STATUS OF SERVICE DELIVERY IN LAND REGISTRIES

October 2014

15th SCORECARD

Land Development & Governance Institute
EXECUTIVE SUMMARY

Land is the main economic resource in Kenya and source of livelihood to a majority of the citizens. The centrality of land in Kenya’s socio-economic growth has in recent years led to the country undertaking reforms to improve the land sector as a whole. These reforms have thus far been marked by the adoption of a National Land Policy, inclusion of a chapter of land in the Constitution of Kenya, enactment of new land laws and establishment of new institutions to play a part in land administration and governance.

The Ministry of Lands, Housing and Urban Development this year undertook to further improve efficiency in land registries by restructuring specific land registries, with the intent of rolling out this programme to all registries in the country.

However, proper land administration and management in Kenya remains a challenge, despite the adoption of reforms to improve land governance in the country and the Lands Ministry’s recent efforts.

The Land Development and Governance Institute commissioned the 15th Scorecard to gauge the status of services in the land registries while taking into account the ongoing reorganization in land registries by the Ministry of Lands. A total of 1024 respondents were interviewed in 36 counties across the country. The survey sought to gauge services based on: the ease of accessing information; timeliness in provision of services; cost of services provided; and existence and level of corruption at the land registries, as the indicators of service.

From the survey, 37% of the respondents ranked access to information as difficult, whereas 33% said it was fair and 29% ranked it as either easy or very easy. On affordability of services, 53% of the respondents were of the opinion that services were affordable while 35% said that it was unaffordable. 58.6% of the respondents feel that services are slow in land registries while 19.7% said that it was timely. On matters corruption, 35.4% said that corruption is high while 33.6% said that it was low. Citizens feel secure with their titles, with 89.7% stating that they were secure while only 10.3% felt insecure.
The survey also looked at the progress of land reforms implementation where 54% of the respondents ranked the implementation as good while 9% said it was poor. Just over half of the respondents (51%) were aware of the ongoing transfers and reorganization being undertaken by the Lands Ministry but generally only little positive impact has been felt with regard to service delivery.
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1.0 INTRODUCTION

Land remains a key factor in the economic, political and social growth of Kenya and as such proper administration and management of this resource is central to the country’s socio-economic development. However, service delivery in the post-independence institutional framework of land administration and management was marred by its centrality, complexity, bureaucracy, inefficiency and corruption. In a bid to resolve these setbacks, the country has in recent years been implementing land reforms to improve the land sector as a whole.


Chapter 5 of the Constitution of Kenya, 2010 provides for the administration and management of land and environment. It sets out the mandate of the Ministry of Land, Housing and Urban Development and the National Land Commission in managing and administering land. The Ministry of Land, Housing and Urban Development undertakes this role through its departments: land administration, surveying, valuation, urban planning, adjudication and settlement located at the county and sub county levels. Land registries are the main land administration offices and offer services on land such as land search, land transfer, land purchase/rent among others.

The Ministry of Lands has in recent months rolled out a land records reorganization exercise and staff transfers seeking to improve efficiency in land registries. In line with these recent happenings, Land Development and Governance Institute (LDGI) commissioned the 15th Scorecard Report which sought to assess the state of service delivery across the country with the aim of establishing whether the reorganization
exercise has occasioned improvements in the land sector. This was done by carrying out primary data collection in 39 land registries across the country targeting citizens from different age groups, educational backgrounds and regions.

1.1 About this scorecard
This study was aimed at assessing the status of service delivery in land registries and the overall implementation of land reforms in the country.

1.2 Objectives
The main objective of this scorecard was to assess the status of service delivery and implementation of land reforms in the land sector. The specific objectives were:

1. To gauge the state of service delivery in land registries in the country
2. To determine the status and impact of land reforms implementation
3. To establish citizens priorities on the various aspects of land reforms
2.0 FINDINGS

2.1 Data sources
This study was undertaken in land registries\textsuperscript{1} within 36 counties from the 25\textsuperscript{th} August 2014 to the 12\textsuperscript{th} September 2014. A total of one thousand and twenty four (1024) respondents were interviewed.

