Towards Kenya’s Profile of the Land Administration Domain Model

David N. Siriba and Jasper N. Mwenda
dnsiriba, jnmwenda{@uonbi.ac.ke}
Outline

► Kenya - country context
► Land Administration in Kenya
► Kenya’s Profile of LADM
Kenya – Geographic and Political Context

- Eastern Africa
- 5°N - 5°S and 34°E – 42°E
- Equator “is found in Kenya”
- Area: 582 646 Km²
- Former British colony until 1963; new current constitution since 2010.
- Centralized (and now devolving) form of government
Kenya – Agriculture Potential and Human Population Distribution

High and medium potential - (18%)
Arid and semi-arid - (82%)

Urban population - (22%)
Rural population - (78%)

Human population size (about 40 million)
### Kenya – Land Usage Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Area (Km²)</th>
<th>Percentage of Total Land and Water Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Forest</td>
<td>7,084</td>
<td>1.2</td>
</tr>
<tr>
<td>2  Government Reserve</td>
<td>492</td>
<td>0.1</td>
</tr>
<tr>
<td>3  Townships</td>
<td>1,812</td>
<td>0.3</td>
</tr>
<tr>
<td>4  Alienated Land</td>
<td>33,397</td>
<td>5.7</td>
</tr>
<tr>
<td>5  Game Reserves</td>
<td>13,691</td>
<td>2.3</td>
</tr>
<tr>
<td>6  National Parks</td>
<td>3,149</td>
<td>0.5</td>
</tr>
<tr>
<td>7  Trust Land</td>
<td>457,449</td>
<td>78.5</td>
</tr>
<tr>
<td>8  Total area of surface water</td>
<td>11,230</td>
<td>1.9</td>
</tr>
<tr>
<td><strong>Total Land and Water</strong></td>
<td><strong>582,646</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
Ministry of Lands, Housing & Urban Development *(name since 2013)*

**Dept. of Lands**
- **Land Administration Division**
- **Valuation Division**
- **Registration Division**

**Roles:**
- Alienation of Government and Trust lands;
- Registration of land transactions;
- Preparation and issuance of titles;
- Valuation for Stamp duty;
- Resolution of land disputes;
- Compulsory acquisition
- Processing of applications for extension of leases, extensions of user, changes of user and subdivisions
- Custody and maintenance of land records.

**Dept. of Surveys**
- **Geodetic and Computing Branch**
- **Mapping Surveys Branch**
- **Cadastral Surveys Branch**
- **Adjudication Surveys Branch**

**Roles:**
- Establishment and maintenance of geodetic control network;
- Provision of national of topographical and thematic maps of the country;
- Surveying, inspecting of maintaining national and international boundaries;
- Development and maintenance of maps and plans to support registration of title to land;
- Maintenance and storage of all survey records.
- Production, maintenance and provision of geographical data in digital form.

**Dept. of Land Adjudication**
- **Adjudication Division**
- **Settlement Division**

**Roles:**
- Ascertainment of interests and rights in Trust lands;
- Transformation of ownership from customary tenure to individual ownership through demarcation, survey and registration;
- Settlement of landless citizens through acquisition, planning; demarcation; survey and allocation.

**Dept. of Physical Planning**
- **Development Control Section**
- **Enforcement Section**

**Roles:**
- Coordinating and guiding the preparation of national, regional and urban land use plans;
- Preparation of part development plans for public utilities and development plans to guide development;
- Processing development applications such as extension of leases, change of users, subdivisions, amalgamations, and issuance of compliance certificates;
- Vetting of development plans and ensuring that they meet planning standards before forwarding the same to the Director and Minister for final approval;
- Publishing of notices in the press and Kenya Gazette of approved development plans.
## A proposed Decentralized Land Administration and Management Model (Institution of Surveyors of Kenya)

<table>
<thead>
<tr>
<th>Land Administration function</th>
<th>National Govt</th>
<th>County Govt</th>
<th>NLC</th>
<th>Local Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management of public land</td>
<td>Cabinet Secretary</td>
<td>County Land boards</td>
<td>Sub-county</td>
<td>Sub-county</td>
</tr>
<tr>
<td>Registration of rights in private land</td>
<td></td>
<td></td>
<td></td>
<td>Subject to NLC’s &amp; County Gov’t’s agreement</td>
</tr>
<tr>
<td>Recording, registration and publicizing of grants or transfers of those rights in land through e.g. sale, subdivision, consolidation</td>
<td></td>
<td></td>
<td></td>
<td>For public land</td>
</tr>
<tr>
<td>Management of Fiscal aspects related to rights in land, including land tax, historical sales data, valuation for a range of purposes, including assessment of fees and taxes and compensation for state acquisition.</td>
<td>On mgnt fiscal aspects of private rights</td>
<td>On land acquisition &amp; compensati on matters</td>
<td>On land rates and valuation rolls preparation</td>
<td>For private lands</td>
</tr>
<tr>
<td>Control of the use of land, including land use zoning and support for the development application/approval processes.</td>
<td>To LCBs</td>
<td>For public land</td>
<td>All functions</td>
<td></td>
</tr>
</tbody>
</table>

Devolve; Deconcentrate
Land tenure processes involved in the conversion between different categories of land in Kenya;
The Party package

The LA_Party, LA_GroupParty and the LA_PartyMember can be identified in the Kenyan land registration and land transfer documents.

The Land Registrar is another Party identified in the title deed and in the certificate of lease other than the proprietor(s).

More attributes that should be considered in the Kenyan case include the photograph (of the natural persons) and their National and Personal Identification numbers (PIN).
The Party package

The GroupParty and PartyMember can also be identified in the Proprietorship section of the title deed, where the names of all the members of the registered group are listed.

The proprietorship section, contains the name, and where possible, the address of the proprietor and a note on any inhibition, caution or restriction affecting the right for disposition.
The Administrative package

The property section, contains a brief description of the tenure (absolute or lease), registration section and parcel number, area, particulars of its appertenances (e.g. Easements etc.) and reference to the registry map and filed plan if any;
The Administrative package

The Encumbrances section, contains a note of every encumbrance and every right adversely affecting the land or lease, for example, sub-leases, charges etc.
The Administrative package

The BAUnits in the current Kenya land administration system could be considered abstract, mainly because the basic unit in the land register is the land parcel.
The Spatial Unit Package

► The Spatial Unit class can be identified in the different types of cadastral maps used to support land registration.

► Cadastral maps from which land parcels are plotted can be identified on the basis of:
  - blockname/number, registration section and district (now county) in which the parcel is.

► This information is available on every cadastral map
Special and External classes

Versioned classes

- Time stamping on:
  - Entries in the land register
  - Amendments to the Cadastral Maps.

- Notes on cadastral maps help to trace the history of a particular land parcel from different editions of the map.

- Information in the land registers and cadastral maps may be sufficient for the versioning of the LADM packages.

External classes

- Sufficient information that can be linked to external databases is available.

- The information collected in the current land administration system includes:
  1. Names,
  2. Postal addresses,
  3. National Identity Number,
  4. Personal Identification Number,
  5. Passport photos
Final Remarks

► Currently, restructuring of the land administration system in Kenya is in progress

► A first draft of the profile can be delineated from the standard on the basis of this paper