

LAND ADJUDICATION CONSULTANCY

muticon
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1. INTRODUCTION

The KIDP 1990/91 Work Plan included an indicative budget of Ksh. 19 m. as support to land registration efforts. According to information supplied by the Project Coordinator, after reviewing the draft of the report, it is possible that over the next five years, as much as Ksh. 24 m. could be spent on land registration, if budgetary proposals are approved by DANIDA. The immediately available resources to start support to Land Adjudication in GOK Financial Year 1990/91 and the first half of Financial Year 1991/92 (ie calendar year 1991) is Ksh. 4.2 m. which is contingency on the current KIDP Work Plan. Planning for the expenditure of these resources is a key output for the consultancy.

This consultancy was included working with the District Land Adjudication and Settlement Department initially:

1. To review the land adjudication process and coverage in the district.
2. To show how the land adjudication process can service the KIDP needs for catchment based planning and implementation.
3. To indicate possible support to the Department by KIDP for the long term.
4. In cooperation with the District Survey Department, to establish how the department can effectively support the land adjudication process.

After the review of the first draft, the consultant was requested to:

1. Plan the use of the initial funds by developing a budget as well as a plan for expanding the staff of Land Adjudication Department.

The consultancy was conducted by interacting and discussing the issues with the Land Adjudication Office and the District Survey Office and the KIDP Project Coordinator. Discussions were held with Provincial Administration, the District Information Documentation Centre, District Statistical Office, Kitui County Council and other agencies working in Kitui, on past activities, data, maps, staffing and costing of operations related to the land adjudication process as it affects catchment based planning and

implementation.

The consultant is solely responsible for the report and no department is responsible either for content or analysis.

2. THE SALIENCE OF LAND ADJUDICATION

Those who have monitored development in specific districts, for the last thirty years, are aware that the most important "cause" of development is the adjudication of land. This is so simply because the process of adjudication makes possible other developments.

First and foremost, the adjudication process allows communities and families to sort out and formalise land rights among themselves. This is done essentially within families, clans and the community in general for the system of adjudication, as is discussed in detail below, is dependent on families, clans and communities determining the ownership of each and every land parcel before the legal machinery begins to register the land.

Once adjudication is complete, individual owners, who in most cases have secure (legally indefeasible) title for the first time, are able to begin improvements on their land. There is evidence that people are not willing to invest in the land until they have secure title. Even if they do, they are not absolutely sure that they own the improved land. However after adjudication, people begin to build better housing for they know they cannot be easily dispossessed of the land. They also begin to improve the land use systems. Fencing, contouring, terracing and tree maintenance and planting increase tremendously. These are some of the basic technologies for improving land use in the long term.

The third major impact of land adjudication is to get those areas so adjudicated into the national credit system. It is practically impossible to get any credit in Kenya unless one shows title to land. The areas where land adjudication is incomplete are thus by definition out of the national credit system and thus individual driven development is not possible for there is little surplus in the Kenyan economy for financing all needed individual development.

Adjudication has been wrongly seen as contributing to landlessness. This is not true in the opinion of the consultant. It is true that adjudication formalises a land market. This has the potential of allowing some people to sell all their land and thus end being landless. Since most of the sales are related to financing education of children mostly, it is difficult to comment one way or other whether this is rational use of economic

resources of families unless one has time series data showing how the educated progeny fare with respect to entering the land market once their education is completed. However, those who argue that adjudication creates landlessness should note that the poor have very little control over land which is not adjudicated.

The romantic notion that the traditional usufruct system operates equitably is nonsensical. It has been nonsensical since the early part of this century when processes of differentiation in the African communities interfered with the logic of traditional usufruct rights. In districts like Kitui, the traditional rights have collapsed in face of population explosion of the last fifty years, social differentiation within families and between regions as well as differential access to the local level bureaucracies which favour the local elites in accumulating land. Over these years the relatively poor were pushed into more marginal land, where they did not have appropriate production technologies and where they were forced to crop as they lost livestock due to epidemics, droughts or loss of commonage. In a basic sense then, the consultant's studies in Kitui and Machakos and comparative studies in Central Province show that the process of adjudication leads to a more equitable access to the land system.

Finally, there is a comment on the utility of land use planning. On world scale, it is clear that LONG TERM IMPROVEMENT OF LAND is only possible once the land system is formalised by registration. It is not easy to plan land use. However given the need to make districts like Kitui more productive, if for no other reason than to support their exploding populations at subsistence level, requires that land use planning be introduced. The first step towards that is the registration of land. It is thus puzzling to this consultant that all the development projects initiated in Kitui district since independence, and the nation in general, have ignored support to land registration.

Formalising land ownership was called for as early as 1942, in the Kitui district case, when the then District Commissioner wrote that the district was threatened by deforestation and serious erosion, if land ownership was not formalised. Nationally, the call for land registration is as early as 1936, when the colonial government brought an expert from South Africa, Colin Maher, to plan a strategy for containing land erosion. Among his key recommendation was the need to formalise land ownership.

Throughout the 1950s, African Land Development Board emphasised the importance of formalising land ownership in Kitui when it used Chiefs and the Administration to informally register land. The system collapsed after independence and the land system has essentially become the most lucrative speculative accumulation base for local elites at the expense of the majority of Kitui people. To adjudicate land is thus to assure some secure access and to create possibilities for land use planning essential for long term economic wellbeing of the majority of the Kitui population.

3. LAND ADJUDICATION PROCEDURE.

3.1. IDENTIFICATION BY COMMUNITIES

Under the practice of District Focus, an area where land adjudication is desired, is identified by the local leaders and a request is put to the Locational Development Committee who, after approving the request to open Land Adjudication work, forward their approval to the Divisional Development Committee.

The areas so requested by the Sub-DDCs cover practically the whole district. This is beyond the capacity of the Department of Land Adjudication and Settlement in the district.

The Sub-D.D.C. Chairman (D.O.) is supposed to make contact with the Divisional Land Adjudication Officer to check if the proposed Adjudication section falls within the District Development Plan target as determined by the DDC. Since there is tremendous need for the service, and further since there is only one Divisional Land Adjudication Officer in Central Division, the normal procedure is rather hard to follow. Usually the Dos forward these requests to the District Development Committee and or liaises with the District Land Adjudication and Settlement Office directly.

Once a request is in the office, the District Land Adjudication and Settlement Officer sends a team of surveyors, from his department, who with the help of local leaders, pick identifiable land marks, like rivers, hills etc. This team marks a perimeter description of the proposed Adjudication Section in Topographical Map 1:50,000.

Copies of this description of a proposed adjudication section are sent to:

1. The District Surveyor to request for area coverage in form of Photo Identification Diagram, sometimes called Preliminary Index Diagram, in the scale of 1:2,500.
2. Director of Land Adjudication and Settlement, through the Provincial Land Adjudication and Settlement Officer, with covering letter to request for clearance to start Adjudication Work.

The Director of Land Adjudication and Settlement, contacts the

Commissioner of Lands to ascertain the 1. Operative land tenure in the area 2. Identity of all Government Lands 3. Identity of Leased Lands Registered Lands showing R.L. numbers to avoid duplication of registration and to avoid possible clashes on ownership.

When satisfied that the proposed area does not have complications, the Director of Land Adjudication and Settlement will give clearance to District Land Adjudication and Settlement Officer and allow the area to be opened.

Once an area is opened, it is important that accurate maps of the area be supplied. The Director of Surveys will release maps to the District Surveyor who will hand over to the District Land Adjudication and Settlement Officer.

Clearly then the coordination of the field officers of the two ministries at the district level is important for lack of maps at the district level would withhold the operations of the Land Adjudication and Settlement Office.

3.2. DECLARATION.

Once the DLASO has got authority form his director and maps for an area from Department of Survey, he is in a position to initiate the process of declaring an area an adjudication section. There are various operational steps.

First, with consultation of the Chief of the Location where the section is, a Public Baraza is called in the proposed section. During this meeting the DLASO and /or his staff explain to the local community the process of declaring an area an adjudication section and seek community agreement to the process. Getting this approval is not problematic for most communities are now aware of the advantages of land registration.

Second, a committee of between 10 to 15 persons from the community, is elected to represent land owners throughout the Adjudication section. The committee will be responsible for assisting the Land Adjudication staff in mobilising the community in general, and individuals in particular, to undertake some activities related to the registration of land. Probably their most important activities are the ones related to identification of the owners of particular pieces of land and the settling of

boundary disputes.

The third clear step is DECLARATION. After the public meeting endorses the beginning of work, the District Land Adjudication and Settlement Officer will publish a notice of Declaration that Adjudication work has started. Operationally, "Publication" is informing officialdom and the public by circular. This has the effect of stopping all other institutions handling land cases.

The fourth activity is to formally appoint the officials responsible for adjudication work in a particular adjudication section by the DLASO. The officials listed below must be appointed in writing by law.

The Demarcation Officer
Survey Officer or Officers
Executive Officer.

