NAMATI

NATIONAL LAND COMMISSION
Our Land, Our Wealth, Our Heritage

GETTING IT RIGHT

MONITORING THE TRANSITION OF GROUP RANCHES TO COMMUNITY LAND IN KENYA

Table of Contents

List of Tables

List of Figures

Abbreviations

AJS	Alternative Justice System
CEMC:	County Executive Committee Member
CLMC:	Community Land Management Committee
CLA:	Community Land Act
FAO:	Food and Agriculture Organization of the United Nations
FGD:	Focus Group Discussion
IMPACT:	Indigenous Movement for Peace Advancement and Conflict Transformation
KII:	Key Informant Interviews
MOU	Memorandum of Understanding
NRT:	Northern Rangelands Trust
NGOs	Non-governmental Organizations
PWDs:	People with Disabilities

Forward

Monitoring of any exercise is fundamental in assessing progress, quality, and informing systemic changes. The enactment of the Community Land Act remains a key step towards tenure security for millions of Indigenous and local communities and reignited hope for communities to secure their tenure rights as envisioned in the Constitution of Kenya. The Act gives Indigenous and local communities an opportunity to redefine leadership and ensure meaningful engagement of all community members in governing community land through the community assembly.

However, the process of registration will determine whether communities get what was envisioned in the law or not. The community land Act is premised on a strengthened local land governance that ensures accountability between community leaders and its members; participation of women and men in all decisions touching on the community land management through the community assembly among other progressive provisions.

Six years after the enactment of the Community Land Act is a good time to look back and reflect on progress made and draw lessons to better inform the registration process.. This report provides a great opportunity to look back in detail on the transition of undissolved group ranches to community land and draw lessons for all relevant actors in ensuring that the spirit of this progressive law is not lost in its implementation.

Article 67 (2)(c) of the Constitution of Kenya 2010 requires that the National Land Commission to advises the National Government on a comprehensive programme for the registration of title in land throughout Kenya. Section 5(2)(b) of the National Land Commission Act 2012 on the other hand requires the commission to monitor registration of all rights and interests in land. To realise this mandate, the National Land Commission in Partnership with Namati Kenya monitored the transition of undissolved group ranches to community land and to highlights the challenges facing communities in the process of registering their rights.and be able to advise National Government.

The study established that registration of community land is a capital intensive exercise that requires consulted efforts of many stakeholders that include both levels of government,CSOs,NGOs,Partners and communities themselves. The study establishes the need to conduct more public education on the process of registration of community land so as to realize the desired goals as envisioned in Article 63 and the Community land Act,2016.

The Commission is committed to monitoring the registration of community lands in Kenya and remains optimistic that the findings and recommendations of this report will support the National government in ensuring secure land tenure and sustainable management of land resources.

We hope that this report rekindles the need for regular monitoring of the community land registration process and that the recommendations inform systemic changes at the National and County level as we seek to strengthen tenure rights for all.

Gershom Otachi Bw'omanwa

Chairman - *National Land Commission*

Acknowledgement for the NLC CEO

The preparation and publication of this report dubbed: ‘Getting it Right, Monitoring the transition of undissolved Group Ranches to Community land in Kenya’ was conducted through a partnership between the National Land Commission and Namati,Kenya. Data collection was done in a participatory way involving the National Land Commission County coordinators, Ministry of landsMinistry of Lands, Public Works, Housing and Urban Development and county governments and communities and various key stakeholders, professionals and experts in the land sector.

This report was prepared with support and guidance from Commissioner Reginald Okumu, Prof. David Kuria, Dr. Mary Wandia, Samuel Odari (NLC); Rowena Ndwakwe, Erin Kitchell, David Arach and Eileen Wakesho (Namati) This team was supported by NLC and Namati staff with special thanks going to the NLC’s Principal Advocacy Officer, Stephen Chebii, NLC County Coordinators Grace Wairagu (Laikipia County), David Rugut (West Pokot County), John Kirombe (Samburu County) and Saida Isak (Kajiado County)

We register our gratitude to the County Governments (Laikipia, Kajiado, WestPokot and Samburu), Ministry of Land and Physical Planning (MoLPP). We wish to thank all the agencies that availed data and information used in this report.

We highly appreciate the continued support from the offices of the NLC Chairman, Commissioners and acting Chief Executive Officer, for outstanding guidance, leadership role and technical contributions towards the realization of the report. We appreciate the relentless effort and guidance of Land Use Planning, Research and County Coordination Committee comprising of Commissioners Gertrude Nguku, Hon. Esther Murugi, Reginald Okumu and Prof. James Tuitoek. Finally, we acknowledge the dedicated work of the various stakeholders who worked at various stages to ensure the production of a high-quality report.

Kabale Tache Arero

Ag. Secretary/CEO - National Land Commission

Message from Namati

The enactment of Community Land Act, 2016 remains a step in the right direction in the quest to secure land tenure rights for Indigenous and Local communities, alongside addressing women's exclusion in land ownership and governance. The Constitution of Kenya, 2010 acknowledges that women and ethnic minorities have suffered discrimination, land dispossession, and political marginalization for generations. Loss of communal and family lands deprives Kenya's most vulnerable citizens – especially women – of the source of their livelihoods, heritage, identity, and political power.

We have an opportunity to get it right, as we transition undissolved group ranches to community lands as envisioned in the law. The findings and recommendations of this report offer great insights for the National and County governments in ensuring that the object of the Community Land Act is realized to the latter. Getting it right takes concerted efforts of all relevant actors as indicated in the findings of this monitoring report.

We hope that this report rekindles a people-centered community land registration processes and affirms the need for regular monitoring of the community land registration process. Let the and that the recommendations inform systemic changes at the National and County level, as we seek to strengthen tenure rights for all.

Eileen Wakesho.
Director- Community Land Protection, Namati.

Executive Summary

The enactment of the Community Land Act (CLA) in 2016 marked a great milestone in the management and governance of customary and indigenous lands in Kenya. CLA offers a framework for recognition, registration and securing community lands in Kenya. The CLA repealed the Land (Group Representatives) Act (Cap. 287) and the Trust Land Act (Cap. 288). Undissolved group ranches are thus expected to transition to community lands under the CLA, 2016. The mandate of registering communities lies with the Ministry of Lands, Public Works, Housing and Urban Development, while that of monitoring the process is with the National Land Commission as provided for in section 5(2)(b) of the National Land Commission Act 2012 that requires the commission to monitor registration of all rights and interests in land. Monitoring the registration of rights and interests in land measures the effectiveness of the registration programmes of title in land by both the Ministry of Lands, Public Works, Housing and Urban Development and the National Land Commission, and helps determine exactly if the programmes are on track. This can inform policy design and substantiate the case for policy reform. It enables the assessment of government performance in land administration and policy implementation, and likewise the evaluation of policy effectiveness.

This paper presents the findings of a joint study by the NLC and Namati on transitioning of group ranches to community land. The study focused on undissolved group ranches and transitioned group ranches, particularly those that have started the process and those yet to start the registration process. It was carried out in four counties of Kenya - Laikipia, Samburu, Kajiado and West Pokot. At the point of data collection (October - November 2021), only 10 communities of the 349 undissolved group ranches had successfully transitioned to community land ; representing less than 5 percent of undissolved group ranches. Data was collected from 8 undissolved group ranches that had started the registration process and another 8 yet to start. A total of 16 FGDs, representing 16 undissolved group ranches were conducted with 149 participants sampled from both community members and community land management committees (CLMCs). Key informants targeted at county level representing land adjudication officers, county executive committee members, community land registrars and county chief officers in charge of lands were purposely selected. The aim was to gather critical information lands in compliance with the community land act, inclusion of women and minority groups among others that are important in informing the registration process. The study also sought to establish the extent to which inclusion of women as envisioned in the constitution and successive land laws is implemented in the registration process and broader land governance. All the sixteen undissolved group ranches interviewed had group ranch committees, nine reported carrying out periodic elections; an indicator that group ranch committees remained functional in most communities.The undissolved group ranch committees have been existent for decades and are still highly respected and influential because they hold most of the community's historical knowledge. Of the sixteen, fourteen (87.5%) undissolved group ranches have begun the process towards registration of their community land. The remaining two communities, Korelach (West Pokot) and Olkeramatian (Kajiado), indicated their intention to subdivide their land into individual parcels, with each individual taking responsibility for their land. A total of 10 communities (62.5%) have completed and submitted paperwork for registration, five of which have so far received titles. An analysis of community perceptions indicated that the registration process resulted in a greater sense of tenure security (62.5%) , strengthened governance structures (73.3%) and more inclusive process of decision making (92.8%).

Despite involvement of women, youth and minority groups in the process, they still seem to play a lesser role in decision making processes. In 69.2% of communities interviewed, women had the least influence in decision making during the registration process. All key informants mentioned that the participation of women is still wanting and driven by the community's push to fulfill two third gender requirements of the law. Their participation in the registration is neither meaningful nor structured due to cultural beliefs (81.8%), low literacy (45.5%) and gender roles (27.3%). This is especially dominant in matters of land and governance, a role that was traditionally reserved for men. Traditionally, the patriarchal nature of pastoralist communities meant that women could only have access to land but had no rights to ownership and decision making over allocation and land use. Most communities with CLMCs adhered to the two thirds rule, with a few having slightly less proportion of women. None of the communities had more than two thirds, an indicator that it was predominantly based on requirements of the law and not community-led gender considerations. This is even further amplified by the fact that women have the least influence during the registration process. Minority groups such as people with disabilities and small clans also tend to be sidelined in some communities as raised by six out of eleven key informants interviewed. They are usually denied their rightful share of land, have their decisions overruled or not included in leadership. This is however not the case in all communities. The land and adjudication officer in Laikipia mentioned that he has seen small groups like Yaku, Mughoghodo (forest dwellers) integrated as is a requirement of the CLA. The youth also seem to be considerably involved and assigned roles such as running errands in the ministry, with some being supported and mentored by elders.

