Pending issues on ardhisasa online system call for urgent attention

Posted on Jan 06, Posted by [Mwathane](#) Category [Land Governance](#)

Cabinet Secretary Zachariah Njeru holds a very wide cabinet portfolio. It consists of Lands and Physical Planning, Housing and Public Works, and the Urban Development dockets. I cannot recall any other Lands Minister who ever held all these in one. Mr Njeru will therefore find himself extremely busy. He will need our support. Luckily for us, the Lands docket provides space and rights upon which housing, public works and urban development happen. The Minister's efforts in Lands will therefore manifest and support his efforts in the other dockets.

Ardhisasa should expedite transactions

Delays in land transactions have for instance impended the expedient provision of land for housing and the development of infrastructure over the years. The Minister now has the discretion to have all these work in complementarity within this expanded portfolio. But the one thing he must first fix to attain efficiency is the online land management system, dubbed *ardhisasa,* which was launched in April 2021. The intentions of establishing this online system remain noble, the initial policy and technical hitches notwithstanding. It will help to expedite land transactions; it will immortalize our land records in better form and will help to disseminate land records countrywide real-time. It also substantially reduces human interfacing, and the consequent motivation for rent seeking.

For practicing professionals, it cuts out intermediaries and quacks who enjoy much latitude with conventional manual systems. Unfortunately, the performance of *ardhisasa* has been sub-optimal since establishment. In fact, anecdotal evidence from banks, legal, planning, surveying and real estate practitioners bespeaks a most worrying trend where transactions for Nairobi County, which went first on *ardhisasa* , have been piling up since the system kick-off. This is not sustainable in a country grossly short of own-source revenue, a stream that greatly benefits from land revenues. It also frustrates many Kenyans queuing to move their land transactions and development.

System has not worked well

The former Minister Farida Karoney did well to establish the online system. But she never got to fully integrate user feedback. Ordinarily, new online systems usually face initial challenges. However, these are gradually addressed during piloting. In our case, *ardhisasa* never enjoyed adequate pre-design input from industry. As a result, some of the policy and technical assumptions that informed the system design have not worked well. And unless these are revisited, *ardhisasa* will not pick up, and will not give this country value for money. Moreover, standard practice calls for adequate piloting before the system goes live. While piloting happens, the old manual processes remain live to ensure business continuity. In our case, we treated Nairobi as a pilot county, but went on to deactivate the manual systems before conclusive monitoring and review. Furthermore, the physical records for Nairobi County, which remain critical until piloting is concluded, were reportedly moved offsite. This may turn out to present a constraint, but it is hoped that these records are safely archived somewhere, should they be required.

Need for system review

So which way forward for us? In my view, Minister Njeru has little latitude. He will have to undertake a review of the current system. In the meantime, he must unlock the backlog of transactions by considering the parallel manual submission and processing of land records, while a dedicated team works to address the documented user concerns on *ardhisasa*. This will be a heavy high-level decision. However, it is perhaps the only way to unlock the prevailing stalemate, and the cumulative loss of billions worth of land transactions.

Publicise and expedite conversion of old titles

He will also have figure out how best to expedite the ongoing conversion of the old titles to the Land Registration Act of 2012, which is a prerequisite for uploading documents on the online system. While the conversion is a necessary statutory procedure, it remains unknown to most land owners countrywide, and will continue to undermine the uptake of *ardhisasa* if not adequately publicized and perfected.

Dated: 4th January, 2023

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