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Sida Decentralised Evaluation

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Evaluation of the Institutional Cooperation Between Ministry of Lands, Kenya and Lantmäteriet, Sweden on the Project for Improving Land Administration in Kenya 2009-2012 (PILAK)

Final Report

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January 2013**

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The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the Swedish International Development Cooperation Agency, Sida.

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Table of Contents

Abbreviations and Acronyms	4
Preface	6
Executive Summary	7
1 Introduction	12
1.1 Purpose of the Evaluation	12
1.2 Methodology	12
1.3 Limitations	13
2 The Evaluated Intervention	14
2.1 Project Background	14
2.2 Objectives of the Project.....	15
2.3 Implementation Organisation.....	15
2.4 Theory of Change.....	16
3 Findings and Conclusions Regarding Achievements	18
3.1 Safeguarding Paper Records	18
3.2 Developing Business and IT-Architecture.....	20
3.3 Modernising the Geodetic Framework.....	22
3.4 Parcel Identification Reform.....	24
3.5 Land Rent Collection System	24
3.6 Systematic Conversion to RLA Titles	25
3.7 Develop other LA Systems	26
3.8 Public Awareness	26
3.9 Other Results of PILAK, Not Necessarily Part of the Original LFA	27
4 Efficiency.....	29
4.1 Efficiency of Programme Implementation	29
4.2 Efficiency of Capacity Building.....	30
4.3 Cost-Efficiency.....	31
5 Sustainability	33
6 Relevance	35
6.1 Relevance in Relation to the Problems.....	35
6.2 Relevance in Relation to the Kenyan Policies and Strategies for the Land Sector	35

6.3	Relevance in Relation to Other Support	36
6.4	Relevance in Relation to Sweden's Policies and Cooperation Strategy for Kenya	39
7	Cross-Cutting Issues.....	41
7.1	Gender Awareness and Focus in the Programme	41
7.2	Human Rights.....	41
7.3	The Perspectives of the Poor	42
8	Evaluative Conclusions	44
8.1	Effectiveness of the Project	44
8.2	Efficiency	44
8.3	Relevance	45
8.4	Sustainability of Results	46
8.5	Cross-Cutting Issues	46
9	Lessons Learned	47
10	Recommendations.....	49
	Annex 1 – Terms of Reference.....	51
	Annex 2 - Followup on Indicators.....	56
	Annex 3 – List of Capacity-Building Activities	58
	Annex 4 – Time Schedule for Field Work.....	61
	Annex 5 – Persons Interviewed	63
	Annex 6 – List of Reference Documents	65
	Annex 7 – Inception Report	67

Abbreviations and Acronyms

AFD	Agence Française de Développement
BPR	Business Process Re-Engineering
CCT	Closed-Circuit Television
CIS	Cadastral Information System
CORS	Continuously Operation Reference Stations
CSOs	Civil Society Organisations
DFID	Department for International Development - UK
DPGL	Development Partners Group on Land
DPLG	Development Partners Land Group
EU	European Union
FIDA	Federation of Women Lawyers - Kenya
FIG	Federation of Surveyors
FY	Financial Year
GIS	Geographical Information Systems
GLTN	Global Land and Tool Network
ICDC	International Computer Driving License Certificate
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technology
JICA	Japan International Cooperation Agency
KENREF	Kenya Reference System
KISIP	Kenya Informal Settlements Improvement Project
KNSPI	Kenya National Spatial Data Infrastructure
LIMS	Land Information Management System
LRA	Land Registration Act
LRCC	Land Records Conversion Center
LRTU	Land Reform Transformation Unit
LSNSA	Land Sector Non-State Actors
M&E	Monitoring and Evaluation
MoL	Ministry of Land
NLIMS	National Land Information System
NSA	Non-State Actor
PAMOJA	Non-Profit Organisation - Kenya
PILAK	Project for Improving Land Administration in Kenya
RBM	Results-Based Management
RLA	Registered Land Act

TABLE OF CONTENTS

SEK	Swedish Krona
Sida	Swedish International Development Cooperation Agency
STDM	Social Tenure Domain Model
ToR	Terms of Reference
TWG	Transitional Working Group
UNHABITAT	United Nations Human Settlements Programme
UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	United States Agency for International Development
WB	World Bank

Preface

This evaluation was commissioned by the Embassy of Sweden in Kenya, which assesses a project for improving land administration in Kenya, implemented by Kenya's Ministry of Lands and the Swedish Lantmäteriet and financed by Sweden.