The push for subdivision of land was evident, which raised disputes during the registration process. Eight of the sixteen group ranches (50%) mentioned the occurrence of disputes which were significantly attributed to community desire to subdivide land (85.7%), members who were against registration of land (85.7%) and exclusion of some members from the register (57.1%). While subdivision of land may mean potential challenges for collective management and pastoral livelihoods where people need access to large areas of pasture for grazing, some community members viewed land as an opportunity for development. They mentioned the possibility of using their land as collateral to access loans from formal financial institutions for educating their children and starting businesses.

Non-governmental organizations (NGOs) and county governments both supported communities during the registration process. With an exception of two communities, all the rest reported benefiting from external support from NGOs (98 %) and government (57.1%) during the registration process. NGOs played a more significant role in public awareness sessions, facilitation of community meetings and completion of the registration process. The county government was significantly involved in providing oversight during the election of CLMCs.

Majority of communities stated that they had challenges during the registration process around lack of clarity on the process (73%), low participation (67%) and lack of consensus on desire to register their land (40%). Other challenges that stood out included conflict during CLMC elections (40%), conflict during by-laws development (33%) and government delays (33%). Some communities also mentioned that not everyone had been included in the register with interviewed had all members included in the register submitted.

Support extended to communities during the registration process include: facilitation during development of community by-laws, facilitating CLMC elections, paying for adverts on the leading dailies, community sensitisation, mapping and issuance of titles. Key informants interviewed mentioned challenges such as inaccessibility of government lands offices by communities, vested community interests, inadequate funding, intra and inter community conflicts, leadership wrangles, political interference, elite interference and deeply entrenched cultural practices such as exclusion of women, which made service delivery difficult. Internally, the county government is grappling with bottlenecks such as unstructured and ineffective coordination between national and county government, understaffing, inadequate finance resourcing and lack of political will. Some key informants highlighted that the CLA did not envision the role of county government once the registration process commences. This makes it hard for counties to budget for community land registration as this is a national function.

Communities requested additional support on mapping and development of land use plans. Only two communities (sere olipi and Ilngwesi) currently have land use plans created with support from the FAO and the county government. They also requested continuous support and sensitisation of communities and capacity building for the CLMCs. Just like communities, key informants highlighted the need for continuous community sensitization and CLMC support. After the transition, communities need support to strengthen governance and optimum use of the available land and natural resources through land use planning. CLMC that have transitioned should be trained on good corporate governance and equitable sharing of resources.

Community land registration is a costly affair with the greatest investment being in community meetings followed by surveying and adjudication. Communities spend an average of Ksh 1,191,250 in community meetings stretching to Ksh 4,000,000 for some communities and an average of Ksh 560,000 for land adjudication. The land adjudication fee is for undissolved group ranches who were yet to pay the fee and collect their group ranch titles. Community land registrars require undissolved group ranches to hand over the group ranch titles before being issued with the community land title. The community lands registrar in Kajiado mentioned over 2,000 uncollected titles for both individual lands and former group ranches. This is because they are yet to pay the adjudication costs to get their title, which could be resolved by offering waivers to help communities pick their title. Most communities fund their own registration activities either through support from NGOs (77%), group ranch committees (31%), community harambees/elites (77%) and/or the government (16 %). Ten of the sixteen communities interviewed have either community or undissolved group ranch committee bank accounts to facilitate costs incurred in the registration process. Key informants estimated the cost they would need to effectively support transition of group ranches at an average of Ksh 386,000 ranging from Ksh 20,000 to Ksh 1,500,000. Samburu and West Pokot county government officials reported to have budgeted for 3M and 14M allocation respectively to support group ranches but it was not provided. Laikipia county stood out as the only county that allocated resources and disbursed funds to support communities through the registration process.

These findings necessitated collaborative recommendations and next steps for county government , National Land Commission and Ministry of Lands. Some core recommendations included regular monitoring of key aspects of the registration process, waivers or facilitation of community land registration costs, resource allocation, strengthening coordination, training CLMCs and public awareness.

1.0. Background

Most of the world's land is still stewarded by communities under customary or communal land systems. Billions of people across the world rely on communally managed land and natural resources for their livelihoods, identity and culture. Kenya is not an exception. It is estimated that over 60 percent of all land mass in Kenya is communal owned by indigenous and local communities. Home to over five million Kenyans, these lands have historically been managed by indigenous and local communities. However, increased pressure from multinational companies, local elites, and the need for mega-projects, such as the Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor, and recent oil discoveries have accelerated the allocation of community lands increasing vulnerability among communities. Loss of communal and family lands deprives Kenya's most vulnerable citizens – especially women, ethnic minorities, and indigenous people - of the source of their livelihoods, culture, and identity.

With increased demand for community lands, the need to secure them for communities is apparent. On 21st September, 2016, the Government of Kenya passed the Community Land Act, a progressive law that provides a framework for recognition and registration of community lands. This law further aligns with the African Union heads of states and governments commitment to secure customary lands in the continent. The law protects communities' land rights from encroachment through a registration process that involves the whole community. Prior to registration of the community by the community land registrar and the title issuance, communities must develop or update their membership registers to include all members of the community that includes women,youth and children. They must also elect a Community Management Committee to manage day-to-day affairs of the community, then fill in land claim forms (CLAI) and express interest to have their land registered. Allowing communities to register their lands as a whole by reference to customary boundaries, and then empower these communities to control and manage their land and natural resources strengthens land governance and increases accountability.

Titling of customary and community lands is not without its limitations that any regime must seek to avoid. Literature from other jurisdictions such as Somalia points to possibilities of assault on customary tenure during formalization processes. Under such systems, land management and administration is necessarily devolved to communities themselves. Yet growing land scarcity and increased land competition has been shown to exacerbate local power asymmetries and affect a breakdown in the customary rules that govern land holdings and the sustainable use of common resources (IDLO, 2010)

To address the challenges that may come with formalization of customary and community lands in Kenya, the Constitution of Kenya, 2010 in Article 67(2)(c) placed a responsibility on the National Land Commission to advise the National Government on a comprehensive programme for registration land title throughout Kenya. To ensure that the Ministry of Lands, and Physical planning that is charged with the responsibility of registering land rights and interests perform their roles as stipulated in the constitution, Section 5(2)(b) of the National Land Commission Act 2012 provides that the commission shall monitor the registration of all land rights and interests in land. Monitoring of registration of rights and interests in land is to measure the effectiveness of the registration programmes of title in land by both the Ministry of Lands, Public Works, Housing and Urban Development and the National Land Commission, and helps determine exactly if the programmes are on track. Additionally, monitoring of registration of rights can inform policy design and substantiate the case for policy reform. It enables the assessment of government performance in land administration and policy implementation, and likewise the evaluation of policy effectiveness. Monitoring is an important tool for promoting constructive, inclusive and evidence-based dialogue on land issues.

2.0. Objectives of the Study

The aim of this study was to gather critical information on the challenges, successes, enablers, inclusion among others that are important in informing the registration process. The study also established the extent to which the county government and non-state actors are meeting their obligations in the registration of all land rights. The study therefore sought to address **five specific objectives:** Document the status of the transition to group ranches in Kenya

1. Document the status of the transition to group ranches in Kenya
2. Assess the involvement of the women, youth and other minority groups in the process

3. Establish challenges, hindrances and enablers of the transition process

4. Establish the extent to which the County Government and non-state actors are meeting their obligations in the process

5. Recommend practical measures to fast-track the transition process of group ranches

Assess the involvement of the women, youth and other minority groups in the process establish challenges, hindrances and enablers of the transition process establish the extent to which the County Governmentand non-state actors are meeting their obligations in the process Recommend practical measures to fast-track the transition process of group ranches

3.0. Scope of the Study

According to data from the National Land Commission, as of 2020 , a total of 349 undissolved group ranches exist in the country. These group ranches are expected to transition to community lands in compliance with the CLA, 2016.

S/No	County	No. of undissolved Group Ranches
1	Baringo	4
6	Kajiado	4
7	Kilifi	6
8	Kitui	4
9	Kwale	5
10	Laikipia	13
16	Narok	262
17	Samburu	35
18	Siaya	6
19	Taita Taveta	6
24	West Pokot	4
Total	349	

Table 1: *Summary of undissolved Group Ranches in Kenya*

Namati and the NLC engaged in an MoU to support the commission in its legal mandate of monitoring registration of land rights, specifically community land rights to ensure principles enshrined in the Constitution such as inclusivity, equality are upheld throughout the registration process.

This study phase focused on undissolved group ranches and transitioned group ranches, particularly those that have started the process and those yet to start the registration process. The study was carried out in four counties of Kenya - Laikipia, Samburu, Kajiado and West Pokot. At the point of data collection (October - November 2021), only 10 communities of the 349 undissolved group ranches had successfully transitioned to community land ; representing less than 5 percent of undissolved group ranches. Data was collected from 8 undissolved group ranches that had started the registration process and another 8 yet to start.

The study had a number of limitations that posed a challenge to mobilization of FGD participants, the number of sampled counties and timely dissemination of data from the study. Due to the harsh drought experienced in the Northern part of the country, pastoral communities are forced to move in search of water and pasture. This meant that in some cases, we were unable to get to the targeted community on the set date and time and had to reschedule meetings to ensure that we get to the targeted participants.

