



FIG Working Week 2024

19-24 May

Accra, Ghana

Your World, Our World:
Resilient Environment
and Sustainable
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Presented at the FIG Working Week 2024,
19-24 May 2024 in Accra, Ghana

Towards a Framework for Community Land Registration in Informal Settlements in Kenya

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Introduction

- Over **56%** of the total population in Kenya live in informal settlements, with Nairobi, the country's capital having an estimated **two (2) million** people living on just about 1% of all the land in the city
- **Private, public and informal tenure systems** control land in urban areas in Kenya. Informal land settlements cannot be categorized into any of the three classifications of land tenure provided for under the Constitution
- Settlements are denied of planning and development interventions as conventional planning and land administration processes in the country are exclusionary

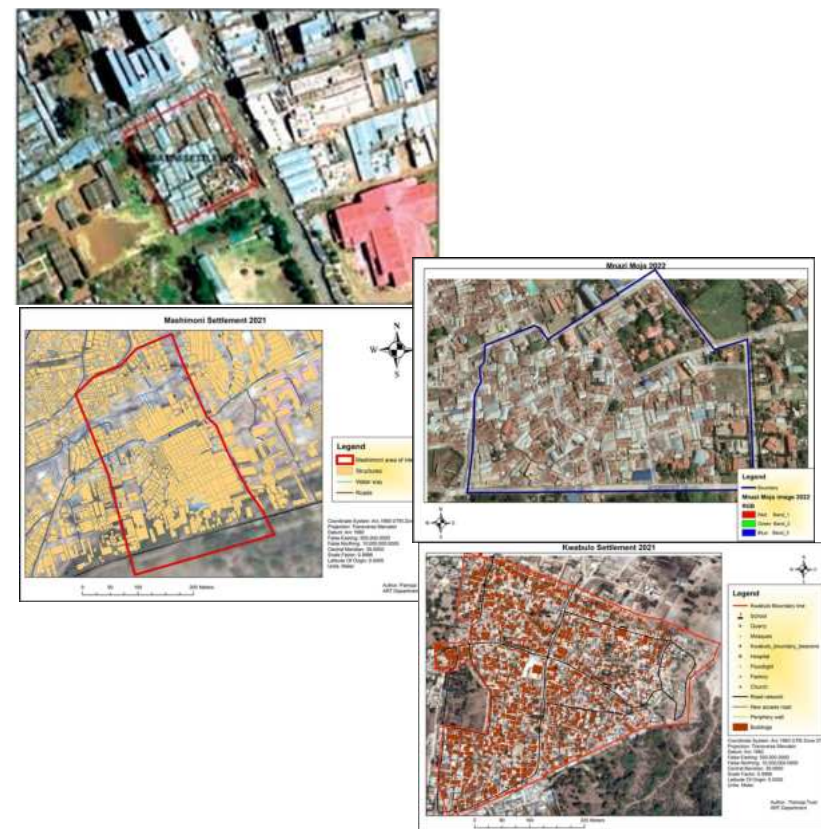




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Recognizing and Registration of Community Land Rights

- Community Land Act (CLA) of 2016 – framework for recognizing, protecting and registering communal land rights
- Defines community as a distinct group with shared attributes
- Legislation primarily designed for ethnic communities in rural areas
- Offers unique opportunities for implementation in urban informal settlements
- Past experiences indicate individual land titling leads to unsustainable outcomes – evictions, negative impacts on social justice and livelihoods in slum areas



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Rationale of Registering Informal Settlements as Community Land

- Residents in informal settlements express strong interest in registering settlements as community land
- Expected to address challenges related to communal and private interests thus promoting equal land rights, and ensuring social justice for residents
- Past initiatives from projects emphasizing on individual titling have had limited success
- Process expected to build consensus among residents and accommodating all land users, including tenants, with communal interest on the land



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Piloting Innovative Approaches for Registering Communal Land in Urban Informal Settlements

- Fit-For-Purpose land tools and approaches implemented in four informal settlements in Mombasa and Nairobi
- Project aimed to strengthen the capacity of communities to register their land in accordance with most, if not all, the provisions of the CLA 2016, CLA Regulations 2018 and Land Registration Act 2012
- Key intervention areas:
 - Sensitization of communities on the provisions of the CLA
 - Strengthening the capacity of state and non-state actors on the CLA implementation approach
 - Application of innovative land tools to capture the requisite information of community members
 - Developing procedural guideline for registering communal land rights in urban informal settlements





