

Towards a Framework for Community Land Registration in Informal Settlement; Lessons and Experiences From Four Informal Settlements in Kenya

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SUMMARY

Community Land Act of 2016 stipulates procedures and regulations for the recognition, registration and protection of community land in Kenya. While the Community Land Act (Act) is meant to apply to ethnic communities in rural and urban areas, its implementation in informal settlements presents unique opportunities and challenges. The Act is at a nascent level of implementation with limited application in rural contexts due to limited capacity, resources and the absence of inventories at the county level. Adapting the Act to inform registration of community land in informal settlements is subject to huge debate that requires strong support by policymakers for its realisation.

Residents in informal settlements have expressed strong interest in registering settlements as community land. This calls for assessments of community interest in the particular settlements, building consensus among residents and providing means to accommodate all land users, including tenants in the communal interest. It also entails addressing the private interest and private land owners living outside the settlements that complicate the matter. The essence of the Act is strengthening communal rights in securing access to land and promoting equal land rights in managing land and natural resources. Past experiences from World Bank funded projects under the Kenya Informal Settlements Improvement Project (KISIP) observed that individual land titling in the informal settlements is unsustainable. Immediately land is registered, the owners begin transacting on land, resulting in the evictions of land users. Hence, this impacts social justice and the livelihoods of slum dwellers.

Informal settlements in Nairobi rest on public or private land, most of which are contested, some with ongoing court cases from threats of evictions or disputes with third parties. Regardless, the population has grown steadily. A closer look at the major cities shows that 60 percent of population

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in cities lives in informal settlements.

GLTN and Pamoja Trust, a Civil Society Organisation in Kenya, are implementing a project to register informal settlements as community land. This paper aims to demonstrate the approaches taken and the impacts of the project. The experience from three use cases will add to normative and practical knowledge towards application of the Act in other contexts. Based on these outcomes, a procedural guideline was developed with recommendations to policymakers on the opportunities for using the Act to register land in informal settlements

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