Given the budgetary implications of travel, facilitating the costs of all focus group discussions influenced selection of counties and the number of focus group discussions. Time was another limitation. Data collection was done between October and November, 2021 but analysis, validation and final launch took more time. This means that some of the data and information reported may not represent the current reality. For instance, the number of undissolved group ranches that have transitioned has since changed; with more than the reported group ranches having transitioned. The launch was further delayed due to the general elections in Kenya. The findings are recommendation given by this report are not timebound.

4.0. Methodology

The study design was predominantly qualitative using semi-structured interview guides with a hybrid of both open and closed ended questions. Both qualitative and quantitative data was gathered through key informant interviews (KIIs) and focus group discussions (FGDs). A total of 16 heterogenous FGDs, representing 16 undissolved group ranches were conducted with 149 participants sampled from both community members and community land management committees (CLMCs). The selection of the 16 undissolved group ranches was purposive to allow drawing lessons from communities that had successfully transitioned and those yet to transition. The CLMC chair in each community did mobilization of participants. Key informants targeted at county level representing land adjudication officers, county executive committee members, community land registrar and county chief officer lands were purposely selected due to their wealth of knowledge and experience in the community land transition process.

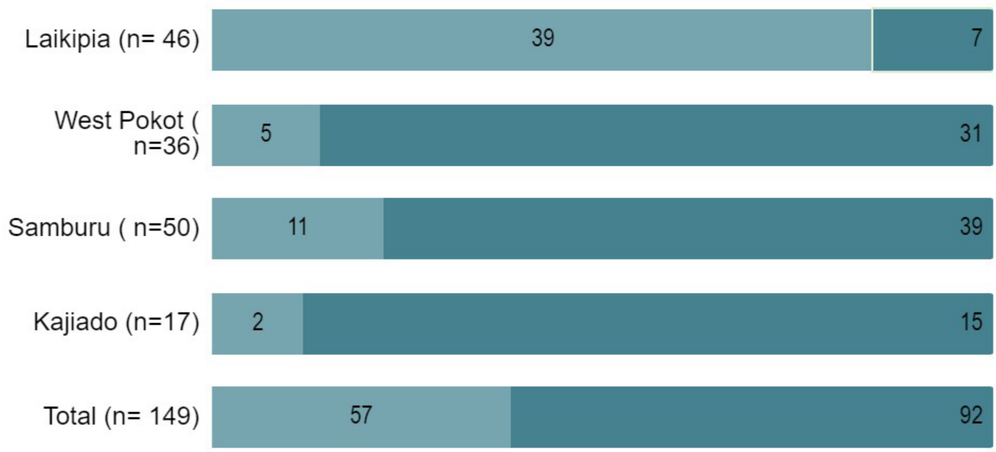


Figure 1: *Number of **FGD** participants per county*

Laikipia	West Pokot	Kajiado	Samburu
CEMC lands (male)	Chief of lands (male)	CEMC lands (male)	CEMC lands (female)
Land adjudication and settlement officer (male)	Land adjudication officer (male)	Land adjudication officer (female)	
Community land registrar (female)	Community land registrar (male)	Community land registrar (male)	Ministry of lands registrar (male)

Table 2: *List of key informants*

A digital data platform (google forms) was used for data collection and management. All data collectors had smart phones. Data was downloaded to excel, cleaned and organized per thematic area. Six core themes, comprising group ranch committee management, community land registration progress, inclusion, challenges /disputes during registration process, external support received and cost of land registration process, formed the basis of a deductive coding process. An inductive coding process was then done to capture emerging trends, key highlights and identification of codes for further quantitative analysis. Codes from the inductive process were summarized as sub-themes under core thematic areas and quantified based on mentions per community. Inferences, trends, divergences and connections across themes, backed by quotes, were then used to develop a narrative with key findings.

5.0. Legal and Institutional Framework on Community Land

Until 2016, community land in Kenya was classified as Group Ranches (established by the Group Representative Act of 1968) or Trust Lands (established by the Trust Lands Act of 1939). According to Namati, 2020 the Community Land Act is not the first law in Kenya to enable local communities to gain legal rights over their land and natural resources. Group ranches were formed under the Land (Group Representatives) Act of 1968 when lands were legally issued to groups, each with its freehold title deed. According to the Act, officials of group ranches were to hold and manage land and other resources on behalf of the entire group for their collective benefit. The objective of the Act was to increase productivity and earning capacity of pastoralists, secure tenure rights, and reduce environmental degradation from overgrazing on communal lands.

However, despite the Act providing clarity on governance structures, in practice, officials of group ranches often abused power for their own benefits. Group Ranch committees that were formed under the Act were not truly representative of communities, as they excluded women and minorities, were often corrupt, and made decisions that were not in the best interest of their community members. In addition, group ranch committees often operated with no checks and balances, giving community members no way to appeal bad decisions. This led to a number of negative impacts such as dispossession of communal land, subdivision of grazing areas, and bad investments.

Trust Lands Act of 1939: This law gave county councils the power to own and manage all land in Kenya that was not privatized or gazetted as public land. The Trust Lands Act set out that the county councils (later county governments) held the land "in trust" for the people who had been the rightful owners and managers of the land. This law took power away from communities and enabled the government to make decisions that were not always in the best interest of communities.

Group Representatives Act of 1968. Under this law, trust lands in some pastoral areas became "Group Ranches" that were formally owned and managed by pastoralist communities. Group Ranch members elected committees that were responsible for the day-to-day management of the Ranches. However, in many cases, the committees did not always act in their community's best interests. In addition, most Group Ranches did not include women on their registers and women did not participate in decision making.

5.1. Overview of Current Laws Related to Community Land

The legal status of all community lands in Kenya changed with the passage of the Constitution of 2010 and the Community Land Act of 2016, which are now the two main laws related to community land in Kenya. The Community Land Act of 2016 repealed the Trust Lands Act and the Group Representatives Act. All Group Ranches are legally required to transition to Community Land and all Trust Lands must be registered according to the Act. The passing of the Community Land Act in 2016 marked a great milestone for local communities and indigenous people in Kenya. Under the Act, communities finally have legal rights to own, manage, and govern the land and natural resources that we depend on for our livelihoods, culture, and identity. Before the Community Land Act was passed, communal and indigenous lands were managed by ineffective Group Ranch Committees or held in trust by defunct county councils.

The Kenyan Constitution sets out principles to guide how communities manage their lands and natural resources. The Constitution sets out the following:

Land in Kenya shall be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable. (Chapter 5, Article 60, Section 1)

Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social spheres. (Chapter 4, Article 27, Section 3)
The State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. (Chapter 4, Article 27, Section 8)

5.2. Conversion of Group ranches to Community Land

Below are steps to be followed in transitioning undissolved group ranches to community land.
The CS shall cause to be prepared an inventory of all land held under the repealed Land (Group representatives) Act, Cap 287 indicating their status and forward it to the registrar CLR shall notify the Group Reps. and its members of the need to convert into a community and invite them to a meeting.
Application for registration shall be made within 12 months of commencement of regulations.
Certificate of registration shall be issued and community's particulars and interest be entered in the register in accordance with Section 8 of LRA Conversion Of Group Representatives
CLR shall require the surrender of Certificate of existing title document and certificate of incorporation issued under the Land (Group Representatives) Act before issuing a certificate of title or lease under CLA. Where existing title document and certificate of incorporation are not surrendered to CLR, they shall be deemed cancelled at the expiry of thirty (30) days
Groups that have already applied for dissolution and issued with certificates of dissolution shall be allowed to finalize the process within three years

Legal Steps to Register Community Land

1. Complete and submit CLA Form 1 (Application for Recognition of Interest/Claim on Community Land). The form can be completed by any 10 members of the community and notifies the government that the community intends to go through the process of legally claiming its land.

2. Elect a 7-15 member Community Land Management Committee (CLMC). The committee must include at least 1/3 women. An official from the County Government must oversee the election.

3

Create participatory bylaws for community land governance, membership and rights, and natural resources management. The bylaws must be formally adopted by at least 2/3 of all adult community members

4

Create a Community Register that includes the names, dates of birth, and ID numbers of all community members 18 years and older.

5

Complete and submit CLA Form 3 (Application for Registration of a Community). This form should be completed by the Community Land Management Committee. This form begins the process of registering the community as a legal entity that can sign contracts, sue and be sued, and nearly all the same rights as a legally registered company. After the government approved the application, the community will receive CLA Form 4 from the government that shows that the community has been officially registered. The 19 community must receive CLA Form 4 before it can continue the land registration process.

6

After the community agrees on its boundaries with its neighbors and recognizes historic shared access rights, the CLMC should complete and submit CLA Form 5 (Application for Recognition and Adjudication of Claim on Community Land). The CLMC must include evidence of the community's land claim. This can be a description of the boundaries, a sketch map, or a GPS map.

7

The government will then put an official notice of the community's land claim in local media and will give anyone with a competing land claim time to notify the government.

8

The government and community will then work together to resolve any land conflicts or completing land claims.

9

After all land conflicts have been resolved, the community will work with a government surveyor to create an official map of the community's land.

10

After the map has been processed by the government, the community will receive a title to its land.

6.0. Key Findings and Discussions

6.1. Demographic Characteristics of Communities

The community land across the four counties lies on a vast area of land ranging from 1000 Ha to 50,000 Ha. Six of the sixteen communities mentioned that this acreage includes public land1, which has been used to set up schools, hospitals, trading centers and police posts among others. 76.9% and 61.5% of communities reported that their land is predominantly for pastoralism/grazing and conservancies respectively. A few communities mentioned beekeeping (15%), mining (15%) and farming (15%). Conservancies are recognized by the Kenya Wildlife Act (2013) as a lucrative land use option for communities and are not only core to wildlife conservation but also livelihood building, enhancing pastoral movements and good governance. An example of this is Girgir group ranch located in Samburu East, which is located on approximately 32,945 hectares of land, with 16,000 Ha set aside for conservancies2. The conservancy is managed by a management board drawn from different members in the group ranch. The community views this land use option as one of their major income earners, surpassing livestock keeping.