They will be assisted by supporting staff, who generally are recruited in the community.

3.3. DEMARCATION GENERAL.

Once adjudication work starts, the Demarcation Officer will visit every single parcel of land and identify its extent. He would further, with the assistance of the Committee, ensure that boundaries are cleared and marked, and create access roads for every parcel. He will also create major and other road plans. He will assist in marking the boundaries of all public purpose plots.

For KIDP purposes of catchment planning and the designation of water points and any other structures which will have to be owned by the public, this is an important step. The desired pieces of land will have to be identified by the community at this stage.

On land disputes, he will help to minimise land and boundary disputes on the spot and refer to the Executive Officer the major disputes for the Adjudication committee to hear and determine.

The Demarcation Officer will make a sketch of every individual parcel showing the surrounding owners and each parcel will be numbered.

He will record the details of every parcel in the Demarcation Book

showing:

1. Name as per ID card of the owner
2. Map number
3. Interests in the parcel e.g. if a road passes through or if the parcel is owned by a minor or a disabled person and who the legal guardian is, or give the name of a public parcel and indicate if it is entrusted to the County Council e.t.c.
4. Other relevant remarks e.g. that the recorded owner has rented/leased the land to another for cultivation e.t.c.

With the help of the Provincial Administration Officers (usually Chief and Subchief) he will create Public Land to cater for all public needs like Schools, Health Centres, Cattle Dips, Afforestation areas Water Catchment areas e.g. Rocks, Wells and Dams, Standard Roads. If need be, he will seek technical help from relevant Government Departments on what might be desirable public land holdings.

In Adjudication Sections, where there is a high population density and thus small parcels, there is likely to be many cases. Where land is extensive and densities low, the local communities are able to resolve disputes without tying up the officers with a lot of cases. It is expected that as adjudication spreads from the more populated areas of Kitui district, essentially in Central Division, where the bulk of adjudication is about complete anyway, pressure on hearing cases will be reduced thereby allowing the officers to concentrate on technical work. Thus the rate of adjudication should rise.

Where public land has already been identified by the community, sanctioning it is usually not problematic. Where the adjudication process has taken place without leaving land for public use there can be problems in its acquisition. It can be bought by Government or the individual land owners can be lobbied to surrender it for public use. In the latter case, the legal status of the land remains with the owner mostly but the facility is used by the public.

The technical legal aspects of owning land for public use are subject of another report commissioned by KIDP and will be reported on later. Here we want to make two operational points. First, in the areas where demarcation is complete and some land

has not been set aside for some of the public structures envisaged by KIDP, they will have to be acquired. The second point is that such desired land may have to be donated by individual land owners if KIDP and the GOK is not ready to buy it.

The third point is simply that acquisition of some public land for use by institutions like schools is easy. It is not clear that acquiring catchment protection land related to spring protection or normal dam or subsurface dam protection is as easy. To minimise problems on land acquisition, in the areas not adjudicated, the KIDP needed land should be planned BEFORE THE ADJUDICATION PROCESS IS STARTED. In the areas where already land is adjudicated, a plan of desired catchment protection land should be made as soon as possible and PROVINCIAL ADMINISTRATION involved in the process. It may entail using the GOK COMPULSORY ACQUISITION PROCESS. This is however not the concern of the adjudication process. If such processes totally displaces people, alternative land has to be found either within or without the community.

3.4. FORMAL SURVEYING.

The appointed Survey Officer will follow the Demarcation Officer and identify the laid boundary from the ground into the map using the photograph details and number the parcels as in the Demarcation book.

3.5. JUDICIAL PROCEEDINGS.

Where disputes cannot be informally settled by the Adjudication Officer on the spot or by the community based committee, the aggrieved party will be allowed to appeal to the Arbitration Board which is appointed by the Provincial Commissioner. This board is made up of a panel of five. It is constituted from the total of 25 members appointed to the wider community committee.

In any case, aggrieved parties are allowed to lodge an objection to the District Land Adjudication and Settlement Officer within the given time of 60 days. This objection period is also the time utilised for the inspection of the Adjudication Register.

If a party is not satisfied by the judgement reached by the land Adjudication Officer who will be hearing the Adjudication Record Objections, he may within 60 days file an appeal to the Minister

for Lands and Housing whose decision will be final. These cases are reviewed by the Ministry.

3.6. ADJUDICATION REGISTER.

When all Demarcation is done, all surveying done and all committee cases are heard and their appeals to the Arbitration Board heard, the details in the Rough Book are entered in the Adjudication Record in duplicate.

When these details in the Record are entered and checked against the Map, and found correct, a baraza is called in the Adjudication Section and the results discussed. A Notice is published to invite all concerned to inspect and object where incorrect. These two documents, the Map and the Record, are called Adjudication Register.

The Duplicate copy of the Record is sent to the Director of Land Adjudication and Settlement immediately the 60 days A.R. Notice of Completion is published.

The hearing of objections is done by legally gazetted Land Adjudication Officer. Checking of the maps is ascertained by Survey of Kenya through the District Surveyor and a map i.e. Registry Index Map produced.

Comparison of Adjudication Record and The Registry Index Map is done by Director of Land Adjudication and Settlement. If there are no technical problems, a Certificate of Finality is signed by the Director of Land Adjudication and Settlement and the Documents are sent to the Chief Land Registrar to forward to the District Land Registrar to issue Title Deeds.

4. TWENTY YEAR ADJUDICATION RECORD AND CATCHMENT ADJUDICATION

4.1. PAST WORKLOAD

Our purpose here is to establish the work load and targets for the department. As is shown in Appendix 6 Twenty Year (1971-1990) Adjudication Record, the department has handled 1,714,194 hectares out of the district's 3,109,900 hectares. This volume of land was divided into 39,290 parcels. On a yearly average therefore, the department was handling about 86,000 ha. divided into 1966 parcels. The average parcel was just under 44 ha.

This average to some extent is not meaningful for the adjudication took place in the two extreme poles of land use in the district. It started in the high potential and thus extremely crowded areas of the district and at the same time adjudicated the massive ranches. For example in the Mutune Adjudication section 918 hectares were adjudicated into 1023 parcels for an average parcel size of 0.90 ha. Another example is Kauma Adjudication section where 199 ha. were adjudicated to 1558 parcels thereby producing an average parcel size of 0.13 ha. At the other end of the past adjudication is Mutumbi Ranch with 59,664 ha. which was adjudicated to one parcel or Nguni Ranch with 9,379 ha. also adjudicated in one parcel.

The department's load is not just determined by the size of parcels. It is impacted on by the number of adjudication sections operating. Between 1971 and 1990, the department demarcated and adjudicated to finality the following adjudication sections:

Table 1: Active Adjudication Sections 1971-1990

Year Adjudication Sections

1971	8
1972	9
1973	15
1974	17
1975	17
1976	20
1977	20
1978	18
1979	24
1980	29

1981	29
1982	31
1983	28
1984	35
1985	33
1986	33
1987	33
1988	30
1989	29
1990	<u>34</u>
Total	492

From this data then it can be calculated that the average adjudication section was 3,484 hectares. Averaging the number of adjudication sections then about 24.6 were handled every year from demarcation to finality.

From discussions and limited analysis of the staffing, it seems as if for the bulk of the twenty years there were 20 adjudication teams available to the department and not 25 as suggested by averaging the adjudication areas. Thus of the 1,714,194 ha., 85,710 ha. were handled annually by all 20 teams. Each team therefore handled 4,286 ha. annually or 357 ha. monthly. Therefore the KIDP target of a full adjudication team handling 500 hectares monthly is feasible for the transportation and office support will be supplied, something which was not the case over significant parts of the past.

The feasibility of a team handling 500 hectares monthly is strengthened from the normal work planning methodology of the department in the past. The department argues that in general a team can demarcate 5 parcels a day for a total of 100 parcels a month. Assuming that the size of parcel is about 44 ha., as calculated on the 20 year average, then using the conventional departmental methodology, the target for 500 ha. is reachable since this method will lead to 460 ha. monthly.

4.2. FUTURE CATCHMENT WORK LOAD

In keeping with the KIDP objective of improving land use through a catchment approach, it is important to first identify the catchments and prioritise them. The second mandatory step is that the land in the catchment be adjudicated if proper land use practices, a central objective of the project, as mandated by the

GOK, is to be introduced. Thus adjudication is a lead activity to all other land use innovations.

It is estimated that the average size of a catchment is 500 hectares. 40 catchments are planned in the first programme year. This means that the department will be expected to adjudicate at least 20,000 hectares related to catchments only during the first year. It is estimated that an adjudication team can handle at least one of the catchments ie 500 hectares per month. Thus a minimum of 3 adjudication field teams will be required to handle the 40 catchments for the first year. It is subsequently assumed that such teams will continue to work on catchments in the 40 identified project sublocations over the 5 year programme period.

