

TRAINING AND HUMAN CAPACITY BUILDING IN THE LAND SECTOR IN THE CONTEXT OF IMPLEMENTATION OF NEW LAND POLICIES AND REFORMS IN LAND ADMINISTRATION SYSTEMS: SOME REFLECTIONS FROM KENYA

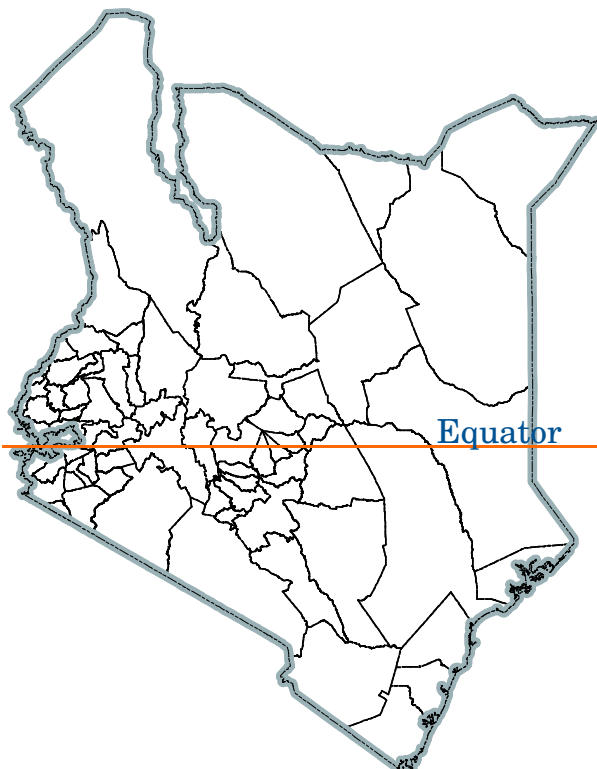
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“Engaging the Challenges, Enhancing the Relevance”

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KENYA – GEOGRAPHIC AND POLITICAL CONTEXT



- Eastern Africa
- 5° N - 5° S and 34° E – 42° E
- Area: 582 646 Km²
- Former British colony until 1963; new constitution since 2010.
- Population: 40 million (est.)
 - (Urban - 22%; Rural - 78%)

KENYA – LAND USE CATEGORIES

	<i>Category</i>	<i>Area (Km²)</i>	<i>Percentage of Total Land and Water Area</i>
1	Forest	7,084	1.2
2	Government Reserve	492	0.1
3	Townships/urban area	1,812	0.3
4	Private land use	33,397	5.7
5	Game Reserves	13,691	2.3
6	National Parks	3,149	0.5
7	Communal Land use	457,449	78.5
8	Total area of surface water	11,230	1.9
	<i>Total Land and Water</i>	<i>582,646</i>	<i>100.0</i>

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INTRODUCTION

- The Ministry of Lands, in consultation with stakeholders set out a framework for implementation of New Land Policy, including institutional restructuring required by both the Constitution and National Land Policy.
- The framework aims to provide for human capacity development and mechanism for financing the implementation of the process.

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OBJECTIVES OF THE STUDY

1. To assess human capacity development needs required to implement the new land policies and develop a human capacity building (training) program in Kenya within the new constitutional dispensation
2. To develop a generic scoping methodology for assessment of human capacity needs and design human resource development programs for other countries undertaking new land policy or land reforms



INSTITUTIONAL CONTEXT

- ❖ Ministry of Lands has been the main Government Institution charged with ensuring proper land administration and management
- ❖ Other actors in the Land Sector consist of:
 1. Other State Institutions (Local Authorities, Ministries of Environment, Agriculture, Water etc.)
 2. Non state actors – Professionals and para-professionals in private sector; the civil society; citizens and non-citizens



METHODOLOGY

- ❖ The study utilized three lines of inquiry:
 1. **The demand side analysis:** addresses the issue of key personnel and necessary core competencies required for implementation of the new land policies within the new institutional setup
 2. **The supply side investigation:** to identify and characterize the training presently on offer and propose a framework for human capacity building (training) program in Kenya
 3. **The cost analysis:** costing requirements of meeting the demand, identifying possible sources of funding, and analyzing scenarios.