---

1 Any land not classified as private or community land under the constitution; and any other land declared to be public land by an Act of Parliament. Public land shall vest in and be held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission

2 https://www.iucn.org/sites/dev/files/import/downloads/cll_kalama_brochure_08.pdf

Figure 2: *Proportion of communities with public land (n=13)*

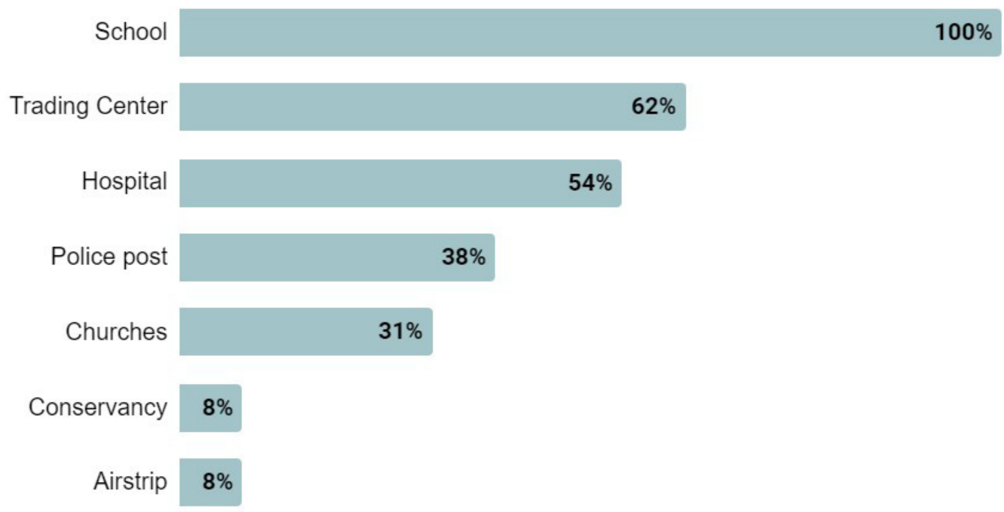
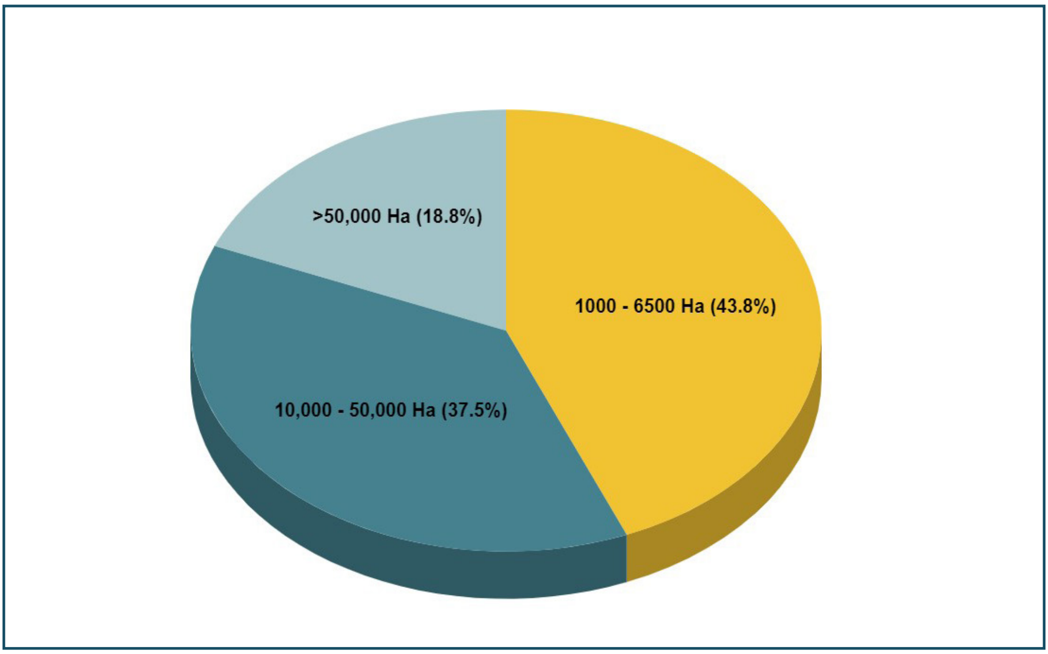


Figure 3: *Hectares covered by community land (n=16)*



6.1.1. Functionality of undissolved group ranch committees

With an exception of Sere Olipi and Ngilai West group ranches, which were registered in 2014 and 2013 respectively, all the other 14 group ranches were registered more than three decades ago between 1973 and 1986. All the sixteen group ranches interviewed have group ranch committees, nine of which still carry out periodic elections; an indicator that group ranch committees remain functional in most communities.

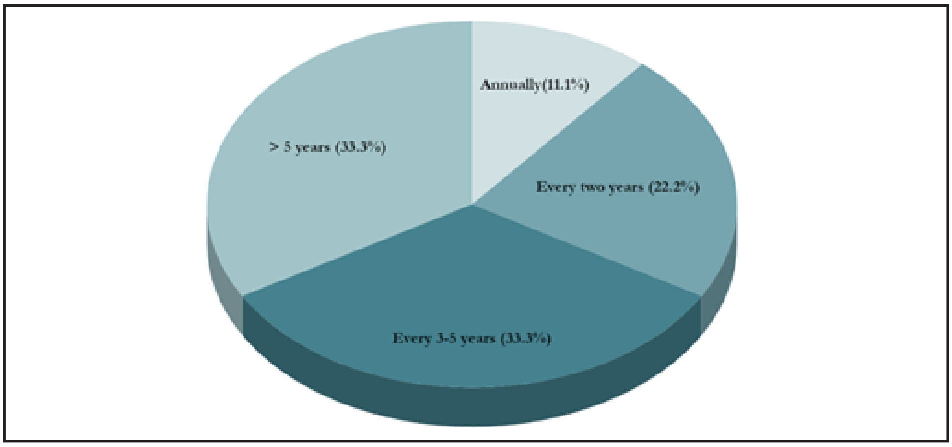


Figure 4: *Frequency of former group ranch committee elections*

FGD findings indicated that group ranch committees mostly made decisions in consultation with communities but still had influence over the final decision. In some communities like Korelach, community members are only informed during 'barazas'3 about key issues and decisions made. Three communities - Ngilai West, Girgir and Tinga B, all from Samburu, mentioned that major decisions were solely made by the group ranch committee members. With the exception of Ngilai West and Tinga B group ranches, women's participation and involvement in group ranch committees was evidently limited. Group ranch committees were heavily constituted of male members, with some having no female members. This amplifies traditional trends of limited participation of women in land management and decision-making, a role that was reserved for male elders. Article 27(8) of the constitution states that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. The requirement of inclusion of women in CLMCs has helped advocate for women empowerment which was previously, and to some extent still is, a barrier to inclusivity (see section 5.4 or report)

3 Swahili word that describes the semiformal and mostly regular public (open air) meetings convened by a local chief for purposes of addressing local issues and facilitating the percolation of state agenda and policy to the grassroots

Group Ranch	County	Proportion of women in undissolved group ranch committees
Ngilai west 1	Samburu	62.5%
Tinga B	Samburu	30%
Pachuk	West Pokot	13.9%
Sere Olipi	Samburu	10%
Chesra	West Pokot	3.1%
Marti	Samburu	2.1%
Ilngwesi II	Laikipia	1.3%
Kurikuri	Laikipia	1.1%
Shompole	Kajiado	0.4%
Gigir	Samburu	0%
Murpusi	Laikipia	0%
Chemchoi	West Pokot	0%
Korelach	West Pokot	0%
Musul	Laikipia	0%
Olkeri	Kajiado	Don't know
Olkeramatian	Kajiado	Don't know

Table 3: *Proportion of women in former group ranch committees*

6.2. Progress of Community Land Registration Process

Registration of community lands confers legal rights to communities as owners of their land. As part of this process, the Community Land Act stipulates that communities elect a Community Land Management Committee (CLMC), generate a community register with all members included and develop a set of by-laws to govern their land. This is to be preceded by adjudication to enable communities to map and document their boundaries for unregistered community lands. It is envisioned that once communities receive a title, they will be able to manage their community land and natural resources under the leadership of the Community Land Management Committees. Fourteen (87.5%) group ranches interviewed took action towards registration of their land. The remaining two communities, Korelach (West Pokot) and Olkeramatian (Kajiado), both intend to subdivide with individuals taking responsibility for their land but have not begun the process.