4.3. THE LOAD FROM LAND CASES

Only a very small portion of the 1,714,194 hectares of the previously handled hectares have reached finality, ie the title deeds for the adjudication section are available for use by wananchi. The most delays are the cases. Second, it is important that the bulk of the district land be handled and pushed towards adjudication finality so as to get the adjudication benefits to carry the rest of the project objectives.

One should note that this discussion of work load is based on land being handled from demarcation through finality. The reason is simply that not all the land has gone through all the stages of the adjudication process as discussed above. Disaggregating which stage the various portions of the land handled are at does not assist us in further refining the department's load. However, one of the key issues in handling land is the number of cases in the adjudication sections for these not only increase the work load of the department but also delay the finalisation of the adjudication process thereby denying benefits of adjudication to the wananchi in particular and the programme in general.

Over the twenty year period a total of 4,897 cases were handled by the department and the ministry. This works out to 245 cases a year. The breakdown of cases per location is important since it allows us to project and plan for the adjudication process cases and how they affect the handling of the rest of the district. Table 1: Land Cases Per Location 1971-1990 below refers.

Table 2: Land Cases Per Location 1971-1991

Location	No. of Cases
Changwithya	2,422
Matinyani	514
Mutonguni	507
Mulango	421
Migwani	374
Nzambani	307
Yatta	218
Kisasi	113
Ikutha	<u>21</u>
Total	4,897

The point one wants to make out of this data, which is not

completely representative of the district, is that the more densely populated parts of the district produce the highest number of cases. Since their parcels are also smaller in these areas, there is more time taken to handle each parcel by departmental personnel.

This loading is expected to reduce as the adjudication teams move to areas of the district where the parcels are larger, the population less crowded and thus the number of cases to be handled less. However these advantages of reducing load will probably be cancelled out by the increase in distances between parcels and between supervising officers. Therefore, it is rational planning to assume that the normal load of adjudication over the past twenty years will remain.

The conclusions one derives from the above are: First that there is need to increase the rate of adjudication if the spinoff benefits of adjudication are to be factored into the KIDP project benefits. Recall that in the first part of the report an argument is adduced that it is only where land registration is completed that systematic land use improvements are undertaken successfully over time.

Second, for the department to increase its efficiency, extra support in terms of transportation, staff and office space at headquarters and the divisional level, as well as divisional level is not only required but necessary. Discussion on these will be covered below.

The basis for arguing for this expansion is simply that once demarcation starts in an area, the department is obligated under law to continue to adjudicate the section completely. It is not practice that work is initiated in an area - for KIDP interest such an area will be a catchment- and then leave the adjudication section to return to it later.

4.4. ADJUDICATION TARGETS

To speed up the adjudication process, the consultant proposes that KIDP consider supporting the expansion of field teams by helping to fully or partially finance the creation of 6 field teams.

If the 20 existing adjudication teams and 6 to be added with support from KIDP are enabled, then they can theoretically handle 156,000 hectares yearly. This is just under twice the 86,000

hectare average handled yearly over the past 20 years.

It thus would take 10 years to handle the remaining 1,395,706 hectares in the district. Handling here will mean just about beginning the process of adjudication (ie demarcating the land parcels) and not completing it (ie. adjudicating and reaching finality). The first step is the most critical subsequent KIDP work for it identifies parcels and generally established functional use.

It is estimated that after the first year, KIDP target of 40 catchments a year would rise to 60, 80, 100 and 120 by programme year five. Thus a total of 200,000 hectares will need handling for catchment purposes during the programme's five years. This is just about 25% of the total adjudication hectarage which is expected to be completed over the five years by the department. Another way of putting it is that the catchment adjudication activity will take about a quarter of all adjudication activity in the district.

It is on the basis of the above facts that the consultant proposes that KIDP finances 6 field teams totally. This will enable the projected catchment adjudication to be completed in the first 5 years of the programme. In toto them, assuming that of the existing 20 are to be effectively used in new land handling and KIDP is to finance an extra 6, the effective district capacity will be 26 who can handle the remaining 1,395,706 in the district over a ten year period.

HOWEVER, IF THE LAND CASES ARE MINIMISED, THE EXISTING CAPACITY OF 20 TEAMS, BACKED BY AN ADDITIONAL 6 KIDP FINANCED TEAMS, CAN BE MANAGED IN CREATIVE WAYS TO ENABLE DEMARCATION TO BE COMPLETED IN FIVE YEARS!

THIS WILL INVOLVE SPLITTING THE STANDARD DEMARCATION TEAM SO THAT THEY DO NOT HAVE TO BE IN AN ACTUAL ADJUDICATION AREA SIMULTANEOUSLY. RECALL THAT TWENTY TEAMS IN 1990 WERE HANDLING 34 SECTIONS. IN OTHER WORDS THEY WERE HANDLING 70 % MORE SECTIONS THAN THE TEAMS. IF THIS RATIO IS MAINTAINED, THEN 26 TEAMS CAN HANDLE 44 ADJUDICATION SECTIONS SIMULTANEOUSLY. THIS WOULD LEAD TO HANDLING 264,000 HA. ANNUALLY AND THUS THE 1,395,706 HECTARES REMAINING WILL BE AT LEAST DEMARCATED IN 5.2 YEARS TO BE PRECISE.

THIS IS A TARGET THAT THE MANAGEMENT OF THE KIDP AND THE LAND ADJUDICATION DEPARTMENT SHOULD STRIVE FOR BY LIAISING WITH

PROVINCIAL ADMINISTRATION TO REDUCE THE NUMBER OF CASES COMING INTO THE LAND ADJUDICATION PIPELINE SO AS TO RELEASE LAND ADJUDICATION STAFF FOR MORE CREATIVE ADJUDICATION WORK.

THIS WILL ENABLE THE NEXT PHASE OF KIDP TO BE TOTALLY CONCERNED WITH IMPROVING LAND USE ON A DISTRICT WIDE BASIS.

5. ANALYSIS OF STAFFING NEEDS

5.1. CURRENT AND FUTURE STAFFING

It is clear that there is need to staff up the top of the system since more adjudication sections will be opened. This will need senior officers at the District level to supervise others in the field.

The following table shows the current staffing, the ideal planned by the District Land Adjudication and Settlement Office and the consultants' proposal.

Table 3. Staff: Establishment, Proposed and Consultant's Proposal (March 1991.)

Officer		Present	Planned	Consultant's Proposal
DLASO	1	0	1	
DDLASO		1	1	2
LAS011		2	7	9
ALASO	5	5	0	
EXEC. 0		1	0	0
JSA1		1	8	0
JSA11A		35	8	0
JSA11B		29	14	0
HCO		3	6	3
CO		1	9	6
C/TYPIST		2	13	9
DRIVERS		6	16	2
S/STAFF/WATCH	128		39	9

Examination of the planned staffing expansion above assumes normal tandem team staffing and fairly extensive numbers in office work. For example it is not clear why there is need to have the proposed high numbers of both Land Adjudication and Settlement Officer 11s and Assistant Land Adjudication and Settlement Officers. Currently there are 6 of these two category Officers and it is proposed to triple them. It is not clear that they are needed in this quantity in offices at district and divisional head quarters.

Assuming that there is need to have at least one in each division, then the staffing norm should be 9 for both levels.

The JSA1, 11A and 11B are the staff who act in the field as

Demarcation Officers or Surveyors. They are required more in the field than sitting down in offices. The planned expansion does not emphasize this. Consequently it is proposed that none be proposed for administrative duties and that they be part and parcel of the field team expansion.

Six Higher Clerical Officers are planned for together with nine Clerical Officers. The consultant proposes that each division gets a Clerical Officer and the headquarters three Higher clerical Officers. This would give a compliment of 9 staff for both categories. Thirteen copy typists are proposed. This is illogical. Consequently the consultant recommends only nine, one for each division and two for headquarters. If, and it is a big if, each division gets a vehicle, there is need to get a driver. Already there are six drivers for three grounded land rovers and two operating land rovers. Since the KIDP will provide 3 vehicles for the department and it is expected that the grounded ones will be rehabilitated, adding two more drivers is logical.

There are nine subordinate staff and it is proposed to increase them to the ridiculous figure of 39. They should remain the same.

The principle of staffing is that there is need for a minimum number of staff at the Divisional level offices yet to be opened. There is need to staff up the top of the district for supervision purposes. There however is no need to keep staff in offices. The basic work for adjudication is in the field. It is in the field that staffing up is most urgent.

5.2. ADMINISTRATIVE FIELD COSTS

Given the increase in field activities, it is assumed that the administrative staff will spend more time in the field. The Headquarters staff will be in the divisions more and the divisional staff will travel to headquarters. The department argues that they usually spend 50% of their time in field. Assuming that this is the norm, then it can be expected that the following will be the operative costs.