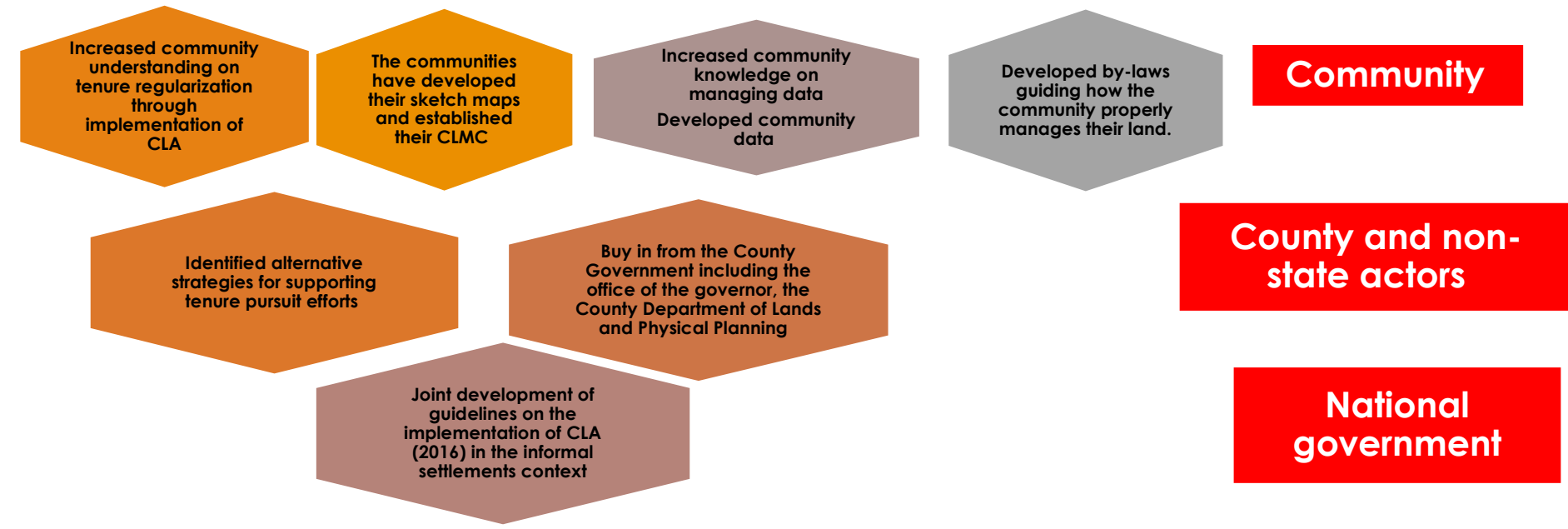
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Key Achievements and Outcomes



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Key Challenges

Land context complexities (i.e. the court processes, political influence) in the informal settlements lead to prolonged processes in tenure regularization

Slow buy-in by the government actors in exploring the implementation of CLA in the informal settlements context

Contested perspectives on what constitutes a community and community land respectively

Community leaders, especially the structure owners, have vested interests by preventing the tenants from being recognized as land owners

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Lessons Learned

- Communal tenure is a solution for regularization of informal settlements as it brings onboard such concepts as sectional property policies, continuum of rights etc. while giving communities security of tenure
- There is need to engage key government actors from the onset of pursuing community land registration for their buy in and support throughout the process
- Even with intense communities sensitization on CLA and advantages of its implementation, communities can still choose to pursue individual titling processes
- GLTN land tools such as STDM provide practical and holistic approaches to tenure regularization and influence community development e.g. through the data captured in the development of the community land register
- Community land registration gives community members, especially the tenants, a voice. The sensitization sessions revealed marginalization felt by the tenants
- Community Land Act implementation reduces the possibility of increased gentrification

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Recommendations

- Community engagement and participatory decision-making should be prioritized to build consensus and develop sustainable models
- Secure land rights, including issuance of formal community land titles, are crucial for accessing essential services like water, sanitation and electricity
- Community land management transfers developmental roles from state authorities to the community, hence benefitting all residents
- Increase sensitization on benefits of community land by addressing the perception that individual titling alone is the solution to avoid evictions and demolitions

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Next Steps

Validation of Procedural Guidelines

Engagement with both state and no-state land actors to validate and finalize the document. Focus on addressing gaps in tenure regularization processes observed in past projects

Policy and Legislation

Further refinements and possible amendments to the Community Land Act to explicitly include informal settlements in the narrative. This includes the incorporation of the survey findings and community feedback

Continued Monitoring and Research

Continuous evaluation and assessment of the applicability of the guidelines in various informal settlement contexts and its adaptation based on local dynamics and needs

Resource Mobilization

Increase efforts to secure funding and resources for consistent scaling and implementation of communal land registration initiatives

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Conclusion

- The Community Land Act provides a significant opportunity to secure tenure in informal settlements, but its success hinges on robust community engagement, policy support and resource mobilization
- Past experiences offer valuable lessons, and the procedural guidelines document aims to bridge existing gaps in land governance

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