TRAINING NEEDS ASSESSMENT

- ❖ Training needs are the shortfalls in performance that require to be supplied by systematic instruction:
- ❖ $P - DK = TN + E_i$; where
 - P = is what and how the employee should perform (current and future)
 - DK = is what the employee already knows and does
 - TN = are the training needs
 - E_i = Unexplained factors
- ❖ The training needs are informed by both current performance gaps as well as future needs (the new roles and functions) that might arise from the new policy and accompanying institutions.



APPROACH TO DATA COLLECTION AND ANALYSIS

- ❖ Data for the study was collected from both state and non-state actors in land.
- ❖ Data was collected through questionnaires, interview schedules and focused group discussions from:
 1. The Ministry of Lands in Nairobi, from sixteen (16) representative Counties in the country.
 2. Training Institutions (public and private)
 3. Private sector and civil society



MINISTRY OF LANDS TRAINING CHARACTERISTICS (1)

- ❖ Most of the career training opportunities, offered to employees by the Ministry, included senior management course (for managers), basic survey and induction courses for newly posted staff, and basic land management for new clerical staff.
- ❖ Basic computer training has been offered to only 6 out of every 100 members of staff since joining the Ministry.
- ❖ 33% of the employees have not had any training since employment



MINISTRY OF LANDS TRAINING CHARACTERISTICS (2)

- ❖ When requested to identify their preference for training, employees chose computer/ICT courses, followed by senior management and supervisory courses and record management courses and land law
- ❖ Training preference by employees varied by functions
 - Demand for record management courses was higher by those involved in land administration and land adjudication and settlement functions
 - Physical Planners preferred courses in GIS and Remote Sensing courses.
 - Land Adjudication and Settlement Officers indicated strong preference for basic survey courses



CHALLENGES IN ACCESSING TRAINING

- ❖ The main challenges in accessing career and professional training in Counties away from Ministry Headquarters and sample counties were reported as:
 1. Lack of support and poor communication whereby information reaches potential candidates late or not at all
 2. Lack of relevant courses
 3. Perceived bias in selecting staff for the training



CAPACITY GAPS

Overall Gaps	
• Adapting to changes in the new dispensation	XXV International Federation of Surveyors Congress, Kuala Lumpur, Malaysia, 16 – 21 June 2014
• Customer care/ image change/integrity/attitude change	
• Proficiency in modern computer skills	
• Knowledge of modern record management systems	
• Gender and power relations in land	
• Knowledge of minority land rights	
• Knowledge of land policy provisions of the new constitution	
• Knowledge of environmental sustainability	

CAPACITY GAPS

Land Administration, Valuation and Registration	
• Preservation and backup of Land Records	XXV International Federation of Surveyors Congress, Kuala Lumpur, Malaysia, 16 – 21 June 2014
• Efficient and timely verification of documents and detection of fraudulent documents	
• Specialized training in Land Law and Registration Procedures	
• Computerized tracking of movement of files in the offices	
• Faster and more efficient execution of the Valuation function	
• Need for adequate number of staff to perform land Administration and Valuation functions	
• Computer and ICT proficiency at all levels	
• Knowledge of legal provisions on land	
• Inadequate approach to succession management	

CAPACITY GAPS

Surveying and Mapping	
• Poor records preservation and management	XXV International Federation of Surveyors Congress, Kuala Lumpur, Malaysia, 16 – 21 June 2014
• Efficient and timely verification of documents and detection of fraudulent documents	
• Inability or limitations in use of the File Management tracking system	
• Skills to operate NSDI	
• Capacity for Hydrographic surveys and Nautical Cartography	
• Use of modern technology for positioning in Surveying	
• Skills in Remote Sensing and GIS	
• Proficiency in Computer and ICT	
• Orientation and pupilage of young employees	

