

## The Role of Governors in County Land Governance

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I suspect that County Governors and their Executives are currently grappling with how to manage matters land, which is important to their tenure of office. Under the Constitution, County governments are in charge of county planning, land survey and mapping within their jurisdictions. Let us look at the supporting arrangements.

First, it is important to appreciate that the Ministry responsible for Land will provide political leadership, policy formulation and monitoring. It is also responsible for resource mobilization for the sector. More importantly, the Ministry will continue to operate and maintain a land register for the registration of private, public and community land throughout the country. So the Ministry will continue to oversee the various District Land Registries as it has always done.

I know some are asking what then the national land commission will do. This commission, still busy trying to resolve the teething problems of office space, seed staff and initial budget from Ardhi House, will be responsible for managing public land on behalf of the national and county governments. What governors should take interest in regarding the land commission are its county level offices called county land management boards, established under the National Land Commission Act. Governors and county chief executives should take note that the appointment of members to this board will need the approval of the county assembly and that one of the members must be a surveyor or a physical planner, nominated by the county executive and appointed by the governor. However, according to the law, the secretary to this board shall be appointed by the land commission. So what will be its routine duties?

Subject to physical planning and survey requirements, the board shall process applications for allocation, change and extension of user and for the subdivision and renewal of leases of public

land. And it will also perform any other functions that may be assigned by the Commission or any other written law. The county governor and assembly should therefore appreciate that they will need to work with this board so that the routine delivery of these functions is in the interest of the county and country. It's upon them to liaise with the Ministry of Lands and the land commission to establish these boards soonest.

In addition, The Urban Areas and Cities Act establish Urban Areas and Cities based on the population figures from the last gazetted census results. According to this law, the governor and county assembly have key roles to play in conferring the status of city, municipality or town to any urban area within their boundaries. Importantly, the management of such cities and municipalities will be vested in the county government and administered on their behalf by management boards constituted under the Urban Areas and Cities Act. These boards shall consist of representatives of professional associations, the private sector, the informal sector, neighbourhood associations and an association of Urban Areas and Cities in the respective jurisdictions. The boards will be appointed by the county executive committee and approved by the county assembly. Among other things, the management boards will control land use, land subdivision, land development and zoning by the public or private sectors in their jurisdiction for all categories of land and for any purpose. This should converge well with what the Boards under the land commission will undertake. Governors will be key players in such convergence.

The anticipated Community Land law, now under formulation, is likely to create different organs to hold and manage community land at County level and Governors must remain ready to play some role.

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