Training and Human Capacity Building in The Land Sector in the Context of Implementation of New Land Policies and Reforms in Land Administration Systems: Some Reflections From Kenya

Jasper N MWENDA, Peter M NGAU and Michael MATTINGLY, UK

Key words: Human Capacity Development, Land Reforms, Kenya

SUMMARY

Many developing countries are reexamining their land administration systems with the objective of realigning them to address current challenges within their national contexts. At attainment of independence from colonial rule, many developing countries particularly those from Africa, maintained land administration systems that are deeply rooted in previous colonial systems but current trends indicate an increasing desire to introduce land reforms that address present-day citizen needs in a more effective manner. For effective implementation of land reforms and implementation of new land policies, it is widely acknowledged that training and human capacity building and development are imperative. Various initiatives towards this objective have been launched by a number of organizations but many of these initiatives have tended to focus on training for specific projects or land subsectors.

A recent study carried out in Kenya in 2011 has demonstrated the need for holistic and comprehensive nation-wide review of the training and human capacity assessment in the land sector as a precursor to design of training and human capacity development programs for effective implementation of new land policies and implementation of major land reforms. The study also revealed that the design of these programs is further complicated by the fact that the programs involve a multiplicity of trainees, training institutions, training programs, professional organizations and stakeholders and require a well organized and structured approach for effective implementation.

This paper gives a starting point for debate and useful feedback from interested professionals and organizations with regard to training and human capacity building and development in the land sector. Countries that are facing the same challenges as Kenya may also find some of the highlighted issues beneficial.

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 1/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

Training and Human Capacity Building in The Land Sector in the Context of Implementation of New Land Policies and Reforms in Land Administration Systems: Some Reflections From Kenya

Jasper N MWENDA, Peter M NGAU and Michael MATTINGLY, UK

1. INTRODUCTION

1.1 Background

In many developing countries, inadequate land administration is an impediment to growth due to under utilization, misuse, unclear tenure and inequitable access. Land reforms seek to address such challenges to create conducive environment for protection of property rights, to facilitate equitable access to land for all, and encourage land based investment. A number of developing countries have recently embarked on land reforms but implementation often appears patchy and is characterized by cycles of 'brave beginnings and lame conclusions'. Lack of systematic implementation attests to insufficient capacity for policy implementation mainly due to the fact that human capacity development for land reform and land policy implementation is a most neglected component.

A study whose objective was to assess human capacity development needs and to design a human resource development program (a training program) to help implement the National Land Policy (NLP) in Kenya was carried out in 2011 (by the authors) after commissioning by The Ministry of Lands, GLTN, UN-Habitat and Sida-Kenya. A generic human capacity development needs assessment (scoping) methodology, that would guide other developing countries that are planning to implement new land policies and land reforms to formulate commensurate human capacity development program, was also produced.

1.2 Kenya

Kenya occupies an area of approximately 582,646 sq. km. comprising 97.8% land and 2.2% water surface. Only 20% of the land area can be classified as medium to high potential agricultural land and the rest of the land is mainly arid or semi-arid. Forests, woodlands, national reserves and game parks account for ten percent (10%) of the land area (i.e. 58,264 sq km). According to the 2009 Population Census the country population stood at 38,610,097 million with an annual growth rate of 3.0% and is expected to rise to 55 million by 2050. In terms of demographic characteristics the population remains relatively young with 50% being below the age of 18 years, and over 50.29% being female.

Approximately seventy five per cent (75%) of the country's population lives within the medium to high potential agricultural areas (consisting of 20% of the land mass) while the rest of the population lives in the vast Arid and Semi-Arid Lands (ASALs). One consequence of this is that size and distribution of land vary widely as does population density, which ranges from as low as 2 persons per sq. km. in the ASALs to over 2000 persons per sq km in high potential areas. Topographically, the country may be divided into

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 2/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

four distinct geographical and ecological regions or zones with different patterns of land use, namely; the coastal plain, the arid low plateau, the highlands and the Lake Victoria basin.

