titling purposes.

- Lack of a framework for documenting schools and other Public institutions land surrendered during subdivision, such as land owned by land buying companies, cooperatives and settlement schemes.

Recommended: Land surrendered for schools from land buying companies and private individuals as a precondition for approval of subdivision, be subjected to review of grants and dispositions. This should also include land reserved for schools in urban areas but now seem to be very prime hence vulnerable for grabbing.

- Some lands donated to Public schools are still registered under the name of the Individuals (donors). In some cases the individuals are deceased.

Recommended: The Government should waive the succession fees in order to fast track the process of ownership transmission.

Recommended: Ad hoc land dispute resolution committees to be formed to resolve ownership disputes specifically for schools.

- Some Schools are situated in ecologically sensitive areas such as Riparian reserves hence cannot be registered.

Recommended: These schools should be relocated to ecologically safer zones.

Recommended: Ultimately, the development of a Public Land Policy, guidelines and regulations for the management of Public land is crucial. (see Appendix I for draft Policy Direction on Public Land)

Other Public Institutions.

The CCOs prioritized land administration exercise at the county level with an aim of identifying and documenting ownership of land held by Public institutions. Towards realization of this goal, the CCOs received and documented **1,762** applications. About **40%** of the applications were verified and recommended for titling. (see Appendix I for draft Policy Direction on Public Land)

Allocations, regularizations and formalizations

a. Guarantee of land ownership and security of tenure

Article 60(1) of the Constitution of Kenya states that land shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the principles of equitable access to land, security of land rights, sustainable and productive management of land resources and transparent and cost effective administration of land.

In view of the above, the CCOs in collaboration with both the National and County Governments have worked towards ensuring guaranteed land ownership and security of tenure. This was achieved through;

- Verification of letters of allotment issued by the defunct local authorities;
- Formalization/regularization of allocations/occupation.
- Initiating process of conferring land rights to residents/ occupants.

Table 2.1 Guarantee of land ownership and security of tenure

Activity	Cases received	Cases processed	Pending Cases
Verification of letters of allotment	7,414	555	6,459
Formalization of allocations/occupation	7,964	6,676	1,288
Total	15,378	7,231	7,747

From the above Table, 1.1 it is deduced that **47%** of the reported cases were processed during the reporting period. This in effect enhanced security of tenure as well as promoted investments in the land sector. The Commission in collaboration with the National and County Governments are working towards finalization of the pending land cases.



Figure 4 LAPPSET Project

b. Development Control and Enforcement

Development control and enforcement is essential for socio economic development and environmental conservation. It relates to the processing of Land development applications, which is aimed at facilitating access, and use of land. The various land development applications types include:

- i. Renewal /Extension of leases
- ii. Change/Extension of user
- iii. Subdivision of land
- iv. Amalgamation
- v. Land Allocation

The Table 2.2 below summarizes development control applications that were processed at the county level during the year under review

Table 2.2 Development Control Applications

Development Control Applications	Number of Applications Received	Number of Applications Processed	Number of Applications Deferred
Renewal of Leases	79	48	31
Extension of Leases	63	27	36
Change of User	123	108	15
Extension of User	17	16	1
Sub Division and Amalgamation	95	90	5

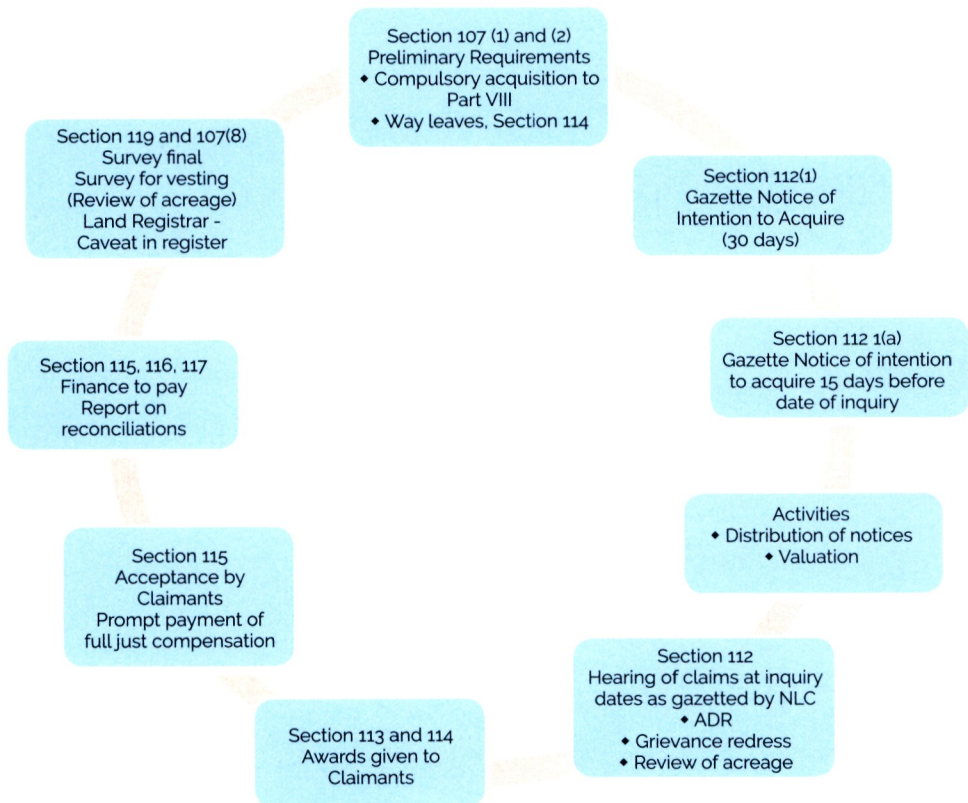
Facilitation of Access of Land for National and County Projects

The Vision 2030 is premised on social, economic and political pillars for sustainable growth. On this premise the National Land Commission undertakes land reforms espoused in the Constitution and other legal instruments. The backbone of economic growth is infrastructural development and social economic utility improvement. This is demonstrated through creation of road networks to rural areas hence this has reduced transit time and eased congestion in cities. The Commission has also been involved in compulsory acquisition of dams thus ensuring access to clean drinking water and enhanced food production through irrigation thus and eradicating poverty.

Such Public purpose are actualized through the Power of Eminent Domain that is compulsory acquisition in Article 40 of the Constitution, Part VIII of the Land Act 2012 and the Community Land Act 2016. This mandate has been given to the National Land Commission to realize the Vision 2030 Flagship Projects that enhances the general socio-economic status of Kenyans.

In facilitating access and use of land for development, the Commission synergizes with other players including the MoLPP and other state agencies. The Commission being at the tail end of this exercise. Some of the preliminary activities include: feasibility studies, route selection and preliminary surveys, socio-economic and environmental assessment that result to NEMA Certification, and Public sensitization programmes. The statutory process is illustrated in the figure 2.0 below.

Figure 5 The Statutory Process



Some of the Compulsory Acquisition programmes the Commission is implementing are appended below.

Table 2.3 Land Acquisition, Valuation and Compensation Programme for Strategic Projects. Progress of Projects

1-5%	16 – 35%	36 – 55%	56 – 70%	71 – 80%	81 – 90%	Vesting
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(Progress of the projects is measured in percentage on the measurement scale)

- 1-5% Request received from acquiring body, (National or County Government, discussed and accepted by Land Acquisition Committee and conducted searches and gazette the project).
- 16-35% - Inspections, creation of awareness of project to PAPs.
- 36-55% - Gazettement of and holding of inquiries into claims for interests
- 56-70% - Collation of claims with valuation reports
- 81-90% - Payments made to project affected persons and notices for taking possession
- 91-100% - Final Survey and Vesting of land

Table 2.4 Projects, Acquiring, Status, Objective, Scope and Progress

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
1.	Nairobi-Mombasa Standard Gauge Railway line	Kenya Railways	Compensation payments 80% complete, access 100%	Reduce congestion on Nairobi-Mombasa Road Reduce travel time Enhance tourism	587 Km	85%
2.	Lamu Port – 3 Berths and Access Roads	KPA	Compensation complete awaiting vesting	Open up the port area for regional trade and Lamu County	Lamu Port area	90%
3.	Eldoret Bypass	KeNHA	Preparation of Gazette Notice for Inquiries ready, waiting payment			50%
4.	Mwatate – Taveta Holili	KeNHA	Compensation ongoing	- Upgrading from gravel to bitumen standard - To link Kenya to Tanzania as part of the great Northern road	97 Km	75%

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
5.	Meru Eastern and Western Bypass	KURA	Compensation complete awaiting vesting	Ease traffic congestion within Meru CBD	22 Km	90%
6.	Eastern Missing Links, Nairobi	KURA	Payment disbursed to PAPs	Open up missing links to decongest Eastern part of Nairobi	11.8 Km	80%
7.	Githurai-Kimbo Road Project	KURA	Compensation advise given to KURA	Connects area into the Eastern Bypass	4 Km	75%
8.	Garden Estate Road, Kiambu Link Road	KURA	Awards issued Payment schedule forwarded to KURA	Open up the area to connect with Kiambu		75%
9.	Changamwe and Moi International Airport Road Project	KeNHA	Part payment made	<ul style="list-style-type: none"> Dueling of Changamwe and Moi International Airport Access Roads Ease traffic congestion on Airport Road 	6 Km	85%
10.	Ngorongo-Nazareth Road	KeRRA	KeRRA processing compensation as per NLC advise	Upgrading to bitumen standards	12 Km	80%
11.	Muranga-Gitugi Road Bridge construction	KeRRA	KeRRA processing compensation as per NLC advise	Upgrading to bitumen standards	Several parcels	75%
12.	Giakanja – Ithithe – Tetu Mission, Kagogi-Ihwa-Ihururu, Wandumbi-Kigogoini-Machako-Gachatha, Kiamwathi-Ithenguri, Wamagana Girls Access Roads	KeRRA	Compensation remitted to NLC for disbursement	Upgrading to bitumen standards	60 Km	75%

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
13.	Thogoto-Gikambura-Mutarakwa Road Project, Kiambu County	KeRRA	KERRA has deposited compensation amount awaiting disbursement to PAPs	Upgrading to bitumen standards	32 Km	75%
14.	Riruta – Mutuini Road	KeRRA	Awards issued Compensation advise forwarded to KERRA	-Upgrading to bitumen standards to open up the area	Several land parcels	75%
15.	Muruny - Siyoi Dam	National Water & Conservation	Compensation complete awaiting vesting	-Daming of water for electricity, irrigation and domestic use	-	90%
16.	Bachuma Gate-Maji ya Chumvi	KeNHA	Compensation paid Awaiting vesting	- Part of Northern corridor rehabilitation and improvement to create new bridges, bus-stops and lorry packs 75% paid	65 Km	80%
17.	Kisumu-Kakamega-Webuye-Kitale	KeNHA	Compensation paid Awaiting vesting	- Expansion and rehabilitation of existing road by dueling roads approaching town	160 Km	80%
18.	Thwake Multipurpose Dam	Ministry of Water and Irrigation	Compensation made to 50% of the Project affected people	- Dam of water for electricity, irrigation and domestic use	9158 Acres	75%
19.	Mariakani – Mombasa Dualling Carriage Way	KeNHA	KeNHA to remit funds according to NLC advise in compensation schedules	- Creating new major interchanges, dueling and provision of more lanes to save on transit time		75%
20.	Dualling of Kisumu Boys Roundabout, Mamboleo Junction	KeNHA	Compensation schedule forwarded to KeNHA	Reduce congestion in Kisumu City and improve on transit to Kakamega by dueling the road	6 Km	75%
21.	Ena-Ishiaru – Chiakariga, Meru	KeNHA	Compensation ongoing	- Upgrade from gravel to bitumen status - Open up the area	68 Km	75%