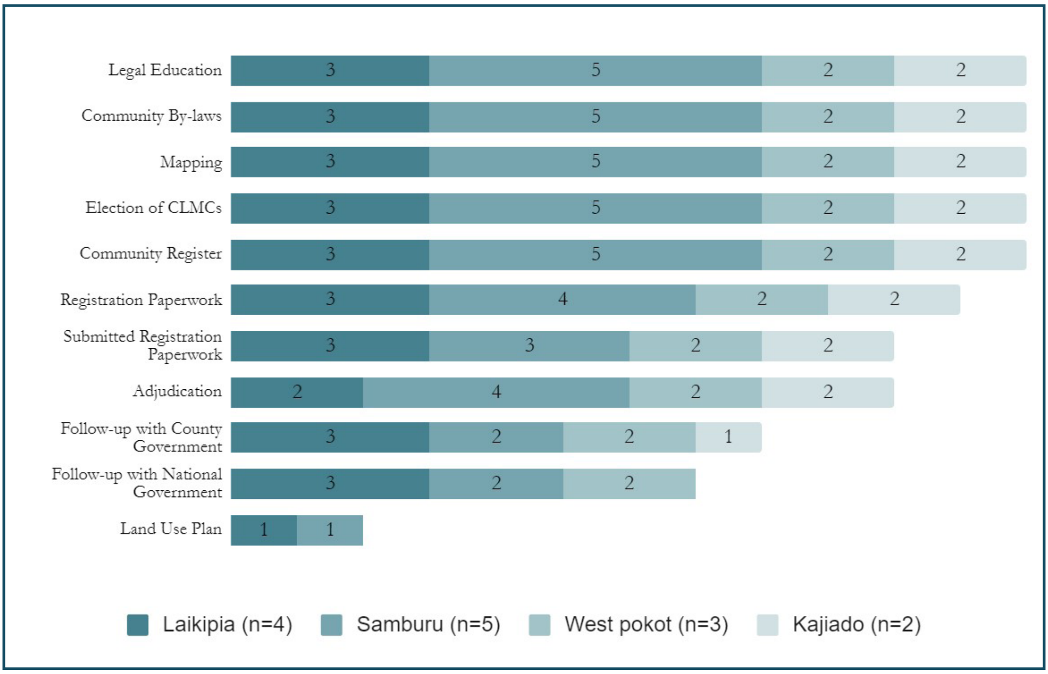
10 communities (62.5%) have completed and submitted paperwork for registration, of which five have received titles (at the point of collection of this data.). It took these five communities a period of 1-2 years from starting the process to obtaining a title deed. Some communities like Marti and Tinga B, who have already submitted paperwork and yet to receive a title, have so far spent 3 and 5 years respectively through the process of applying for registration. This is despite the government commitment to hasten registration of community land in a bid to end intra and inter community conflict. The land adjudication and settlement officer in Laikipia attributed this delay to covid. County land officials also attributed delays to challenges such as inadequate budgetary allocations, understaffing and lack of coordination at national and county level which affect the extent to which they are able to support communities. Most delays seem to happen after submission of paperwork to county lands offices. However, some communities get stuck due to conflicts during CLMC elections, development of community register and by-laws development.

> *"If it was not for Covid, we would have finished transitioning all group ranches in Laikipia, AJS has also been helpful in resolving disputes resolution"*
> **˜ key informant, Laikipia**

> *"Happy with the process of transition but unhappy with the pace due to covid 19 ministry of health measures that have slowed done the process of registration yet the community is ready to start the process as they await the date of elections"*
> **- FGD, Kurikuri**

Ten of the sixteen communities (62.5%) interviewed reported disputes with neighboring communities due to boundaries and natural resources. The county executive committee member, Laikipia suggested a research to look at the role of education in the effectiveness of community local land and natural resource governance. According to him, there was more harmony in many group ranches, but now community members are fighting over resources, leadership amongst other things. There is therefore a need to figure out why and how to minimize these conflicts in communities where there is already tension with the leadership on resource sharing.

Figure 5: *Communities that have completed different levels of registration activities*



An analysis of community perceptions indicated that the registration process resulted in a greater sense of tenure security (62.5%) , strengthened governance structures (73.3%) and more

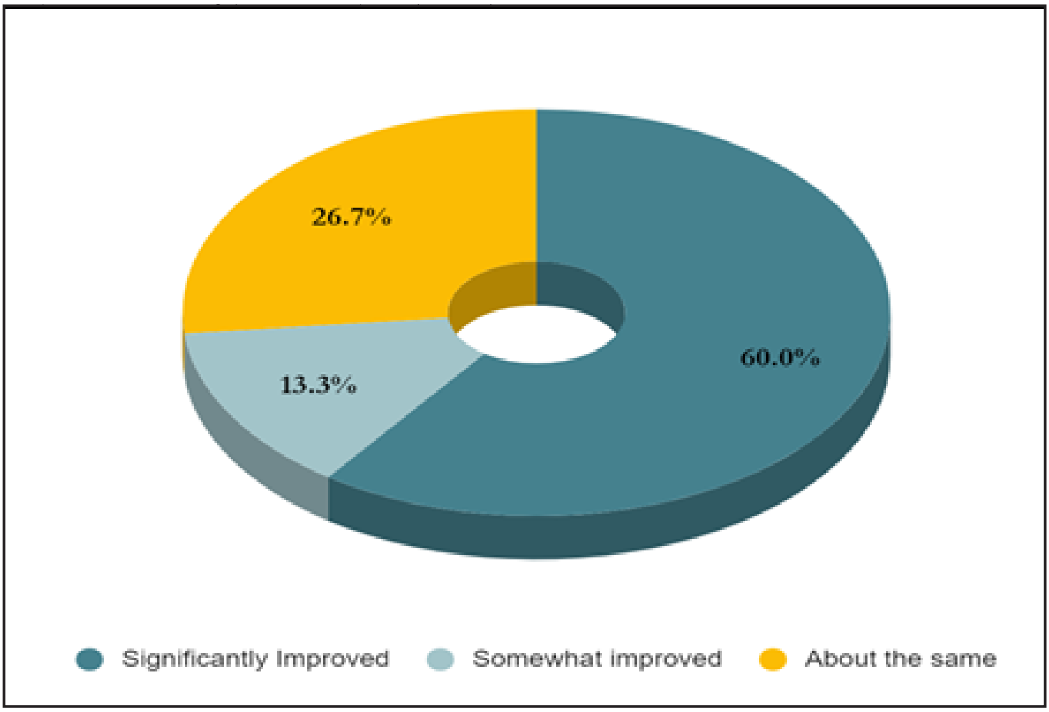


Figure 7: *Community perception of member involvement in decision making post registration process*

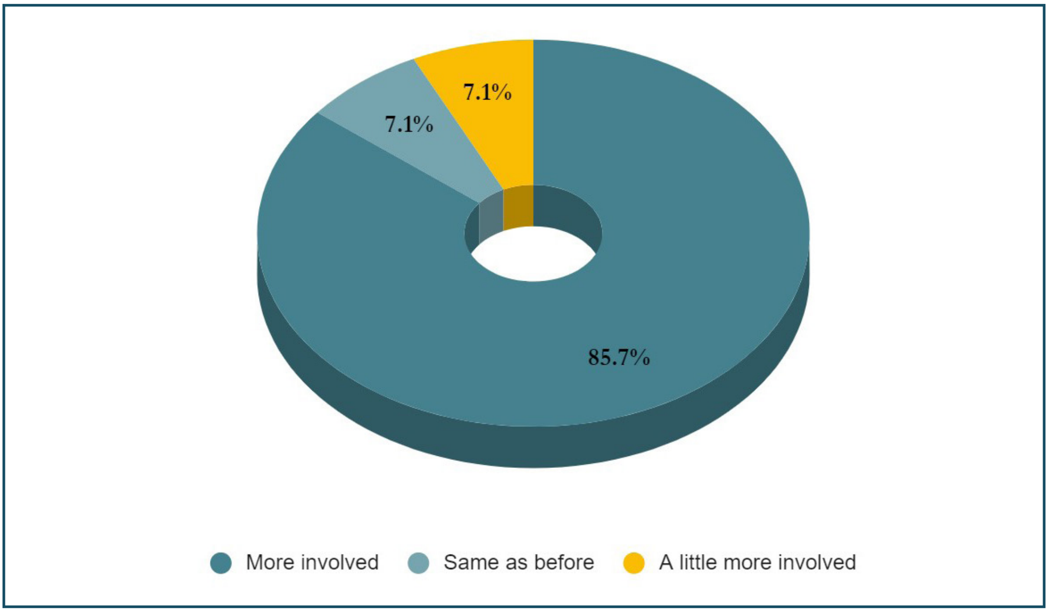


Figure 8: *Community perception of improvement in governance post registration process*

6.2.1. Cost of land registration process

Community land registration is a costly affair with greatest investment being in community meetings and placing notice on the leading dailies. Communities spend an average of Ksh 1,191,250 in community meetings stretching to Ksh 4,000,000 for some communities and an average of Ksh 560,000 for land adjudication. The community lands registrar in Kajiado mentioned over 2,000 uncollected titles for both individual lands and former group ranches. This is because they are yet to pay the adjudication costs to get their title, which could be resolved by offering waivers to help communities pick their title. Most communities fund their own registration activities either through support from NGOs (77 %), group ranch committees (31%), community harambees/elites (77%) and government (16 %). Ten of the sixteen communities interviewed have either community or undissolved group ranch committee bank accounts to facilitate costs incurred in the registration process.