Table 4: Administrative Field Costs

Officer	No.	50% Annual Field Allowance
DLASO	1	26,400

DDLASO	2	46,200
LAS011	9	178,200
CO	6	79,200
DRIVERS	8	<u>105,920</u>
Total		435,920

If Ksh. 435,920 is the annual cost, over the five year period it is estimated that the costs will be **Ksh. 2,180,000.**

5.3. ADMINISTRATIVE OPERATING COSTS

The 1990/91 Budget for the Department for office activities is as follows:

Table 5. Current GOK Funded Administrative Operating Costs

Vehicle Running	Ksh. 170,000
Stationery	Ksh. 12,500
Equipment and Maintenance	Ksh. 5,720
Arbitration Committees	Ksh. 88,200
Travelling and Accommodation	<u>Ksh. 59,000</u>
Total	Ksh. 335,420

Clearly this budget is not sufficient. The Department is making presentations to the relevant levels of the ministry to raise the funding level for operations. This should be vigorously pursued. If there is to be increased volume of work for the department, and the staff in the field are to be increased, at least a doubling of the office operations budget will be necessary.

The strategy should be to give each division an operating office, with at least a typewriter, and some desks and filing cabinets. The five old typewriters should be sent to the divisions and one typewriter and personal computer bought to handle typing, word processing and database for the Headquarters. Equipment shared with the Survey Department, which is responsible for formal survey work in all adjudication sections, is shown in a separate line item.

In summary then to kick up the operations of the Department at the District and the 6 Divisional Centres, and assuming that the current GOK budget levels will be maintained as above several points need to be made. First, the GOK vehicle running expenses can be utilised in maintaining the three grounded land rovers. The other line items can be utilised in support of the decentralised staff in the divisions.

Over and above the expected GOK operating budget above, it is recommended that KIDP support to the operating requirements of the Department shown in Table 6 below..

Table 6. KIDP Support For Administrative Operating Costs

3 Isuzu Pickups (M@O)	Ksh. 540,000
1 Landrover (M@O)	Ksh. 180,000
6 Motor Cycles (M@O)	Ksh. 50,000
18 Bicycles (M@O)	Ksh. 10,000
Stationery	Ksh. 60,000
Lands Dept.: Equipment P/M	Ksh. 300,000
Survey Dept.: EquipmentP/M	Ksh. 300,000
Arbitration Committees	<u>Ksh. 150,000</u>
	Ksh.1,590,000

Once the equipment is bought in year one, the operating budget can be reduced by Ksh. 500,000 for no equipment will be purchased after this year. Since only maintenance will be carried the subsequent annual budget would be in the order of Ksh. 1,100,000. The Department and the DDC should make presentations to the GOK for increased operating funding level given the need to increase the rate and speed of adjudication.

Total Office (HQ and Divisions) operating costs including arbitration committees, would thus be Ksh. 1,590,000 in year one and Ksh. 1,100,000 during each of the four subsequent years. Operating costs for the Project Period would be **Ksh. 6,000,000.**

5.4. PROPOSED FIELD TEAM STAFFING AND COSTS

Currently the District Land Adjudication and Settlement Officer is able to field 20 teams to handle 34 adjudication sections.

The officials to operate at the divisional level are included under administration and thus they are not included in the field team costs.

A Field Team consists of the following staff:

1. JSA1 Demarcation Officer
2. JSA11B Surveyor
3. JSA11B Executive Officer
4. 6 Subordinate Staff

The following are the monthly base costs for a field team.

Table 6: Personnel Monthly Costs of a Field Team

Officer	B/PayF/Allow.	Total
---------	---------------	-------

JSA1	3468	3300	7000
JSA11A	2892	2200	5100
JSA11B	2340	2200	4500
6 S/STAFF	<u>113000</u>	<u>5400</u>	<u>18400</u>
Total	21700	13100	35000

For KIDP to finance a field team totally would cost Ksh. 35,000 monthly. This would be Ksh. 420,000 per Field Team per year. The basic pay and field allowance cost of six teams per year would then be Ksh. 2,520,000. Over five years it is **Ksh.12,600,000.**

If KIDP finances only the Field Allowances and the GOK employs the staff, the monthly cost per team will be Ksh. 13,100. This would be Ksh. 157,200 per team per year. Therefore the cost of 6 teams each year would be Ksh. 943,200.

These calculations can be summarised as follows:

Table 7: Alternative Cost of Field Teams

No. Team	Yearly Full Financing	Yearly Allow Financing	Five Year Full Financ.	Five Year Allow Financing
1	420000	157200	2100000	786000
6	2520000	943200	12600000	4716000

5.5. EQUIPMENT FOR FIELD STAFF

The department's estimate of equipping a field team is as follows:

Table 8. Department Estimates of Field Equipment Costs

Item	No.	Unit Price	Total
Housing (Huts/Tents)	4	15,000	60,000
Land Chain 100 metres	1	9,000	9,000
Camping Umbrella	4	8,000	32,000
Camp Tables	4	750	3,000
Hard Cover Books/Files	-	500	500
Map Boxes	3	300	900
First Aid Kits (ASBS)	3	900	2,700
Camp Chairs	10	450	4,500
Ranging Rods	3	340	1,020
Field Note Books	15	300	4,500
Triangular Scale	1	280	280
Pens and Pencils	-	240	240

Tracing/Other paper	-	750	750
Pangas/Files etc	-	200	<u>200</u>
Total			120,000

This is a very high establishment cost. Costs can be reduced by bulk buying and tendering. KIDP can assist in this so as to reduce costs. The consultant got quotations on some of the items from Nairobi suppliers (Huts /tents camp equipment, tables and chairs etc) and there is reason to believe that the items required can be procured by the recommended procedures. The total establishment cost should be in the order of Ksh. 80,000 per team. Thus six teams would cost Ksh. 480, 000 during year one and it is estimated that each team will require only Ksh. 10,000 annually for replacements. Thus to establish and maintain six teams would lead to a total cost of **Ksh. 520,000** over the project period.

If KIDP is to finance these costs, again the principle ought to be to ascertain what the GOK contribution is. In any case to equip six teams a year fully would cost about Ksh.480,000 and if 30 teams are equipped fully the cost would be Ksh. 14,400,000 over the five year project period.

5.5. TRANSPORT FOR FIELD TEAMS

The department has made a request that the Demarcation Officer, Survey Officer and Executive Officer can each be supplied with Motor-bike for travelling to the nearest motorable site near their target area of operation "shamba". The consultant does not know of any situation where these field officers are this mobile. In view of the budget demand on other more pressing equipment, in the initial period, motorbikes and bicycles can be provided from KIDP pool when necessary following the instruction to the consultant and the Department head after review of the first draft of the report. However, their operating costs are subsumed under administrative operating costs above.

5.6. PROVISION OF EXTRA TRANSPORT BY KIDP

Analysis of the work required to support KIDP objectives, the distances involved and the condition of existing vehicles was extensively discussed with the department and the KIDP Programme Coordinator. It was agreed that there is need for three utility diesel pickups, six motor cycles and 18 bicycles to support the department's operations. Table 10. KIDP Derived Transport below shows the unit costs and yearly operating and maintenance costs.

Table 9. KIDP Derived Transport

NO. TYPE UNIT COST

3	Isuzu Pickups	330,000
6	Motor Cycles	40,000
18	Bicycles	4,000

It is expected that the lifetime of the vehicles will be two and a half years. They should be put into the KIDP pool so as to be replaced within that period and the proceeds put to the acquisition of new vehicles so as to keep operating and running costs reasonable. Purchase of two sets of three pickups then will be Ksh. 2,000,000. Purchase of two sets of 6 motor cycles will be Ksh.480,000 Purchase of two sets of 18 bicycles will be Ksh. 144,000. Motor bikes and bicycles have already been covered by the central KIDP budget for these items so it should not be attributed to this department.

Thus the transport capital costs attributable to the department

will be **Ksh. 2,000,000.**

Table 10. SUMMARY COSTS: SUPPORT TO LAND ADJUDICATION

6 Field Teams:Pay and Allowances	12,600,000
6 Field Teams: Equipment	520,000
Office Operations & Maintenance	6,000,000
Purchase of Vehicles	2,000,000
50% DSA Distr. and Div. Staff	<u>2,180,000</u>
Subtotal	23,300,000
10% contingency	<u>2,330,000</u>
Total	25,630,000

This compares with the indicative budget in the Work Plan of Ksh. 19,250,000 for six teams over the plan period.

6. LAND ADJUDICATION AND CATCHMENT SURVEY STATUS REPORT FORMAT

The consultant was also required to investigate, the status of land adjudication, the reporting format and how this can be coordinated with the catchment survey. Below is a format for monitoring the land adjudication status and catchment survey status.

Table 11. LAND ADJUDICATION STATUS AND CATCHMENT SURVEY MONITORING SYSTEM

Notes

ADDC= Approved by DDC

AS= Adjudication Section

CD= Cleared by Director

CADJ= Catchment area adjudicated.

GWS= Catchment defined by Ground Water Survey staff

ARP= Adjudication Register Published

PID= Preliminary Identification Diagram??????????

SLOC= Sublocation

UD= Under demarcation

TSLOC= Total Sublocations, March 1990 as per DC's office.