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
22.	Kangema-Gacharage	KeNHA	Payment complete, addendum at payment stage. Awaiting vesting	- Upgrade from gravel to bitumen status - Open up the area	38 Km	75%
23.	Nairobi-Southern Bypass	KeNHA	Addendum at payment stage. Compensated lands awaiting vesting	- Dueling to ease congestion and improve on transit time for outbound vehicles	38 Km	75%
24.	Kisumu Northern Bypass	KeNHA	Compensation awaiting funds from KeNHA	- Dueling to ease congestion and improve on transit time for outbound vehicles	11 Km	75%
25.	Siaya – Ruambwa Road	KeNHA	Compensation ongoing. Inquiry stage for corrigendum	- Upgrade from gravel to bitumen standards, Improve local connectivity, enhance	30 Km	75%
26.	Expansion of Malindi Airport	KAA	-Payment advise forwarded to KAA	To upgrade the airport by lengthening the airstrip		75%
27.	Mombasa Southern Bypass (Package 1)	KeNHA	-Payment advise forwarded to KeNHA	- Reduce time to airport, connect island with Southern Bypass	9 Km	75%
28.	Yatta Dam	Tana Athi Water Services	Inspections complete Court case has stalled the progress Funds have been submitted to NLC	- To dam water for irrigation use	1087 Acres	75%
29.	Amu Coal Fired Plant Site	MOEP	Inquiries held awaiting awarding and requisition of funds from MOEP	- Development of a coal fired plant to boost energy requirements	947 Acres	50%
30.	Rumuruti-Maralal Road	KeNHA	-Awaiting gazettelement of inquiries	- Upgrade from gravel to bitumen standard to improve local connectivity and boost trade	50 Km	50%

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
31.	Mombasa Southern Bypass (Package II and III: Tsunza-Shika Adabu-Ngomeni)	KeNHA	-Preparation of payment advise for onward transmission to KeNHA	<ul style="list-style-type: none"> - New road dualling creating interchanges and major bridges - Bypass connecting Miritini on main island to South Coast to ease traffic congestion 	15 Km	50%
32.	Eldoret Bypass	KeNHA	- Awaiting gazettelement of inquiries	<ul style="list-style-type: none"> - Reduce traffic congestion by diverting transit vehicles to Uganda bound vehicles 	32 Km	50%
33.	Giakanja – Tetu—Kagogi-Ihora	KeNHA	Compensation submitted to NLC	<ul style="list-style-type: none"> - Open up the area 	60 Km	50%
34.	Lodwar-Lokichogio Nadapal Road	KeNHA	Inspections in progress	<ul style="list-style-type: none"> - Open up regional transit to improve trade being 5 projects in one 	320 Km	35%
35.	Mariakani – (Kaloleni) Kilifi Road	KeNHA	Inspections complete Gazetted for Public inquiries	<ul style="list-style-type: none"> - Connecting to Mombasa Bypass to Kilifi to reduce travel time to the Northern Coast, reduce traffic congestion and open up the area 	49 Km	35%
36.	Sotik (Chebilat) Ikonge-Sondu-Chabera road	KeNHA	Inspections on going	<ul style="list-style-type: none"> - Rehabilitation from gravel to bitumen standards, Open up the area by enhancing connections 	35 Km	35%
37.	Chelongongbei Bridge and approach roads	KeRRA	Awaiting gazettelement of inquiries	<ul style="list-style-type: none"> - To ease access in the area 	3Km	35%
38.	Naromoru-Muny-Karicheni Road	KeRRA	Inspections complete, waiting for verification of land owners and searches	<ul style="list-style-type: none"> - Enjoining many loops in the road network to open up the local area 	36 Km	35%

No	Project	Acquiring body	Status	Project Objective	Project Scope	Project Progress (%)
39.	Limo Hospital-Illula-Elgeyo Border-Moim Junction and Tendewo-Bombo-Junction Road	KeRRA	Inspections ongoing	- Upgrade from gravel to bitumen standard to improve transport in the area	35 Km	35%
40.	Oloitoktok Water Supply & Sanitation Project	Athi Water Services Board	Inspections complete, inquiries awaiting confirmation of ownership	- Water supply and sanitation purposes		35%
41.	Kimugu Water Treatment Plant	County Government of Kericho	Inspections ongoing	- Water supply and sanitation purposes for Kericho County	10 Acres	35%

Table 2:5 New Projects under request

No	Project	Acquiring body	Status	Project Progress (%)
1.	James Gichuru-Rironi Road	KeNHA	-Gazetted for intention to acquire -Arranging for inspections	15%
2.	Soin-Koru Dam, Kericho and Kisumu Counties	National Water	-Inspections halted -NLC Chairman and Commissioners visited the site -NWPC finalized marking of boundaries	10%
3.	Water Pipeline Way Leave from Thika Dam to Kigoro Treatment Works to Gigiri Tanks	Athi Water Services Board	Awaiting the Acquiring Body to finalize with ground pegging for inspection	5%
4.	Kamugere Junction Kobogi-Kirimiru (UG 48579)	KeRRA	3 Km Request for cheque to facilitate gazettement of Notice of Inquiries sent on 8th March, 2017	5%
5.	Kipsigak-Serem	KeRRA	38 Km	
6.	Mukurueni-Gakonya	KeRRA	32 Km	
7.	Sigalagala-Musoli-Sabatia Road	KeRRA	35 Km	
8.	Metamayua -Kebiringo Road	KeRRA	-22 Km -Gazette Notice for Acquisition placed	5%

No.	Project	Acquiring body	Status	Project Progress (%)
9.	Iten-Kapsowar	KeRRA	41 Km	
10.	Voi-Mwatate-Wundanyi	KeNHA	42 Km	
11.	Nuno-Mondagash	KeNHA	40 Km	
12.	Kibwezi-Mutomo-Kitui-Migwami	KeNHA	195 Km	
13.	Garsen-Witu-Lamu	KeNHA	120Km	
14.	Athi-River Machakos Dualling		30 Km	
15.	Mwache Dam	Ministry of Water and Irrigation		
16.	Soin-Koru	National Water Conservation		
17.	Lower Nzoia	Ministry of Water and Irrigation		
18.	Taita Dam	Tanathi Water Services Board		

III. Comprehensive program on registration of titles on land

Article 67(2)(c) of the Constitution of Kenya assigns the Commission the responsibility to “Advise the National Government on a comprehensive program for the registration of title in land throughout Kenya. “In this regard, the Commission has endeavored to prepare a programme that captures registration of title in the three categories of land (Public, Private and Community) as outlined in Articles 61 – 64 of COK.

This programme is comprehensive in that it has considered all methods of acquisition of title in land as contained in section 7 of the Land Act 2012 i.e. allocation, land adjudication/registration of community land, compulsory acquisition, prescription, settlement programmes, transmissions and transfers and captures all the 47 counties.

The programme is geared towards advising the National Government on how to ensure that Kenya attains 100% registration of title. Currently, first registration has been achieved in 38% of Kenya, while 51% is at various stages

of achieving first registration. First registration is yet to start in 11% of the country as per field observation and statistics from the Ministry of Lands and Physical Planning.

The need for title registration has been seen as a way of resolving land tenure insecurity or uncertainty that restrains development at the same time facilitating development of land markets, resolving land disputes and improving the livelihoods of people through establishment of credit base and making national land redistributive reforms.

The programme captures various items in land management such as: *Land use planning, land administration, natural resources, land registries, survey, land adjudication, registration of community land, informal settlements, researching land matters, civic engagement and advocacy in land and institutional capacities and linkages to facilitate registration of title in land.*

The Commission has undertaken a survey of selected counties to establish the levels of registration of titles and the requirements and has made the following observations worth noting:

1. Counties are at various stages of registration in terms of first registration and therefore require specific registration programmes.
2. There is very little Public land for allocation in the various counties as they would be available for allocation already planned and allocated, except in the 11% of the country where first registration for titles has not started.
3. That the vast majority of Kenyans in the unregistered areas prefer registration of individual titles to registration of Community land. There is therefore the urgent need for the National Land Commission and the Ministry of Lands and Physical Planning to urgently mount a campaign of civic education on the process of registration of community land especially in the 11% of the country yet to experience first registration.
4. Many counties are yet to commence the process of developing County Spatial Plans due to limitation of funds and capacity to undertake development of the Spatial Plans.
5. There is urgent need for Parliament to speed up enactment of legislation on minimum and maximum land sizes to guide developments

especially in rural areas where first registration has been attained to curb further land fragmentation especially in counties such as Kakamega, Kisii and Vihiga.

6. There is urgent need for the National Land Commission to finalize the register and mapping of Public land in the country as some counties seem not to be aware of the boundaries of Public land and community land especially in areas where first registration has not started.
7. Many counties have no valuation rolls to guide land markets and there the need to develop them.
8. Sectional title registration is very minimal in the county limited to Nairobi. Many towns are yet to realize this.
9. With devolution every county is now desirous to have the own land registries and some already have physical structures towards this effort. These counties include Tukana and Tana River. However there is need to centralize all departments involved in the title registration process.



Figure 6 Alternative Dispute Resolution Session, Mombasa County

10. The centrality of research on land in areas like (i) Significance of land ownership in land reform (ii) Effects of land adjudication in ASAL Regions (iii) Smallholder settlement schemes 50 years on and the implications to food security; land rights, women land ownership (iv) Mapping land use patterns in Kenya and the implication to sustainable development

Challenges and way forward

The Main Challenges to registration include budgetary constraints, capacity especially in technical areas of survey and planning, ethnic and clan differences in areas of community land among others.

Recommendation: The Government needs to invest on research in land matters and speed up land adjudication process in areas declared so as to meet the limitations of time outlined in the Community Land Ac 2016 affecting Cap 284. Each county will require a modern land registry to cater for registration needs.

IV. Advisories to National, County Government, State Agencies & other Institutions

In the execution of its mandate the Commission may from time to time as the case may obtain, issue guidelines and information on the various land related matters to the Government and other agencies. These are done in form of advisories.

The Commission provided various advisories on Land Administration and Management, with specific focus to land use, Natural Resource and Acquisition of Land for various projects. The purpose for the advisories is to enhance informed decision making in matters land.

i. **Advisories on Acquisition of land for implementation of strategic projects of the government**

Table 2.6 Advisories on Acquisition of land for implementation of strategic projects of the government

No	Project Name	Institution
1.	ICD SGR Acquisition	Kenya Police Service
2.	Expansion of Hospital Hill Road	Kenyatta National Hospital
3	Ruaraka Secondary School	Ministry of Education
4.	Acquisition of Telkom Building, Ngong Road	Ministry of ICT and Youth
5.	Land Acquisition of Parking area opposite Harambee House	Office of the Deputy President
6.	Kimugu Water Treatment Plant in Kericho County	County Government of Kericho
7.	Resettlement of landless in Kilifi County	County Government of Kilifi
8.	Expansion land for Mandera town	County Government of Mandera
9.	Mombasa, Ukunda, Mada, Isiolo and Malindi Airport and Airstrip Acquisition	Kenya Airports Authority
10.	Kenya Railways survey of meter gauge, station reserves, marshalling yards and operational areas (1 Eastern and Coast Region, Nairobi and Central, Rift Valley and Nyanza)	Kenya Railways
11.	Standard Gauge Railway Phase 2 land acquisition	Kenya Railways

ii. **Advisories on land use planning to the following Ministries, Agencies and Organizations:**

- State Department of Energy, State Department for Transport, Energy Regulatory Commission, National Environment Management Authority, Kenya National Highways Authority and Council of Governors on mushrooming of petrol stations and filling stations along major highways.
- County Government of Baringo on the legal framework for preparation of Integrated Urban Development Plan for Kabarnet town.
- County Government of Kirinyaga on the legal framework for preparation of the County Spatial Plan.

- Issued a Public advisory on the Commission’s role in monitoring and oversight over land use planning in the Daily Nation and Taifa Leo on two consecutive days.
- In collaboration with ISK, the Directorate of Research conducted a preliminary desktop research on ‘Minimum-Maximum’ land holding sizes. Advisory given for need to conduct in-depth study in selected Counties in Kenya.

iii. Advisories developed and shared with National and County governments on the management and use of Natural Resources

- County Government of Siaya on the planned allocation of Yala swamp;
- Kobala biogas project in Homa Bay county;
- Development on Plot Nos 209/4904 and 209/4905 along River side drive, Nairobi County
- Proposed degazettment of Wayu forest (by the National Assembly, Committee on Land and NR) in Tana River County.
- Other advisories were done in relation to project specific Environmental Impact Assessments (EIAs) and shared with NEMA.

iv. Advisory to the Cabinet Committee on Regulation in the Attorney General office

The Commission did an advisory with the objective of streamlining the process of extension and renewal of leases. This was aimed at informing the cabinet on:

1. The need to create Public awareness on the requirements of applications for extension and renewal of leases.
2. Seek approval of the proposed guidelines on extension and renewal of leases
3. Request to lift the moratorium on processing of leases placed by cabinet.

