

LAND ADJUDICATION PROPOSAL.

Other than Central Division, the bulk of Kitui land has not been adjudicated. This fact means that the development of the district cannot be fast for individuals are not investing as much as possible on the land. Experience in other Kenya districts shows that adjudication is an important first step if individuals are to invest in the land to improve its productivity. People will not terrace, plant trees, plant grass, dig family wells or boreholes, construct dams, or control grazing on land which they do not have clear legal title. It is imperative that the status of land be systematised before the population can be expected to invest in it. It is only when significant investments on individual pieces of land are made that the general development of a district can be accelerated.

There is a second reason why adjudicating land is important. It is clear now that the national credit system is totally dependent on having title to land. It is not possible to borrow funds for any purpose unless one shows title to land for it is the preferred security. As Kitui local elites seek to get into the national credit system, they have competed to buy the little land that is adjudicated in district so as to finance other operations. This has devastating impact on the poor of the locations around Kitui town - Changithya, Mulango, Zambani, Matinyani and to some extent Miambani and Kisasi- where agricultural land prices have been doubling every three years since 1974. The poor have been pushed to the more marginal areas of the district. The strategy of the poor is to sell the titled land which commands a premium to finance their operations including getting cheaper land in more marginal areas. Adjudicating more land will slow the speculative transactions for there will be more land available in the market and thus indirectly slow the sloughing off of the poor to the marginal areas.

In the district the lack of clear title to land where public utilities like catchment areas, water points and roads and pathways to them, has at times led to privatisation of such utilities. As the population increases and land fencing becomes the norm, it is important to assure that land needed for public utilities, especially water is zoned as such and access to it for all members of the public is assured.

Adjudication on a district-wide basis would :

1. Secure title to individuals so as to facilitate security of tenure, as the primary basis for land improvement.
2. Put the bulk of the population into the national credit system thereby enabling them to borrow for land improvements and other productive activities.
3. Secure some land for the poor out of the existing land status characterised by family/clan/communal land use practices which limits use by the poor.
4. Set up criteria for acquiring public land from the communities and formally register land for public use as well as its utilisation.

LIMITATIONS ON EFFECTIVE ADJUDICATION

The adjudication process is set off when the Ministry of Lands declares an area for adjudication. Villages select elders from the community who establish who in the community has rights over specific parcels of land. These elders adjudication committees, working with subchiefs and chiefs, the lowest levels of Provincial Administration, are responsible for supervising the setting aside of land for public use, including roads, schools, catchments etc.

These committees and Provincial Administration are supposed to settle any disputes before the Ministry begins to issue titles to land. Intractable disputes can be referred to the Commissioner of Lands in the Ministry of Lands. Of course the legal system exists for handling disputes but Adjudication committees and Provincial Administration are supposed to handle most of the disputes so as not to clog it and also to get community "fairness" for not all traditional land use practices are incorporated in formal law.

Once an area establishes parcel boundaries, the Ministry of Lands staff survey the land and to prepare title deeds based on maps. Adjudication has been delayed in many districts since the Ministry and the Survey of Kenya have not been able to survey and produce maps of areas where the local elders adjudication committees have already agreed on the land holding patterns fast. It is in the production of maps fast that the project could be immensely useful to the district.

District Land Adjudication Officers have generally not got all the equipment and operating support they need to work in as vast districts as Kitui. It will be important to investigate

what their operating and equipment constraints are on the ground.

Finally, the work Plans of Kitui District Land Adjudication Office needs detailed planning. The problem is simply that the office does not seem to be as organised in terms of specific targets as other departments. During the Formulation Mission of the current Project consultants could not even find senior staff to discuss the plans they had given to the DDO as their operating needs over a period of a week. Consultants were told by junior officers that the bosses were more often than not in the district for there was no work since there were no vehicles or maps to work with.

STRATEGY

The project strategy for assisting in adjudication should be:

1. To get the DDC to declare adjudication in the remaining parts of the district for adjudication as part and parcel of the planning for the project.
2. To hire short term consultants (firm, institute or individuals) in land mapping to prepare detailed work plans for adjudication survey and mapping together with the Ministry of Lands and Survey of Kenya.
3. Ministry of Lands to speed up the formation of the Village Elders Land Adjudication Committees and together with Provincial Administration (Subchiefs, Chiefs, DOs and DC) to ensure expeditious settling of land disputes in the project areas.
4. To prepare demarcation and land use maps for the whole district which will form the basis for the design of project activities.