1.3 Land Policy Formulation in Kenya

Land is critical to economic, social, and cultural development of Kenya. Indeed, land was a key reason for the struggle for independence and land issues remain politically sensitive and culturally complex. The process of Land Policy Formulation in Kenya commenced in February 2002 and continued until December 2009, when Sessional Paper No. 3 of 2009 on National Land Policy was adopted by Parliament The land reform process has since been enhanced further through the provisions of Chapter Five of the Constitution of Kenya, 2010 (Land and the Environment).

The Vision of the National Land Policy is to "Guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity" (GoK, 2009). The policy provides an overall framework and defines key measures that are needed to address the critical issues of land administration, access to land, land use planning, restitution of historical injustices, environmental degradation, conflicts, unplanned proliferation of informal urban settlements, outdated legal framework, institutional framework and information management. The policy further addresses issues of compulsory acquisition, development control and need for security of tenure for all Kenyans (all socio-economic groups, women, pastoral communities, informal settlements residents and other marginalized groups). It can be said that the National Land Policy is more pro-poor and gendered in its approach than the previous land administration arrangements in Kenya.

1.4 The challenge of capacity development in Kenya

Kenya's institutional framework for land administration and management as observed in the National Land Policy was highly centralized, complex, and exceedingly bureaucratic. Besides state institutions, Kenya has well developed non-state land sector actors comprising of professional and para-professional actors in private practice (surveyors, valuers, lawyers and physical planners), and non-governmental organizations and networks who provide variety of land sector services. It is clear that the Kenya Constitution, 2010, and the National Land Policy, 2009, call for deeper and more fundamental reforms in the land sector. To support the new land reforms there is need to develop capacity and enabling environment for both state and non-state actors for effective and concerted delivery of land services. With regard to capacity development, the National Land Policy also states that "Training shall be undertaken to build capacity of ministerial staff, staff of the LRTU, national and local level institutions that will be involved in policy coordination, land administration and management and arbitration functions" (GoK, 2009).

A review of literature on training needs assessment and training points at the complexity of understanding the needs for human resource development and effectiveness of capacity development. Opinion is highly divided on how to measure needs, who and how to train, and what to expect from training programs. Yet it is agreed that a crucial step in any capacity development is to understand what capacities exist, what capacities need to be developed and the context within which the need occurs. Training is no longer seen as

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 3/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

panacea to capacity development as it may not lead to learning and change of attitude due to contextual factors (Pearson, 2011). Learning is an organic, internal process. Contextual constraints to learning include systemic factors (such as lack of civil service reform) and power and relational dynamics which might prevent new learning from being put into practice and result in wasted opportunities and resources.

1.5 Cooperation with Development Partners

Reform in the land sector Kenya has benefited from support by Development Partners Group on Land (DPGL). This group, chaired by UN-Habitat, has supported the Land Policy Formulation Process and the Implementation Framework for the Kenya Land Reform Support Programme. The current membership of this group in Kenya consists of UN-Habitat, SIDA, USAID, IFAD, JICA, FAO, DFID, GTZ, World Bank and Italian Cooperation. Besides support for a number of land programs that the Government is engaged in, this Group also supports some of the local stakeholders who are involved in the land reform process (Mwathane, 2009; UN-Habitat, 2013).

2. THE STUDY

2.1 The objective of the study

The objective of the study was to assess human capacity development needs required to implement the new land policy and develop a human capacity building (training) program within the new constitutional dispensation. This was to result in a human capacity development (training) program for implementation of the National Land Policy in Kenya that clearly identifies target groups, required competencies, training providers, types of training and accreditation, cost of training programs and other related issues. During the study, an inception report, a draft report and a final report were produced. Each of these reports was subjected to discussions with stakeholders at a workshop. After each workshop, views and suggestions from the stakeholders was incorporated to improve the content of the reports.