CAPACITY GAPS

Physical Planning	
• Participatory approaches to Planning	XXV International Federation of Surveyors Congress, Kuala Lumpur, Malaysia, 16 – 21 June 2014
• Knowledge of new planning paradigms and approaches	
• Computer and ICT proficiency – GIS, RS, Auto-CAD	
• Skills in scenario building and Spatial Planning	
• Training in Planning for Assistants Planners/ Draughtsmen	
• Secure record and file management	
• Managing succession	

CAPACITY GAPS

Land Adjudication and Settlement
• Knowledge on special land tenure issues - Gender; Islamic Tenure; Coast Issues
• Record archiving and automation.
• Automation in Land Records and Accounting processes
• Higher training in land adjudication
• File management system
• Computer and ICT proficiency –GIS, RS, Auto- CAD
• Knowledge on land law and dispute resolution
• Basic adjudication and settlement knowledge
• Skills in Document verification and fraud detection
• Knowledge on Accounting Computer Packages

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CAPACITY GAPS

Civil Society and Professional Societies
• Skills for networking, communication, lobbying, negotiation
• Awareness of land issues in the Constitution and National Land Policy
• Knowledge of Bill of rights
• Majority of practitioners operate outside registration/licensing
• Limited Continuous Professional Development

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TRAINING INSTITUTIONS AND COST ANALYSIS

- ❖ Training of professional and paraprofessionals
 - offered by both institutionalized and non-institutionalized training providers in Kenya
- ❖ Non-institutionalized training consists of :
 - *ad hoc* basis – candidates study on their own
 - short study visits, short tailor made courses
 - conferences, workshops
- ❖ Institutionalized Training:
 - Provided by public, private and faith-based institutions
 - Consists of Levels: artisan/craft; certificate, diploma, higher diploma, degree, masters, and PhD



ANALYSIS OF TRAINING INSTITUTIONS (1)

- ❖ A full inventory of institutions providing institutionalized training was compiled
- ❖ The following observations are made:
 1. There is an abundance of training providers in Kenya and spread all over the country.
 2. A wide range of subjects, specializations are offered
 3. There is lack of multi-skill type of courses
 4. Lack of multi-skill training greatly contributes to land sector providers operating in “*silos*”



ANALYSIS OF TRAINING INSTITUTIONS (2)

- ❖ These further observations were made:
 5. There is wide variation of duration for courses, particularly among certificate courses
 6. There are wide cost variations at all levels
 7. Courses are now available at regular and parallel basis (mainly evening and weekend courses) enabling life skill improvement
 8. There is lack of standardized curricula and examinations at all levels - means qualities vary widely.

DESIGN FOR TRAINING PROGRAMS

- ❖ The following process was proposed for design of training programs – It entails identification of:
 1. Targeted actors
 2. Programs
 3. Aims
 4. Modes
 5. Strategies used
 6. Technologies
 7. Costs
- ❖ Based on above, a framework for design of land based training courses was then prepared

