

Institutional Harmonisation Processes in the Kenyan Land Sector:

A Case Study of the Time Period 2003–2007



Institutional Harmonisation Processes in the Kenyan Land Sector:

A Case Study of the Time Period 2003–2007

Prepared for the Global Land Tool Network
UN-HABITAT





Copyright © United Nations Human Settlements Programme (UN-HABITAT), January 2008

All Rights reserved

United Nations Human Settlements Programme (UN-HABITAT)
P.O. Box 30030, GPO Nairobi, Kenya
Tel: +254 20 7623120
Fax: +254 20 7624266 (Central Office)
E-mail: infohabitat@unhabitat.org
Web: <http://www.unhabitat.org>

Disclaimer

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning delimitation of its frontiers or boundaries, or regarding its economic system or degree of development. The analysis, conclusions and recommendations of this publication do not necessarily reflect the views of the United Nations Human Settlements Programme, the Governing Council of the United Nations Human Settlements Programme, or its Member States.

Acknowledgements

This guide was written by Erika Lind, Programme Officer, Land Tenure and Property Administration Section, Shelter Branch, UN-HABITAT. The report has benefited from the review of Szilard Friscka, Human Settlements Officer, Ulrik Westman, Human Settlements Officer and Remy Sietchiping, Land Tenure Expert, at the Land Tenure and Property Administration Section, UN-HABITAT. Special thanks go to Godje Bialluch for technical input and to Robert Wagner for editorial assistance.

The publication of this booklet was funded by the Global Land Tool Network with funds provided by the Norwegian Government and the Swedish International Development Cooperation Agency (Sida).

HS/998/08E

ISBN: 921-1-131493-3

Further information:

Clarissa Augustinus, Chief
Land, Tenure and Property Administration Section, Shelter Branch,
United Nations Human Settlements Programme (UN-HABITAT)
P.O. Box 30030
Nairobi 00100, Kenya
E-mail: clarissa.augustinus@unhabitat.org
Web: www.unhabitat.org



Contents

1. Executive summary	5
2. Introduction	10
2.1 Global Land Tool Network (GLTN)	10
2.2 Objectives and methodology	11
3. Background to the case study and the land sector in Kenya	11
3.1 A new aid architecture enables HAC processes	11
3.1.1 Genesis of SWaps and PBAs	12
3.1.2 Challenges for processes and instruments of HAC	14
3.2 The HAC process in Kenya	14
3.2.1 Kenya Joint Assistance Strategy	15
3.2.2 Kenyan land sector	16
4. Institutional harmonisation in the land sector	18
4.1 Initiatives and milestones since 2003	18
4.1.1 Inception phase (07/2003 – 04/2004)	18
4.1.2 Mid-term phase (05/2004 – 09/2006)	20
4.1.3 Transition phase (10/2006 – 10/2007 and beyond)	21
4.2 Roles of different stakeholders	22
4.2.1 Ministry of Lands	22
4.2.2 Development partners	22
4.2.3 Non-state actors	23
4.3 Achievements and challenges	24
5. Tools for HAC	26
5.1 Definition of tools and tool criteria by the GLTN	26
5.2 Description and analysis of tools	26
5.2.1 DPGL secretariat and individual tools	26
5.2.2 DPGL meetings and LIMS subgroup meetings	28
5.2.3 Land Reform Support Programme (LRSP)	29
5.2.4 Joint financing arrangement (Basket fund)	30
6. Conclusions and recommendations	31
6.1 Conclusions for the development partners in the land sector	31
6.1.1 Recommendations for development partners	31
6.2 Conclusions for UN-HABITAT	32
6.2.1 Recommendations for UN-HABITAT	33
6.3 Advancing HAC processes through the GLTN	34
6.3.1 Short-term activities (6-12 months)	34
6.3.2 Medium-term activities (12-24 months)	35
6.3.3 Long-term activities (beyond 24 months)	36
6.3.4 Cost and human resource implications for GLTN	36
6.4 Concluding remarks	37
Annexes	
1 List of informants	38
2 List of references	39
3 Major events in the Kenyan land sectors since 2003	42