2.2 The methodology in the study

Capacity development is required at various organs and levels of the state and non-state actors. A comprehensive analysis of roles in the land sector with a view to identifying training needs was carried out. Individual interviews and focus group discussions at the district (now county) and national level were used to obtain data/information at four levels of training needs assessment (system, organizational, occupational and individual). Heads of Departments were interviewed to probe their assessment of capacity needs and projections for the future. At the training institutions interviews were conducted to assess the basis for new curriculum reforms and cost of training. Interviews were conducted with private sector and civil society organizations on capacity and challenges facing them. Chair-persons of professional bodies were interviewed on capacity needs of their members and their role under the new dispensation for implementation of new land reforms.

The overall approach employed a systems methodology linking human capacity needs assessment with design of a training program, resource mobilization and training delivery

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 4/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

along with continuous evaluation and feedback mechanism. Data was collected from relevant state institutions (Ministry of Lands Headquarters and sixteen (16) representative counties), other state and quasi-state institutions, from non-state institutions, private sector, non-governmental organizations, and professional associations, and training institutions.

2.3 Analyses in the study

The study utilized three lines of inquiry, comprising of a demand side analysis, a supply side analysis, and cost analysis. The demand side analysis addressed the issue of key personnel and necessary core competencies for implementation of the land policy within the new institutional setup. The supply side investigation focussed on identification of training that is currently offered in Kenya and characterization of that training. Finally, the cost analysis involved costing the requirements of meeting the demand, identifying possible sources of funding, and analyzing scenarios.

2.3.1 Demand side analysis

Demand side analysis included the following key issues: -

- (i) Identification of key staff (officials) required to implement the land policy and figuring out their possible functions;
- (ii) Identification of core competences (knowledge, skills and attitude) that they must possess;
- (iii)Analysis of current knowledge and skills, including strengths;
- (iv)Profiling the mix of existing staff on the basis of gender, work experience, educational background, work ethics, etc.
- (v) Identification of capacity gaps and training needs of key staff and prioritization.

2.3.2 Supply side analysis

Supply side analysis focused on identifying and characterizing the training presently on offer in the country looking at the following parameters: -

- (i) Characteristics of training providers (universities, colleges, trade or vocational schools, other formal education providers; government training centres; NGOs/professional societies, etc)
- (ii) What each one of these offers in relation to requirements; the analysis of training providers looked both institutional and non-institutionalized routes of training. It also considered sandwich programs and other ways of building capacity.
- (iii)Subjects taught (e.g., land registration, property law, land valuation, project analysis, GIS, gender analyses, participatory planning, remote sensing, contract law, surveying, land economics, etc) determining whether or not these are adequate to meet requirements.
- (iv)Appropriateness of training providers and training programs in light of requirements;

2.3.3 Cost analysis

- Cost analysis included the following issues: -
- (i) Costing the demand/ requirements by working out different scenarios in which time required to produce key personnel, costs and other criteria on their own or in combination could be weighed;

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 5/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

- (ii) Identifying possible sources of funding (consisting of both own government and development partners' resources);
- (iii)Analyzing the scenarios and determining better options using robust methodology (e.g. qualitative cost benefit analysis).

3. DEMANDERS OF TRAINING

3.1 Ministry of Lands

In the assessment of the state of Ministry of Lands, the main state institution charged with the mandate of land administration and management in Kenya, the challenges identified are in areas of staffing, education level at lower cadres, retraining of aging staff and career succession, limited access to training and poor working and enabling environment.