The evaluation was undertaken by Indevelop through Sida's framework agreement for reviews and evaluations, and was mobilised rapidly in order to respond to the needs of the Ministry and the Embassy in relation to phase 2.

The independent evaluation team consisted of three key members:

- Bernt H. Andersson as Team Leader
- Sanne Chipeta as Evaluation Methods Advisor
- Tamara Hallaq as Evaluator

Indevelop's management team included Ian Christoplos who provided quality assurance to the methodology and reports, and Jessica Rothman who was responsible for coordination and management of the evaluation implementation.

Acknowledgments

The evaluation team wishes to express its sincere gratitude to the many people who compiled and shared documentation, graciously welcomed them and gave their time for interviews and open discussions despite busy agendas. Special thanks are due to the staff of the Ministry of Lands who hosted us and went out of their way to assist us during the data collection period, and to the project staff of Lantmäteriet in Kenya.

Executive Summary

Background

The assignment is an end-of-project evaluation that will inform the design of the proposed phase 2 of the Project for Improving Land Administration in Kenya (PILAK) and the Swedish Embassy's decision on contribution to this.

Initially, a desk study of the documentation listed in the ToR and other documents was undertaken. During the two-week field visit to Nairobi, interviews were conducted that followed structured questionnaires for Ministry of Land (MoL) and project staff and another questionnaire for interviews with civil society organisations. The list of persons interviewed is attached as Annex 5.

The lack of some of the progress reports (quarterly reports for 2010, and first quarter of 2011 together with semi-annual report for second half of 2011 and first half of 2012 could not be found and submitted to the evaluators), the non-analytical character of the reports, the lack of analysis in the financial reporting and the fact that the identified results indicator has not been followed up has limited the information available for the evaluation.

The evaluated project, Improving Land Administration in Kenya 2009-2012 (PILAK), is implemented by Lantmäteriet and Kenya's Ministry of Lands. The Project is financed by Sweden through the Embassy of Sweden in Nairobi, with SEK 40,480,750. PILAK aims to contribute towards a Kenya with a *“well functioning land administration, with correct, accessible and reliable information that will contribute to social and economic development”* (Overall Objective). More specifically, the project purpose is *“Improved procedures and operating environment at the Ministry of Lands, leading to accessible and reliable land information”*. It aims to achieve the following results:¹

- Model analogue and digital archives in place for nationwide implementation
- Business and IT-architecture developed and a strategy for Land Information Management System (LIMS) development and implementation.
- A modern geodetic framework is designed and implemented in parts of Kenya
- A national system for unique land parcels ID developed and implemented in one DLO
- A Land Rent Collection System developed

¹ Inception report. MoL and Lantmäteriet June 2010.

- A procedure for systematic conversion of old titles to the new Registered Land Act (RLA) developed and tested.
- One or more system modules developed and other initiated
- Project activities and results communicated to all stakeholders.

PILAK comes to an end in December 2012. It has been proposed that it be followed by another project (here called “PILAK 2”).

Effectiveness

While significant steps have been taken towards the achievement of the overall project objective, the overall objective and purpose have not been achieved.

At the time of the evaluation in November 2012, twelve of the expected results have been fully or partially achieved. The non-achievements are mainly due to the over-ambitious design of the project, delays in the project implementation, late validation of key policies and a redesign of the project components.

During the evaluation in November 2012, the project was in a very hectic final period of work and more outputs may be achieved by the end of December, even though they had not been achieved by the time of the evaluation. The final achievements of PILAK will be reported in the final project report.

