LAND FOR INFRASTRUCTURE DEVELOPMENT; COMPULSORY ACQUISITION OF UNREGISTERED/UNDOCUMENTED LAND

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INTRODUCTION

- Infrastructure development is key for economic development.
- Respect for property land rights (documented/not documented) is an important driver to rapid economic transformation.
- There is need for expropriation during large infrastructural development projects.
- 60% of land in Kenya is either unregistered or undocumented.

MATERIALS AND METHODS

- Review of Government documents
- Interview of Key informants
- Review of literature
- Pilot study on effectiveness of a Land Value Index to curb speculation

RESULTS

IDENTIFICATION OF GENUINE UNREGISTERED OWNERS

- Use of 3 methods for each parcel
  - Use of Local administrators
  - “Majirani” Concept (neighbors)
  - Compensation Inquiries
- “Occupants in good faith”

VALUATION OF UNREGISTERED LAND

- Analysis of local informal land markets
- Participatory assessment of various layers of land rights
- Consideration of local perceptions on values
- Arriving at fair compensation

CONCLUSIONS

- Legal framework to safeguard land acquisition process in the absence of formal registration
- Train land valuer’s in techniques and methods of valuing unregistered land
- Prior Physical Planning
- Empower of communities
- involvement of communities at every stage of project planning and development.
- Use of ADR
- Mass titling
- Need for National Land Value Index

FAO (2009) Land Tenure Studies: Compulsory Acquisition of Land and Compensation