



# KENYA

## EU LAND GOVERNANCE PROGRAMME TRANSVERSAL PROJECT

### COUNTRY BACKGROUND

Since the colonial era, land issues in Kenya have remained an obstacle to social cohesion and economic growth. The management and development of land, as a primary source of production and an important site for mediating identity, remains crucial to the stability of Kenya. Over 80 percent of the land area in Kenya is classified as Arid and Semi-Arid Land (ASAL) with very low agricultural potential. As a result, over 80 percent of the population is settled on about 20 percent of the land (considered to be of medium to high potential). Furthermore, about 70 percent of the land is held under customary tenure systems of ownership and use: 10 percent is categorized as government land/reserves and only 20 percent is private land under statute.

The new constitution (2010) increased optimism about determining and implementing sustainable policies and institutions that could establish a strong relationship between people and the land. The constitution identifies the different categories of public, private and community land existing in the country.

### OBJECTIVE

The overall objective of the European Union Land Governance Programme - Country Implementation (EULGP CI) is to improve food security through equitable and secure access to and management of land, for better livelihoods and socioeconomic development, in all counties as per Vision 2030. The main results expected are:

- Land administration and management established in selected counties.
- Participatory land use planning initiated, and planning methodology established in selected counties.
- Land policy and a legal framework for improved land governance at county level established and rolled out in line with the VGGT.

Knowledge management and the capacity of research institutions on national land issues strengthened.

<b>Name of the EULGP CI*</b>	Support to the attainment of vision 2030 through devolved land reforms in community lands of Kenya
<b>Implementer</b>	FAO Kenya
<b>Implementer partners</b>	Ministry of Lands and Physical planning, National Land Commission, County Governments (of Tana River, West Pokot, Turkana, Baringo, Marsabit, Samburu, Nandi and Laikipia) and Non-state actors
<b>Target areas</b>	Turkana, Laikipia, West Pokot, Baringo, Marsabit, Nandi Tana River and Samburu counties
<b>Political entities involved</b>	The Republic of Kenya
<b>Budget</b>	EUR 10 441 000
<b>Length of the EULGP CI</b>	September 2016 – September 2021

### STRATEGY OF INTERVENTION

The Programme envisages the achievement of different outputs. These include:

- The establishment of a community land registry at county level and training on its use.
- Development of information and awareness raising materials.
- Training County Land Management Boards and county officials in land governance and land administration.
- Support for women and youth to participate in the land planning process.
- Strengthening CSO and NGO knowledge of land issues and approaches, including Improving Gender Equality in Territorial Issues (IGETI) and the principles of the VGGT.

The main strategy is to work closely with each county, national government and other stakeholders to directly implement the proposed activities, establish programme field offices in each participating county and provide direct support to the communities.

Depending on funding availability and progress in meeting the capacity gaps at county level, the phasing scenario could vary between successive phases in the case of low absorption capacity to partially overlapping phases in the case of good absorption capacity.

An inception phase (the first 6 months of the actual programme after signing the contract) will be allowed for the proposal of innovative

\*EULGP CI (European Union Land Governance Programme - Country Implementation)

## TRANSVERSAL PROJECT

By means of a Transversal Project, co-funded by the EU and the Swiss Agency for Development and Cooperation (SDC), the Food and Agriculture Organization of the United Nations (FAO) coordinates, supports and consolidates the implementation of the EU Land Governance Programme. The European Union Land Governance Programme funds 18 individual country-level projects in Africa, Asia and Latin America, all of which address tenure issues, and are implemented alongside various partners, among which are government agencies, civil society organizations, bilateral and multilateral organizations and private contractors. All project activities are carried out within the framework of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and, in the African context, the African Union Declaration on Land Issues and Challenges in Africa (AU Declaration) and its Framework and Guidelines on Land Policy in Africa (F&G).

approaches within the programme that could become pilot activities in phase one and full activities in phase II and III.

The land program supports the Rio+20 Outcome Document: “The Future We Want”, which explicitly called for enhanced access to “secure land tenure” for communities, “in particular small producers, women, and indigenous peoples.”

The land programme is also aligned to the AU Declaration on Land Issues under the Framework and Guidelines on Land Policy in Africa (a framework to strengthen land rights, enhance productivity and secure livelihoods) providing a clear overview of the historical, political, social and economic background to land in Africa. It elaborates on the role of land as a valuable natural resource endowment to ensure economic development and poverty reduction. The framework urges African governments to pay attention to the status of land administration systems and land governance structures and institutions, and to ensure adequate budgetary provision for land policy development and implementation.

By targeting the arid and semi-arid land areas of Kenya, the programme is also aligned with the Ending Drought Emergency Common Programming Framework (EDE-CPF), which has allocated support to improve the way in which County Land Management Boards and community leaders govern tenure.

## OUTCOMES AND IMPACT

The expected outputs to be achieved by the end of the EULGP CI are:

- Improve land management and administration in selected counties (including securing community land tenure).
- Promote and establish a participatory land use planning methodology.
- Improve the land policy and legal framework in line with the Voluntary Guidelines.
- Strengthen the capacity of research institutions in land tenure and management issues.

FAO’s strategy is to work closely with the county and national government and implement the proposed activities directly. Since the other beneficiaries of this programme are the rural means establishing field offices in each participating county and supporting communities to engage in the land process either directly or through CSO/NGO partners.

In Phase I of the Programme, the main outcome is to improve decentralized Land Governance of Community Lands in ASAL counties of Kenya. The initial steps will be to equip and rehabilitate the land offices to make them operational. Staff selection and recruitment will take place shortly before the Programme begins and before the current pilot intervention ends.

The progress includes:

- Establishment of the multi-stakeholder committee at national and county level (members include representatives of three arms of government, CSOs, the private sector and other development partners).
- Technical contribution to policy work at national and county level.
- Supporting the National Land Commission to initiate the review of the national land policy (sessional paper 3 of 2009).
- Providing technical support during the review of the County Integrated Development Plan in the eight counties.
- Technical and financial input for the development of rules and regulations.
- Research and assessment of various aspects of communal tenure including wetlands, pastoralism, etc.
- Supporting capacity development in land use planning in the target counties.
- Capacity development of national and county executives, county assembly members, technical officers, civil society organizations and communities on legal frameworks on land governance.

Supporting the establishment of a customer care centre (a one-stop service centre) at the National Land Commission in Nairobi (Ardhi House).



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