Abbreviations

AfDB	African Development Bank
AUC	African Union Commission
CCA	UN Common Country Assessment
CIDA	Canadian International Development Agency
CSOs	Civil Society Organisations
DCG	Donor Coordination Group
DCI	Development Cooperation Ireland
DFID	Department for International Development (UK)
DI	Demonstration Intervention
DPGL	Development Partners Group on Land
FMA	Financial Management Agency
GJLOS-RP	Governance, Justice, Law and Order – Reform Programme
GoK	Government of Kenya
HAC	Harmonisation, Alignment and Coordination donor group
IAB	International Advisory Board
IEC	Information Education Communication strategy
ISK	Institution of Surveyors of Kenya
JICA	Japan International Cooperation Agency
KEPSA	Kenya Private Sector Alliance
KCC	Kenya Country Committee – equivalent to UNCT
KJAS	Kenya Joint Assistance Strategy
KLA	Kenya Land Alliance
LRSP	Land Reform Support Programme
LRTU	Land Reform Transformation Unit
MDGs	Millennium Development Goals
MoL	Ministry of Lands
MoU	Memorandum of Understanding
NDP	National Development Plan
NEPAD	New Partnership for African Development
NLP	National Land Policy
NLPFP	National Land Policy Formulation Process
PBA	Programme-based Approach
Sida	Swedish International Development Agency
SIP	Sector Investment Programme
SWAp	Sector-wide Approach
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nation Development Programme
UNECA	United Nations Economic Commission for Africa
UN-HABITAT	United Nations Human Settlement Programme
USAID	United States Agency for International Development



1. Executive summary

Since the early 1990's aid modalities and their effectiveness have been repeatedly scrutinised with the aim to promote aid and thus development effectiveness through institutional harmonisation, often referred to as Harmonisation, Alignment and Coordination (HAC). HAC processes are under way in a growing number of developing countries. They are based on the consensus reached between donor and recipient countries at high-level meetings on aid effectiveness and guided by the Millennium Declaration (2000) and the Millennium Development Goals (MDGs).¹

Lessons learnt from these processes are constantly compiled and shared among development agencies, research institutes, government officials and lobby groups. While substantial experiences already exist for HAC processes in sectors like health and education, little information has been gathered about harmonisation work in the land sector.

UN-HABITAT recognises the need for better knowledge compilation and exchange experiences on land sector developments and HAC. Through the Global Land Tool Network (GLTN) initiative UN-HABITAT has commissioned a case study on institutional harmonisation in the Kenyan land sector.

The objectives of the study are to chronologically document institutional harmonisation processes in the Kenyan land sector between 2003 and 2007, to describe challenges experienced, to analyse the roles of different partners as well as the methodologies/ tools used to foster HAC processes. The analysis of tools was carried out considering GLTN core values such as gender, equity, governance, affordability and pro-poor orientation.

The study provides recommendations for future activities in the Kenyan land sector. It also gives options for UN-HABITAT and the GLTN to strengthen HAC processes by partner and in member countries. The research began with a desk study of relevant documents and was followed by interviews with stakeholders active in the Kenyan land sector.

After an introduction on the study's background in relation to UN-HABITAT and the Global Land Tool Network, the report gives an overview on the *new aid architecture* and HAC processes in general. It then describes in detail the institutional harmonisation processes in the Kenyan land sector.

Section 4 first gives a chronological description of HAC from 2003 to 2007, followed by an analysis of stakeholder roles and description of achievements and challenges experienced. Section 5 analyses the different tools and methodologies used in the Kenyan land sector to foster institutional harmonisation.

The final section draws conclusions and gives recommendations for the partners supporting the Kenyan land sector, for UN-HABITAT as well as the GLTN. Recommendations for GLTN are subdivided into short-term, medium-term and long-term activities and outline the human resource and financial implications for supporting HAC processes in partner countries.

Major findings

The harmonisation and alignment process in Kenya are less advanced compared to those of neighbouring countries due to economic and political framework conditions. The Kenya Joint Assistance Strategy (KJAS) was launched in September 2007 and currently five HAC

¹ Monterrey (2002), Rome (2003) and Paris (2005).



processes, formalised as Sector-wide Approaches (SWAs) or Programme-based Approaches (PBAs) exist in Kenya, all of them in quite distinct stages.

HAC in the Kenyan land sector is closely linked to the National Land Policy Formulation Process (NLPFP). The political impetus created through the absence of a valid policy framework and the public pressure to overcome this unjust situation, constituted pushing and pulling forces, which carried HAC initiatives forward.