3.1.1 Training Characteristics

The following characteristics were observed with regard to training and capacity building in the Ministry of Lands: -

- (i) Most of the career training opportunities, offered to employees by the Ministry, included senior management course (for managers), basic survey and induction courses for newly posted staff, and basic land management for new clerical staff. Basic computer training has been offered to only 6 out of every 100 members of staff since joining the Ministry. 33% of the employees have not had any training since employment
- (ii) From interviews, employees said that those working away from the Ministry Headquarters are less likely to access training opportunities than those at the Headquarters. The main challenges in accessing career and professional training in the provinces and districts were reported as lack of support and poor communication whereby information reaches potential candidates late or not at all, lack of relevant courses, and perceived bias in selecting staff for training.
- (iii) When requested to identify their preference for training, employees chose computer/ICT courses, followed by senior management and supervisory courses and record management courses and land law.
- (iv) Training preference by employees also varied by functions as it was found that demand for record management was higher among those involved in land administration and land adjudication and settlement functions. Professional and technical staff who are involved in physical planning prefered courses in GIS and Remote Sensing courses. Officers who are employed in land adjudication and settlement functions also indicated strong preference for basic survey courses
- (v) In terms of gender women indicated a preference for secretarial courses and public relations courses more than men. The study also noted that female surveyors comprise less than 20% of the surveyors in the Ministry of Lands.

3.1.2 Challenges to delivery of service

A big challenge in service delivery in the land sector is the need to shift from traditional/

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 6/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

analogue service to digital/e-service. The present service culture, which is analogue and traditional, relies on physical storage, retrieval and movement of records. The land sector requires shifting from this mode to a digital mode where information and service provision is e-based in a transparent, real time, and customer focused. The Ministry has started this transformation but adoption and capacity is quite low. The technical cadre is also most challenged by limited knowledge of the new technologies and lack of the relevant equipment.

The senior staff of the Ministry appears experienced and knowledgeable but they are few in number leading to overwork. They are also technologically challenged and some are ambivalent to the dramatic reforms underway. They need sensitization and capacity building on the reforms, including opportunities for higher training on policy analysis and implementation, and advanced degrees. Other challenges that affect effective delivery of service in the land sector by state institutions were identified during the study. These include lack or delays in receiving stationery, lack of transport, insufficient funds and delays in disbursing funds, shortage of staff and modern equipment/ technology, and poor working conditions. Some of these challenges may adversely affect effective use of training that has been received by employees.

3.1.3 Capacity Gaps

The main capacity gaps in the Ministry were categorized as overall capacity gaps and gaps in specific land functions such as land administration, valuation and registration, surveying, physical planning, land adjudication and settlement, and general administration. Overall capacity gaps include: soft skills, integrity, customer care and attitude change; knowledge in computer skills; modern record management; and knowledge of the land policy provisions in the Constitution of Kenya, 2010. In Land Administration a key capacity gaps is knowledge in computerized land registration procedures, documents verification and detection of fraud. In surveying, a key capacity gap is knowledge in modern technology for positioning in surveying and operation of the National Spatial Data Infrastructure (NSDI).

3.2 Local State and Quasi-State Land Institutions

3.2.1 Other State Land Institutions

Other State Land Institutions include local authorities, Ministries that deal with Forest and Wildlife, Environment, Agriculture, Transport, Works and Water. Their mandates include responsibility on certain types of land. However, these levels of Government rely on personnel from Ministry of Lands to provide land based services. A few municipalities have hired their own surveyors and physical planners and it is expected that fully fledged land offices will be established at the Counties as part of the Devolution process in Kenya. Considerable capacity building for these institutions will be required as well as upgrading of the current poorly housed, poorly equipped and poorly staffed offices.

3.2.2 Registration Boards

Land professionals (surveyors, valuers, planners, lawyers) are registered and licensed by

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 7/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

Registration Boards which are statutory bodies. The registration of planners (Physical Planners, Town Planners, Urban Planners, and Regional Planners) is under the Physical Planners Registration Board; Land Surveyors are under the Land Surveyors Board; Valuers are under the Valuers Registration Board; Estate Agents are under Estate Agents Registration Board; and Lawyers are registered under the Law Society of Kenya.