2.2 Gender of respondents
Out of the total sample population of 1024 respondents, 73% were male while 27% were female as shown in the figure 2.1 below.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{gender.png}
\caption{Gender of respondents}
\end{figure}

2.3 Level of education of the respondents
From the interviewed respondents, 30% had attained secondary education while 20% have attained primary education and only 11% have no formal education. 39% of the sample had attained post-secondary education (28% tertiary level, 10% university level and 1% post graduate education) as shown in figure 2.2 below.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{education.png}
\caption{Level of education of the respondents}
\end{figure}

\textsuperscript{1}Ardhi House, Bomet, Bungoma, Busia, Chuka, Eldoret, Elgeyo Marakwet, Embu, HomaBay, Isiolo, Kabarnet, Kajiado, Kakamega, Kapsabet, Kericho, Kerugoya, Kiambu, Kilifi, Kisii, Kisumu, Kitale, Kitui, Kwale, Machakos, Meru, Migori, Mombasa, Murang’a, Mwingi, Naivasha, Nakuru, Nanyuki, Narok, Ngong’, Nyahururu, Nyeri, Siaya, Thika and Vihiga
2.4 Age of the respondents

Majority of the respondents seeking services at land registries were aged between 31-50 years, with 31.8% accounting for respondents aged between 31-40 years and 27.8% of the sample population being aged between 41-50 years. 19.9% of the interviewed respondents were above 50 years of age and only 13.2% were aged 30 years and below (10.2% aged between 21-30 years and 3% aged below 21 years) as shown in figure 2.3 below.
2.5 Number of visits made to Land registries

All the respondents interviewed had had past dealings with the land registry. Majority of the respondents had visited the land registry between 1-3 times (43.6%), with 27.2% having visited the registry 4-6 times and 8.4% having dealt with land registries 7-9 times. However, about a fifth of the respondents (20.8%) had visited land registries more than 10 times as shown in figure 2.4 below.

*Figure 2.4: Number of visits made to land registries*

![Bar chart showing number of visits made to land registries]

2.6 Services sought at land registries

Almost half of the respondents (44.9%) had come to seek a land search in the registry and this may be attributed to the fact that it contains primary information upon which other subsequent transactions are based. 29.1% of the respondents visited land registries seeking land transfer services while 5.1% sought to pay land rates and 20.9% came for other dealings e.g. application for title deed as shown in the figure 2.5 below.
Figure 2.5: Services sought at land registries
3.0 RANKING OF SERVICES

3.1 Ease of accessing information
Ease of accessing information at land registries received a good ranking across the board, with 28.9 ranking it as easy or very easy and 33.2% ranking it as fair. 24.3% and 12.8% of the respondents ranked ease of accessing information as difficult and very difficult respectively. 0.8% of the respondents gave no response on the ease of accessing information in land registries as shown in figure 2.6 below.

Figure 2.6: Ease of Accessing Information

3.2 Cost of accessing information
Over half of the sample population (53%) felt that the cost of transactions at land registries was just affordable whereas 35% and 7% of the respondents ranked cost of accessing information as unaffordable and completely unaffordable respectively as shown in figure 2.7 below. Only 3% of citizens interviewed felt that costs incurred at land registries were completely affordable.
3.3 Timeliness in carrying out transaction

Citizens are generally dissatisfied with the time it takes to complete transactions at land registries with 28.7% of the respondents ranking timeliness as slow and 30.6% ranking it as very slow. 20% of the respondents ranked land registries as fair in carrying out transactions and only 19.3% are satisfied with transaction times at land registries.
3.4 Incidences of corruption

Corruption remains widespread in land registries as perceived by citizens with just over half (51.8%) of the respondents ranking corruption incidences as high (35.4% ranked it as high and 16.4% ranked corruption as very high). 33.6% of the respondents ranked incidences of corruption as low and a further 14.6% ranked it as very low as shown in figure 2.9 below.

