



# FIG Working Week 2024

19-24 May

Accra, Ghana

Your World, Our World:  
Resilient Environment  
and Sustainable  
Resource Management  
for All

## Providing Secure Land Rights in Informal Settlements:

### A Case Study from Mombasa, Kenya

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Mashimoni settlement, Nairobi

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## Case study Kwa Bulu, Mombasa

Part of a larger study on providing land tenure security in urban informal settlements

Linked to SDG 1.4.2: Land tenure security for all

Assess FLTS in Namibia

Therefore, other approaches are investigated

FFP LA used in many countries

Compares FLTS (Namibia) and FFP LA/STDM (Kwa Bulu, Mombasa and Kanyama Ward 10, Lusaka)

- Not ideal FFP LA case because concept is not fully applied
- STDM used to register occupancy rights

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## Case study Kwa Bulu, Mombasa

- 1,200 plots
- 0.35 square kilometres
- Divided into 4 villages (Kashani, Timboni, Epcu, Msufini)



Kwa Bulu regularisation scheme



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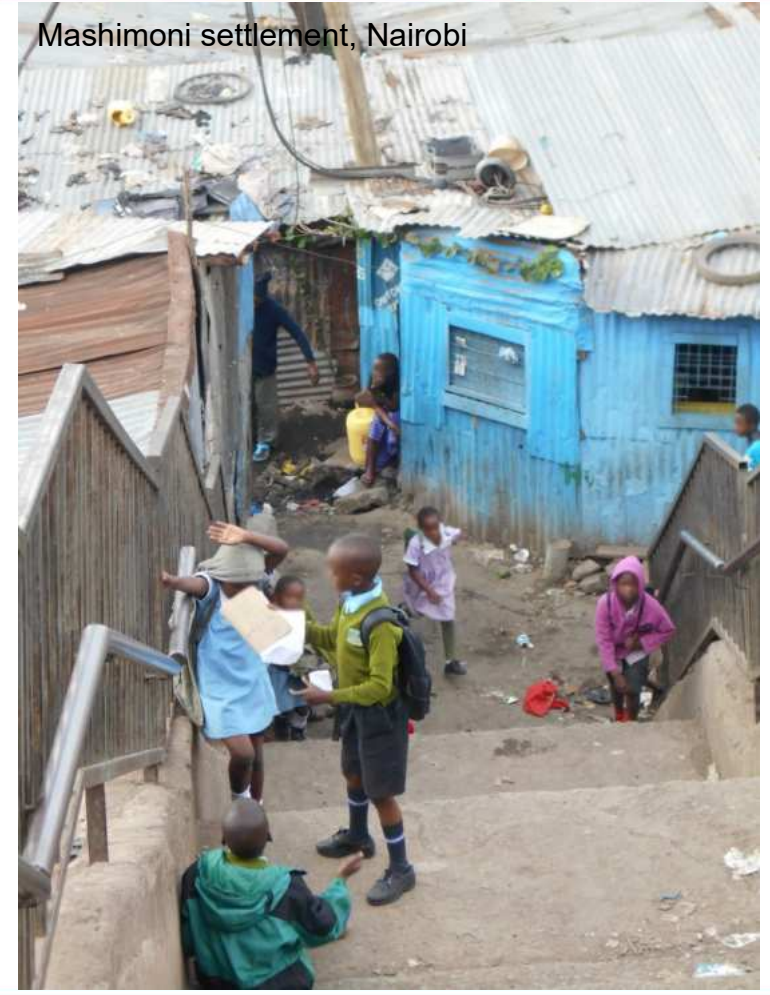
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## Analytical Framework

Five overall evaluation areas:

- **Country context** (Historical and social background, Policies and legal framework, Land tenure setup, Leadership structure in the settlement)
- **Registration process** (Mapping, Registration, Administration)
- **Capacity needs** (Need for professionals, Community involvement, Need for capacity development)
- **Resources** (Time for registration, Costs of registration, Allocation of financial resources)
- **Output, Impact on local community, and benefits to society** (Plots registered, Impact on local community, Benefits to society)



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## Method

Interviews with resource persons

- Community members
- The settlements land committee
- County government land professionals
- Local NGO