Activity	Range (Ksh)	Average (Ksh)
Community meetings	130,000 - 4,000,000	1,191,250
Transport	150,000 - 500,000	300,000
Submitting paperwork	Data not available	Approx. 20,000
Newspaper adverts for CLMC	70,000 - 100,000	81,000
Surveying and adjudication	Data not available	Approx. 560,000
Government Officials	5000 - 500,000	185,000

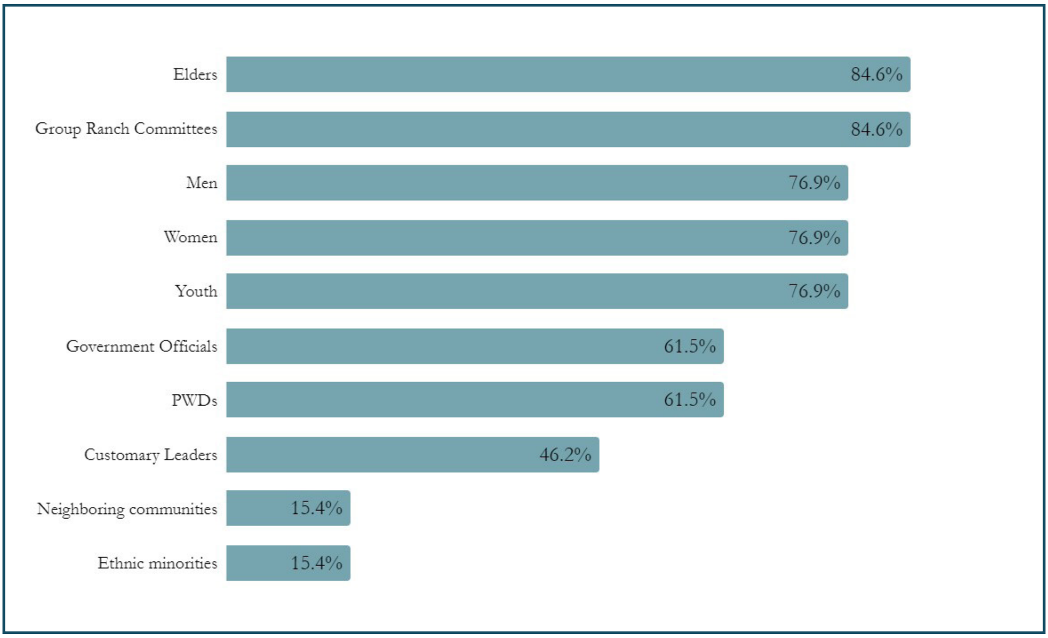
Table 4: *Approximate cost incurred by communities in registration process*

Key informants estimated the cost they would need to effectively support transition of group ranches at an average of Ksh 386,000 ranging from Ksh 20,000 to Ksh 1,500,000. Samburu and West Pokot reported to have budgeted for 3M and 14M allocation respectively to support group ranches but it was not provided.

6.3. Inclusion: Involvement of women, youth and minorities in registration process

The community land registration process was participatory. Each community mentioned involvement of diverse groups comprising men, women, youth, people with disabilities and to a small extent neighboring communities and ethnic minorities. Elders and group ranch committees remain core to the process with the majority of communities mentioning them as being influential in the process. According to some of the youth, group ranch committee members and elders have been existent for decades and are highly respected and influential because they hold most of the community's historical knowledge.

Figure 9: *Proportion of communities that involved different groups in the registration process*

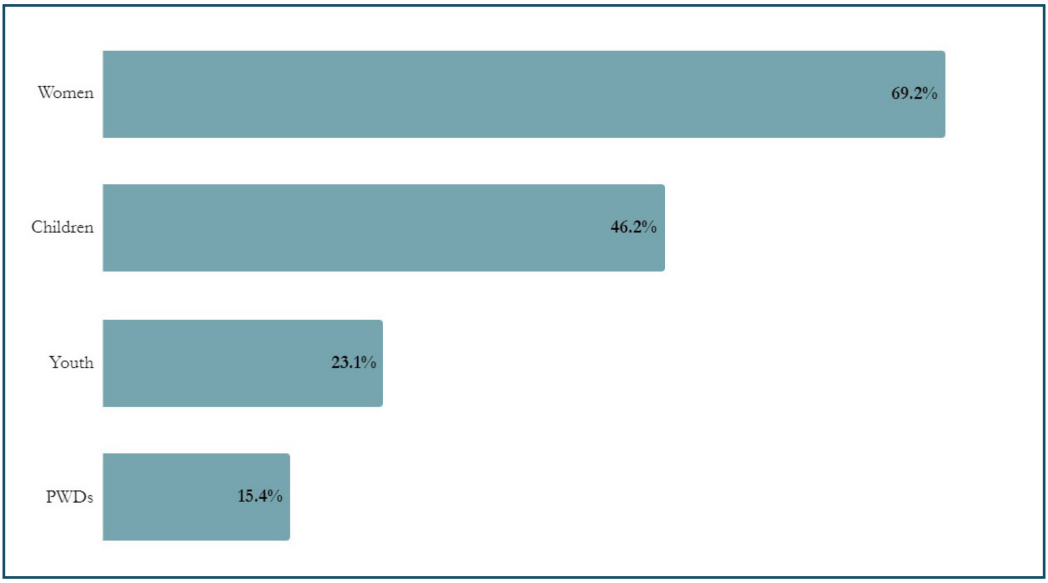


All key informants mentioned that the participation of women is still wanting and driven by the community's push to fulfill two third gender requirements of the law. Their participation in the registration is neither meaningful nor structured due to cultural beliefs (81.8%), low literacy (45.5%) and gender roles (27.3%). Cultural beliefs and practices render women unequal to men and deny them the autonomy of taking up leadership positions and having their opinions taken seriously. This is especially dominant in matters of land and governance, a role that was traditionally reserved for men.

> *" For many communities, they are forced to comply by the law, there is resistance to include women and allow their effective participation. The Act envisions women being part of the process, however, in many communities, they cannot participate alongside the men. Participation is not meaningful, just fulfilling the minimum requirements"* ~ **Key Informant , Laikipia**

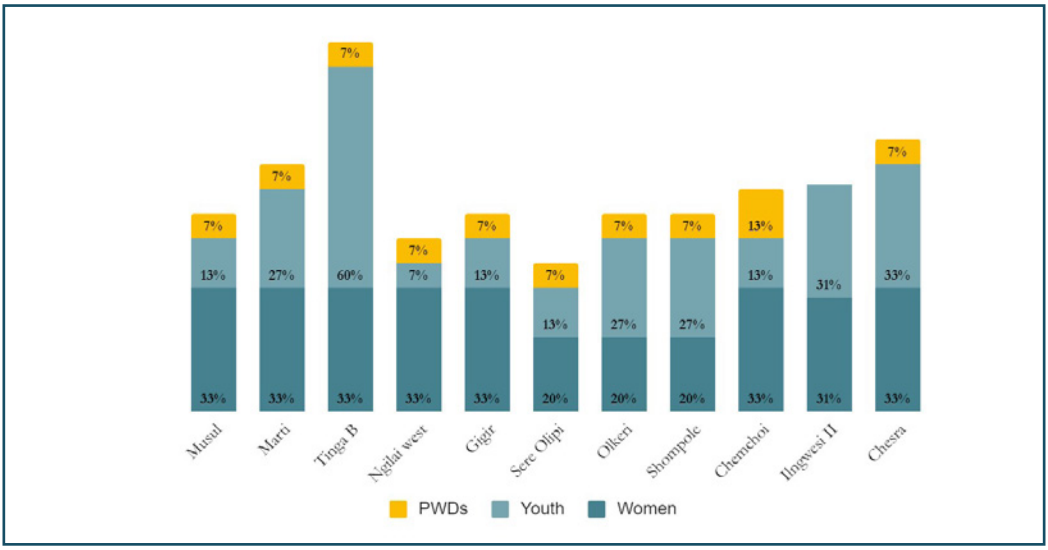
> *"Adding women into the register was resisted by most members"* - **FGD, Olkeri**

Figure 10: *Proportion of communities reporting groups with least influence in registration process*



The inclusion of women as a fulfillment of the law was also evident in the focus group discussions. Most communities with CLMCs adhered to the two thirds rule, with a few having slightly less proportion of women. None of the communities had more than one thirds, an indicator that it was predominantly based on requirements of the law and not community-led gender considerations. This is even further amplified by the fact that women have the least influence during the registration process. The ability of women to meaningfully contribute and have their opinions considered during meetings is still unsatisfying. This is however an improvement in inclusion of women in decision making structures as compared to former group ranch committees that were male dominated. In at least 90% of communities, women representation in former group ranch committees ranged from 0% to 14%.

Figure 11: *Proportion of women, youth and PWDs in CLMCs*



According to one of the key informants, there is a need for more effort to ensure that women are viewed as legit members in leadership. He cited a situation where the registrar refused to accept an application from a community because the CLMC members were only men. Their approach to resolving this was removing five men from the register to replace with women for formality. The five men were then included in the lodge management committee. The county government officials stated that they have put in some level of effort to push for meaningful participation and inclusion of women through civic education and sensitization, strategies to relieve women of their gender roles and improved access to education for women. Examples of strategies they have used include: public education and sensitization to encourage men to include women in all land matters, enhancing school education for women to ensure that more women are educated and building dams to free the productive roles such as walking long distances to fetch water. Participation is a key principle in the Constitution of Kenya and in successive land laws including the Community Land Act. Group ranches were notorious for excluding women in their membership, with only widows and a few elite women finding their way into the community register. The CLA is clear that all members of the community must be in the register regardless of their gender. Community land registrars must therefore scan through the submitted community registers to ensure that no woman is left out. This could be done through looking at the percentage of women in the register against the national population of women. Registrars should encourage women to report any cases of their exclusion throughout the registration process. Where a community register excludes women, the registrar must decline to process the application for registration, and instead provide guidance that will ensure inclusion of all before re-submitting the application forms.

Minority groups such as people with disabilities and small clans also tend to be sidelined in some communities as raised by six out of eleven key informants interviewed. They are usually denied their rightful share of land, have their decisions overruled or not included in leadership. This is however not the case in all communities. A key informant in Laikipia mentioned that he has seen small groups like Yaku, Mughoghodo (forest dwellers) integrated as is a requirement of the CLA. The youth also seem to be considerably involved and assigned roles such as running errands in the ministry of lands, with some being supported and mentored by elders.

6.4. Challenges During the Registration Process

During community meetings, it is important that communities reach a consensus on interest to register their land; through a participatory process that also includes women, youth, people with disabilities amongst other minorities. Communities should be taken through a process of community awareness sessions to help them understand provisions of the law and their role in meaningfully participating in the process. Despite these requirements, the majority of communities stated that they had challenges around lack of clarity on the process (73%), low participation (67%) and lack of consensus on desire to register their land (40%). Other challenges that stood out included conflict during CLMC elections (40%), conflict during by-laws development (33%) and government delays in finalizing the process (33%). CLMC elections as undissolved group ranches transition to community land sets the stage for power shift from the previous undemocratic group representatives to a more progressive CLMC. The tag of war in most of the CLMC elections is between the old leadership who still want to clinch on power and the quest for new leadership.