These professional registration boards are responsible for regulating the activities and conduct of members of their profession. They register all eligible persons to practice in accordance with the provisions of the applicable legislation. The boards are expected to set and conduct examinations for the purpose of registration of members; and enforce professional ethics. They therefore need to keep pace with their professions in terms of new ideas and technologies. To do this they undertake research and constantly revise the curricula on which they base their examinations. To regulate conduct of their members they need to constantly review the law governing the profession and to conduct awareness seminars. Among the capacity areas mentioned by board members who were interviewed include skills for: research, legislation drafting, professional practice investigations, inspection and accreditation of training institutions.

3.2.3 Grassroots land institutions

At the grassroots level, the Land Control Boards (LCBs), Land Dispute Tribunals (LDTs) and other local state and quasi-state organs are the first line in land management in Kenya today, particularly in ensuring proper control in management of agricultural land and settling land disputes. Physical Planning Liaison Committees are appointed under the Physical Planning Act (1996), at various levels for matters relating to development applications. Land Committees, Arbitration Boards, and Appeal Panels are appointed under the provisions of either the Land Consolidation Act (1968) or the Land Adjudication Act (1968) (depending on the legislation applicable for a particular area). These boards are composed of elders who work in various Adjudication Sections to assist Government Officers in determination of rights in land.

Members of these institutions need to be trained and adequately remunerated to contribute to the economic development and proper governance that the constitution and National Land Policy aspires to achieve. Training for these boards should focus on communication skills, conflict resolution, legal procedures, issues of gender equality, arbitration, and land law.

3.3 Non-State Actors

Non-State actors comprise of the private sector, professional organizations, community based organizations as well as non-governmental organizations. UN-Habitat (2013) mentions that non-state actors, in Kenya, lobbied for the National Land Policy to cover pastoral land issues, gender and equity principles, and land rights of minority groups. They also lobbied for the inclusion of the Chapter on Land in the Constitution of Kenya. Non-State actors play a "*watchdog role*" on decisions affecting land-dependent communities and have recently played a leading role in capacity building for land Control Boards and Land Dispute Tribunals. The private sector plays a crucial role in delivery of land services and is bound to play a key role in the implementation of the new land policies. The private sector

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 8/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

provides a variety of services for which private citizens routinely go to it. Civil society organizations play vital roles in advocacy and the "watchdog" role in land matters; and are expected to play a critical role in implementing the provisions on land, under the new Constitution and the National Land Policy. The Land Non-State Actors (LSNSA) has started with a series of workshops for sensitization of members and for education of members of the public on land reform issues. As diverse groups and organizations their capacity needs include technical skills and knowledge for improved professionalism, skills for advocacy, lobbying, communication and sensitization. They are expected to play a key role in the implementation of the new land policies.

4. SUPPLIERS OF TRAINING

Training for professionals and para-professionals in the Land Sector in Kenya is offered through non-institutionalized and institutionalized training.

4.1 Non-institutionalized training

Non-institutionalized training mode includes a variety of ways through which knowledge and awareness on land issues is provided, and may include: '*Ad hoc*' basis where candidates study on their own and may subsequently sit for examination; short study visits; short "tailor-made" courses; conferences, workshops and expert-group meetings. This kind of training may also be done through the use of social and religious gatherings as well as paper and electronic media (newspapers, radio, television and internet).

4.2 Institutionalized training

Considerable institutionalized training on land related disciplines is offered by public, private and faith-based institutions in Kenya. Public institutions include technical institutes, colleges, universities and university colleges. There is also an increasing number of private and faith based universities that offer land related courses in Kenya.