This culminated in the gazzettment of extension and renewal guidelines **(Gazette Notice Number: 5734 of 2017)**

v. Advisories at the County Level

The Commission County coordination offices have given advisories on land matters in relation to land use planning, surveying and land administration. Through consultations, stakeholder engagements and Public forums, a total of 408 advisories have been given during the reporting period. These in return have enhanced efficiency in management and administration of Public land in the counties. In addition, harmonious and collaborative work relations have been enhanced between the NLC and the other state agencies. The following is a breakdown of the advisories given at the County Coordination offices.

Table 2.7 Advisories given at the County Coordination offices.

	Applicant/ concerned	Nature of Advisory	Advisories issued
1.	County Government	Planning/survey/land administration	332
2.	National Government	Planning/ re-survey/land administration/leases	31
3.	Independent Offices	Land grabbing/ allocation	04
4.	Task Force	Renewal & Extension of leases	09
5.	Public Schools	Registration of land	32

Research, Advocacy and Civic education

i. Research

According to article 67 (d) the Commission is mandated to conduct research related to land and the use of Natural resources, and make recommendations to appropriate authorities. The work of research is to inform advocacy and guide on policy direction. The following are the Publications arose out of research conducted during the period under review:

- i. Increasing the Bundle of Land Rights for Schools in Trans Nzoia County (2016)
- ii. Increasing the Bundle of Land Rights for Schools in Nyeri County (2016)
- iii. Exploring the Status of settlement schemes in Kenya (2016)
- iv. Securing Public Lands in Marsabit County- (May 2017)

- v. Exploring the Status of Public Land in Embu County (2017)
- vi. Speaker Series Vol 1- (2017)
- vii. Women, Land and Property Rights (*Published in collaboration with Kituo Cha Sheria and FIDA*).

The documenting of Public land in the Counties is crucial for sustainable management and administration of Public Land Rights and for the benefit of all Kenyans. The Directorate of Research shared the Policy Direction on Public Land as contained in Appendix.

Recommendations: The following areas of research gaps need to be prioritized and urgently investigated to advance positive social and economic impacts of interacting with land.

- i. Strengthening women's, youth, PLWD land rights and compare across Counties and Nationally.
- ii. Insecure tenure security with regard to improvement of land records – inadequate state of records both spatial and textual
- iii. Land for the landless (women – widows, youth, squatters, historical land injustices, marginalized in ancestral land)
- iv. Regularization of informal settlements (Muungano wa Wana Vijiji; Mukuru kwa Njenga , Baghdad etc)
- v. Simplifying and harmonizing land legislation – how do these laws, statues, regulations work for various groups?
- vi. More research on what land related interventions work and what interventions do not? Desired impact or not of these interventions?
- vii. Collection of data (sex disaggregated) related to land SDGs so as to better understand land rights and monitor progress.
- viii. Effects of land adjudication on ASAL and Community lands in Kenya
- ix. Securing Natural resources for communities

ii. Advocacy, Civic engagement and Public Education

Advocacy Campaigns

The Commission partnered with Action-Aid and other land non state actors to increase the awareness of policy makers on issues affecting women on land. To this end Kenya has concluded a successful formative phase of mobilizing and consolidating the rural women land agenda and the launch of women land rights charter.

Additionally, in Partnership with Kituo Cha Sheria the Commission conducted Public education during the Annual Leadership and Community Dialogue in Mombasa County. This activity brought together participants from the coastal Counties. The forum was effective in highlighting the experiences of the communities in the rural areas on the devolved land governance structures.

Advocacy campaigns were also conducted at the counties. A total of **951** engagement sessions were held within the period under review. Majority of these engagements (over 80%) were from the Public school heads regarding registration process of the school land. As presented in the table below, the citizens at the counties were engaged with an aim of demystifying the processes of acquiring land ownership documents and this promoted awareness on land rights.

Table 2:8 Awareness on Land matters

	Stakeholders	Nature of Engagement	Number of Forums
1.	Principals & Head teachers	School titling	768
2.	Community	Functions of NLC	124
3.	County Government	NLC Mandate	42
4.	National Government	Site Identification NLC Mandate Land fragility	17

The Commission also carried out awareness campaigns through trade fairs, cultural festivals, County forums, and partnership with other stakeholders and celebrated international days



Figure 7: 1st African Land Commissions Forum held in Accra, Ghana 2017 funded by Rights and Resources Initiative and the African Union- Land Policy Initiative. The National Land Commission's Chairman- Prof. Swazuri; CEO – Chavangi Tom and Director Research – Dr. Fibian Lukalo in attendance.

Partnerships with other key stakeholders

The Commission has prioritized Stakeholder engagements in advancing the dialogue on land, fostering partnership and forums for sharing perspectives on land matters as outlined below:

- Prepared and submitted a concept paper on Capacity Building Framework to Ministry of Devolution and Planning for consideration under Kenya Devolution Support Program (KDSP).
- Prepared and signed a Memorandum of Understanding with London School of Economics and Political Science for research on small holder settlement schemes – under

- Prepared and signed a Memorandum of Understanding with International Livestock Research Institute (ILRI).
- Collaborated with Nandi County Government, Food and Agricultural Organization of the United Nations (FAO), and World Wide Fund for nature (WWF) during Launch of Land use Planning: Monitoring and oversight guidelines.
- Collaborated with Resources Rights Initiative (RRI) and African Union- Land Policy Initiative (LPI) to hold the first Continental meeting of all African Land Commissions- Accra Ghana.
- Collaborated with Resources Rights Initiative (RRI) to hold International Dialogue on Indigenous Forest Dwelling communities in Kenya
- The Speaker Series Forum has been a driving factor in engaging with stakeholders and reaching out to Kenyans on matters of land. Through the forum the Commission has also been able to foster partnerships, advance dialogue on land and promote Public education on land matters.

Key Result Area 2: NLIMS - Efficient Land Information/Public Land Register

As enshrined in the constitution, the Commission manages Public land on behalf of the national and county governments. Pursuant to section 37 of the Land Laws (**Amendment**) Act 2016, the Commission is mandated to develop and maintain an effective land information system for the management of Public land.

Historically, most of the Public land in the country has not been registered, notably those in the pastoralist regions. The majority of which are schools, hospitals, offices, dams, boreholes and security agencies' camps. In this regard, it becomes imperative for the Commission to identify, register and digitalize all Public land in Kenya.

During the period under review, the Commission offered technical support in surveying and mapping during ground/site visits and subsequent reporting for purposes of review of grants and dispositions (titles) to Public land to determine their propriety or legality.

Beside that the Commission has been working with a consultant to develop an integrated system (Human Resource Management System and National Land Information Management System) comprising of the Enterprise Resource Planning, Citizen Relationship Management, electronic Document Management System and Geographic Information System. NLIMS test environment is now available to enable users interact with it. The following table shows the status of the project:

Table 2:9 Document Management System and Geographic Information System

Component	Completion Status
Enterprise Resource Planning (ERP)	80%
Citizen Relationship Management (CRM)	80%
Electronic Document Management System (e-DMS)	70%
GIS	70%

A total of 50 key technical officers were trained on the management of **NLIMS Integrated System**

Public Data acquisition and preparation to feed to NLIMS.

The Commission is working with Public Institutions/Agencies who are custodians of the Public Land data towards the development of the Public Land Information Management System (PLIMS). The Commission has received data from four institutions, namely Kenya Wildlife Service, Kenya Forest Service, Kenya Railways and Boundaries Section of the Ministry of Land and Physical Planning (MoLPP) so as to be able to manage Public land. The following table illustrates the data received from these institutions

Table 2:10 Data received from Institutions

Institution	Type of data	No. of records
Boundaries section of MoLPP	Setting apart boundaries data, scanned maps	110
Kenya Wildlife Service	Shapefile with attributes Area, Legal Notice No., L.R No., Category, County,	67 polygons of parks and reserves
	Survey Plans	21
	Boundary Plans	75
	PDP (Outposts)	23
Kenya Forest Service	Single Shapefiles for the forests	52
	Survey plans	3236
	RIM	101
	Forest Topo sheets	907
	PID	361
	Boundary Plans	19
Kenya Railways	Railway Stations data	Point-156 stations Area Polygons of 154 stations
	Railway Line and reserve	Polygon from Mombasa to Malaba. The default 200ft buffer
	SGR	Awaiting Phase 1 SGR data

Once completed, the exercise will enable the Commission to advise the Government on the amount of Public land in the country, hence enhancing the management of this Public.

Data Conversion at the Ministry of Land and Physical Planning

The Commission has supported the Department of Physical Planning at the MoLPP in their efforts to digitize their land records by loaning them a scanner and a plotter to scan records and print updated maps.

Digitization Effort on Correspondence Files

The Commission has been offering technical advice/support to the MoLPP in the ongoing efforts of digitization of correspondence files, which are expected to feed into NLIMS. The NLC county offices have created Public land registers and documentation of Public land has been done and the process is ongoing. This process is meant for development, establishment and maintenance of

County Land Information Management Systems, which is in turn envisioned to form the basis of a reliable National land Information System.

During the period under review (2016/2017), a total of **34,021** Public lands were documented. However, there is need to identify and verify the status of such land, for instance whether there is encroachment or not.

Key Result Area 3: Land Conflict/Disputes Resolution

Land as a major factor of production, is a key driver to conflicts and disputes in sub Saharan Africa. Land conflicts often occur when there are disagreements between two parties over property rights to land. In Kenya, land is at the center of the socio economic and political development. Majority of the population derive their livelihood directly from land. In equal measure, this makes land a major source of disagreements, disputes and conflicts in Kenya.

In accordance with the section 67(2.e&f) of the constitution, section 14 & 15 of the NLC Act 2012 as read together with section 38 of the Land Laws (**Amendment**) Act 2016, the Commission is required to review grants and disposition on Public land, address and make appropriate recommendation on historical land injustices and encourage resolution of land Disputes through ADR and TDR mechanisms.

a. Historical Land Injustices in Kenya

Together with stakeholders and through a participatory process the Commission initiated the development of legislation to redress claims arising out of historical land injustices. This effort culminated in the enactment of the Land Laws Amendment Act, on 30th August 2016. The new legislation made significant changes to section 15 of the National Land Commission by providing among others, a clear definition of historical land injustice, time frame, criteria for admissibility of claims and remedies. The section defines a historical land injustice as a grievance, which was occasioned by violation of a right in land on the basis of any law policy, declaration administrative practice, treaty or agreement.

Achievements

- i. Under section 15 of National Land Commission Act ,2012 the Commission shall within 2 years of its appointment will ,recommend to parliament appropriate legislation to provide for investigation and adjudication of claims arising out of historical land injustices for the purposes of article 67 (2) (e) of the constitution. This was realized through section 38 of the Land Laws amendment act 2016.
- ii. To give effect to Article 67(2) (e) of the Constitution and the amended section 15 of the National Land Commission Act, the Commission through a committee developed draft rules that will guide the process of redressing claims arising out of historical land injustices. The input of the Public and stakeholders will be put into consideration before the rules are gazetted.
- iii. In the period under review, the Commission has received over 800 alleged claims that are pending verification for admissibility as historical injustices.