Figure 2.9: Incidences of Corruption

3.5 Security of title deeds

Citizens generally feel secure with the titles they hold to land with 73.5% of the interviewed respondents saying they were secure with titles they held to land. 16.1% of the respondents felt fairly secure with their titles and only 10.3% were insecure as shown in figure 2.10 below.
3.6 Land reforms implementation progress

A good number of respondents appreciated the efforts made so far in the implementation of land reforms. Over half of the respondents (54%) ranked land reforms implementation positively (26% ranked the progress as good, 25% as moderate and 3% rated the process as very good). However, 30% of the interviewees ranked it as below average citing the fact that land reforms implementation is centered in Nairobi and the effects are yet to be felt on the ground country wide (21% and 9% awarded land reforms implementation a poor and very poor rating respectively). This is illustrated in the figure 2.11 below.
3.7 Awareness of transfers and re-organization exercise

The Ministry of Lands, Housing and Urban Development has in the last six months undertaken audits of land records and a reorganization of personnel in land registries in Nairobi, Mombasa, Kwale and Kilifi Counties. When asked about these changes, 51% of the respondents of the sample population were aware of the transfers and reorganization exercise in the ministry whereas 49% did not know about any transfers and reorganization exercise as shown in 2.12 below.

Figure 2.12: Awareness of transfer and reorganization
3.8 Transfers and reorganization impacts on service delivery

The ongoing restructuring exercise within the Ministry of Lands, Housing and Urban Development is aimed at reorganizing land records and improving efficiency within the land registry. When queried on whether the Lands Ministry’s restructuring exercise has had an impact on service delivery in lands registries within the country, most respondents felt that this programme is yet to bear fruit. 71% of the respondents feel that the exercise has not improved service delivery at the registries while 29% feel that the exercise has improved the service delivery at the land registries. As shown in figure 2.13 below.

*Figure 2.13: Impacts of Transfers and reorganization on service delivery*

3.9 Improvement at the land registries

The Lands Ministry’s recent restructuring exercise in land registries has included staff transfers and records reorganization. The exercise was aimed at improving efficiency in service delivery and curbing corruption. However, majority of the respondents interviewed (66%) feel that there has been no improvement registered so far. Only a small fraction of the interviewed respondents (6%) reported *high improvement* at land registries, with 17% representing *slight improvement* and a further 12% reporting a general improvement as shown in the figure 2.14 below.
Figure 2.14: Improvement in Land Registries

3.10 Impact of Transfers and reorganization on Nairobi, Mombasa, Kwale and Kilifi land registries

The Ministry of Land’s reorganization exercise has thus far been rolled out in land registries within Nairobi, Mombasa, Kilifi and Kwale Counties in the country. The Institute also undertook to find out whether citizens seeking services at these specific registries have felt an improvement in the overall quality of services.

The lands registry in Nairobi (Ardhi House) was first to undergo this restructuring exercise. With regard to improvement of services at the Nairobi lands registry, two thirds of the respondents (66.6%) felt that services have in one way or another improved at the registry, with 25.6% reporting high improvement, 15.4% rating the impact as generally improvement as 26.6 % indicating slight improvement. 33.3% of the respondents interviewed at Ardhi House felt that there has been no improvement of services despite the clean-up exercise that the registry underwent in May 2014. Respondents giving a positive rating of the Nairobi lands registry gave the following indicators of output of the reorganization exercise by the Ministry:

a) The level of corruption has reduced owing to services being offered in the open (tents have been set up outside the main building).
b) The number of brokers has highly reduced as compared to before.
c) Some respondents feel that land searches are processed faster than before.
d) Since the land officers are serving citizens in the open, cases of absenteeism or workers absconding duties have been minimal.
e) Random visits by the cabinet secretary to monitor service delivery have kept officers on their toes and generally improved their efficiency.

However, respondents who reported no improvement said they were still dissatisfied with the status of service delivery citing the following reasons;

a) Brokers still exist in the registry.
b) Some felt the services are still slow
c) Some feel corrupt deals and transactions are still taking place, but not as openly as before
d) Sometimes the offices are closed as early as early 1pm. This inconveniences service seekers who visit the offices in the afternoon.
e) Citizens had high hopes that the reorganization exercise at the lands Ministry would include computerization of all land records. This, they felt, would highly improve efficiency at the registry and shorten the time needed to carry out basic land transactions such as land searches.

Respondents visiting the Mombasa lands registry were divided in their responses with just over half of the interviewees (52.4%) stating that there has been improvement in the registry. This was represented by 23.8% of the respondents recording a high improvement, 23.8% stating services have generally improved and only 4.8% of the sample reporting a slight improvement. 47.6 of the respondents feel that there has been no improvement in services at the Mombasa lands registry.