4.2.1 Levels of training

Training is offered at various levels for a variety of courses: artisan/craft level courses (printing, book keeping); certificate level (GPS, surveying, cartography, computer courses); diploma level (surveying, cartography, estate agency and property management, law); higher diploma level (surveying, cartography, law, computer courses); degree level (land administration, geospatial engineering, cartography, printing); Masters level (geospatial engineering, planning, GIS, housing administration, law); and PhD level (Real Estate, Law, Surveying and Urban and Regional Planning)

4.2.2 <u>Technician and Technologist training</u>

Training at lower levels (certificate, diploma and higher diploma) is available for surveying and mapping, cartography, photogrammetry, printing, computing, information science, record management, procurement and supply chain management, and human resource management. Training courses in land administration, valuation, land registration and physical planning are *not available* at this level - implying that personnel expected to have

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 9/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

these levels of training are untrained in the respective fields and have to undergo "in-house" training at their places of employment.

4.2.3 <u>Degree level training</u>

The study found that the country has a large number of public, private and faith based institutions offering training in land service related courses. Training at professional level (degree and graduate level) is well established in five main the public universities. There was no degree programme in land administration until recently (2011) when one of the universities started a degree course.

4.3 Challenges Facing Training Institutions

A major challenge facing training institutions is lack of quality control. Many institutions offering certificate and diploma courses are not registered with relevant regulatory bodies and do not present their candidates for Kenya National Examination Council (KNEC) Examinations. The content, duration and cost of their courses vary very much. The bachelors and higher degree levels are regulated by Commission for Higher Education, and their respective university Senates. Staffing and accreditation of departments in tertiary institutions are loosely regulated and pose a challenge in quality control. The cost of training courses is highly competitive and market driven. New institutions and those outside the big cities charge lower fees, while premium institutions charge higher fees.

4.4 Training in Soft Skills

The study also found that soft skills (customer care, integrity, negotiation, conflict resolution, dialogue and courtesy) and professional ethics are not amongst the courses taught in the universities and colleges. This poses a challenge because the findings of this study were that the current staff in the Ministry of Lands and other government institutions that deal with land, have serious capacity gaps in these skill areas.

4.5 Capacity Development Training Model and design of Training Programs

A four-way training model (Figure 1) is proposed for human resource capacity development for the land sector. These four ways consist of: short courses, long courses, technical training (craft, certificate, and diploma), and professional training (degree, specializations and higher degree courses). A framework for guiding the design of specific land based training programs is also proposed. Such a framework should be versatile considering diverse actors in the land sector (elected officials, government officials, non-governmental organizations, professionals and citizens), a variety of programs (short or long, centralized or decentralized, group or individual), utilizing different training modes (lecture, seminars, role playing, dramatization), strategies (on the job learning, apprenticeship, training of trainers (TOT), workshops and learning visits) and varying cost (high, medium, and low).

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land ^{10/16} Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)





Figure 2 shows a suggested framework for designing of land based training courses. Land based training courses and programs should have in mind the diverse actors in the land sector, utilize a variety of strategies and technologies while considering cost implications. Actual programs may comprise of long term, short term, centralized, decentralized learning for group or individual learning. Their aims may include addressing gaps in knowledge, skill and attitude change. Training can utilize a variety of modes of training such as lecture, seminar, role playing and dramatization. The matrix demonstrates that quite a number of factors need to be taken into consideration in designing training programs. It is also a reminder of the factors and their relationships that go into a training proposal.

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 11/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)