WATER STRUCTURES INVENTORY AND DESIGN OF A MONITORING AND EVALUATION SYSTEM

Water Structures Inventory and Mapping

Since 1980 many water structures have been build in Kitui. The key donors who have been active in the design of the various structures have been DANIDA, USAID, KITUI CATHOLIC DIOCESE, UNICEF, ACTION AID, CARE and World Neighbours. Other minor donors have assisted Harambee groups in a scattered fashion to complete structures in many parts of the District.

The project will need to document all the structures on the ground so as to determine:

- a. utilization of completed structures
- b. uncompleted/abandoned structures
- c. improvement of existing structures and
- d. location of future structures based on supply and demand.
- e. community access
- f. maintenance
- g. water quality

Some data exists for a consultant was appointed by DANIDA to conduct an inventory of the structures which were constructed under the USAID project. Existing file data from the DANIDA Mutomo project can be retrieved to document the structures constructed by the project. The Kitui Catholic Diocese should have records of projects it implemented. Retrieving and mapping their structures, those of UNICEF, ACTION AID, CARE and World Neighbours is an exercise which is yet to be done.

Social Structures Mapping

All the major donors active in Kitui since 1980 have argued that they have implemented the water structures through community groups. The documentation of the community groups has not been systematic. Such documentation should among others show the numbers of groups in by sub-location, their composition, the nature of participation in the construction, use and maintenance of the structure, leadership and group linkages to other development activities.

At times the type of water structures built (subsurface dams as opposed to shallow wells with pumps) were justified in terms of assuring community maintenance. Yet there is not a documentation of how the communities are to do it or even community training for maintenance through groups.

Some documentation of groups was done in Mutomo. However, it is not clear how communities organised to get work on specific water structures and how various community groups utilise the structures and plan to finance the operations and maintenance of the same. Informal contacts in the district suggest that already in many communities, the extraction of large amounts of water for private commercial use by some individuals is already becoming a problem, particularly when the users are traders who did not invest in the construction of the structures. This raises an issue on whether the past project positions against market supply structures is tenable. Further, how is the community participation to be organised for schemes which essentially focus on supplying market and administrative centres?

There are villages where it has not been possible to mobilise the community to participate in construction of water structures. There does not seem to be any documentation why this is so. It is an issue which needs to be clarified if the catchment approach is to work.

There also are variations in the amount of self help by area. Some of this is dependent on whether external organisations like the Ministry of Culture and Social Services or the Catholic church are active in group formation for development. For example in Kyuso and Mwingi Divisions, where the Catholic Diocese Development Office is very active, there are many active groups in contrast to say Eastern division where the office is not as active.

Historically group formation has also been dependent on political organising, particularly during periods of electioneering. The advice to development agencies is that they should always avoid politically inspired groups since clashes on political issues have very negative impacts on the development tasks. Documenting base development groups ie groups formed primarily for development purposes is an important task.

Group Development Participation Training

The community organisational base in Kitui is rooted in historical reality of extensive cooperation for generation of specific community, family, clan and individual benefits. This complex reality has been latched on by politicians, churches, development agencies and government as an avenue for implementing development activities.

Yet very little investment in training of the community groups is undertaken. It is true if one looks at the records of all the donors one finds group leaders being brought to a centre for one or two days to get trained on the development activity. It usually is training for a specific activity which a donor has identified. Since it is for the leaders, they often return to the groups to dictate what groups are to do. Even this kind of training is not appropriate for it is not tailored to the needs of the group and is usually too much classroom oriented.

A systematic training of groups as partners in participatory development would at least go beyond training only the group leaders. It should also be done in the communities to assure transparency for when leaders get accused of doing deals in far places the groups often disintegrate. In this framework the training can be site and community specific and can be used for the mobilisation of the group and community for subsequent development activities.

Action training for the groups will include identification of the specific problems that a group is facing and the design of appropriate training materials based on real situations and problems. Action training is based on team building. Members of the group come together and discuss actual situations, management issues and try to arrive at the solutions that are feasible. Action training should be accompanied by follow-up. During the training the trainees, together with the facilitators, propose solutions to problems. After the training, the trainees, under the supervision of the consultants, implement the solutions.