Recommendations

Going forward, the Commission should undertake the following:

- i. The Commission should expedite the process of discussing, reviewing and validating the proposed draft rules and regulations for effecting section 15 of NLC Act (section 38 Land Laws (Amendment) Act, 2016.
- ii. All landholders' stakeholders should be sensitized and inducted for effective execution of the rules and regulations at respective counties.
- iii. The Commission should form counties historical land injustices committees, for fast-tracking the process of identification and registration of injustices.

b. Review of grants and dispositions

Public land in Kenya is under threat. Land set aside for Public use has been allocated to individuals, groups and companies. In addition, Public land earmarked for investment and settlement has been illegally and irregularly allocated. This has left little or no Public land for the intended purposes and socio-economic development.

The NLC County Coordination Offices received, registered and investigated complaints from the members of Public on illegal/irregular allocations of Public land. During the reporting period, the County Coordination offices, received a total of **2,641** cases and the offices have investigated and recommended a total **1,023 (39%)** cases for review and appropriate action.

The following table summarizes the number of cases handled by the Commission in the Counties

Table 2:11 Number of Cases Processed in the Counties

	Nature of Land	Total Cases Received	Total Cases Processed
1	Public purpose/Utility	182	125
2.	Plots	2,453	898
3.	Riparian Reserve	06	0
	Total	2,641	1,023

The Commission also secured water catchment areas through boundary demarcation, mapping and revocation of titles to land relating to Lamu sand dunes at Shela and Kipungani areas.

c. Alternative Dispute Resolution (ADR) and Traditional Dispute Resolution (TDR)

TDR is the process of finding a middle ground, agreeable resolution as a win-win situation, for two or more disputants over a parcel of land, drawing from the historical and life long experience that has been practiced in a specific or general community. In TDR, members of the dispute resolution panel base their arguments for finding an acceptable resolution, beneficial to both or all parties, on cultural practices. One key component of TDR is an agreement by all disputants on the applicability of traditional dispute resolution practices.

ADR is the process of finding a middle ground, agreeable resolution as win-win situation, for two or more disputants over a parcel of land, drawing from the modern day, tested and confirmed strategies of solving disputes. Such strategies include; reconciliation, mediation, negotiation, alternative compensation, among others. In ADR, disputants draw from the experience of experts who have proved themselves in the area resolution.

ADR comprises a variety of processes that provide alternatives to the traditional methods for resolving disputes through litigation and are generally characterized by informality, flexibility and control by the parties to a dispute.

In the financial year 2016/2017, a total of 1,151 cases were reported throughout the Country. Out of the reported cases, 25.6% were concluded. A quick analysis of the outcome reveals that Kenyans are embracing these methods of dispute resolution mechanisms.

In addition these strategies have promoted National Cohesion and peaceful co-existence among residents. The table below presents a summary of the type of each disputes received and resolved

Table 2:12 Type of dispute received and resolved

	Nature of Dispute	Total Cases Received	Total Cases Resolved
1.	Boundary Dispute	53	35
2.	Land claim/ownership	694	222
3.	Encroachment	2	2
4.	None Compensation	3	1
5.	Public Land	2	0
6.	General Complaints	391	32
7.	Succession & Title	3	3
	Total	1,151	295

d. Some of the Key TDR/ADR activities included:

The Commission participated in the taskforce for resolution of the Kishushe Mining dispute resolution, Whose Final report and recommendations were adopted by Ministry of Mining to streamline mining operations at Kishushe.

Successfully managed to bring the Government agencies, forest dwelling communities and Civil Societies Organizations to address the plight of ancestral land rights of forest dwellers vs. conservation goals within protected forest areas, it must be noted that negotiations are still ongoing.

The Commission provided guidance and technical support to the ADR members of the Lake Turkana Wind Power Project panel during the negotiation between the investor, community and the county Government of Marsabit.

The Commission gave guidance to the task force between the local community and the Kenya wild life services over access and use of Lake Kamnarok game reserve the recommendation is awaiting implementation by the county Government of Baringo and Kenya wild life services.

The government, through the commission, has enacted laws and guidelines to resolve land conflicts. The Government has also taken cognizance of the role played by the judiciary in resolving land disputes by enacting the Environment and Land Court Act, 2011. (ELC)

Recommendation:

Conflict resolution must be backed with robust research work. This works documents, history, trends, actors and legislation with the aim to influence policy on land.



Figure 7: African Union – LPI meeting on Land Rights- Accra Ghana

Key Result Area 4: Effective Land Management Frameworks

In the spirit of ensuring, efficient and effective discharge of its mandate, the Commission has developed several land management frameworks these were geared towards sustainable land management. The frameworks were developed in line with the functions of Land Use Planning, Natural Resource Management, NLIMS, Land Administration and Valuation:

a. Land Use Planning

- i. Prepared and submitted a concept paper on Capacity Building Framework to Ministry of Devolution and Planning for consideration under Kenya Devolution Support Program (KDSP).
- ii. Prepared and signed a Memorandum of Understanding with International Livestock Research Institute (ILRI).
- iii. Prepared and Launched Monitoring and oversight guidelines in partnership with Food and Agriculture Organization of the United Nations (FAO) , World Wide Fund (WWF) Council Of Governors (COG) and European Union (EU).

b. Natural Resources

- i. Developed Draft guidelines for natural resources exploitation and development, awaiting further stakeholder inputting and validations
- ii. Participated in the development of the Extractive policy under the National Steering Committee (NSC). Currently a draft policy for the extractive sector is in place awaiting further inputs and stakeholder validation.
- iii. The Commission spearheaded the development of a draft Bill and policy on Natural Resources benefit sharing.
- iv. The Commission is a member of the National Steering Committee (NSC) for the development of National Water Policy and Transition Plan. A draft Water Policy and Transition Plan has been developed.
- v. The Commission also participated in the National Steering committee (NSC) for the development of the Country's Mining Vision/strategy. A draft Country Mining Vision/strategy was developed.

vi. The Commission provided its technical expertise to the Technical committee for the development of a Resettlement Framework for the Kenya Petroleum Assistance Project (KEPTAP)

c. **National Land Information Management System (NLIMS)**

i. The NLIMS standards and Guidelines were completed and gazetted in August 2016. There are plans to mainstream the document to the key stakeholders in the Public and private sectors to create awareness of the document. The document is expected to guide institution in the development of NLIMS. There is need for printing copies and educating counties and other land stakeholders on the NLIMS standards and guidelines.

ii. NLIMS has developed Land Information Bill concept and shared with the Cabinet Secretary, MoLPP to seek guidance in the drafting of Land Information bill. When the Land information bill is developed it will provide a common understanding of the various components constituting NLIMS. This will help streamline terminology and the legal backing of the various land management units as well as



Figure 9: Launch of Land Use Guidelines in Kapsabet – Nandi County 2017

regulate how spatial data in the country will be managed. The bill will strengthen measures relating to penalties by providing a relationship of the penalty to the market value of affected properties. The bill will also strengthen NLIMS standards and guidelines that have already been gazetted by anchoring them in the law.

c. National Land Information Management System (NLIMS)

Through the Quarterly Speakers Series - research topics on land governance e.g. informality, land administration (land titling, property registration, cadastral mapping, property taxation and valuation), and land markets were discussed by experts in the land sector. The aim was towards influencing policy direction.

Key Result Area: 5 Institutional Development And Management

For efficient and effective service delivery, the Commission requires a developed and skilled human resource, appropriate and conducive working environment and adequate and effective material resource and equipment.

NLC has maintained strong financial and administrative management system that ensures integrity and prudent management of resources. The operations Divisions consist of the commission's Finance and Administration; Risk Management; Resource Mobilization Unit; and Human Resource Management.

a. Finance and Administration

During the financial year 2013/14 the Commission was allocated KSh 606 million for the current expenditure only. Subsequently, in 2014/15 Financial Year, the allocation for the Commission increased to KSh 1,093 Million for recurrent expenditure and KSh 442 million for capital expenditure.

In the Financial Year 2015/16 the allocation for the Commission was further increased to KSh 1,240 million for recurrent expenditure and KSh 289 million for capital expenditure. In the financial year 2016/17 the Commission was allocated KSh 1,273.4 for recurrent expenditure and KSh 103 million for Capital expenditure. In the Financial Year 2017/18 the Commission has been allocated KSh 1,452 million being recurrent and KSh 300 million Capital expenditure respectively.

b. Human Resource

The Commission has an operational Human Resources Management System (HRMS). The automation has aided the Directorate in ensuring efficiency and effectiveness in service delivery.

Achievements

- The Commission supported the recruitment, selection and orientation of 11 regular staff and trained 123 personnel in different fields.
- Several committees were established as envisaged in the Kenya's Vision 2030 under social pillar, MTP III and the Commission Strategic plan. The Committees are Gender and Disability mainstreaming Committee, HIV/Aids, Alcohol and Drugs abuse Committee and Occupational Safety & Health Committee.
- Enacted Sexual Harassment policies.
- Enacted Human Resource Standard Operating Procedures (SOPs)

c. Information communication Technology

The ICT department conducted a Training and Sensitization of ICT policy to the counties in which members of staff are being enlightened on the latest technological trends occurring in the world and how to ensure that the data which belong to the residents of the counties is safeguarded through the use of this policy for example client's private information.

CHALLENGES AND RECOMMENDATIONS

Introduction

This section of the report presents a summary of the overall challenges in the implementation of the mandate and functions of the Commission as enshrined in the Constitution and the relevant land laws.

Policy /Legislative Challenges

Challenge

The dynamic changes in the relevant land legislations have been a hindrance to effective planning and execution of functions by the commission.

Recommendation

A stable legal environment is necessary to enable the Commission to plan effectively for the achievements of its mandates and functions.

Challenge

The absence of rules, regulations and guidelines to the County Government Act, 2012, Urban Areas and Cities Act 2011, Historical land Injustices, Community Land Act 2016, and Evictions from Public land, TDR and ADR among others.

Recommendation

The parliament should consider and approve the necessary rules, regulations and guidelines

Challenge

Land Use Regulation and Property Law is yet to be enacted as required under Article 66 (2) and 5th Schedule of the Constitution.

Recommendation

Parliament to facilitate the Commission to spearhead the formulation of Land Use Regulation and Property Law.

Financial and Budgetary Constraints

Challenge

- The Commission has continuously suffered from inadequate budgetary allocation as well as austerity measures implemented by the national government. As a consequence this derailed the achievement of planned activities.

Recommendation

- The Government should allocate adequate financial resources to enable the Commission to smoothly implement its planned activities.
- The Government should also Fast-track appointment of the NLC secretary /CEO as the collector of revenue.
- There is also need for the Commission to continue forging partnerships with multilateral and bilateral stakeholders in order for the to realize

Operational/Administrative Challenges

Institutional challenges

Challenge

Shortage of technical staff has continued to be the main challenge of the Commission. This has been occasioned by the freezing of recruitment by the Government as well as inadequate budgetary allocations and austerity measures implemented by government.

Recommendation

Continued support of the Commission by the Government in the area of institutional capacity development is imperative.

Challenge

Inadequate tools of work (**including logistical**) and equipment office space especially for operations at the decentralized county units.

Recommendation

- The Government should facilitate the Commission in acquiring the tools of work, equipment and securing adequate office space for its operations.
- The Commission should also partner with other agencies in order to address the challenge.

Transitional Challenges

Challenge

The transitional change is at slow pace especially when it comes to accessing files which are available in the Lands Registries thus the Commission has managed to access a few documents due to challenges in accessing supporting attributed data and some digitized parcels that do not have ownership and other related information.

Recommendation

There should be a clear formulated guidelines on how land information will be accessed and shared amongst these two land agencies which will avoid confusion and as a result will enhance cooperation between them.

Conclusion

- i. Fully decentralized its units in all the counties
- ii. Developed rules, regulations and guidelines for its work, some of which await are in various stages of approval.
- iii. Developed HRMS and is in the process of developing NLIS
- iv. Resolved a number of disputes through TDR and ADR
- v. Conducted research in various areas – secure land tenure prioritized
- vi. Developed processes and procedures for land development applications
- vii. Developed land use planning and monitoring framework
- viii. Promoted awareness of its mandate and functions through advocacy and civic engagement forums
- ix. Worked with national Government in acquisition of land for implementation of strategic Government projects
- x. Developed a database of natural resources in 23 counties
- xi. Participated in development of policies and bills leading to legislations on land matters
- xii. Inadequate technical capacity as well as tools of work have hindered the smooth delivery of services

Inadequate budgetary allocations and budget cuts as a result of implementation of austerity measures have hampered smooth.