1. MUTOMO DIVISION

A. ATHI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KITUTE1	KITUTE		Y	Y	Y	Y		
2.KITUTE2	KITUTE		Y	Y	Y	Y		
3.KYANDULA			Y					
4.KILAWA			Y			Y		
5.KALIVU	KALIVU							
6.MAIINI	TSLOC3							

B. IKUTHA LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MBITINI		Y	Y	Y	Y				
2.NDILI1	NDILI	Y	Y	Y	Y				
3.NDILI2	NDILI	Y	Y	Y	Y				
4.KYOANI	KYOANI		Y			Y			
5.NGWATA	NGWATA								
6.NZAMBA	NZAMBA								
7.MASAALA	KASAALA								
8.KYANGU			Y			Y			
9.YAUWA			Y			Y			
10.NGUNIGR		Y	Y	Y	Y	Y			
11.KILAWAGR			Y	Y	Y	Y	Y		
12.NGUNYUMUGR			Y	Y	Y	Y	Y		
13.MUTUMBIGR			Y	Y	Y	Y	Y		
	TSLOC5								

C. MUTOMO LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KAWELU	DITTO	Y							
2.MWALA			Y						
3.MUTUNI			Y						
4.KIBWEA	DITTO								
5.?	KAWALA TSLOC 3								

D. IKANGA LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1. ITHUMULA/ IKANGA	ITHUMULA	Y						
2. ILUSYA	DITTO/NDUUNDUNAY							
3. KATHUNGUDITTO								
4. NGWANI ENZOU	NGWANI/ENZOU							
5. KYATUNE	DITTO TSLOC5							

E. KANZIKU LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.SIMISI	DITTO							
2.KAETUNDADITTO								
3.KIVANDINIDITTO								
4.KANZIKO								
	TSLOC3							

F. MUTHA LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NDAKANI	DITTO	Y						
2.KALIA KATUNE	DITTO							
3.NGAANI	DITTO							
4.KAATENE	DITTO TSLOC4							

G. VOO LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KYAANGU	KYAANGO							
2.KYAMATU	DITTO							
3.KASASI/	DITTO							
V00								
4.NTHUNGUNIDITTO								
5.MUTHINGWEDITTO								
TSLOC5								

H. MATHINA LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.?	KIVYUNI							
2.?	MIVAUNI							
3.?	KENGO							
	TSLOC3							

2. MUTITO DIVISION

A. MUI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NGOO	NGOO	Y	Y	Y	Y			

2.ITIKO ITIKO

3.KITISE KITISE

4.NGILUNI NGILUNI

5.NGUNGI/
MUNGUNI

6.? ITIKO
TSLOC5

B. MUTITO LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MASUKINI	DITTO		Y						
2.MASASINI	DITTO								
3.KIT00	KIT00	Y							
4.KAVUTEI	KAVUTEI								
5.ITIKO/			Y						
6.?	KAWALA								
7.?	MANYOENI								
	TSLOC6								

C. ZOMBE LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NGUNGI	DITTO		Y	Y					
2.THUA	DITTO	Y							
3.MALATANIDITTO									
4.MWITIKA	DITTO								
5.MAKONGO	DITTO								
6.?	KASUNGUNI TSLOC6								

D. ENDAU LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NDATANI	DITTO	Y							
2.SYEU	SYOU								
3.MALATANI	MALALANI								
4.KATUMBI	KATUMBI								
5.TWAMBUI	TWAMBUI								
	TSLOC5								

E. MUTWANGOMBE

1.? NGIENI

2.? KYANGATI

3.? MALAWA
 TSLOC3

3. MWINGI DIVISION

A. MIGWANI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.	KYUSYANI	Y	Y	Y	Y				
2.	WINZEEI		Y	Y	Y	Y			
3.	NZALAEGRNZALAE		Y	Y	Y	Y	Y		
4.	KALILUNIDITTO	Y	Y	Y	Y	Y			
5.	NZAUNI		Y	Y	Y	Y	Y		
6.	KYOME DITTO	Y	Y	Y	Y	Y			
7.	MBONDONIDITTO	Y	Y	Y	Y	Y			
8.	KYAMBOO DITTO	Y	Y	Y	Y	Y			
9.	KANYAA DITTO	Y	Y	Y	Y	Y			
10.	NZAWA DITTO	Y	Y	Y	Y	Y			
11.	KAVAINIDITTO	Y	Y	Y	Y				
12.?	NGONGONI								
13.?	MUIVU								
14.?	ITOLONI								
15.?	THAANA NZAU TSLOC12								

B. MWINGI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NZELUNI	DITTO	Y	Y	Y	Y				
2.KANZANZU	DITTO	Y	Y	Y	Y				
3.MWINGI	DITTO	Y		Y	Y				
4.KATALWA	DITTO	Y	Y	Y	Y				
5.KIVOU	DITTO								
6.ENZIU	DITTO								
7.KYOME									
8.KYATHANI	KYATHANI								
9.KARURA			Y	Y	Y	Y			
10.?	ITHUMBI								
11.?	KIOMO TSLOC9								

C.ENDUI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.WAITA	WAITA	Y	Y					
2.NDITHI	DITTO						Y	
3.KATETIKA								
4.?	MUTWANGOMBE TSLOC3							

4. KYUSO DIVISION

A.KATSE LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MBEUGR		Y	Y	Y	Y	Y		
2.ILANGE								
3.MBARANI	DITTO/KONYU	Y						
4.KONYU	DITTO/MBARANI	Y						
5.MUSOSYA	DITTO/KAKUYU							
6.MUTANDA	TYAA/KAMUTHALE /MUTANDA	Y						
7.KAKUYU	DITTO/MUSOSYA	Y						
8.TYAA/ KAMUTHALE	DITTO TSLOC 4							

B. KYUSO LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.	KIMANGAUDITTO/KIIMU	Y						
2.	KAMUWONGODITTO							
3.	KISEUNI DITTO/MASEKI							
4.	MASEKI DITTO/KISEUNI							
5.	KIIMU DITTO/KIMANGAO	Y						
6.	GAIGAI/NGAAI	Y						
7.	NGAANE	Y						
	TSLOC4							

C. THARAKA LOCATION

AS SLOC ADDC PID CD UD ARP GWS CADJ

1. CACINGONGO D/KANYENGYA

2. GAKOMBE GOMBE?

3. KANYESYA

4. KATHUNGUDITTO/KAMAINDI

5. KAMAINDIDITTO/KATHUNGU
 TSLOC3

D. TSEIKURU LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ	
1.	KANINGO								DITTO
2.	USUENI								DITTO
3.	NGALANE								NGALANGE
4.	KASYATHANIDITTO								
5.	KAIVIRIA								KAIVIRIRYA
									TSUBLOC5

E. MIVUKONI LOCATION

AS SLOC ADDC PID CD UD ARP GWS CADJ

1.KATHIANI D/KYANDANI

2.KYANDANI D/KATHIANI

3.KALUKA KATUKA?/MATAKA

4.MATAKA D/KATUKA

5.KAMULA D/KITOVOTO

6.KITEVETE KITOVOTO/KAMULA

TSLOC3

F. NGOMENI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KYAVYUKA	DITTO							

2.KAVUTI DITTO

3.MITAMISYIDITTO
TSLOC3

G. UKASI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MBOVU	MBUVU							

2.MATHYAKANI DITTO/KAMUTIU

3.KAMUTIU DITTO/MATHYAKANI

4.MWALALI DITTO/UKASI

5.UKASI DITTO/MWALILI
TSLOC3

5. CENTRAL DIVISION

A. MIAMBANI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.	MIAMBANI	DITTO	Y	Y	Y				
2.	KANGA 'U		Y	Y	Y	Y			
3.	MUSEVE	DITTO	Y	Y	Y	Y			
4.?	MUTULU								
5.?	NZAAWA								
6.?	KENZE								
7.?	MALILI/KAMANDIO								
	TSLOC6								

B.MATINYANI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1. KALIA	DITTO	Y	Y	Y	Y	Y			
2.KALIMANIDITTO		Y	Y	Y	Y	Y			
3.KALINDILODITTO			Y	Y	Y	Y	Y		
4.KASAINI	DITTO/KITHUMULAY			Y	Y	Y	Y		
5.KAUMA	DITTO	Y	Y	Y	Y	Y			
6.KITHUMULA	DITTO/KASAINIY			Y	Y	Y	Y		
7.MUTULU	DITTO TSLOC7	Y	Y	Y	Y	Y			

C.CHANGWITHYA LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MUTUNE	DITTO	Y	Y	Y	Y	Y		Y	
2.MISEWANIDITTO		Y	Y	Y	Y	Y		Y	
3.TUNGUTU	DITTO	Y	Y	Y	Y	Y		Y	
4.KAVETA	DITTO	Y	Y	Y	Y	Y		Y	
5.MULUTU	DITTO	Y	Y	Y	Y	Y		Y	
6.NDUMONI			Y	Y	Y	Y	Y		Y
7.UTOONI	DITTO	Y	Y	Y	Y	Y		Y	
8.MBUSYANIDITTO		Y	Y	Y	Y	Y		Y	
9.MULUNDI	DITTO	Y	Y	Y	Y	Y			
10.?	TOWNSHIP TSLOC9								

