



Terms of Reference (TOR) For Consultancy to Conduct an Analysis of the Digitalization of Land Administration in Kenya.

REFERENCE NUMBER: TIK/ALAC/001/2023

DESCRIPTION: Terms of Reference (TOR) for Consultancy to Conduct an Analysis of the Digitalization of Land Administration in Kenya.

POSTING DATE: 27th January 2023

DEADLINE DATE FOR SUBMISSION: 3rd February 2023

Organizational Profile

Transparency International Kenya (TI-Kenya) is a not-for-profit organization founded in 1999 in Kenya with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that are all bound by a common vision of a corruption-free world. TI-Kenya's vision is "A corruption-free Society". The mission is to champion the fight against corruption by promoting integrity, transparency and accountability in both public and private spheres. TI-Kenya's work is currently organized around four strategic focus areas namely; Citizen Demand and Oversight, Natural Resource and Climate Governance, Public Finance Management, and Institutional Development.

Land and Corruption in Africa II Project

Transparency International Kenya (TI-Kenya) is implementing the Land and Corruption in Africa (LCAII) Project, a project that seeks to ensure that corrupt practices in land administration and land deals are addressed, thus contributing to improved livelihoods of men and women. The LCA II project is being implemented in 8 countries; Kenya, South Africa, Zimbabwe, Zambia, Madagascar, Cameroon, Uganda and Ghana. The key land governance issues that the project seeks to address include corruption in land dispute resolution systems, corruption in lands offices hampering service delivery and gendered land corruption, which

makes women, disadvantaged and indigenous groups vulnerable. Improving good land governance and supporting more accountable, robust, and transparent institutions in land governance, will contribute to the ‘Africa We Want’ envisioned in the African Union’s Agenda 2063.

Project Background

The land question in Kenya has always been a matter of intrinsic value and remains a politically sensitive and culturally complex issue in Kenya. Since independence, it has been characterized by disputes over ownership, security of tenure and use. Just like in many nations, the land is a capital resource and factor of production which sustains many livelihoods as a means for income generation, food security and a guarantor of other economic undertakings.¹ Land management and administration are often marred by corruption, irregular allocations and transfers, and inequality in distribution and land resource utilization due to systemic challenges that have persisted over several decades.

Section 6 of the Land Act (No. 6 of 2012), mandates the Cabinet Secretary of the Ministry of Lands and Physical Planning to coordinate the development and implementation of a National Land Information System in collaboration with the National Land Commission. In fulfilment of this role, the Ministry embarked on developing technologies, and policies and putting up the necessary resources to promote the sharing of geospatial data throughout government levels, private and non-profit sectors, and the relevant stakeholders.

In line with their mandate as espoused in Section 6 (h) of the Land Act, 2012, the Cabinet Secretary, in consultation with the National Land Commission and County Governments, came up with the National Land Information Management System (NLIMS) dubbed ‘Ardhi Sasa’ which was formally launched on 27th April 2021² and was intentionally meant for digitalization of land administration in the country. This is also in fulfilment of the National Land Policy of 2009, which recommended consolidating, harmonizing, and streamlining of all registration statutes for clarity and reducing bureaucratic bottlenecks.³

¹ COG Chairman, H.E Martin Wambora: The Digital Land Governance Programme (This was a programme in whose key outcome was themed; ‘Support to the Attainment of Vision 2030 through Devolved Land Reforms in Community Lands of Kenya’ is meant to strengthen the security of tenure and equitable access to land and natural resources for enhancement of livelihoods and sustainable socioeconomic development.