CHAPTER FOUR

**FINANCIAL REPORT AND STATEMENTS
FOR THE YEAR ENDED JUNE 2017**

Prepared in accordance with the Cash Basis of Accounting Method under the International Public Sector Accounting Standards (IPSAS)

I. KEY COMMISSION INFORMATION AND MANAGEMENT

(a) Background information

The National Land Commission (NLC) is an Independent Constitutional Commission established under Article 67 of the Constitution of Kenya, 2010. It was operationalized through Acts of Parliament that gave effect to Article 67 of the Constitution, namely; the National Land Commission Act, 2012; the Land Act, 2012 and the Land Registration Act, 2012, to carry out its mandate as outlined both in the Constitution and in the aforementioned legislations. The Commission is not subject to direction or control by any person or authority; it is subject only to the Constitution and the law as stated in Article 249 (2) of the Constitution of Kenya. The Commission commenced its operations on 27 February 2013 when the Chairman and Commissioners were sworn in by the Chief Justice.

(b) Key Management

NLC's day-to-day management is under the following key organs:

- Nine (9) Commissioners comprising of the Chairman and eight (8) Commissioners. The Commissioners are engaged on a full time basis.
- The Secretariat is headed by the Secretary/Chief Executive Officer supported by Ten (10) Directors.
- Forty seven (47) County Coordination Offices headed by the County Coordinators as stipulated in the Constitution of Kenya under Arti-

cle 6(3) and the National Land Commission Act 2012 under Section 16(5).

(c) Fiduciary Management

The key management personnel who held office during the financial year ended 30 June 2017 and who had direct fiduciary responsibility were:

	Designation	Name
1	Chairman	Prof. Muhammad Abdalla Swazuri
2	Vice Chairperson	Mrs. Abigael Mbagaya Mukolwe
3	Commissioner	Dr. Tomik Konyimbih Mboya
4	Commissioner	Dr. Clement Isaiiah Lenachuru
5	Commissioner	Dr. Samuel Kipng'etich Tororei
6	Commissioner	Dr. Rose Mumbua Musyoka
7	Commissioner	Ms. Emma Muthoni Njogu
8	Commissioner	Mr. Silas Kinoti Muriithi
9	Commissioner	Mr. Abdulkadir Adan Khalif
10	Secretary/Chief Executive Officer (CEO)	Mr. Chavangi Aziz Tom
11	Director, National Land Management Information System (DNLIMS)	Prof. David Ndegwa Kuria
12	Director Land Use Planning (DLUP)	Dr. Herbert Luka Musoga
13	Director Research	Dr. Fibian Kavulani Lukalo
14	Director Finance & Administration (DFA)	Mr. Francis Karimi Mugo
15	Director Valuation & Taxation (DVT)	Dr. Salome Ludenyi Munubi
16	Director Natural Resources & Environment (DNRE)	Mr. Leonard Omullo Orondo
17	Director Land Administration (DLA)	Ms. Mercy Muthoni Njamwea
18	Ag. Director Legal Affairs & Enforcement (DLAE)	Mr Brian Ikol Adungo
19	Director Human Resource Management (DHRM)	Ms. Qabale Tache Arero
20	Director Communication, Corporate Affairs & Advocacy (DCCAA)	Mr Khalid Masoud Salim
21	Head Supply Chain Management (HSCM)	Mr. Patrick Kiprotich Malakwen
22	Head Audit & Risk Management (HARM)	Mr. Isaac Kamau Ng'ang'a
23	Head, Information & Communication Technology (HICT)	Mr. Amos Parletuan Kasaine

(d) Fiduciary Oversight Arrangements

- **Audit and Risk Management Committee**

The Committee is guided by the Audit Committee Charter that outlines its mandate and powers. The main responsibilities include review of financial information, ensuring adherence to and/or compliance with various legislations, Government Circulars professional standards and Commission policies while maintaining oversight on internal control systems. The Committee also reviews, advises and makes recommendations regarding the Commission's risk management. The members of this Committee during the year were:

Commissioner Dr. Samuel Kipng'etich Tororei – Convenor
Commissioner Dr. Clement Isaiah Lenachuru – Member
Commissioner Mr. Abdulkadir Adan Khalif – Member
HARM, Mr. Isaac Kamau Ng'ang'a – Member/Secretary

- **Finance and Administration Committee**

The functions of this Committee include guiding on policy, processes and procedures on financial management in the Commission; sourcing for funds through the Government budgetary process; oversight over the management of funds of the Commission including procurement; and guidance on general administration issues of the Commission including provision of conducive working environment and working tools. The members of this Committee during the year were:

Commissioner Mrs. Abigael Mbagaya Mukolwe – Convenor
Commissioner Ms. Emma Muthoni Njogu – Member
Secretary/ CEO, Mr Chavangi Aziz Tom – Member
DFA, Mr. Francis Karimi Mugo – Member
HSCM, Mr. Patrick Kiprotich Malakwen – Member
Deputy DFA, Mr Bernard Kibet Cherutich – Member
CLMBs Coordinator, Ms Mary Kamene Ngundo – Member
Deputy DFA, Mr Francis Cheruiyot Bor – Member/Secretary

- **Human Resource Committee**

The functions of this Committee include guiding on policy, processes and procedures on staff management in the Commission; oversight over the management of human capital of the Commission including guidance on human resource management policy, staff recruitment, staff development and remuneration. The members of this Committee during the year were:

Commissioner Mr. Silas Kinoti Muriithi	–	Convenor
Commissioner Dr Samuel Kipngetich Tororei	–	Member
Commissioner Dr Rose Mumbua Musyoka	–	Member
Secretary/ CEO, Mr Chavangi Aziz Tom	–	Member
DHRM, Ms Kabale Tache Arero	–	Member
Deputy HRM, Mr Ben Bett Tunai	–	Member/Secretary

- **Land Administration Committee**

The Committee discharges some of the most vital functions of the Commission including approval of applications for change of user; approval of applications for allocation of public land; approval of extension of leases; approval of applications for renewal of leases; approval of applications by County Governments for land exchange with individuals for public good; and discharge of approvals relating to or incidental to the functions of the Commission. The members of this Committee during the year were:

Commissioner Dr. Tomik Konyimbih Mboya	–	Convenor
Commissioner Ms. Emma Muthoni Njogu	–	Member
Commissioner Mr Silas Kinoti Muriithi	–	Member
Commissioner Mr. Abdulkadir Adan Khalif	–	Member
Secretary/ CEO, Mr Chavangi Aziz Tom	–	Member
DLA, Ms. Mercy Muthoni Njamwea	–	Member/ Secretary
Deputy DLA, Ms. Edith Sandra Olando	–	Member
Deputy DLA, Mr Daniel Rukunga Kithunka	–	Member

- **Communication, Research and Natural Resources Committee**

The functions of this Committee are to advise the Commission on the natural resources and research aspects for sustainable land management; resolve natural resource and land use conflicts among stakeholders; ensure that sustainable land management is achieved by all state agencies responsible for its management; determine the capacity needs of the Commission in achieving its sustainable land management; review policies, guidelines, procedures and processes necessary for the Commission to achieve its mandate in natural resources; determine necessary interventions, at policy and operational levels required for the Commission to realize its oversight roles in natural resources management; determine the types of research necessary to achieve sustainable land management as provided for in the COK Article 67 (2) (d); and ensure that there is adequate communications to the citizens of Kenya on the Commission’s mandate in the management of land and land resources. The members of this Committee during the year were:

Commissioner Dr Clement Isiah Lenachuru	–	Convener
Commissioner Dr. Rose Mumbua Musyoka	–	Member
Commissioner Dr.Tomiik Konyimba Mboya	–	Member
Commissioner Mr. Abdulkadir Adan Khalif	–	Member
Secretary/ CEO, Mr Chavangi Aziz Tom	–	Member
DCCAA, Mr Khalid Masound Salim	–	Member/ Secretary
Director Research, Dr Fibian Kavulani Lukalo	–	Member
Deputy DCCAA, Ms. Jennifer Itumbi Wambua	–	Member
Deputy DCCAA, Ms. Elijah Leiro Letangule	–	Member

- **National Land Information Management System (NLIMS)/Information and Communication Technology (ICT) Committee**

The Committee supports the Commission in implementation of the NLIMS and other Commission specific systems through channelling efforts of the Commission in its engagement with various stakeholders; it monitors the progress of these systems projects along their implementation pathways; harnesses the information needs and streamlines the message that the

Commission needs to pass to stakeholders and the general public; identifies challenges, obstacles and limitations that the projects may encounter and guides on policy direction; and resource mobilisation for the projects. The members of this Committee during the year were:

Commissioner Mr. Abdulkadir Adan Khalif	–	Convenor
Commissioner Dr. Clement Isaiah Lenachuru	–	Member
Commissioner Mr. Silas Kinoti Muriithi	–	Member
Commissioner Ms. Emma Muthoni Njogu	–	Member
Secretary/ CEO, Mr Chavangi Aziz Tom	–	Member
DNLIMS, Prof. David Ndegwa Kuria	–	Member
DLUP, Dr. Herbert Luka Musoga	–	Member
DLA, Ms. Mercy Muthoni Njamwea	–	Member
DFA, Mr. Francis Karimi Mugo	–	Member
DVT, Ms Salome Munubi	–	Member
DNRE, Mr. Leonard Omullo	–	Member
Deputy Director Settlement, Ms Sussy Kidemi	–	Member
Deputy Director Adjudication, Mr. Samuel Okenyi Odari	–	Member
Deputy Director Survey, Mr. Sospeter Oduor Ohanya	–	Member
Deputy DCCAA, Ms. Jennifer Itumbi Wambua	–	Member
HICT, Mr. Amos Parletuan Kasaine	–	Member/Secretary

- Land Acquisition and Compensation Committee

The Constitutional mandate of this Committee is assessment of tax on land and premiums on immovable property in any area designated by law (Article 67(2) (g)). The Committee sets policy direction and formulates rules, regulations and guidelines in respect to assesment of ground rents and stand premiums of new allocations; acquisition and compensation for public rights of way and wayleave as provided in the Land Act 2012 Sections 142-150; change of user and extension of user; lease renewals and extensions; sub-division of land; assesment and collection of rents, royalties and payments in respect to leases or licences; compulsory acquisition of land both at National and County Government levels. The members of this Committee during the year were:

Commissioner Dr. Tomik Konyimbih Mboya	–	Convenor
Commissioner Dr. Rose Mumbua Musyoka	–	Member
Commissioner Ms. Emma Muthoni Njogu	–	Member
Commissioner Mr. Silas Kinoti Muriithi	–	Member
DVT Ms. Salome Ludenyi Munubi	–	Member/Secretary
DDVT, Mr Joash Mogambi Oindo	–	Member

- **Legal Affairs Committee**

The Committee provides oversight and guidance on key legal matters affecting the Commission including legal interpretations on the position of the Commission in regard to various cases at hand. The Committee is involved in the prioritisation of the inherited court cases and also any new cases arising out of land transactions. The Committee also guides on alternative dispute resolution methods with the aim of reducing the number of court cases to a bare minimum. Where and when necessary, the Committee seeks clarity from the courts and the Attorney General’s office on any grey areas in the written law. The Committee also guides and reviews on investigations related to land matters touching on the Commission. The members of this Committee during the year were:

Commissioner Ms. Emma Muthoni Njogu	–	Convenor
Commissioner Mrs. Abigael Mbagaya Mukolwe	–	Member
Ag.DLAE, Mr Brian Ikol Adungo	–	Member
Deputy DLAE, Mr. Brian Adungo Ikol	–	Member/Secretary
Deputy DLAE, Mr. Edmond Kiplagat Gichuru	–	Member
Deputy DLAE, Mr. Antipas O A Nyanjwa	–	Member

- **Land Use Planning Committee**

The Committee provides policy direction and coordination in effecting the Commission’s Constitutional mandate of monitoring and overseeing land use planning throughout the Country (Article 67(2) (h)); liaises with state agencies responsible for planning and the County Governments to ensure adherence to the law in preparing and implementing land use plans for the urban areas and

the Counties; sets performance standards for preparing statutory land use plans; advises on the planning and development of strategic National projects occurring on public land; gives guidance on the suitability of land to be acquired for public purposes including creating land banks and land for other uses such as public housing and industry; and is responsible to develop a framework to inform the National Government on comprehensive programme for registration of title in land throughout the country (Article 67(2)). The members of this Committee during the year were:

Commissioner Dr. Rose Mumbua Musyoka	–	Convenor
Commissioner Dr. Samuel Kipngetich Tororei	–	Member
Commissioner Mr Silas Kinoti Muriithi	–	Member
Commissioner Mr. Abdulkadir Adan Khalif	–	Member
DLUP, Dr. Herbert Luka Musoga	–	Member
DLA, Ms Mercy Muthoni Njamwea	–	Member
Deputy DLUP, Mr. Charles Otieno K'Oyango	–	Member
Deputy DLUP, Rose Chelagat Kitur	–	Member
Deputy Director Adjudication, Samuel Okenyi Odari	–	Member
Deputy Director Survey, Sospeter Oduor Ohanya	–	Member
Deputy Director Settlement, Sussy Kidemi	–	Member/Secretary

- Other Oversight Activities

NLC has regular liaison with the Parliamentary Committee on lands to ensure that issues of land are properly addressed and legislated. Similarly, Parliamentary Committee on Budget Appropriations, Public Accounts Committee and the National Treasury have oversight on the Commission's budgetary requirements, allocations and utilisation.