	PROGRAMS	COST LEVEL		AIMS	MODES	TARGETED	
	Long program	High		Knowledge	Lecture		
	Short program	Medium		increase	Demonstration	ACTORS	
	Centralized learning	Low		Skill increase,	Seminar/discussion	e.g. elected	
	Decentralized/distance	LOW		Attitude change	Tutoring	officials,	
	-			Attitude change	-	government staff,	
	learning				Role playing	profession	nals
	Group learning				Learning by doing		
	Individual learning				Self-teaching		
		•			Dramatization		
TARGETED							
ACTORS							
Elected officials							
Senior government							
officials							
Middle level							
government line staff							
Government							
administrators							
General public							
NGO members							
CBO members							
Senior private sector							
professionals							
Junior private sector							
professionals							
Academics							
Future students							
STRATEGIES							
Place in school							
curricula							
On-the-job learning							
Apprenticeship							
Counterpart training							
Awareness raising							
Training trainers							
Degree/certificate							
course							
Short courses							
Workshops							
Learning visits							
TECHNOLOGIES							
Meeting							
Documents							
Video							
Radio							
TV							
Web site							7
Internet social							
networks; e.g.							
Facebook, Twitter							
You Tube							
Cell phone, land line							
Smart phone							
Skype							
Podcast							
COST LEVEL							
High 🗲							
Medium							
Low							
				•			

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 12/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

5. REFLECTIONS

5.1 The Challenge of Transition

The last four years have witnessed the start of major efforts in implementation of land reform in Kenya. New land laws have been passed and others are at the drafting stage. Institutional arrangements are changing rapidly. This change however appears to be accompanied by challenges associated with jurisdictional relationships between the previous and the new land institutions, as well as the human capacity to effectively manage these new institutions. The change dynamics in the land sector in Kenya have introduced challenges in smooth transition in the implementation of the land policy, particularly the process of replacing or redeploying a number of senior administrators from the previous arrangements. To manage the transition with less "friction", arrangements comprising of a body (or committee), with a limited tenure, composed of non-partisan stakeholders to guide providing direction and leadership in capacity development should have been formed.

5.2 Continuous Professional Development and Early Intervention

With increasing new innovations and concepts in cadastre and land management, continuous professional development (CPD) programs in the landed professions are necessary to keep professionals abreast with the latest knowledge; allowing for domestication of that knowledge within the local context. Some of the programs could cover subjects such as the "Voluntary Guidelines on Responsible Governance of Tenure of Land Fisheries and Forests in the Context of National Food Security" (FAO); and "Social Tenure Domain Model" (GLTN), among others. More attention should be given to training of the younger generation to ensure that more citizens are more informed about land issues. Basic elements of land rights and other issues can be taught in Elementary and High Schools, along with other human rights issues that are currently covered in school curriculla.

5.3 Research and links Between Land Service Providers and Training Institutions

There is weak linkage between state institutions that provide land services and training institutions in terms of what service providers need and what is offered in training institutions - thus land institutions which rely on both public and private sector training institutions for their human resource needs are faced with uncertain and widening standards of products from these training institutions. Traditionally public institutions trained for the state but currently they focus, increasingly, on the wider market including the more dynamic private sector. There is need for closer consultations to enable the training institutions to design and implement programmes that address capacity development needs of the land service providers. The Constitution of Kenya, 2010 and the National Land Policy state that the National Land Commission should conduct research on matters related to land and use of natural resources and make recommendations to the appropriate authorities. The National Land Policy specifically recommends establishment of a Land Policy Research Centre in partnership with universities and research institutions to coordinate land policy research. This matter should be expedited to contribute to effective capacity development in the land sector.

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 13/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

6. CONCLUSION

As stated earlier, capacity development in the land sector at a national scale to facilitate major land reforms or implementation of a land policy is complicated due to a multiplicity of actors. It requires a well organized and structured approach for effective implementation. The design of the training programs should consider different actors in the land sector and various strategies and technologies that are available, as well as the cost implications. Adequate arrangements for managing transition should also be made prior to the commencement of the implementation process. Also as observed in Haile et al. (2013), each land sector stakeholder in Africa has multiple roles to play the in capacity development in Africa. This is true for Kenya and many other developing countries. Effective implementation of arrangements for capacity development will, however, largely depend on each of these stakeholders playing their different roles with utmost commitment and dedication. Careful and well structured cooperation for implementation by both national stakeholders and international partners would yield the best results.