In Kwale, citizens feel there has been great improvement of services as a result of the Lands Ministry reorganization exercise, with 55%, 25% and 5% of the respondents (total 85%) ranking the registry as highly improved, improved and slightly improved
respectively. Only 15% of citizens visiting the Kwale lands registry have felt no improvement of services as a result of the reorganization exercise.

Though the three other registries that have underwent a reorganization/ restructuring in a bid to improve service have recorded a minimum of half of the service seekers reporting a positive outcome of the exercise, Kilifi land registry has performed dismally despite these changes. 80% of those visiting the Kilifi registry stated that there has been no improvement in service delivery at the registry, with only 20% of the respondents reporting a form of improvement in services at this registry.
3.11 Citizens Inclusion, Participation and consultation in the land reform process

Majority of the respondents (78%) feel that the land reform implementation process is not inclusive, participatory and consultative as they have not been involved in any forum on land reforms whereas 18% thought that the process was inclusive. 4% were not aware of the reform process as shown in the figure 2.15 below.

Figure 2.15: Measure of Inclusion, Participation and Consultation in the Land Reform Process
4.0 GENERAL RANKING OF LAND REGISTRIES IN THE COUNTRY

4.1 Land registries ranking

This study also sought to rank the various land registries within the country based on the following five aspects of service delivery:

- Ease of accessing information
- Cost of accessing information
- Timeliness in carrying out transactions
- Incidences of corruption
- Security of title deed held to land

Generally, registries within the North Rift Valley region such as Bomet, Kitale, Kapsabet and Kabarnet got a positive rating on all aspects of service delivery whereas registries in the Western region, particularly Busia, Vihiga, Bungoma and Migori recorded a poor rating and in most instances were in the bottom third of each aspect.

The following is a summary of the various registries visited during this scorecard exercise.
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<thead>
<tr>
<th>LAND REGISTRY</th>
<th>EASE OF ACCESSING INFORMATION</th>
<th>KEY</th>
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<th>COST OF ACCESSING INFORMATION</th>
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5.0 CITIZENS SUGGESTIONS

5.1 Differences between the National Land Commission and MOL

The research also sought to establish Kenyans perceptions of the relations between the Ministry of Lands and the National Land Commission. From the study, it was evident that Kenyan citizens are aware of the differences between the two dockets in charge of managing and administering land in the country. Respondents felt that the power struggles between the two institutions was the main cause of the differences between these two institutions and felt that the best approach to solve this issue was by having the two bodies obeying and performing their duties as stipulated by the constitution. They gave the following suggestions as possible solutions to the rift between the Lands Ministry and the Lands Commission;

1. The two institutions should carry out their mandate as stipulated in the Constitution of Kenya, 2010 and the Land Laws.
2. The Land Act, 2012, Land Registration Act 2012, and the National Land Commission Act, 2012 need to be amended to sort out inconsistencies within the law that have informed the differences between the Lands Ministry and the Lands Commission and to clearly define the mandates of the two institutions.
3. The two institutions should work complimentarily with each other as despite their different mandates, they should all work towards the improving the land sector as a whole.
4. The National Land Commission should devolve their functions to the county level in order to enable the citizens to appreciate their services.
5. The commission and the ministry should not publicize their differences.
6. The president should intervene and provide direction in order for the two governmental entities to iron out their differences.
5.2 Suggestions on the preferred changes in aspects of service delivery

The sampled population showed a general dissatisfaction for the efficiency in service delivery in their respective lands registries. Respondents suggested the following changes and adjustments be made so as to improve service delivery in lands offices;