(e) National Land Commission Headquarters

Ardhi House
1st Ngong Avenue
Nairobi, Kenya.

(f) National Land Commission Contacts

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Telephone: 020 2187505
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Website: www.landcommission.go.ke

(g) National Land Commission Bankers

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Nairobi, Kenya
2. National Bank of Kenya Ltd
Upper Hill Branch
NHIF Building
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GPO 00100
Nairobi, Kenya

(h) Independent Auditors

Auditor General
Kenya National Audit Office
Anniversary Towers, University Way
P.O. Box 30084
GPO 00100
Nairobi, Kenya

(i) Principal Legal Adviser

The Attorney General
State Law Office
Harambee Avenue
P.O. Box 40112
City Square 00200
Nairobi, Kenya

II. FORWARD BY THE SECRETARY /CHIEF EXECUTIVE OFFICER

I am pleased to present the financial statements of the Commission for the Financial Year (FY) 2016/2017 that ended on 30 June 2017. National Land Commission (NLC) is one of the ten Independent Constitutional Commissions listed under Article 248(2) of the Constitution of Kenya (COK) and is established under Article 67 of the same Constitution. On top of COK, the Commission draws its mandate from various Acts of Parliament but mainly the National Land Commission Act 2012, the Land Act 2012 and the Land Registration Act 2012. The Commission's budget is fully funded through exchequer funds by the National Treasury.

During the Financial Year (FY) 2016-17 the Parliament allocated the Commission Kshs. **1, 434** million all recurrent. Again the Commission recurrent budget was reduced Kshs 167 million during the supplementary budget estimates leaving the Commission with Kshs 1,267 million. The Commission wasn't allocated any development funds during the Financial Year 2016/17. However during the supplementary budget estimates the Commission was allocated kshs103, 300 million to settle development account pending bills which were for FY 2015/16.

In regard to the utilisation of funds, the Commission utilised Kshs.1, 237 million out of a budget of Kshs.1, 267 million allocated for the FY 2016/17 which is 97% utilisation level. Out of the funds utilised during the year, Kshs.727 million (667 million in FY 2015/16) was used on compensation to employees. On the acquisition of goods and services, NLC used Kshs.492 million (Kshs 468 million in FY 2015/16). On the acquisition of assets, NLC utilised Kshs 121 million (326 million in FY 2015/16).

Under the Land Act 2012, NLC is mandated to undertake compensation on compulsory acquisition of land for development by either the National Government or the County Governments. This is done in collaboration with the acquiring Government bodies that provide the compensation monies. During the current FY 2016/17, the Compensation Fund received Kshs 13,419 million (Kshs 3,943 million in FY 2015/16) of such monies. In the same financial year Kshs 10,401 million (Kshs 2,868 million in FY 2015/16) was paid out to the project affected persons (PAPs) in relation to various Government projects being implemented in different parts of the Country.

These payments relate to flagship projects geared towards achievement of Government goals under Vision 2030 blue print. These projects among others are in the areas of national roads network, sea ports, water dams and reservoirs, national electricity transmission lines and the standard gauge railway. Upto 30th June 2017, NLC had paid about Kshs 10,401 million directly to PAPs from different parts of the Country. The Commission paid out Kshs 4,5 million to PAPs located along SGR project route between the cities of Mombasa and Nairobi.

During the FY 2016-17 NLC continued to engage various stakeholders on various matters that are critical to successful delivery of services for the people of Kenya, including civil society organizations (CSOs), the community and other Government institutions. The Commission has worked with key Organizations namely Food Agriculture Organization (FAO), Action Aid Kenya, Kenya Land Alliance, Reconcile, Haki Jamii, Pamoja Trust, Kituo Cha Sheria, Muhuri, Haki Yetu, Ujamaa, World Vision Kenya, World Wide Fund for Nature (WWF), Shule Yangu, International Livestock Research Institute (ILRI) Association of Professional Societies of East Africa (APSEA), Kenya Forest Service (KFS), Kenya Wildlife Service (KWS), Geothermal Development Corporation (GDC), National Environment Management Authority (NEMA), GROOTS Kenya, among other stakeholders. Key area of focus has been community sensitization on various land laws and land transaction processes and resolution of various conflicts. Lot of focus has also been capacity building to the devolved units of the Commission to enhance service delivery at the County level.

In regard to the implementation of its mandate during the FY 2016-17, NLC recorded a number of **achievements** towards this end which, among others include:

- The Commission has continued to conduct reviews of grants and disposition of Public Land in accordance with its mandate and the reforms projected in the land sector. The Commission has so far resolved over three thousand cases through this exercise which are spread throughout the Country. Ongoing review of grants are ordinarily advertised in the dailies, to ensure that the public is sufficiently notified to ensure attendance and participation of all interested parties. Among the significant cases resolved during the year under review include ownership disputes over properties located along the Standard Gauge Railway. The Commission successfully

addressed the concerns of the County Government of Mombasa and the landowners that paved the way for construction of the Mombasa section of the railway.

- One of the major functions of the Commission is to provide technical advice regarding the management and utilization of the Country's land-based natural resources. During the period under review, the Commission gave over 10 advisories to different institutions and structures on a number of issues relating to natural resources management and development. These included advisory on the establishment of conservancies within Turkana County, the Lavington-based Chalbi Wetland in Nairobi City County, The Wayu forest in Tana River County, Mau forest and illegal settlers, as well as the Kishushe mining in Taita Taveta County among others.
- Through a partnership with the Association of Professional Societies in East Africa (APSEA), the Commission has reviewed a draft Policy and Bill on Natural Resources which the Commission developed in FY 2014/2015. Some key issues were to be aligned for the draft policy and bill to be presented to the ministry for forwarding it to the parliament. The bill is aimed at providing an overarching framework to govern natural resources. The development of the policy and Bill was informed by lack of a coherent piece of legislation that can reconcile the existing competing laws in the natural resources sector.
- The ICT has established an up to date datacentre which will house its computing devices such as routers, servers, power backup, storage systems among others, this is a facility which was created to control the ICT resources of the Commission and make them secure from disasters such as theft, floods, fire outbreaks, data loss due to power outages and cooling.
- The Commission is implementing Phase I of the integrated systems and National Land Information Management system (NLIMS) project. This phase covers four components, namely Enterprise Resource Planning (ERP); Citizen Relationship Management (CRM); Electronic Document Management System (e-DMS); and National Land Management System (NLIMS). Phase I is largely completed and is in the last stages of User Acceptance and Testing after which training is scheduled as part of broader change management in

both the Commission and Ministry of Land and Physical Planning (MOLPP). A pilot of this system is already accessible online having been launched in May 2016 by the Cabinet Secretary, Ministry of Land and Physical Planning, Hon. Prof. Jacob Kaimenyi.

- During the year under review, the Commission initiated research programmes on Land Governance and Devolution which focused on Land Tenure and Settlement Schemes (Kilifi County); Public Land Management; Women and Land Rights (Bungoma County); Large Scale Land Acquisitions (Siaya County); and Land Conflicts (Narok County).
- In the area of formulation and review of legislations and policies the Commission prepared, gazetted, published and disseminated County Spatial Planning, Monitoring and Oversight Guidelines; developed a concept paper on State of Land Use Planning Baseline Study in Kenya; and prepared a concept paper to guide the formulation of a Concept Plan for the Standard gauge Railway corridor.
- During the FY 2016/17, the Commission was involved intensively in compulsory land acquisition, valuation of the same for various projects and payments to PAPs, both for National and County Governments. See separate report on this.
- During the reporting period the Commission processed and approved development applications e.g. processing and approval of application for extension of lease, renewal of lease, change of user, subdivision of leased land, regularization of urban settlements, issuance of consents to charge, lease or transfer, alienation of land for development to public institutions and individuals, routine advisory to the public. Some of these activities include transfer of 834 pieces of land for schools from the former Local authorities to the Cabinet Secretary, National Treasury who is the custodian of all public land; allocation of 401 pieces of land to Public Institutions; and subdivision 57 parcels of leased land/amalgamations.

In spite of the above achievements NLC continues to face various **challenges** that slow the implementation of its mandate. These include:

- Grey areas in the relevant land laws that create confusion in regard to the mandate of NLC vs that of MOLPP.

- Given its wide mandate, NLC is grossly underfunded and unless the funding is improved in future, the implementation of this mandate may be jeopardised.
- NLC inherited over 7,000 ongoing court cases from the then Ministry of Land that are likely to lead to a huge financial burden for NLC. These cases are spread throughout the Country. On top of these there are other many new cases being filed in the courts all over the Country against the Commission based on the decisions that the Commission has made.
- Inadequate infrastructural facilities and equipment to facilitate institutional development especially in the devolved units of the Commission.
- Inadequate qualified staff due to “no employment” policy from the National Treasury which is exacerbated by inadequate funding.
- Management of manual land records dating back more than one century.

Looking Forward;

- NLC requires more funding from the National Treasury to hasten the implementation of its wide mandate as provided for in the Constitution of Kenya and in three enabling statutes, namely, National Land Commission Act 2012, Land Act 2012 and the Land Registration Act 2012.
- The Land Laws (Amendments) Act 2016 (assented to on 30 August 2016) have redefined the functions of the Commission. Some of NLC’s functions have been taken back to the Ministry while the Commission has been added a few. Section 18 of the NLC Act 2012 that created the CLMBs was repealed, thus abolishing the CLMBs. NLC has redesigned its devolved structures including the workflows to the headquarters.
- NLC will continue building its institutional capacity to enable it to effectively and efficiently address its mandate both at the National and County levels.

- Embracement of technology in all NLC operations and the implementation of the flagship project, National Land Information Management Systems (NLIMS), will make land transactions much easier for all citizens. This will go a long way in making the lives of Kenyans better and contribute greatly towards the achievement of Vision 2030. Following the enactment of the Land Laws (Amendment) Act 2016 from 30 August 2016, this project will now focus on public land only.
- Vetted staff from MOLPP are yet to join NLC as the Ministry is yet to release them. This continues to create a skills gap in NLC and slowing the implementation of its mandate.
- The legislation on the long outstanding Rules and Regulations will also go a long way in enabling the operationalization of various functions of NLC.
- The development and implementation of Traditional Dispute Resolution (TDR) mechanisms will significantly reduce the heavy burden eminent from the huge number of inherited cases and also from the rising number of new cases.