REFERENCES

- 1. Haile S., Ombretta T. and Sietchiping, R. (2013), Towards a capacity development framework for land policy in Africa, FIG Article of the Month, July 2013.
- 2. Government of Kenya (2009), Sessional Paper No.3 of 2009 on National Land Policy, Government Printer, Kenya
- 3. Government of Kenya, Sida-Kenya, UN-Habitat, 2011, Human Capacity Development Needs Assessment and Training Programme for the Land Sector in Kenya, "Unpublished Report", produced by Peter M. Ngau, Jasper N. Mwenda, and Michael Mattingly, Nairobi, Kenya, Coordinated by Solomon Abebe Haile
- 4. Mwathane, I. N., 2010, The contributions of land to the recent violence in Kenya: Implications for the ongoing land policy dialogue. A paper presented at The World Bank Annual Bank Conference on Land Policy and Administration, 26-27 April 2010, Washington DC
- 5. Ngau P. M., Mwenda J. N. and Michael Mattingly, 2011, A method for identifying needs and means for capacity building through training to aid Land Reform, "Unpublished Report", Nairobi, Kenya, Coordinated by Solomon Abebe Haile
- 6. Pearson, J., 2011. Training and Beyond: Seeking Better Practices for Capacity Development, OECD
- 7. UN-Habitat, 2012, Handling Land: Innovative tools for land governance and secure tenure, UN-Habitat. ISBN Number: (Volume) 978-92-1-132438-9.
- 8. UN-Habitat, 2013, Country Programme Document 2013-2015 KENYA,

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land ^{14/16} Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

BIOGRAPHICAL NOTES

Mr. J. N. Mwenda is a Lecturer in the Department of Geospatial and Spatial Technology, University of Nairobi. He holds BSc, MEng and MSc degrees. He is a Member of the Institution of Surveyors of Kenya, a Certificated Land Surveyor (East Africa) and a Licensed Surveyor (Kenya). He worked for Survey of Kenya prior to joining the University of Nairobi. His research interests are in cadastral studies and land management.

Prof. Peter M. Ngau is an Urban Planner and Associate Professor, Department of Urban and Regional Planning, University of Nairobi. He holds a PhD in Urban Planning from University of California, Los Angeles. He has over 20 years of university teaching and research experience. He served for six years as national expert at the United Nations Centre for Regional Planning – Africa Office. He is the managing editor of the Regional Development Studies Journal and the current director of the Centre for Urban Research and Innovations based in the University of Nairobi

Mr. Michael Mattingly works as an Associate with DPU-Associates (part of Development Planning Unit, University College London). He holds BS (Civil Engineering) and MA (City Planning) degrees. He has wide international experience as a consultant in capacity building (including training), urban land management, urban planning and peri-urban land management and livelihoods. He has consulted in many countries of Asia, Africa, North and South America and Europe.

CONTACTS

Mr. Jasper N. Mwenda Department of Geospatial and Space Technology University of Nairobi P. O. Box 30197 - 00100 NAIROBI KENYA Tel. + 254-722258891 Email: jnmwenda@uonbi.ac.ke or jnmwenda@yahoo.co.uk Web site: www.uonbi.ac.ke

Prof. Peter M. Ngau Department of Urban and Regional Planning University of Nairobi, ADD Building P. O. Box. 30197 - 00100 GPO NAIROBI, KENYA

Tel.: +254-722658781 Email: pngau@uonbi.ac.ke or peterngau@gmail.com Website: www.centerforurbaninnovations.org

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 15/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)

Mr. Michael Mattingly DPU-Associates 55 Marchmont Street London United Kingdom Tel.: +44 207 833 1997

Email: <u>mjmattingly@gmail.com</u> Website: www.dpu-associates.net

Training and Human Capacity Building in the Land Sector in the Context of Implementation of New Land 16/16 Policies and Reforms in Land Administration Systems: Some Reflections from Kenya, (7271) Jasper N Mwenda, Peter Ngau and Michael Mattingly (Kenya)