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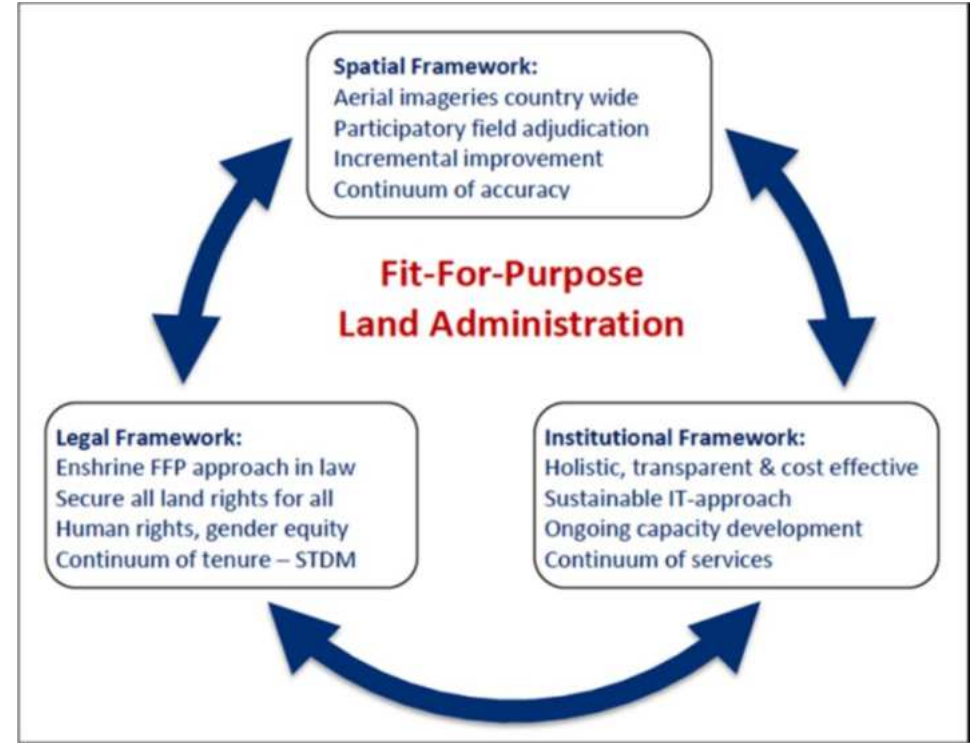
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## Case study Kwa Bulo, Mombasa

- Formalisation based on court order that mandated county government to formalise settlement
- High level of community involvement
- Supported by local NGO (Pamoja Trust)



Source: (Enemark, McLaren, & Lemmen, 2016)



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## Stakeholders:

- **Landowner:** Kenya National Assurance
- **Structure owners:** Residents who did not own the land but owned the housing structure
- **Tenants:** Renting a housing structure from a structure owner
- **County government:** Acted as an intermediary between the landowner and structure owners



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## Outcome

- Rather complex setup of stakeholders and rights in land
- Structure owners obtained occupancy rights
- Tenants received no formal occupancy rights (but were captured in the STDM database)
- Rental agreements were not registered
- Structure owners can no longer be evicted
- Previously: Conflict between county government, landowner, and structure owners
- Now: Conflict between structure owners and tenants



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## Acknowledgement of rights

- Occupancy rights acknowledged by local community, surrounding external community, county government, but not by national government
- Tenants' names were recorded in the STDM database
- Some structure owners were hesitant to register – feared tenants would acquire occupancy rights

  
**COUNTY GOVERNMENT OF MOMBASA**  
**CERTIFICATE OF OCCUPANCY**

CONSTITUENCY:

WARD:

NAME OF SETTLEMENT:


CLUSTER:

STRUCTURE NUMBER:

OCCUPANT OTHER NAMES:


OCCUPANT SURNAME:

IDENTIFICATION NUMBER:

  
  
OCCUPANT SIGNATURE/STAMP/PRINT

CO - LAND, PLANNING AND HOUSING  
COUNTY GOVERNMENT OF MOMBASA

**Legend**  
 M035  
 Roads2016  
 Buildings2016  
 Kwabulo\_boundary2016  
 Structures  
 MSA\_revised Image



DISCLAIMER: THIS IS NEITHER A CERTIFICATE OF ALLOTMENT NOR A TITLE BUT A CERTIFICATE OF ENUMERATION

Source: (Adapted from Wachira, 2017)



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## Lessons Learnt

- Privately owned land adds a layer of complexity (vs publicly owned land)
- Tenants not obtaining improved tenure security
- Occupancy rights considered initial step towards freehold rights for structure owners
- More attention be paid to embrace all residents, incl. tenants, e.g. by maintaining tenant/resident register
- Plots surveyed twice because structure owners subsequently wanted to acquire freehold rights



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## Lessons Learnt

- Formalisation as entry point to basic services
- Safer environment for residents and non-residents
- Demand for accurate surveying is cumbersome – and not necessary for an area as Kwa Bulu
- Legal framework not addressing local needs
- Countrywide implementation requires legal framework supporting FFP LA/STDM concept
- Long-term financial allocation and capacity building required



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SUSTAINABLE DEVELOPMENT GOALS

International Federation of Surveyors supports the Sustainable Development Goals

## Commission 7

Cadastre and Land Management

# Thank you!

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