Finally, I want to record the Commission's appreciation to the National Treasury for the funding provided since inception and look forward to our continued cordial relations in future. The support of Parliamentary Committee on Land in advancing the Commission's agenda in Parliament cannot go unrecognised. Similarly the Parliamentary Committee on Budget Appropriations has supported the Commission in advancing its request for higher funding, thank you. I thank our partners who supported the Commission financially and in kind in executing its mandate during the year. Last but not least, I thank the Chairman of the Commission and the Commissioners for their continued support to the secretariat in implementation of the Commission's mandate.



Chavangi Aziz Tom
Secretary/CEO

III. STATEMENT OF MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the accounting officer for a National Government Commission shall prepare financial statements in respect of that Commission. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed by the Public Sector Accounting Standards Board of Kenya from time to time.

The Accounting Officer in charge of the National Land Commission is responsible for the preparation and presentation of the Commission financial statements, which give a true and fair view of the state of affairs of the Commission for and as at the end of the financial year (period) ended on 30 June 2017. This responsibility includes: (I) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the Commission; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Commission; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the National Land Commission accepts responsibility for the Commission financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Commission financial statements give a true and fair view of the state of Commission transactions during the financial year ended 30 June 2017, and of the Commission financial position as at that date. The Accounting Officer in charge of the National Land Commission further confirms the completeness of the accounting records maintained for the Commission, which have been relied upon in the preparation of the Commission financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of the National Land Commission confirms that the Commission has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Commission funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the Commission financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the financial statements

The Commission financial statements were approved and signed by the Accounting Officer on 28th September 2017.



Chavangi Aziz Tom

Secretary/CEO



FCPA Francis Karimi Mugo

ICPAK No 1602

Director Finance and Administration

IV. STATEMENT OF RECEIPTS AND PAYMENTS RESTATED

	Note	2016-2017	2015-2016
		Kshs	Kshs
RECEIPTS			
Exchequer Releases	1	1,367,400,000.00	1,470,600,000.00
Transfers from Other Government Entities	13	13,407,675,740.00	3,943,268,757.00
TOTAL RECEIPTS		14,775,075,740.00	5,413,868,757.00
PAYMENTS			
Compensation of Employees	2	712,558,055.00	660,794,688.70
Use of Goods and Services	3	477,964,982.00	441,854,910.58
Acquisition of Assets	4	126,267,460.00	326,491,585.90
Board/Commission Expenses	11	23,759,003.00	34,174,780.00
Other expenses	5	10,389,808,632.00	2,868,539,469.45
TOTAL PAYMENTS		11,730,358,132.00	4,331,855,435.00
SURPLUS		3,044,717,609.00	1,082,013,322.00

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 28th September 2017 and signed by;

Chavangi Aziz Tom

Secretary/CEO

FCPA Francis Karimi Mugo

ICPAK No 1602

Director Finance and Administration

V. STATEMENT OF FINANCIAL ASSETS AND LIABILITIES RESTATED

	Note	2016 – 2017	2015 – 2016
		Kshs	Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	6	6,156,347,838.70	3,194,003,919.92
Total Cash and Cash Equivalents		6,156,347,838.70	3,194,003,919.92
Accounts Receivables – Outstanding Imprests and Clearance Accounts	7	14,156,568.00	13,856,316.00
NET FINANCIAL POSITION		6,170,504,407.00	3,207,863,235.00
REPRESENTED BY			
Fund Balance b/ fwd		3,207,863,237.00	2,125,849,915.00
Surplus/Deficit for the Year		3,044,7171,609	1,082,013,322.00
Prior Year Adjustments	12	(82,076,439.00)	
NET FINANCIAL POSITION		6,170,504,407.00	3,207,863,237.00

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 28th September 2017 and signed by:

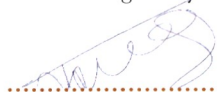
Chavangi Aziz Tom
Secretary/CEO

FCPA Francis Karimi Mugo
ICPAK No 1602
Director Finance and Administration


VI. STATEMENT OF CASHFLOW RESTATED

	Note	2016-2017	2015-2016
		Kshs	Kshs
Receipts for Operating Income			
Exchequer Releases	1	1,367,400,000.00	1,470,600,000.00
Transfers from Other Government Entities	13	13,407,675,740.00	3,943,268,757.85
		14,775,075,740.00	5,413,868,757.85
Payments for Operating Expenses			
Compensation of Employees	3	(712,558,055.00)	(660,794,688.70)
Use of Goods and Services	4	(477,964,982.00)	(441,854,910.58)
Board/Commission Expenses	11	(23,759,003.00)	(34,174,780.00)
Expenses-On transfers from other Govt. entities	5	(10,389,808,632.00)	(2,868,539,469.45)
		(11,604,090,672.00)	(4,005,363,850.73)
Adjusted for:			
Changes In Receivables		(297,252.00)	2,890,594.00
Adjustments during the year		(82,076,439.00)	
Net Cash flow from Operating Activities		3,088,611,378.00	(1,411,395,502.00)
Cashflow From Investing Activities			
Acquisition of non- financial Assets	4	(126,267,460.00)	(326,491,585.90)
Net Cash flow from Investing Activities		2,962,343,919.00	1,084,903,916.00
Net Increase in Cash and Cash Equivalent		2,962,343,919.00	1,084,903,916.00
Cash and Cash Equivalent at BEGINNING of the Year		3,194,003,919.00	2,109,100,005.00
Cash and Cash Equivalent at END of the Year		6,156,347,838.00	3,194,003,921.00

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 28th September 2017 and signed by:



Chavangi Aziz Tom
Secretary/CEO



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VII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

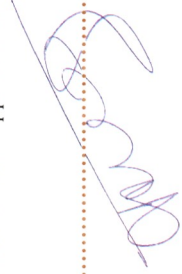
Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	1,267,476,968.00	103,326,135.00	1,370,803,103.00	1,367,400,000.00	3,403,103.00	99%
Transfers from other government entities	13,407,675,740.10		13,407,675,740.10	13,407,675,740.10		100%
Total Receipts	14,675,152,708.10	103,326,135.00	14,778,478,843.10	14,775,075,740.10	3,403,103.00	99%
PAYMENTS						
Compensation of Employees	723,440,016.00	(6,000,000.00)	717,440,016.00	712,558,055.00	4,881,961.00	99%
Use of goods and services	654,077,540.00	(143,716,953.00)	510,360,587.00	477,964,981.86	32,395,605.14	94%
Board Commission Expenses				23,759,003.00		
Social Security Benefits	7,100,000.00	(1,100,000.00)	6,000,000.00			
Acquisition of Assets	49,930,948.00	87,071,552.00	137,002,500.00	126,267,459.64	10,735,040.36	92%
Other payments (Compensation)	10,389,808,631.75		10,389,808,631.75	10,389,808,631.75		100%
TOTALS	11,824,357,135.75	(63,745,401.00)	11,760,611,734.75	11,730,358,131.25	30,253,603.45	

Note: The expenditures were within its percentage usage. However the Board/ Commission Expenses were incurred within the budget lines of Domestic Travel, Foreign Travel and Communication supplies. This is because it didn't have its own budget line item in the chart of accounts.

The Commission financial statements were approved on 28th September 2017 and signed by:

Chavangi Aziz Tom
Secretary/CEO

FCPA Francis Karimi Mugo, ICPAK No 1602
Director Finance and Administration

VIII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	1,267,476,968.00		1,267,476,968.00	1,264,100,000.00	3,376,968.00	99%
Transfers from other government entities	13,407,675,740.10		13,407,675,740.10	13,407,675,740.10		100%
Total Receipts	14,675,152,708.10		14,675,152,708.10	14,675,152,708.10	3,376,968.00	99%
PAYMENTS						
Compensation of Employees	723,440,016.00	(6,000,000.00)	717,440,016.00	712,558,055.00	4,881,961.00	99%
Use of goods and services	654,077,540.00	(143,716,953.00)	510,360,587.00	477,964,981.86	32,395,605.14	94%
Board/Commission Expenses				23,759,003.00	0	
Social Security Benefits	7,100,000.00	(1,100,000.00)	6,000,000.00			99%
Acquisition of Assets	49,930,948.00	(16,254,583.00)	33,676,365.00	18,248,780.00	15,427,585.00	54%
Other Expenses	10,389,808,631.75		10,389,808,631.75	10,389,808,631.75		100%
TOTALS	11,824,357,135.75	(63,745,401.00)	11,657,285,599.75	11,598,580,448.61	58,705,151.14	

Notes

- (a) The expenditures were within its percentage usage. However the Board/ Commission Expenses were incurred within the budget lines of Domestic Travel, Foreign Travel and Communication supplies. This is because it didn't have its own budget line item in the chart of accounts.
- (b) The underutilization of Kshs 15 million on the category of Acquisition of Assets was as a result of challenges experienced during the year end.
- The Commission financial statements were approved on 28th September 2017 and signed by:

Chavangi Aziz Tom
Secretary/CEO



FCPA Francis Karimi Mugo, ICPAK No 1602
Director Finance and Administration

IX. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases		103,326,135.00	103,300,000.00	103,300,000.00	26,135.00	100%
PAYMENTS						
Acquisition of Assets		103,326,135.10	103,326,135.10	108,018,679.64	(4,692,544.64)	102%
TOTALS		103,326,135.10	103,326,135.10	108,018,679.64	(4,692,544.64)	102%

(a) During the financial year 2016/17 the Commission wasn't allocated any development funds, however during supplementary estimates I, it was allocated Kshs 103,300 million to settle pending development bills.

The Commission financial statements were approved on 28th September 2017 and signed by:



Chavangi Aziz Tom
Secretary/CEO



FCPA Francis Karimi Mugo, ICPAK No 1602
Director Finance and Administration

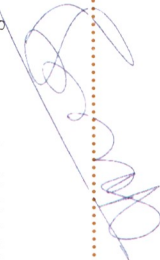
X. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget		Adjustments		Final Budget		Actual on comparable basis		Budget utilization difference
	2016/17	Kshs	Kshs	Kshs	2016/17	Kshs	2016/17	Kshs	
Programme 1: General/Administration, Planning & Support Services	1,000,545,317		-84,753,722.00		915,791,595.00		914,264,280.00		1,527,315.00
Sub-programme 1: General administration, planning & support services	1,000,545,317		-84,753,722.00		915,791,595.00		914,264,280.00		1,527,315.00
Programme 2: Land Administration & Mngt									
Sub-programme 1: Research, Advocacy and Natural Resource oversight	40,077,434.00		-4,995,191.00		35,082,243.00		34,014,671.00		1,067,572.00
Sub-programme 2: Valuation, Taxation and compulsory acquisition	31,145,343.00		-2,330,000.00		28,815,343.00		28,077,265.00		738,078.00
Sub-programme 3: Oversight on Land Use Planning	28,969,223		-2,491,442.00		26,477,781.00		25,690,172.00		787,609.00
Sub-programme 4: Land Administration	107,371,516		-4,808,114.00		102,563,402.00		102,129,709.00		433,693.00
Programme 3: Public Land Information management System									
Sub-programme 1: PLIMs	22,966,110		83,451,739.00		106,417,849.00		102,976,801.00		3,441,048.00
Programme 4: Land Disputes & Conflict Resolution									
Sub-programme 1: Conflict resolution and secure land tenure	168,738,930		-38,711,555.00		130,027,375.00		101,913,239.00		28,114,136.00
Sub-programme 2: School Titling	34,734,631		-9,107,116.00		25,627,515.00		31,483,362.00		0
TOTAL	1,434,548,504		-63,745,401.00		1,370,803,103.00		1,340,549,499.49		30,253,603.51

(NB: This statement is a disclosure statement indicating the utilisation in the same format at the Entity's budgets which are programme based.)

Chavangi Aziz Tom

Secretary/CEO



FCPA Francis Karimi Mugo, ICPAK No 1602

Director Finance and Administration



XII. SIGNIFICANT ACCOUNTING POLICIES

The principle accounting policies adopted in the preparation of these financial statements are set out below:

1. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting and applicable government legislations and regulations. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the Commission. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements have been prepared on the cash basis following the Government's standard chart of accounts.

2. Recognition of revenue and expenses

The Commission recognises all revenues from the various sources when the event occurs and the related cash has actually been received. In addition, the Commission recognises all expenses when the event occurs and the related cash has actually been paid.