Some communities could not get a registrar to oversee the CLMC elections, which could have made it more difficult for communities to conduct proper elections, leading to conflict. Some former group ranch leaders had become quite wealthy and influential, other political leaders (MPs) leveraged on their popularity further empowering them. Some of them would ferry voters from far places to come and vote in their favor. All these tendencies further complicated the elections as some previous group ranch leaders weren't willing to relinquish their powers yet communities members who had experienced their poor governance and corrupt tendencies sought to vote them out. Some communities also mentioned that not everyone had been included in the register with some specifically mentioning exclusion of women. Only 3 of the sixteen communities interviewed had all members included in the register submitted.

Challenges faced during registration	Proportion of communities
Unclear about what to do to register land	73.3%
Low participation	66.7%
Conflicts during Community Land Management Committee election	40.0%
Not everyone in community wanted to register community land	40.0%
Government Delay in processing application	33.3%
Conflicts during the process of creating bylaws	33.3%
Not all community members included on register	26.7%
Difficulty getting registrar to oversee CLMC election	20.0%
Financial Constraints	20.0%
Conflicts on women inclusion in Register	13.3%
Difficulty completing paperwork	13.3%
Land has not been adjudicated	6.7%
Lack of information	6.7%
People were not sure what it means for all to be involved	6.7%
Lack of National Identification Cards	6.7%

Table 5: *Challenges faced by communities during registration process*

The push for subdivision of land was evident, which raised disputes during the registration process. Eight of the sixteen group ranches (50%) mentioned the occurrence of disputes, which were significantly attributed to community desire to subdivide land (85.7%), members who were against registration of land (85.7%) and exclusion of some members from the register (57.1%).

"Some community members were against registration. They wanted to subdivide and privatize community land" - **FGD, Chesra**

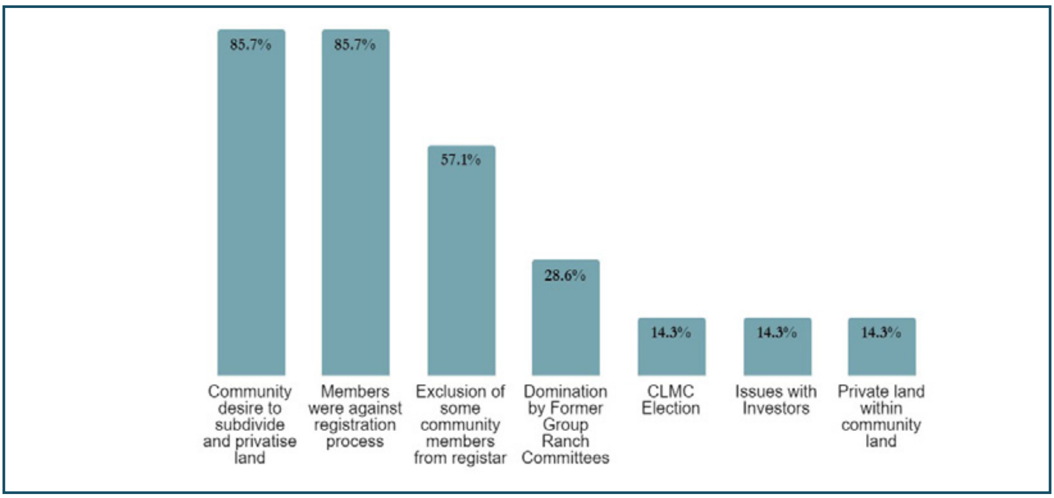
"People feared that including everyone in the register will mean smaller pieces of land for original members" - **FGD, Marti**

We want to be supported to subdivide and have our individual title deeds, That's our focus. - **FGD, Korelach**

While subdivision of land may mean potential challenges for collective management and pastoral livelihoods where people need to access large areas of pasture for grazing, some community members viewed land as an opportunity for development. They mentioned that they could use their land as collateral to access loans from formal financial institutions for educating their children and starting businesses. In Marti community, Samburu, the fear that inclusion of everyone in the register would mean less land allocated to original owners was the reason behind not wanting to include everybody in the register. This could most likely be the reason behind conflicts around inclusion of women in community registers. Subdivision restricts livestock mobility due to shrinking of grazing areas and fencing of what was previously grazing lands. Subdivision worsens the brunt of drought as physical boundaries and fencing off private lands are diminishing common grazing areas of pastoralists. The push for subdivision is partly due to the exception that eventually, the land will be subdivided, and so the necessity to subdivide now while the number of names in the register is still small so members can get larger parcels. This could be overcome once members understand that the CLA seeks to further strengthen collective ownership. In addition, some of the desire to subdivide is fueled by the urbanization and adoption of farming which require permanent individual ownership. This can also be handled through clear land use planning and allocation of individual parcels to members as articulated in Section 27 of the CLA.

All communities were able to solve the disputes through barazas, elders and CLMCs. The lands registrar in Kajiado thinks communities are very receptive and willing to transition to community land; some undissolved group ranches with consent to subdivide desire to register as community land rather than subdivide.

Figure 12: *Reasons for disputes during registration process*

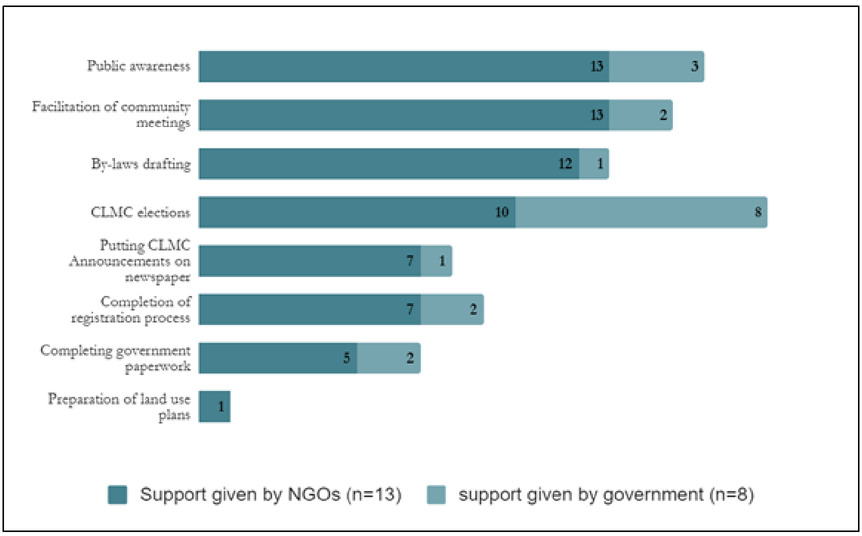


6.5. Participation of County Government and NGOs in Registration of Community land

Non-governmental organizations and county governments both offered some solid support during the registration process. With an exception of two communities who were not sure, all the rest reported to have benefited from external support during the registration process; specifically from non-governmental organizations (98 %4) and government (57.1%5).

According to FGDs with communities, non-governmental organizations such as IMPACT, FAO and NRT seemed to play a significant role in public awareness sessions, facilitation of community meetings and completion of the registration process. The county government was significantly involved in overseeing the election of CLMCs. Key informants did acknowledge their role in community sensitisation, participation in CLMC elections, completion of community register and by-laws development amongst other functions such as adjudication, supporting transition of group ranch committees, issuance of titles and submission of inventories to the ministry. All of them supported communities through the process by either working with them to develop by-laws, facilitating CLMC elections, putting adverts on the dailies, community sensitisation , mapping or issuance of titles. This was however not without challenges.

Figure 13: *Number of communities that received various forms of support from NGOs and government*



4 *thirteen of fourteen communities received support from NGOs*

5 *eight of fourteen communities received support from government*

County officials mentioned challenges such as inaccessibility of government lands offices by communities, vested community interests, inadequate funding, intra and inter community conflicts, leadership wrangles, political interference, elite interference and deeply entrenched cultural practices such as inclusion of women, which made service delivery difficult. A key informant from Laikipia highlighted that Ksh 200,000 was allocated in the county budget for a group ranche transition and remained unutilised at the end of the financial year due to political interference and vested community interests. Mobilization of communities in Samburu also posed a challenge given the pastoralist nature of communities, who keep moving from one settlement to the next. Internally, the county government is grappling with bottlenecks such as unstructured and ineffective coordination between national and county, understaffing, finance resourcing and political will. A key informant from Laikipia stated that the CLA did not envision the role of county government once the registration process commences. Political goodwill is key to pushing the agenda as well put by one of the officials in Laikipia. The process was made easier because he had a very supportive governor who was committed to supporting communities.