² <https://knjenga.co.ke/ardhisasa-the-national-land-information-management-system/>

³ <https://cog.go.ke/component/k2/item/244-cog-national-lands-ministry-and-fao-to-roll-out-sh2-7bn-eu-funded-land-governance-program-in-april>

Scope of the assignment

TI-Kenya is keen to assess the digitalization of land administration in Kenya. The key goal of the assessment is to identify the benefits of the digitalization of land administration processes in Kenya, which will inform better policies and decision making thereby enhancing service delivery in land administration. Further, the assessment seeks to answer the questions of whether digitalization has or will solve the ever-recurring challenges in land governance and administration in Kenya, accountability issues emanating from the digitalization process and how these accountability issues are tied to the challenges citizens experience while seeking services within the land sector in the country. The scope of the assessment includes but not limited to:

- i. Access to information by the general public with regard to digital land administration in Kenya.
- ii. The legal and policy frameworks that greatly contribute to the operationalization of systems in land administration.
- iii. Establish what informed the digitalization and whether service delivery has been impacted, as compared to when manual land administration systems were used.
- iv. Mapping out complaints management systems in the land sector and how the complaints have been addressed by the state, and the satisfaction levels of the complainants- citizens.
- v. Emerging forms of corruption witnessed post-digitalization; challenges & gaps that perpetuate land corruption in Nairobi and Kwale Counties.

Specific tasks and Key deliverables

1. Assessment Report on the digitalization of land governance processes in Kenya: Nairobi and Kwale. The assessment report will:
 - Provide a contextual analysis of the digitalization of the land administration process in Kenya. This will also include a readiness assessment for the digitalization process; an assessment of the risks and challenges associated with the digitalization process.
 - Provide an analysis of the policy, legal and institutional frameworks for the digitalization of land administration process in Kenya.
 - Provide an analysis of the estimated financial costs and benefits of digitalization of land administration processes.
 - Highlight the impact of the digitalization process on access to services by women, youth and indigenous groups.
 - A comparative analysis of digitalization of land processes in addressing land corruption, case study- Uganda, Cameroon, Sweden

- Incorporation of any recommendations on the areas highlighted for assessment.
2. Facilitate a Webinar to publicize the findings of the assessment.
 3. Policy brief and Fact Sheet from the assessment report
 4. PowerPoint Presentation on the findings

Qualifications and Attributes Required.

Interested individual(s) (or firms) should possess the following minimum qualifications:

- At least a bachelor's degree in Land Administration, Mathematics, Land Economics, Public Policy or any other relevant degree in social sciences.
- A relevant Masters degree or more as an added advantage by the lead consultant.
- At least 5 years of proven experience in conducting research and analysis on land administration, land economics, land management and natural resources matters.
- Good knowledge of the national policies and legal frameworks around land and land issues with proven exposure/experience of the same at regional and international levels.
- Proven experience in analyzing qualitative and quantitative data.
- Demonstrated experience with the preparation of policy strategies and papers including review and development.
- Ability to establish priorities, and to plan, coordinate and monitor own work.
- Good interpersonal skills, and ability to work in a consultative and collaborative manner.
- Recommendations /evidence of similar tasks/work successfully completed

Application Process

Qualified candidates are requested to submit **one document** of not more than 15 pages as an attachment (combining the application letter, CV, technical proposal including the methodology for the assignment, financial proposal and 2 reference letters).

Submission of Bids

The deadline for submission of expressions of interest is 3rd February 2023. Applications should be sent by email to procurement@tikenya.org. Please indicate **TIK/ALAC/001/2023 Land & Corruption II Assessment** in the subject line of your email application.

Complaint's Process

This call for Expression of Interest does not constitute a solicitation and TI-Kenya, reserves the right to change or cancel the requirement at any time during the EOI process. TI-Kenya also reserves the right

to require compliance with additional conditions as and when issuing the final solicitation documents. Submitting a reply to a call for EOI does not automatically guarantee receipt of the solicitation documents when issued. Invitations to bid or requests for proposals will be issued in accordance with TI-Kenya rules and procedures. Any grievances and or complaints arising from the evaluation process and final tender award can be addressed, in writing, to the Executive Director as well as the TI-Kenya Tender Complaints Committee.

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