3. In-kind contributions

In-kind contributions are donations that are made to the Commission in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Commission includes such value in the statement of receipts and payments both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

4. Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

5. Accounts Receivable

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as expenditure when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

6. Accounts Payable

For the purposes of these financial statements, deposits and retentions held on behalf of third parties has been recognized as accounts payables. This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted by National Government Ministries and agencies. Other liabilities including pending bills are disclosed in the financial statements.

7. Non-current assets

Non-current assets are expensed at the time of acquisition while disposal proceeds are recognized as receipts at the time of disposal. However, the acquisitions and disposals are reflected in the Commission fixed asset register a summary of which is provided as a memorandum to these financial statements.

8. Pending bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they are recorded as ‘memorandum’ or ‘off-balance’ items to provide a sense of the overall net cash position of the Commission at the end of the year. Pending bills form a first charge to the subsequent year budget and when they are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

9. Budget

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The Commission budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the Commission actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

10. Comparative figures

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

11. Subsequent events

Events subsequent to submission of the financial year end financial statements to the National Treasury and other stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of National Treasury.

XII. NOTES TO THE FINANCIAL STATEMENTS

1 EXCHEQUER RELEASES

	2016-2017	2015 - 2016
	Kshs	Kshs
Total Exchequer Releases for quarter 1	286,500,000.00	335,400,000.00
Total Exchequer Releases for quarter 2	305,600,000.00	346,800,000.00
Total Exchequer Releases for quarter 3	300,500,000.00	356,400,000.00
Total Exchequer Releases for quarter 4	474,800,000.00	432,000,000.00
Total	1,367,400,000.00	1,470,600,000.00

2 COMPENSATION OF EMPLOYEES

	2016-2017	2015 - 2016
	Kshs	Kshs
Basic salaries of permanent employees	498,207,042.30	427,763,377.85
Personal allowances paid as part of salary	214,351,012.70	233,031,310.85
Total	712,558,055.00	660,794,688.70

Note. Our Commissioners are paid from the consolidated fund at the National Treasury.

3 USE OF GOODS AND SERVICES

	2016-2017	2015 - 2016
	Kshs	Kshs
Utilities, supplies and services	629,500.00	
Communication, supplies and services	24,193,817.10	23,108,044.00
Domestic travel and subsistence	61,014,065.61	87,871,139.50
Foreign travel and subsistence	12,262,023.20	1,325,298.00
Printing, advertising and information supplies & services	38,440,977.00	60,950,009.78
Rentals of produced assets	25,281,599.70	24,814,322.00
Training expenses	20,017,218.30	21,412,429.00
Hospitality supplies and services	199,793,670.55	136,995,980.40
Insurance costs	62,590,613.40	38,382,639.00
Specialized materials and services		
Office and general supplies and services	9,539,190.00	24,687,267.90
Fuel, oil and Lubricants	10,029,153.00	9,985,876.00
Other operating expenses	8,599,508.00	8,406,480.00
Routine maintenance – vehicles and other transport equipment	3,225,802.00	3,525,065.00
Routine maintenance – other assets	2,347,844.00	390,360.00
Total	477,964,982.00	441,854,910.58

4 ACQUISITION OF NON-FINANCIAL ASSETS

Non-Financial Assets	2016 - 2017	2015 - 2016
	Kshs	Kshs
Purchase of Office Furniture and General Equipment	18,248,780.00	24,892,600.00
Purchase of ICT Equipment, Software and Other ICT Assets		270,342,817.90
Purchase of Specialized Plant, Equipment and Machinery	108,018,679.64	24,524,952.00
Research, Studies, Project Preparation, Design & Supervision	-	6,731,216.00
Acquisition of Intangible Assets		
Total	126,267,460.00	326,491,585.90

**5. OTHER EXPENSES -
PAYMENTS ON BEHALF OF OTHER GOVT. ENTITIES**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
KENHA	1,317,312,885.70	
KURA	3,438,288,750.90	
STATE DEPARTMENT OF TRANSPORT	4,600,349,474.90	
TANATHI	910,741,012.00	
KERRA	5,003,486.00	
NATIONAL WATER CORPORATION	19,360,285.15	
MINISTRY OF HOUSING	53,000,000.00	
KAA	840,000.00	
FAO	10,320.00	
Administration Charges	44,372,804.60	
Bank Charges	529,612.60	
Total	10,389,808,632.00	2,868,539,469.45

6. BANK ACCOUNTS

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Develop- ment, de- posit etc.	2016 - 2017	2015 - 2016
			Kshs	Kshs
Central Bank of Kenya (1000222011)	KES	Recurrent	26,850,500.00	82,373,690.02
Central Bank of Kenya (1000222011)	KES	Development		
National Bank of Kenya (01001032980000)	KES	Compensa- tion	6,129,497,338.30	3,111,630,229.10
National Bank of Kenya (01001032980001)	KES	Deposits	-	-
Equity (0410264436388)	KES	Recurrent	-	-
Equity (0310264325336)	KES	Recurrent	-	-
Equity (110026430045)	KES	Recurrent	-	-
Total			6,156,347,838.30	3,194,003,919.12

7. ACCOUNTS RECEIVABLE - OUTSTANDING IMPRESTS AND SALARY ADVANCE (ANNEX 1)

Description	2016 - 2017	2015 - 2016
	Kshs	Kshs
Various -Amount Taken(See Annex 1)	6,978,433.00	6,718,813.00
Salary advance	7,178,136.00	7,140,503.00
Total	14,156,568.00	13,856,316.00

8. FINANCIAL LIABILITIES

Accounts payables deposits and retention

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Balance Brought Forward	3,111,630,229.10	2,036,900,940.70
Receipts During the year	13,407,675,740.15	3,943,268,757.85
Total During the Year	16,519,305,969.25	5,980,169,698.55
Payments During the year	(10,389,808,631.75)	(2,868,539,469.45)
Balance Carried Forward	6,129,497,338.30	3,111,630,229.10

The above outstanding balance belongs to third parties and therefore not Commission funds.

9. RESTATEMENT OF COMPARATIVE BALANCES (ONLY RELATES TO FY 2015/16)

In the current year, the previous year comparative amounts as audited have been restated for change in presentation in the year as shown below;

Details	Reported (Audited)	Adjustment for Reclassifications	As Restated and presented
	Kshs	Kshs	Kshs
Cash and Bank			
Bank Balances	2,109,100,005		2,109,100,005
Imprest	16,749,910		16,749,910
Total	2,125,849,915		2,125,849,915
Payables	(1,743,505,341)	(293,395,600)	2,036,900,940
Net Assets	382,344,574	(293,395,600)	88,948,975
Fund Account:			
Fund balance brought forward	382,672,081		382,672,081
Deficit for the year	(327,507)		(327,507)
Fund balance Carried forward	382,344,574	(293,395,600)	88,948,975

10. BOARD / COMMISSION EXPENSES

	2016-2017	2015 - 2016
	Kshs	Kshs
Emoluments for Executives	7,515,324.00	7,204,604.00
Domestic Travel Commissioners	4,080,615.00	13,606,660.00
Foreign Travel Commissioners	8,803,064.00	10,483,516.00
Airtime Commissioners	3,360,000.00	2,880,000.00
Grand Total	23,759,003.00	34,174,780.00

Commissioners are full time state officers and are not entitled to any other allowance except for official travelling and airtime using approved rates by the Salaries and Remuneration Commission. The above expenses are incurred within the existing GoK IFMIS chart of account. Therefore these expenses are found within the general expenditure as follows;

- a) Emoluments for Executive within the personell emoluments schedule
- b) Domestic Travel within the Domestic Travel schedule
- c) Foreign Travel within the foreign travel schedule
- d) Airtime within the Communications schedule

11. PRIOR YEAR 2015/16 ADJUSTMENTS

During the year just ended (FY 2015/16) the bank reconciliation had a reconciling figure of kshs 82,076,439.00. This figure was cleared out of the Commission cashbook as a credit entry. The other debit entry was to affect the opening balance to ensure that the transaction was complete. Thus the above entry in the Financial Statements of the current Financial Year 2016/17.

Below are the summaries of the transactions.

RECEIPT IN CASHBOOK NOT YET IN BANK STATEMENT				
NO	DATE	PAYEE	VOUCHER NUMBER	AMOUNT
1	30-Jun-16		NLC0001688	70,888,118.61
2	30-Jun-16		NLC0001688	11,188,320.41
TOTAL				82,076,439.02

12. TRANSFERS FROM OTHER GOVERNMENT ENTITIES

Description	2016-2017	2015 - 2016
	Kshs	Kshs
KURA	3,593,567,239.10	922,576,174.90
KENHA	2,169,239,380.00	1,575,211,128.50
KENYA PORTS AUTHORITY	28,903,268.00	520,714,791.00
TANATHI	1,001,000,000.00	550,000,000.00
MINISTRY OF WATER & IRRIGATION	250,000,000.00	150,000,000.00
KERRA	5,124,863.00	420,000.00
KCCA	1,500,000.00	
CAA	300,840,000.00	
KENYA RAILWAY CORPORATION	4,513,264,775.80	
MINISTRY OF TRANSPORT	1,231,501,376.00	
MINISTRY OF ENVIROMENT	5,000,000.00	
MINISTRY OF HOUSING	53,000,000.00	
FAO REFUND	3,815,777.00	
OFFICE OF THE PRESIDENT	25,000,000.00	
INTEREST EARNED	134,082,992.25	92,162,353.90
UNIDENTIFIED RECEIPTS	36,659,047.00	132,184,309.55
SGR REFUND	9,221,200.00	
ADMIN CHARGES	45,955,822.00	
TOTAL	13,407,675,740.15	3,943,268,757.85

13. PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

During the last Financial Year 2014/15, the commission received a qualified audit opinion with one paragraph on over expenditure in the category of Use of Goods and Services. This has since been addressed.

APPENDIX 1

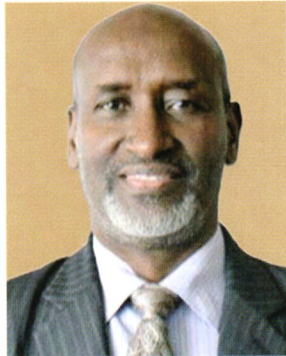
Commissioners and County Allocation

Commissioner	Counties Assigned
 <p data-bbox="407 763 712 852">Vice Chair Commissioner Abigael Mbagaya Mukolwe</p>	<ol data-bbox="789 670 1015 852" style="list-style-type: none"> 1. Isiolo 2. Kakamega 3. Busia 4. Kisumu 5. Elgeyo - Marakwet 6. Kilifi 7. Nakuru
 <p data-bbox="407 1179 703 1232">Commissioner Dr. Tom. Konyimbih Mboya</p>	<ol data-bbox="789 1053 949 1232" style="list-style-type: none"> 1. Homa Bay 2. Kericho 3. Nandi 4. Nyamira 5. Kiambu 6. Siaya 7. Taita Taveta
 <p data-bbox="407 1562 604 1616">Commissioner Dr. Rose Musyoka</p>	<ol data-bbox="789 1458 925 1616" style="list-style-type: none"> 1. Bomet 2. Kitui 3. Machakos 4. Makueni 5. Samburu 6. Mombasa



Commissioner
Dr. Samuel Kipng'etich Tororei

1. Kisii
2. Mandera
3. Uasin Gishu
4. Lamu
5. Vihiga
6. West Pokot



Commissioner
Abdulkadir Adan Khalif

1. Garissa
2. Migori
3. Nyeri
4. Kajiado
5. Wajir
6. Kwale



Commissioner
Silas Kinoti Muriithi

1. Bungoma
2. Nyandarua
3. Tharaka-Nithi
4. Meru
5. Trans Nzoia
6. Marsabit



Commissioner
Emma Muthoni Njogu

1. Embu
2. Nairobi
3. Muranga



Commissioner
Dr. Clement Isaiah Lenachuru

1. Baringo
2. Turkana
3. Kitui
4. Laikipia
5. Narok
6. Tana River



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