Facilitators are often too low level if taken from within the community. While this has an advantage of facilitators being familiar with the local conditions, they have little to offer to the group in terms of management skills and techniques. If facilitators are brought from outside, there is a problem of them being irrelevant to clients' needs. There is also hardly any follow-up on the training. The ideal is to mix facilitators from both worlds.

Action training for groups in participatory development training should assist the groups to:

- a. Set group objectives and relate them to the development potential of their area and community.
- b. Improve intra-group processes including management of group resources of time, money, and other capital.

- c. Improve group members production activities by training in land improvement structures and processes, new production technologies, reduction of labour drudgery, improved health etc.
- d. Invest in the future wellbeing of the community for example investment in education of the community, both young and old.
- e. Monitor and evaluate group and general development activities in terms of concrete economic (short and long term) benefits.

In an integrated project, there should be room for groups and communities to determine priorities and sequencing of development activities implementation in their communities. This is the only strategy a project can get the good will and support of the project which is sustainable after the end of the project. Most opposition to action training of groups in participant development has been unarticulated fear that group choices will not fit into the project planned activities. Evidence from grassroots development strategies shows that it is only in allowing communities to choose that there is possibility of sustainability.

The strategy for organising people should therefore be to work with those groups with a development objective and not to create project inspired groups. Too many donors have in the past created their own groups. Every time a donor stated that they were to create groups as avenues for its programme, new groups were formed. These attracted the not so solid people in the various communities who happen not to be very development conscious. Such people are either youth wingers and local political operatives who create groups so as to deliver/hook them to high elected officials or bureaucrats. So the rationale for the group is to get something from without the community. These are not viable groups in the long term for their solidarity is dependent on patronage. When this stops, they die on the vine. Creating project groups is also destabilising the organisational base which has evolved over time to handle the stresses of the harsh physical and social environments. It is thus in a basic sense anti- developmental.

To organise people for development, the project then should:

- a. Inventory existing harambee groups and identify the active and stable ones with clear development objectives.

- b. Identify good communicators for group work activity and train them in project activities(including monitoring and evaluation). These can but do not have to be the formal group leaders.
- c. Train the groups in needs assessment, group management, community mobilisation and new development technologies.
- d. Set up a group performance monitoring system e.g. Set up a group supervision system.
- f. Train a Project Training Officer for group mobilisation, monitoring and evaluation work.

If the above strategy is adapted the project will be in a position to systematically use groups for project implementation which is sustainable.

Monitoring and Evaluation

The M@E system should generate specific data on existing physical and social structures. Normally this is taken care by baseline data gathering before project work plan formulation. It however seems not to have been done. The M@E system should also cover project inputs into physical and social structures. It should also generate data on the socio-economic processes taking place in the communities which are relevant for project implementation and ultimate sustainability of development in the communities.

If such a M@E system is to be set, the monitoring and evaluation will have to be at many levels.

Groups will have to be trained in monitoring and evaluating their activities. However, the key group activities, relevant for long term sustainability, and continually taking place at the group and community level, will need to be evaluated at the divisional and district project levels. Divisional and District project levels will also need to be trained to monitor and evaluate their inputs to groups, plans, supervision etc.

Group members will fully participate in monitoring the day to day activities that they will be involved in. A simple but effective monitoring system needs to be established and group members trained on how to use it. The aspects that have to be regularly monitored are inputs, processes and immediate outputs. On-going evaluation should be done on regular basis (e.g. every 6 months) by the divisional and district officers and project staff. The same officers and staff would also

regularly receive monitoring reports from the groups. Post project evaluation (impact assessment) should be done by independent agent.

In addition to monitoring instruments that will be used by the groups and divisional and district level staff, a system for correlating the M@E data from various levels, analyzing it and feedbacking it to the relevant actors, in forms they can use, will have to be designed. It is usually a good idea that the operation of an M@E system be divorced from day to day running of projects in spite of the fact that the data needs to be collected by actors within project implementation.

It is thus proposed that a consulting firm be given the responsibility of designing and supervising the total M@E system. However it should work closely with the project to ensure that the system specifies specific data gathering by groups, project implementors at divisional and district levels in a specified time frame. It should further be specific on the feedback mechanisms on matters of group processes and implementors management needs.

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