For the purpose of this study, the process is divided into three phases: the inception phase (07/2003–2004), the medium-term phase (2004–2006) and the transition phase (2006–2007 and beyond). Partners in the land sector (DPs, MoL and CSOs) have specified their roles through different tools designed to foster their cooperation and coordination. These include a secretariat, Memorandum of Understanding, and basket fund arrangements. MoL, despite frequent changes in the senior management, successfully provided the leadership for the NLP formulation and the HAC process in general.

DPs have made use of their respective technical skills and experiences and jointly supported MoL and the NLP formulation process. Although interests of DPs in the land sector differ, they have been able to give concerted support and use the DPGL for joint policy dialogue with MoL. CSOs strengthened their advocacy role and have provided valuable technical expertise for the development of the NLP and its implementation framework.

Institutional harmonisation is always a long process, which entails many challenges. The Kenyan land sector faces similar challenges experienced by most HAC processes worldwide (e.g. long and bureaucratic planning and decision-making processes, differing expectations, agendas and approaches hampering consensus building process). However, partners always maintained a constructive and forward-looking working atmosphere.

Two particular challenges have to be underlined. First, only a small number of DPs actively support institutional harmonisation in the Kenyan land sector. This creates a challenge for the HAC process, as the level of support can be insufficient for spreading the risk evenly in a highly political sector. Second, the HAC process in the land sector operates without a comprehensive strategy, including agreed milestones and indicators as well as a budget plan. The Land Reform Support Programme is an important step in the right direction.


Partners in the Kenyan land sector developed several tools to foster institutional harmonisation and used them successfully.² These tools are not innovative *per se*. They are conventional methods of organising people and organisations around a matter of joint interest and/or of facilitating decision-making by consensus.

The innovative factor is the diversity of partners, who come together to use these tools in a consultative and successful way. These tools (DPGL secretariat, coordination subgroups on specific technical issues and basket fund arrangement) have potential for application in other countries. Before doing this, a thorough analysis of the specific framework conditions and demand in the country is necessary. The following recommendations specify the way forward.

Recommendations for Development Partner Group on Land (DPGL) and the Kenyan land sector

Considering the political and administrative conditions in Kenya since the beginning of the

² GLTN describes a *land tool* as the way of doing an administrative procedure and a method to organise people, or a way to make decisions – on land issues.



HAC process, much has been achieved during the last four years. Now that the Land Reform Support Programme (LRSP) is nearly finalised this is a good time for reflecting on achievements to date and discussing next priorities. The DPGL should rank priorities for the land sector reform, priorities for the HAC process and those priorities that offer synergies for both processes. The development of an Information, Education and Communication (IEC) strategy is an activity that creates synergies for both.

LSRP instruments need further development and fine-tuning. Roles and mandates of the committees in the LRSP management structure (e.g. LRTU, FMA and ministerial technical committees) the interfaces and reporting-lines between them, need to be specified.

DPGL can use the LRSP implementation phase to develop a strategic framework for the land sector. This includes developing a vision, mission and objectives, indicators and milestones. Existing documents such as the MoL strategic plan and the Rapid Result Initiative can be used to inform the sector strategy.

The joint review of Sida's and DFID's support initiatives can be used as a tool to further strengthen cooperation and coordination in the DPGL as well as between DPGL and NSAs. The joint review will also support maintaining the reform momentum. DPGL can share information on the joint review with other sector coordination groups, such as the environment and forestry group.

DPGL needs to revisit the basket fund concept. The LSRP budget outline provides a basis document for MoL and interested DPs to discuss sharing costs, and agree on possible arrangements and preconditions for support.

With regard to LIMS, the DPGL should explore opportunities for interested DPs to jointly finance demonstration interventions. Financing arrangements should allow for enough flexibility to accommodate the requirements of different DPs (e.g. Sida, JICA, World Bank).

Finally, DPGL should explore opportunities for providing technical and financial support to NSAs in a more structured way along the LRSP, e.g. covered by a MoU or a basket type arrangement. NSAs will have to play an active part in the implementation of the LRSP.

Recommendations for UN-HABITAT

The importance of harmonisation and alignment processes grows in Africa and beyond. In sectors with relevance for UN-HABITAT's portfolio (i.e. Governance, Decentralisation and Urban Development and Land) HAC processes are particularly challenging due to political context, dynamism and the divers interest and influences, which accompany them. This un-

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_19170

