



# THE COMMISSION ON ADMINISTRATIVE JUSTICE (Office of the Ombudsman)

**Hata Mnyonge ana Haki**

## PRESS RELEASE

NAIROBI, Friday, March 21, 2025

### Ombudsman Calls for Urgent Reforms in Land Administration

The Commission on Administrative Justice (Office of the Ombudsman) is directing the State Department for Lands and Physical Planning, under the Ministry of Lands, Public Works, Housing, and Urban Development, to implement urgent reforms to streamline land processing procedures, enforce accountability measures, and enhance transparency in its operations. Additionally, the Commission is advocating for the adoption of digital platforms to track complaints and improve efficiency as well as the training of officials in customer service and ethical conduct. These measures aim to address systemic issues in public service delivery, foster a more responsive and transparent institution, and contribute to resolving Kenya's broader land-related challenges.

According to the ***Status of Administrative Justice and Access to Information Report (2012-2024)*** launched by the Commission on 22<sup>nd</sup> May 2024, the Ministry of Lands accounted for the second-highest number of complaints, representing **6.88%** of all complaints received. Since 2019, the Commission has received **392** complaints against the State Department for Lands and Physical Planning, of which **186** have been resolved, while **206** are pending.

The most prevalent issue is **delayed services**, which make up **38%** of all complaints (**147 cases**). Many citizens have reported long wait times for essential services such as the issuance of title deeds, conclusion of land transfers among others. The second most cited issue at **21% (81 cases)** is **unresponsive officials**, that leave complainants stranded due to the lack of communication. Other concerns include **inefficiency (29 cases)**, **manifest injustice (26 cases)**, limited access to information (**21 cases**), and

administrative injustice (**18 cases**). Cases of unlawful conduct, unfair treatment, abuse of power, and corruption were also flagged, albeit in smaller numbers.

Delayed services remain the most serious bottleneck, with some complaints taking years to resolve. While **263** cases were addressed within three years, **119** dragged on for **4-15 years**, **8** cases took up to **25 years**, and **2 cases** remained unresolved for over **25 years**.

The Commission has also received complaints from the Law Society of Kenya (LSK) which collated complaints from a number of stakeholders including lawyers and law firms raising similar issues against land registries. These issues were raised with the Land and Climate Justice Committee of the LSK.

From the complaints received from LSK, the majority relate to the **ardhisasa platform (14 complaints)** most of the complaints were on issues of **administrative injustice, abuse of power and delays**.

The incomplete digitization of records in land registries and the **sub-optimal functioning of the Ardhisasa platform** is causing inordinate delays and creating loopholes for corrupt practices to persist

Below are examples of cases lodged with the Commission:

### 1. Manifest Injustice

- **Issue:** Complainants displaced during the 2007 post-election violence were resettled in Nyandarua County and allotted plots in the Nyandarua/Mawingu Salient/38 scheme. However, they have not received title deeds despite repeated follow-ups for over 18 years.
- **Action Taken:** Inquiry letters and reminders were sent on 27th April 2023, 7th July 2023, 16th October 2023, and 9th February 2024.
- **Current Status:** No response received. The matter remains **pending**.

## 2. Delay in Issuing a Title Deed

- **Issue:** A complainant lodged the processing of a title deed for property Nairobi/Block/119/31 in December 2008, but the title remains unprocessed after 16 years despite repeated efforts.
- **Action Taken:** An inquiry letter was sent on 5th July 2024.
- **Current Status:** No response received. The matter remains **pending**.

## 3. Unresponsive Official Conduct

- **Issue:** A complaint that Kilifi Lands Office has failed to process a title deed for a parcel of land in Kaloleni, Kilifi County for over 18 years. The matter was raised by the Commission but there has been no response from the Ministry.
- **Action Taken:** An inquiry was initiated on 25<sup>th</sup> January 2023 as well as follow up reminders the latest of which was dated 27<sup>th</sup> March 2024, there has been no response to date.
- **Current Status:** No response received. The matter remains **pending**.

## 4. Delays on Ardhisasa

- **Issue:** There are complaints of delays in the registration process on the platform; timelines are not adhered to and there is no clear escalation mechanism to deal with the delays.
- **Current Status:** The matter remains **pending**.