1. Computerization of land records to enhance efficiency and transparency, curb corruption and reduce time for carrying out transactions.
2. The land search fee should be inclusive of the search form charges.
3. The Government should streamline the land sector to cut the contact with intermediaries as brokers remain a threat to curbing corruption.
4. Set up Environment and Land Courts in each county and create public awareness on Alternate Dispute Resolution mechanisms to ease settling of land disputes.
5. Regular capacity building programs for staff to help them keep up with the changes, challenges and dynamism of the current trends in the market.
6. Lands officers should maintain professionalism when dealing with service seekers at land registries.
7. Expand the smaller land offices such as the Thika Land Registry.
8. Devolve the land services to sub-county level so as to enhance access to the lands offices and reduce incurred expenses from travelling to access services
9. There should be inter-ministry staff transfers rather than intra ministry in order to minimize corruption.
10. Frequent personnel reshuffling to avoid cases of staff overstaying at a station, leading to complacency in their jobs and compromise on their efficiency.
11. The land offices should be opened to the public from 8am to 5pm without lunch breaks as is the case with Huduma Centres.
12. Lands officials should observe the service charter to the letter.
13. Land Registrars should be more accessible to the public.
14. Issuance of title deeds and completion of pending adjudication/ settlement programmes
15. Regular staff performance audits and evaluations in order to assess their performance.
16. Regular investigation by the Ethics and Anti-Corruption Commission (EACC) to ensure accountability.
6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

Ease of accessing information
Citizens are dissatisfied with the ease of accessing information in most land registries. This is attributed to the unmanned receptions, help desks and poor customer care. Brokers colluding with lands officers have also marred access of information at registries as some brokers appear to get special treatment when accessing information and services in general.

Cost of transacting
Most citizens feel that the official cost of transacting is affordable but it is usually inflated by the cumulative expenditure that the citizens incur in form of transport cost and their upkeep whenever they have to travel back and forth when doing the follow ups. It is further catalyzed by the far distance traveled by some of the citizens to get to land registries.

Timelines in carrying out transactions
Majority of the Kenyans feel that services at land registries are very slow. This can be attributed to the fact that land records are not computerized and as such the system is less efficient in terms of storage and retrieval of files. This is also attributed to intentional delays caused by rent-seeking lands officers to provoke issuance of bribes to hasten transactions.

Incidences of corruption
Corruption is still high in the land registries based on citizen responses during this study. However compared to the previous Scorecard Reports carried out by the Institute there is a considerable drop in corruption incidences which is mostly attributed to the
reshuffling and restructuring of the land registries undertaken by the Ministry of Lands, Housing and urban Development. On the other hand some citizens declined to comment on the matter for fear of victimization by the ministry staff, indicating that the corruption menace remains a major issue affecting land administration and management in the country.

**Security of title**

A high percentage of the Kenyans are secure with the title deeds they hold to lands owned while a very small percentage feel insecure. This can be attributed to the fact that with a title deed one can develop the land without fear of disposition, and due to most Kenyans viewing the title deed as the only evidence of ownership of land.

**Land reforms implementation progress**

Kenyans are optimistic with the progress being made in land reforms implementation but many citizens pointed out that a lot needs to be done to ensure public participation as required by the Constitution of Kenya. The citizens felt that most reforms are centered only within urban areas such as the Nairobi (Ardhi house), Mombasa, Kwale and Kilifi registries and take time to reach Ministry offices located in remote areas. Kenyans suggested that computerization of land records, issuance of title deeds and resolution of land cases and disputes be given priority in the reform process.
6.2 Recommendations

Implementation of the land reforms as envisioned in the National Land Policy is central to proper land administration and management in the country. While the land sector has seen considerable gains made towards accomplishing this goal, there remains a lot to be done to improve service delivery in the land sector and to ensure the output of the reforms implementation process is felt at the grassroots.

This report recommends the following to ensure improved service delivery in the lands office;

1. **Computerization of land records**

All the land records in the registries should be digitized and the process for conducting a search should be automated. This will go a long way to enhance security of land records and faster delivery of services.

2. **Civic education**

Citizens especially those from remote areas should be engaged on the various land reforms processes and implementation strategy. This is to ensure that the process of implementing land reforms remains inclusive, participatory and consultative as required by the Constitution of Kenya, 2010.

3. **Capacity Building for the ministry staff**

The government should partner with institutions of higher learning to offer staff with training on new technology, best practices and innovations in management and administration of land.
4. Country wide restructuring and reshuffling of the ministry staff.

The land ministry should carry a country wide reshuffling of the staff and the restructuring process as done in Nairobi, Mombasa, Kilifi and Kwale registries. The changes that have been effected thus far in the four registries should be rolled out on a national scale so as to extend the positive impacts felt thus far to the grassroots and further improve service delivery in registries.
LAND DEVELOPMENT
& GOVERNANCE
INSTITUTE

Empowering Society