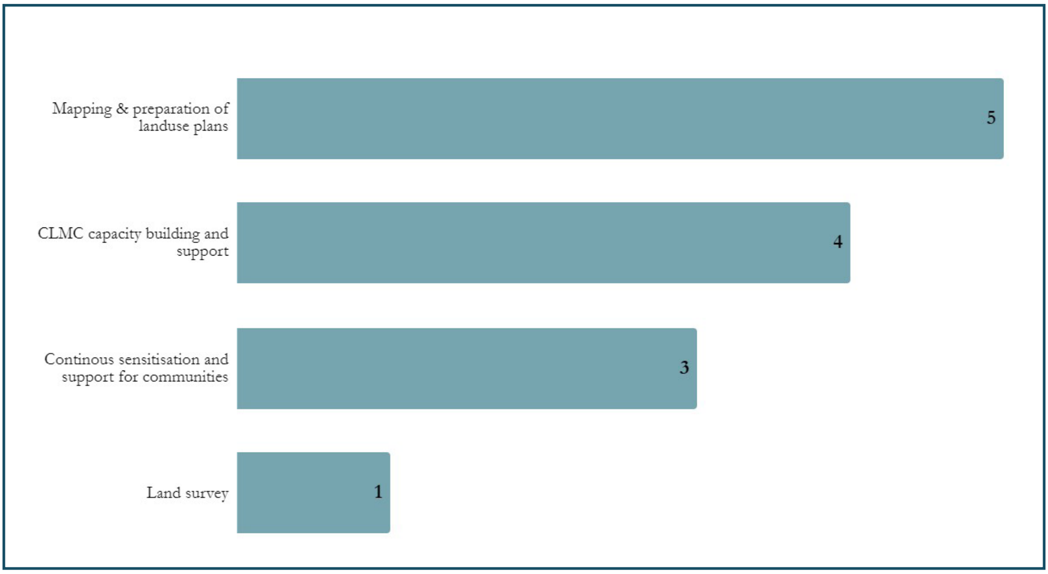
"Sometimes, we drive down to communities and have to cancel meetings due to conflicts. As the registrar, I do not have power to resolve disputes especially on membership. Cases of individual people in the community that have individual titles such as in Kurikuri. This has brought about huge disputes as the individual owners want to also be included in the community. The problem is that the individual titles are first registration which is so difficult to cancel/revoke. Kurikuri has filed a historical land injustice claim and may go to court. After elections, the act provides that they should be registered in 14days, however the communities delay and there is nothing you can do" ˜key informant, Laikipia

"Language barrier is also a challenge, most laws are written in English, and most staff are not able to speak in the local languages" - key informant, Samburu

"Communities are adamant to change(Inclusion of women) so women are excluding themselves, Traditional systems are still very predominant. Communities are also having difficulty in accessing Government services(Registrar based in Nyahururu), Samburu has no land registry" - key informant, Samburu

Seven of the thirteen communities (54%) that received support indicated that the support was adequate. . Additional support on mapping and development of land use plans was top of their list. Only two communities (sere olipi and Ilngwesi) currently have land use plans developed with support from FAO and county government. They also requested for continuous support and sensitisation of communities in addition to capacity building for CLMCs. Sere Olipi for example specifically mentioned a knowledge gap with regards to how they can deal with post-registration challenges and to better secure their land. Korelach community on the other hand would like to be supported to subdivide and obtain individual title deeds. The community assumes they have dissolved but do not have a formal notice of dissolution. They did make payments allegedly to facilitate adjudication, but that is yet to happen. The community will be heading to Kapenguria to meet the registrar and adjudication officer to seek for a copy of their consent to dissolve the group ranch and to move forward for adjudication.

Figure 14: *Number of communities requiring various forms of support*



Just like communities, key informants highlighted the need for continuous community sensitization and CLMC support. After the transition, communities need support to strengthen governance and optimum use of the available land and natural resources through land use planning. Key informants indicated that most group ranches identified themselves with individuals and not existing structures. Transitioned group ranch CLMC's should be trained on good corporate governance and equitable sharing of resources.

Recommendations and Advisory

The recommendations below are informed by the study findings above and complemented by experience of the NLC and Namati . We highlight pressing needs and recommend potential solutions that uphold the principles of the Constitution on equality, participation among others. These recommendations and advisory are made on the basis of Article 67(2)(c) of the Constitution and section 5(2)(b) of the NLC Act,2012 The NLC and Namati make the following key recommendations targeted to key institutions relevant in the effective implementation of the CLA. to ensure the registration process is efficient, effective and accessible to communities:

7.1 Recommendations for the Ministry of Lands

The Ministry 'of Lands and Physical Planning should **help communities in placement of adverts in newspapers calling for community meetings by the community land registrar so as to reduce the burden from communities who may not afford such costs.** Waive or facilitate costs incurred during the registration processes to remove barriers to registration for rural communities. Findings of this study points to the fact that communities spend an average of Ksh 1,191,250 in community meetings stretching to Ksh 4,000,000 for some communities and an average of Ksh 81,000 for newspaper adverts for CLMC elections notice. These amounts are unrealistically high for most communities living on community lands and may hinder their ability to pursue registration and secure their lands.

Adequately resource the implementation of the CLA- Ministry of Lands, Public Works, Housing and Urban Development should secure adequate resources to facilitate community land registration process. Additionally, the Ministry should also develop and share estimated costs for the registration process as part of their commitment to transparency and to minimize corruption on the part of community leaders who may take advantage to levy unnecessary charges on vulnerable members. When communities have a guide on what costs they must meet, then scrupulous dealings are less likely to occur.

Speed up the registration process without compromising the quality of registration - Delayed registration of community lands means that communities continue to be vulnerable to dispossession and are unable to tap into the benefits of registration. At the time of the study (October, 2021) only 10 undissolved group ranches had transitioned to community lands. This number is clearly a drop in the ocean considering the thousands of communities awaiting to register their lands. The National Land Policy(NLP 2009) had identified the lengthy time taken to register land through the land adjudication process and community land registration was seen as a remedy. It is now more than 6 years since enactment of the Community Land Act,2016 and about 27 undissolved group ranches have so far transited to community land.

Deploy adequate staff to ensure a timely registration process - Key informants pointed to the fact that key personnel such as the community land registrars are not dedicated purely for community lands but serve other tenure systems. Dedicated community land registrars are likely to be more effective in fulfilling their role and offer more guidance to communities as they go through the registration process. Some counties do not have community land registrars as was pointed out in Samburu .

Clarify the role of the county government and strengthen coordination between National and County government - County governments have a role to play in the registration process. However, key informants identified lack of clarity of roles and responsibilities and poor coordination between the Ministry and the county governments as a hindrance to the registration process. Strengthened coordination should also be accompanied by regular and timely sharing of information between the two levels of government.

Offer support to counties to address technical issues on registration - In addition to offering guidance, the ministry should provide technical support to counties to address challenges they encounter in delivering their roles within the registration process. This includes support in ensuring accurate development of community land inventories.

Continuous training for community land registrars and county officials on their role and the registration process - Community land registrars, CLRs and county officials interviewed noted that the registration of community land rights is a new area for most of them. They are constantly faced with challenges that can be addressed through continuous capacity building platforms including opportunities for peer learning among CLRs.

Uphold constitutional principle of inclusion in the registration process - Study findings indicate that the participation of women in the registration process is still wanting and driven by the community's push to fulfill two third gender requirements of the law. Their participation in the registration is neither meaningful nor structured.

This is further reflected in the community membership registrar that indicates a low number of women as members-an average of 30 percent yet women make the majority of the Kenyan population. CLRs need to review registers to ensure they are meeting the requirements for inclusion and guide communities on the benefits of inclusion of women and minority groups.

Continuous public awareness and education - Low awareness level among community members is highlighted in the study as a hindering to effective registration process. As envisioned in the law, the Ministry of Lands, Public Works, Housing and Urban Development should roll out a comprehensive and continuous public awareness program at the community level. Such public awareness forums should not only be done in urban areas, but should be decentralized to the local level- ward level. Where possible, similar to the Ministry of Agriculture that has extension officers, the ministry should employ and deploy community land extension officers to offer continuous support to communities during the registration process.

In partnership with county governments and the NLC, create dispute resolution committees at county level to deal with emerging conflicts during the registration process that could delay or stall the registration process.

Standardization of registration practices including fees for transitional communities

Data collected from Key Informants and Focus Group Discussions points to discrepancy in registration processes in the different counties. The discrepancy was also reported in the registration fees and other costs relevant to registration. There is a need to harmonize community land registration procedures, processes and practices across all counties

7.2 Recommendation for County governments

Set aside dedicated resources to help defray costs for communities in the registration process - County Governments should set aside resources to support and guide communities that are keen to register their land. Study showed great progress in the registration process for communities in counties like Laikipia that had set aside resources to support communities in the registration process.

Sensitization on public awareness- As envisioned in the Community Land Regulations, county Governments should undertake continuous public education and awareness programmes education and awareness on the Act to allow communities understand the registration process

7.3 Recommendations for the National Land Commission

Regularly monitor key aspects of the registration process and advise the ministry in improving the registration process - The NLC should at least monitor the progress of community land registration every two years and recommend areas of improvement. Based on this study, key areas for monitoring include Gender inclusion, registration costs, strengthening community governance over their lands, security of tenure, sustainable use of the land and natural resources, conflict management, personnel capacity and speed and accuracy of registration.

NLC should urgently map out and document all public land within community land that was created after registration of group ranches that is now included in the titles issued to undissolved group ranches that have transited

NLC should monitor and provide oversight for the development of land use plans that are prepared by registered communities

7.4 Recommendations for Non-State Actors

Offer continuous training and capacity building for CLMCs and support as they take up their role in managing community lands. Most CLMC's indicated not having been trained on their roles and responsibilities, yet they are required to carry out their roles with fairness and equity. Non state actors can support through exposure visits, peer learning and tailored training for the CLMCs.

Support public awareness efforts on the CLA - Communities need targeted support to go through key steps, particularly bylaws and conflict resolution. In addition, inclusion and participatory decision-making remains a gap. This requires careful facilitation, public awareness and ongoing engagement. Additionally, the support should be spread across all counties and not concentrated in only a few. Data collected points to the fact that support to communities is over concentrated in only a few counties such as Laikipia.

7.5. Recommendations for Communities

Communities should strengthen collective voice and agency to better engage with policy makers on the registration process.

Communities should embrace inclusivity throughout the registration process and ensure that women and other marginalized groups are not left out.

NAMATI