Framework for Design of Land Based Training Programs/Courses

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

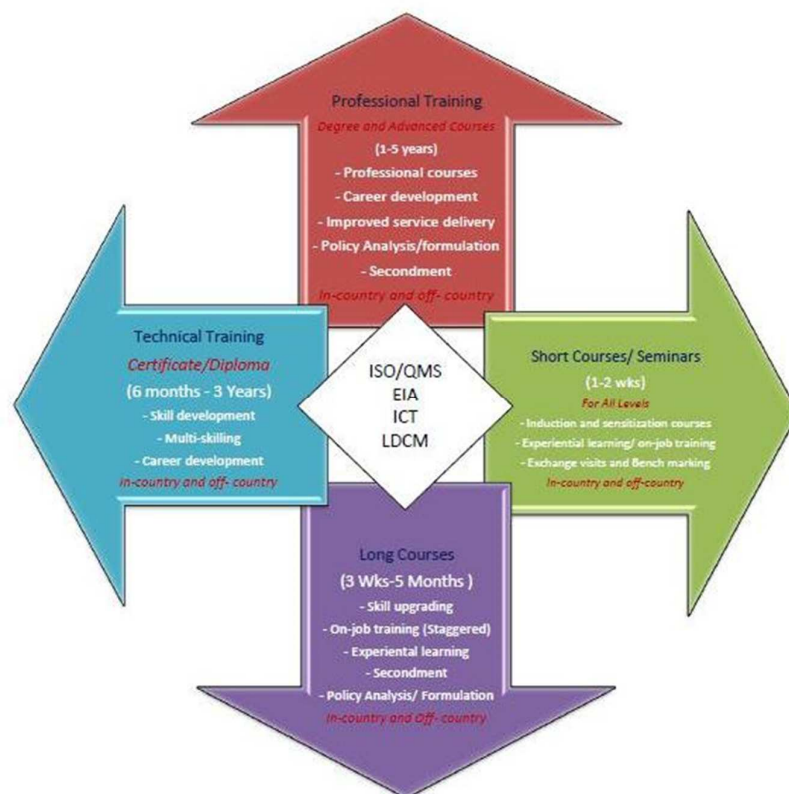
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EXAMPLE MODULE 1: TRAINING PROGRAM ON NEW LAND POLICY FOR SENIOR GOVERNMENT OFFICERS

CAPACITY GAP:	Identified as the lack of knowledge among senior government officers of the provisions of a new constitution regarding land Policies
TARGET GROUP:	Senior Government Officers
AIMS	e.g. knowledge increase, skill increase, attitude change): increase knowledge of constitutional provisions regarding land
OPTIONS FOR PROGRAMS	e.g. Long or short program; centralized or decentralized/distance learning; group or individual learning): a short, centralized program, because of the difficulty of engaging such officers in training for long. This difficulty suggests that an individual, decentralized learning program might be an option; yet, no feasible strategy comes to mind in the absence of a suitable scheme for motivating senior officers to study this subject on their own.
OPTIONS FOR STRATEGIES	(e.g. intensive or intermittent activities, on-the-job learning, short courses, degree/certificate courses, apprenticeship, counterpart training, awareness raising, training of trainers, imbed in school curricula): intensive short course, but these officers cannot be pressed to make space for a course in their agendas, and a common meeting date will be very difficult to establish. A more promising strategy is needed.
OPTIONS FOR MODES	e.g. lecture, seminar/discussion, tutoring, workshop, demonstration, learning-by-doing, self-teaching, dramatization, role playing): lectures, seminars, and workshops – the usual ones
OPTIONS FOR TECHNOLOGIES	e.g. meeting/classes, documentation, sound recording, video, radio, television, website, internet social networks (e.g. Facebook, Twitter, You Tube), cell phone/land line, smart phone, Skype, Podcast): meetings in classes, documents, videos – the usual ones
COMMENTS ON COSTS	Bringing these officers together will probably be of medium expense because they will tend to live in the same city and accommodation costs will not be incurred. Use of local trainers can minimize their costs.

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THE LAND SECTOR FOUR-WAY TRAINING MODEL



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REFLECTION ON PROGRESS SO FAR

There is need to:

- ❖ Address the challenges of **transition**: personnel succession; institutional changes and reforms
- ❖ Carry out structured, aggressive and consistent **CPD** in professional organizations to support the reform process
- ❖ Address both “soft skills” and “technical/hardware” **capacity gaps simultaneously**.
- ❖ Develop a program targeting the younger generation and organizations at the local level (“grassroots”)
- ❖ Develop closer linkages and cooperation between land service providers and training institutions.

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THANK YOU