D.MULANGO LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.	WIKILILYEDITTO	Y	Y	Y	Y	Y		Y
2.	KATULANI/KATULANI	Y	Y	Y	Y	Y		Y
3.	KATULANIB KATULANI Y	Y	Y	Y	Y		Y	
4.	KATHUNGIDITTO/KAVUTA	Y	Y	Y	Y	Y		Y
5.	KAVUTA DITTO/KANTHUNGIY		Y	Y	Y	Y		Y
6.	ITOLEKA DITTO	Y	Y	Y	Y		Y	
7.	KAVISUNIDITTO	Y	Y	Y	Y			
8.	KYANGUNGADITTO TSLOC6	Y	Y	Y	Y	Y		

E. NZAMBANI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KYANIKA	DITTO	Y	Y	Y	Y	Y		Y	
2.MALUMA	DITTO/ITHUMULA		Y	Y	Y	Y	Y		Y
3.KALUVA	DITTO	Y	Y	Y	Y				
4.ITHUMULADITTO/ITHUMULA			Y	Y	Y	Y			
5.NGUNGI	DITTO TSLOC4	Y	Y	Y	Y				

F.KISASI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.NGILUNI	DITTO	Y	Y	Y	Y	Y		Y	
2.NGANGANI	DITTO/KANZAU		Y	Y	Y	Y	Y		Y
3.KISASI/NGUUNIDITTO	Y		Y	Y	Y	Y		Y	
5.KAVASYA			Y	Y	Y	Y	Y		
6.MANZINI			Y	Y	Y	Y	Y		
7.MBITINI	DITTO	Y	Y	Y	Y	Y			
8.KIMUUNI			Y	Y	Y	Y	Y		
9.MOSA	DITTO	Y	Y	Y	Y				
10.?	MBUSYANI								
11.?	KITUNGATI								
12.?	KATWALA TSLOC8								

G. MUTONGUNI LOCATION

AS	SLOC		ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MITHINI	DITTO	Y	Y	Y	Y	Y		Y	
2.KAUWI	DITTO	Y	Y	Y	Y	Y		Y	
3.KAKEANI	DITTO	Y	Y	Y	Y	Y			
4.MUSENGO	DITTO	Y	Y	Y	Y	Y			
5.N/MUTONGUNI			Y	Y	Y	Y	Y		
6.KAIMU			Y	Y	Y	Y	Y		
7.USUANI			Y	Y	Y	Y			
8.?	KAKULUNGWA								
9.?	TULIA								
10.?	KIVANI TSLOC8								

6. KWAVONZA (YATTA) DIVISION

A.YATTA LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.MAKUSYA	MAKUSYA/NYANYAA			Y				
2.NYANYAA	DITTO TSLOC2	Y	Y	Y	Y	Y		

B.KANYANGI LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.?	SYOMUNYU							
2.?	MANDONGOI TSLOC2							

C. YATTA B2 LOCATION

AS	SLOC	ADDC	PID	CD	UD	ARP	GWS	CADJ
1.KANGONDE	MIKUYUNI	Y	Y	Y	Y	Y		Y
2.KWAVONZA	MIKUYUNI TSLOC1	Y	Y	Y	Y	Y		Y

APPENDICES

Appendix 1. KITUI DISTRICT: DIVISIONS, LOCATIONS AND SUBLOCATIONS. MARCH 1990.

DIVISION	LOCATION	SUB-LOCATION
CENTRAL	CHANGWITHYA	Misewani
		Mulundi
		Kavera
		Mutune
		Tungutu
		Mulutu
		Utooni
		Mbusyani
		Township (Kitui)
	MIAMBANI	Munganga
		Miambani
		Mutululu
		Nzaawa
		Kenze
		Musevw/Kasyala
		Malili/Kamandio
	MULANGO	Wikililye
		Kyangunga
		Katulani
		Kavuta/Kathungi
		Kavisuni
		Itoleka
	KISASI	Kisasi/Nguuni
		Mbusyani
		Kitungati
		Ngiluni
		Ngangani/Kanzau
		Mbitini
		Mosa
		Katwala
	MATINYANI	Kalia
		Kalimani
		Kauma

		Kalindilo Mutulu Kwa Mutonga Kasaini/Kithumula
	NZAMBANI	Kyanika Kaluva Maluma/Ithumula
	MUTONGUNI	Ngungi Musengo Kakulungwa Kakeani Tulia Kauwi Nzala Mithini Kivani
KWAVONZA	KANYANGI	Syomunyu Mandongoi
	YATA	Kyanyaa/Makusya Ilika
	B2 YATTA	Mikuyuni
MUTITO EASTERN	MUTITO	Kitoo Musukini Masasini Kavutei Kawala Manyoeni
	MUI	Ngungi Ngiluni Ngoo Kitise Itiko
	ENDAU	Syou Ndetani Twembui Malalani Katumbi

	MUTWANGOME	Ngieni Kyangati Malawa
	ZOMBE	Thua Malatani Mwitika Ngungi Kasunguni Makongo
	NUU	Ngaani Nyaani
MUTOMO	KANZIKO	Keutunda Kivandeni Simisi
	IKANGA	Kathungu Nduundune Ilusya Kyatune Ithumula Ngwani Enzou
	MUTOMO	Kawelu/Itumba Kawala Kibwea
	VOO	Kyamate Muthungue Kasasi Kyaango Nthunguni
	MUTHA	Ngaani Kaatene Kyaani/Kalia Katune Ndakani
	IKUTHA	Kasaala Nzamba

			Ndili Kyaani Kgwate
		ATHI	Maluma Kalivu Kituti
		MATHIMA	Kivyuni Mivumi Kengo
KYUSO	KYUSO	Kimangao/Kimu	Gai/Ngaai Kamuwongo Maseki/Kiseuni
		MIVUKONI	Kamula/Kitovoto Kyandani/Kathiani Mataka/Katuka
		NGOMENI	Kavuti Kyavyuka Mitamisiyi
		UKASI	Ukasi/Mwalili Mathyakani/Kamutiu Mbuvu
		TSEIKURU	Usueni Kaivirirya Kaningo Ngalange Kasyathani
		KATSE	Mbarani/Konyu Tyaa-Kamuthale Mutanda Musosya/Kakuyu Mukongo/Ikongo
		THARAKA	Gacicongo/Kanyengya Gombe Kamaindi/Kathungu

MWINGI

MWINGI

Enziu
Kanzanzu
Kivou
Mwingi
Kyethani
Kiomo
Katalwa
Nzeluni
Ithumbi

MIGWANI

Mbondoni
Kavaini
Kanyaa
Nyongoni
Kyome
Nzawa
Muivu
Kaliluni
Kyambo
Itoloni
Thaana Nzau
Nzala

ENDUI

Ndithi
Mutwangombe
Waita

Appendix 2. MIN. OF L & H: KIDP AND DANIDA/ASAL WATER CATCHMENT METHODS OF PROJECT IMPLEMENTATION

The following is my proposal on methods of approach to set both KIDP and Adjudication procedure in motion without any conflicting friction.

1. Describe the area in the ordinary way and seek approval for clearance from the Director of Land Adjudication.
2. Describe the Water Catchment area and set its boundaries: and declare it as Section A.
 - (a) Appoint steering Adjudication Committee for Phase 1 which is catchment area.
 - (b) Appoint officers and deploy them in phase 1 and accelerate adjudication and survey work.
 - (c) Contact District Surveyor for urgent on the spot random checks before the area is completed.
 - (d) Prepare Adjudication Register for publication and continue in the usual procedure.
3. Describe phase 2 and let the working team continue under usual Adjudication work pattern of
 - (a) Electing Land Committee
 - (b) Setting apart public lands
 - (c) Demarcation and survey work
 - (d) Publishing the Adjudication register complete
 - (e) Hearing of Objections
 - (f) Implementing the Land Adjudication decisions
 - (g) Checking by District Surveyor and
 - (h) Forwarding the documents to both the Director of Land Adjudication and the Director of Survey for final checking and finality.
4. When P.Y. 2,3,4 meets Adjudication work in any of the above stages, KIDP can bring their resources and accelerate Adjudication work.
5. The pattern of operation in many catchment areas is to have a sequence flow of operation from a given priority. The working manpower will be determined by the results of procedural approach No. 9 on Immediate Target.
6. There is need for local involvement to create personal touch

involvement by recruiting supporting staff from the local area of catchment to work with experience existing Sub-ordinate staff.