These inefficiencies exacerbate Kenya's already complex land issues, where disputes over ownership, fraudulent allocations, and historical injustices persist. Bureaucratic delays and a lack of responsiveness fuel conflicts, creating an environment where land transactions are increasingly difficult, contentious, and susceptible to corruption. The inability to access timely and fair resolutions leaves many citizens in limbo, discouraging investment and development.

The Commission has, therefore, given the Principal Secretary, State Department for Lands and Physical Planning, **sixty (60) days** to review the **206** pending complaints and provide a detailed response, clearly indicating the Department's position, steps taken, or intended actions to ensure prompt resolution. It is critical that these complaints are addressed without delay to secure individual land rights and strengthen public trust in property ownership in Kenya.

Further, in line with the Commission's commitment to the swift resolution of complaints and in accordance with **Section 8 of the Commission on Administrative Justice Act 2011**, the Commission recommends the following urgent measures:

1. The Principal Secretary to process and resolve all the pending **206 complaints within 60 days** from the date hereof and to provide a compliance report to the Commission on the same, failure to which the Commission shall give the office holder notice to show cause as to why he should not be declared unfit to hold public office
2. Operationalize an efficient and transparent complaint-handling mechanism to address grievances promptly and ensure accountability in service delivery. This mechanism should enable the public to track the progress of lodged complaints.
3. Address systemic factors affecting delays in service delivery, including poor records management, bureaucracy, corruption, cartels, staff shortages, inadequate equipment, and ICT challenges. A progress report on measures taken must be submitted.
4. Conduct an audit of all land registries in Kenya to establish the cause of poor service delivery particularly processing of land title deeds, land transfers and issuance of official search certificates.
5. Ensure full digitization of records in all land registries.
6. Implement stakeholder recommendations to improve the *Ardhisasa* platform. The issues raised regarding *Ardhisasa* include allegations that;
  - a. The conversion manual is not aligned with *Ardhisasa* process

- b. There is delay in conversion and enumeration of titles due to among other things; - missing data, failing to submit title application, mismatched name between the applicant and the register, particulars of the property, such as area size.
  - c. The system experiences constant downtime.
  - d. Search results on the platform are incomplete, module for multiple searches is missing and users are unable to get searches for parcels that have not been enumerated or converted.
  - e. There are delays in registration. Timelines are not adhered to and there is no clear escalation mechanism to deal with the delays.
  - f. Development control applications are limited to registered owner and registered physical planners.
  - g. There is inadequate communication (sensitization and awareness) on the system or new modules
  - h. There is inadequate technical user guidelines and system access rights.
  - i. The system does not adhere to the relevant law as it does not notify the actors and issue approvals for applications as per the provisions of Section 58 (6) of Physical and Land Use Planning Act (PLUPA).
  - j. There is no information on parcels falling on public land and parcels encroaching on road reserves.
  - k. Consolidated module members are unable to complete transactions
  - l. The platform has weak system integration and inter- linkages
  - m. The platform has challenges with commercial lease registration
  - n. The RIMS and survey plans are not available on Ardhisasa.
7. Implement strict accountability measures for all land officials to ensure timely responses and full adherence to the service delivery standards outlined in the Ministry's Service Charter found in your website.
8. Conduct training programs for land officers to improve efficiency, accountability, and customer service, thereby enhancing the quality of service provided to Kenyans.

The Department should provide a progress report **within 3 months** on the measures taken in implementing the recommendations 2-8 above.

We continue to urge the public to lodge complaints with the Commission on matters relating to poor service delivery issues by public institutions. Complaints such as; delay, abuse of power, administrative injustice, unfair treatment can be lodged on the website ([www.ombudsman.go.ke](http://www.ombudsman.go.ke)), through post, telephone lines or using our email address ([complain@ombudsman.go.ke](mailto:complain@ombudsman.go.ke)). You can also visit any of our offices details of which can be found on the Commission's website.

The Commission remains committed to ensuring administrative justice and calls on all stakeholders to work collaboratively to address these challenges and build a more equitable and efficient land administration system in Kenya.

DATED AT NAIROBI THIS 21<sup>st</sup> DAY OF March 2025



CHARLES DULO

COMMISSION CHAIRPERSON