PROCEDURAL APPROACH

IMMEDIATE TARGETS:

Result of receiving Isamalu site Survey on 11-9-90

ADM: Target

1. Consult Director of Land Adjudication of Policy
2. Consult Mr. Mutunga on ground approach and study under K.I.D.P. compared with Policy.
3. Consult the Provincial Land Adjudication & S. Officer on ground implementation once 1 & 2 above are approved.
4. Consult District Development Officer & District Commissioner to have the D.D.C. give its blessings to the project to take off.
5. Consult P. Co-ordinator on A.O.B.
6. Consult Professor Mutiso on practicabilities of set goals.

Policy

7. Request District Commissioner to contact forests and environmental Officer to set aside forest and have it gazetted.
8. Request the District Commissioner to request the D.O. contact the Chief and set aside public utility land - schools, churches, dip and tree nurseries.

Personnel:

9. Contact the Provincial Land Adj. & S. Officer to thin and deploy staff for the project by re-scheduling the present set up without skimping the previous targets.

Approach:

10. Convincing Nairobi H/Q. Why intergrating has been included before the forward budgeted sections are complete.
11. Awaiting the Policy makers reaction on doing Adjudication work in phases instead of whole Adjudication section.
12. Request for clearance from the D. of Land Adj. & Settlement. Identification of Nature of Land Ownership - Trust or Government land.

Identification:

13. Identify from 12 above who owns what.
14. Advise the concerned parties to acquire land from identified owners and legalise the ownership - Lands office, Kitui Country Council, D.C. Kitui
15. Advise identified owners to fix proper boundaries and have them maintained.
16. Assist the above owners in clearing differences and cases pertaining to ownership.

PROJECT IMPLEMENTATION.

1. Set up of staff Deployment
Demarcation Officer- Pioneer, Officer In-charge

Duties: Administration, Co-ordinator, Arbitrator, Planner of Access roads, Supervisor of Adjudication work, and producer of work for Surveyors after physical approach to every parcel of land, Stores controller.

2. Needs:

Housing, Office-Office facilities less typewriter		
Tracing Paper	-	1 roll
Hard Cover books	-	6
Map box	-	1 3ft x 2ft x 9"
Camp table	-	1
Camp Chair	-	4
Camping Umbrella	-	1
Land Chain 100m.	-	1
Ranging Rods	-	3

Triangular Scale	-	1	Metric	
First Aid Kit (Ant Snake bite Serum).	-	1		
Field Note Books	-	3		
Nilotic Pens Red	-	6		
" " Blue	-	2		
" " Black	-	6		
" " Green	-	6		
Chinagraph pencils	-Red	3	- Green-	3
Sub-ordinate Staff	-	2		

3.

Personnel: Survey Officer - 1
 Duties: Controlled by Dem. Officer
 Needs: Housing
 -office - Tent shade
 -Camp Table
 -Camp Umbrella - 1
 -Camp Chairs - 2
 -1st Aid Kit with Ant Snake Bite Serum
 -Field Note books - 3
 -Map Board - 1
 -Sub-ordinate Staff- 3

4.

Executive Officer
 Duties: Working with Committee to solve Land Disputes.
 Needs: Housing
 Office
 -Camp tables - 1
 -Camp Chairs - 3
 -Sitting forms - 3 each 5ft long
 -Hard Cover books - 3
 -File Covers - 6
 -Plain/Ruled papers- 1 ream
 -1st. Aid Kit with A.S.B.S.
 -Field Umbrella - 1
 -Sub-ordinate Staff - 1

5.

Sub-Ordinate Staff:
 -Housing
 -Panga/file
 -1st. Aid Kit.

TRANSPORT:

FIELD: Demarcation Officer, Survey Officer and Executive Officer can each be supplied with Motor-bike for travelling to the nearest motorable site near their Target area of operation "shamba"

Administration and Supervision:

Field: The Land Adjudication Officer who is the gazetted legal Officer will need to visit the problem land. He will need a vehicle capable of covering rough road or roadless land surface to reach the disputed land. Fuel included.

H/Q. The District land Adj. Officer will need a strong vehicle to cover Kitui District and run errands to and from Embu and Nairobi in all weather conditions.

Running expenses are also to be considered.

His office will need to be fully equipped with items much needed in the field - consumable sores. Being overall in charge, and Co-ordinator, Supervisor and Arbitrator he will need to be covered in extra expenses on accommodation and travelling.

DECISION MAKING-FIELD OF THOUGHT

Bottlenecks

Problem Analysis.

- (a) What is the opinion of the Sub-D.D.C. on Adjudication of catchment areas.
- (b) Have the Water Catchments been acquired and owners compensated and change of user legalised.
- (c) Who is/will be the owner of the catchment proper.
- (d) There are afforested portions identified in the plan of action/site survey documents. Are these individually owned.

If yes, who will be the owner of the final results of developed property - trees and other interests?

- (e) What efforts is the Kitui County Council making to acquire the catchment proper. (Ref. (b) above)
- (f) The Commissioner of Lands will automatically be involved if acquisition will take place. So far how much is the Lands Officer involved in the early stages to understand the set up and advise on valuation and acquisition?
- (g) Fencing and planning for separation of animal and human consumption points and antipollution measures with the involvement of Public Officer using W.H.O. standards on long term basis.
- (h) For the project to take off immediately once the external bottlenecks are there no longer, what are the internal bottlenecks. (Adjudication)PROBLEM

ANALYSIS-INTERNAL.

Data Collection.

1. Proper description of Adjudication Sections where the catchment are involved.
2. Proper description of catchment areas in Land Adjudication language.
3. Analyzing Catchment areas in Adjudication language of Divisional, Locational, Sub-locational, Adjudication Sections, stage of work of Adjudication Section comparing the stage of work with targeted period of start of project.

Analyzing all targets for inclusion in the policy pipeline.

Setting the ball moving to:

- (a) Have the sections cleared by the Director of Land Adjudication.
- (b) Have the official recognition and inclusion in the plan of action of the District Surveyor.

PERSONNEL.

Selecting high calibre, experienced and hard working for pioneer project to:-

1. Set working pace standards,
2. Unearth other field constraints and bottlenecks that may hinder smooth implementation of Adjudication Process in Water Catchment cum Adjudication Section integration approach.
3. Unearth the field conditions on subordinate staff deployment.
4. Give daily output of work from Technical Staff.
5. On trial basis, use the Motorbike in the field and compare output and reaction of other task force- committee and staff on team spirit, re-organisation and approach.
6. Collect information in details on material used/needed, average time taken in demarcation and survey of a certain length of line in open and bushy areas.
7. Assess problem of identification of identification of boundaries features in the photographs used in unoccupied land without aerial marked boundaries.

MINISTRY OF LAND AND HOUSING

Land Adjudication/Settlement Dept.,
P.O.Box 9,
KITUI.

14th September, 1990.

LA/ADM/29/14

The Project Co-ordinator,
KID.P.,
P.O.Box 642,
KITUI.

Appendix 3. RE: SITE SURVEY DESCRIPTION

LAND ADJUDICATION.

Further to our discussion in your office van der Zee/Gitonga on 11th September, 1990, I wish to request for the proposed area coverage descriptions in Topographic maps 1:50,000 for the intended water catchment sites in Y.I. work plan to enable me seek official clearance from the Director of Land Adjudication and Settlement to allow me start land Adjudication work.

I have forwarded Isamalu Water Catchment site description as part of previously proposed Kasala Adjudication Section.

(G.G. GITONGA)
DISTRICT LAND ADJ/SET. OFFICER,
KITUI DISTRICT.

c.c.

The Director of Land Adj/Set.
NAIROBI.

The Provincial Land Adj/Set. Officer,
P.O.Box 1411,
EMBU.
The District Commissioner,

Appendix 4. STAFF ESTABLISHMENT ADMINISTRATIVE

JG TITHQ MWINGI CENTRAL KWAVONZA MUTOMO MUTITO
KYUSO

P	F	P	F	P	F	P	F	P	F	P	F	P	F
K		DLASO		1	1								
J		DDLASO		0	1								
H		LASO		1	1	0	1	1	1	0	1	0	0
G		ALASO		1	2	1	0	1	1	0	1	0	1
F		JSA11A		1	1	0	1	0	1	0	1	0	1
E		JSAI		1	1	0	1	0	1	0	1	0	1
D		JSA11B		2	4	0	1	0	1	0	1	0	1
F		HCO		2	3	1	0	0	0	0	0	0	0
E		CO		1	2	0	1	0	1	0	1	0	1
D		CTypist		0	1	0	0	0	0	0	0	0	0
D		CTypist		2	4	0	1	0	1	0	1	0	1
D		DriverG1		1	2	0	1	0	0	0	0	0	0
		DriverG11	2	2		0	1	0	1	1	0	0	1
		DriverG111	1	1		0	0	0	0	0	1	0	2
		SubStaff1	0	2		0	1	0	1	0	1	0	1
		SubStaff	7	7		1	3	0	3	0	3	0	3
		Watchman	2	2	2	2	0	2	0	2	0	2	0

Appendix.5. BASE PERSONNEL COSTING

(NB. Monthly pay and 22 working days per month for calculation of allowances rounded.)

a. Technical Staff

Officer	JG		B.Pay	Allow.	Total
DLAS0	K	8200	4400		12600
DDLAS0	J		6800	3850	10700
LAS011	H		5240	3300	8500
ALAS0	G	4668	3300		8000
JSA1	F		3468	3300	7000
JSA11A	E		2892	2200	5100
JSA11B	D		2340	2200	4500

b. Non-Technical Staff

HCO	F		3468	3300	7000
CO	E		2892	3300	6000
C/TYPIST1	D		2340	3300	5600
C/TYPIST	D		2340	3300	5600
DRIVER1	D		2340	3300	5600
DRIVER11	D		2340	3300	5600
DRIVER111	D		2340	3300	5600
S/STAFF1			2195	900	3000
S/STAFF			2195	900	3000
WATCHMAN			2000	900	3000

Appendix 6. TWENTY YEAR ADJUDICATION RECORD BY LOCATION*

	1	2	3	4	5	6	7	8
MATINYANI								
	Kalia	12-5-71	16040	1217				7
	Kalimani	do	19660	1053			9	
	Kalingilo	do	90220	788	62	34	108	16
	Kasaini	do	34800	604				15
	Kauma	do	1990	1558	37	12		10
	Kithumula	do	9200	546				
	Mutululu	do	14100	1301	33	13	139	19
	Subtotal		186010	7067	132	59	256	67
CHANGWITHYA								
	Mutune	23-4-73	9180	1023				31
	Misewani	2-5-73	9680	1216	109	52	275	55
	Tungutu	15-5-73	20900	1225	92	57	178	18
	Kaveta	5-9-73	9800	1058	160	107	168	63
	Mulutu	7-8-74	25110	709	87	52	174	31
	Mulundi	6-8-75	27000	1912	87		197	36
	Ndumoni	10-10-75	20420	455	60	39	128	23
	Utooni	27-10-76	28930	691			76	16
	Mbusyani	9-3-77	6450	243			39	12
	Subtotal		157470	8532	595	307	1235	285
MULANGO								
	Wikililye	8-5-73	31860	1494	143	64	102	22
	Katulani	31-12-74	33940	1952			14	1
	Itoleka	4-11-75	36460	2349				31
	Katulani	21-2-79	13710	433			11	
	Kathungi	22-2-79	36530	634				8
	Kavuta	29-3-79	40680	2090				14
	Kavisuni	28-3-79	102440	979			11	
	Kyangunga	19-8-80						
	Subtotal		295620	7582	143	64	138	76
MUTONGUNI								
	Mithini	12-5-71	20330	1608	24	10	155	25
	Kauwi	12-9-73	11849	2488	148	82		63
	Subtotal		32179	4096	172	92	155	88
NZAMBANI								
	Kyanika	4-1-74	25790	2375				73
	Maluma	3-4-75	36630	1986	84	38	95	17

Subtotal			62420	4361	84	38	95	90
IKUTHA								
	Ngunyumu	17-10-74	49350	1				
	NguniGR	18-11-74	93790	1			17	1
	KilawaGR	9-10-76	14070	2			2	1
	MutumbiGR	1-8-84	596640	1			0	
Subtotal			753850	5			19	2
MIGWANI								
	N/MigwanG	12-2-75	29660	3	4		90	75
	Kaliluni	27-2-76	20750	736	37		13	2
	Nzauni	6-9-77	49100	2721				
	Ngiluni	14-8-80	21130	1079			147	6
Subtotal			120640	4539	41		250	83
KISASI								
	Kisasi	6-10-81	38050	1334			78	5
	Ngangani	13-1-82	11040	895				7
	Mbeu GR	30-9-81	1377	1			12	11
Subtotal			50467	2230			90	23
YATTA B2								
	Kangonde	20-9-79	1844	116			23	1
	Kwa-Vonza	13-4-82	53694	762	35	23	119	17
Subtotal			55538	878	35	23	142	18
GRAND TOTAL			1714194	39290	1202	583	2380	732

- * 1. ADJUDICATION SECTION
- 2. DATE OPENED
- 3. AREA IN HACTARES
- 4. NUMBER OF LAND PARCELS
- 5. CASES HEARD BY DEMARCATION OFFICERS
- 6. CASES TO ARBITRATION BOARD
- 7. OBJECTIONS LODGED
- 8. CASES APPEALED TO THE MINISTER

Appendix 7. CATCHMENTS FOR ADJUDICATION REPORTING FORMAT

ADDC= Approved by DDC
 ARP= Adjudication Register Published
 AS= Adjudication Section
 CD= Cleared by Director
 CN= Catchment Name
 GWS= Catchment defined by Ground Water Survey staff
 O/UD= Opened/Under demarcation
 PID= Preliminary Identification Diagram/Photo Identification Document Ordered
 SLOC= Sublocation

A. MUTOMO DIVISION

CN	SLOC/AS	ADDCGWS	PID	CD	O	ARP
ATHI LOCATION						
1.Ukenge	Maluma					
IKANGA LOCATION						
2.Yemanguli	Ngwani					
3.Ilamba	Kaathungu					
IKUTHA LOCATION						
4.Kwambaki	Kasaala			10/90		
5.Isamalu	Kasaala			10/90		
KANZIKO LOCATION						
6.Lingithya	Keutunda					
7.Utekilawa	Keutunda					
8.Kwangalia	Keutunda					
9.Mwangala	Kivandini					
10.Kwakilango	Kivandini					
MAITHYA LOCATION						
11.Yongowani	Kivyuni					
12.Kamukui	Kivyuni					
13.Kamwove	Mivuni					
14.Ndilili	Mivuni					
MUTHA LOCATION						
15.Mavulya	Kaatene					
16.Yanzwii	Kaatene					
17.Ngosini	Kaliakatune					
18.Kyangulumwa	Kaliakatune					
MUTOMO LOCATION						
19.Yambuu	Kawelu	12/87		5/89		Y
20.Kyanika	Kawelu	12/87	5/89		Y	
21.Kasova	Kawelu	12/87		5/89		Y
V00 LOCATION						

22.Imaau Kyaango
23.Nzonzweni Kyaango

B. MUTITO DIVISION

ENDAU LOCATION

24.Kwakwa Ndatani

MUI LOCATION

25.MasaaniNgiluni

MUTYANGOMBE/NUULOCATION

26.Nzangu Ngaani

C. KYUSO DIVISION

KATSE LOCATION

27.Kaisinga Tyaa/K/M 3/89 3/90

28.Nguuku Musosya/K 3/89 3/90

TSEIKURU LOCATION

29.Kalimbui Kaivinya

D. MWINGI DIVISION

ENDUI LOCATION

30.Yumbe Mwambui 11/89

MIGWANI LOCATION

31.Kwamaleti Kavaini 8/84

32.Kaliluni Kaliluni 2/79 12/87

E. CENTRAL DIVISION

MATINYANI LOCATION

33.Maseki Kauma 5/71 11/74

34.Kwamutonga Kwamutonga 5/71 5/78

MULANGO LOCATION

35.Kitundu/K Kitundu/K 8/80

MIAMBANI LOCATION

36.Mwambaka Museve 7/84

37.Kangau Kasyala 9/90

F. KWAVONZA DIVISION

YATTA LOCATION

38.Kwakilya Makusya Y 11/89

Appendix 8. EQUIPMENT SHARED BY LAND ADJUDICATION AND SURVEY DEPARTMENTS

EQUIPMENT	NO.	UNIT COST	TOTAL COST
Planimeters	6		
Drawing Set	1		
Mirror Stereoscope	1		
Pocket Stereoscope	6		
Triangular Scales	7		
Pantograph	1		

Appendix 9. EXISTING LAND ADJUDICATION DEPARTMENT TRANSPORT
(March 1991)

TYPE	NO.	CONDITION
Land Rovers	5	1 New and operating 1 Old and Operating 3 Groundedbut Rehabilitatable
Motorbikes	0	
Bicycles	0	

LAND ADJUDICATION CONSULTANCY

This consultancy included working with the District Land Adjudication and Settlement Department initially to:

1. To review the land adjudication process and coverage in the district.
2. To show how the land adjudication process can service the KIDP needs for catchment based planning and implementation.
3. To indicate possible support to the Department by KIDP for the long term.
4. In cooperation with the District Survey Department, to establish how the department can effectively support the land adjudication process.

After the review of the first draft, the consultant was requested to:

1. Plan the use of the initial funds by developing a budget as well as a plan for expanding the staff of Land Adjudication Department.

The consultancy was conducted by interacting and discussing the issues with the Land Adjudication Office and the District Survey Office and the KIDP Project Coordinator. Discussions were held with Provincial Administration, the District Information Documentation Centre, District Statistical Office, Kitui County Council and other agencies working in Kitui, on past activities, data, maps, staffing and costing of operations related to the land adjudication process as it affects catchment based planning and implementation.