Efficiency

The overall design of the project, the selection of intervention areas and the agreement between MoL and Lantmäteriet seem to the evaluators to have been good decisions with potential for promoting efficiency in the implementation of the project.

The progress reports mainly report on activities and do not relate to results. The reports are not analytical, nor are they reporting on the agreed results indicators. Financial reports contain no explanations about deviations from budgets or any other information except for the financial data tables. Lantmäteriet has not met the contractual obligations of reporting.

The specific content of the “twinning”, as such, has not been defined and there is no document that defines the obligations of Lantmäteriet in relation to what the twinning is supposed to be about.

The efficiency of the study visits could not be evaluated within the budget and time-frame of the evaluation, considering the evaluation should be a “rapid evaluation” according to the ToR. There have also not been any course evaluations after the workshops/training that could have provided the evaluators with broader evidence about the interaction between the MoL staff and the consultants from Lantmäteriet. The evaluators have, however, not found reason to believe that the workshops/training have not been efficient.

That only twelve of the seventeen results were fully or partially achieved, whereas the budget will be fully spent, shows low cost-efficiency. The flexibility of the budget, with a reallocation of funds to the components that have not suffered delays and to the new component (change management), has been commendable but does not seem to have increased the achievements of the defined results.

Relevance

The implementation and achievements are, so far, particularly relevant in relation to the Kenyan policies and strategies for reforming the land administration.

The PILAK project is closely related to the Swedish Land Reform Support Programme and supports one of its components. Support from the World Bank and from USAID are both complementary to the PILAK project. The JICA support to the training of surveyors benefits Component 3 of PILAK by building the capacity of the surveyors who will manage the KENREF system.

The Swedish funding to UNHABITAT is contributing to the coordination of development partners in the land sector. There is also potential for the future PILAK project to draw on the pro-poor and gender tools developed by UNHABITAT. Swedish support to the LSNSA network of CSOs is complementary to the PILAK project.

The project is in line with the Swedish Country Cooperation strategy and is potentially in line with sector policies, but project design and implementation have not had an explicit human rights, gender or poverty perspective.

Sustainability

Sustainability remains a main concern within the project, since the funding of critical activities has been almost exclusively ensured by Sida, without the MoL integrating a systematic phase out strategy. This is particularly obvious for the employment of the casual workers, the scanning of remaining archives, the maintenance of the ICT equipment and the limited qualified human resources at the MoL.

There have been no efforts to develop a phase-out strategy for the PILAK project. The development of a Project document for PILAK 2 is an opportunity to start drafting the phase out strategy for PILAK 2.

Cross-cutting issues

The PILAK project does not mainstream gender or human rights, even though the performance contract of the MoL foresees gender and disability mainstreaming and reflects Sida's policy on gender mainstreaming.

PILAK has concentrated on assisting MoL in improving the land information system, and expects that this will eventually benefit the poor. The poverty focus has not been operationalised in the project, nor have there been any noted attempts to make the many processes that have been developed more pro-poor.

Recommendations

The evaluators recommend that The Embassy of Sweden continue supporting a new phase of the PILAK project, linked to a strong policy dialogue between the Government and development partners and building on the following recommendations:

1. A future project, PILAK 2, should be fully integrated in the NLIMS structure and should also be seen as a part of larger Swedish support to land reforms through the Ministry of Lands. There should be one annual review meeting between Sida and the Ministry of Lands covering all Swedish support to MoL.
2. The Project document for PILAK 2 should be more specific, with realistic and well-defined results on outcome level and a clear strategy to reach the results.
3. The results-based approach should be strengthened and a strong M&E function must be set up, and ideally integrated into the MoL system.
4. PILAK 2 should include some of the current components (primarily Archives and KENREF), where investments have been made, but where the fruits from investments have not yet been harvested.
5. Explore the possibility to support other components in the new MoL Strategic Plan 2013 – 2016 – through a more thorough assessment of the land administration tools that can be used and the effects on the poor, marginalised and women.
6. Future support should include finalising the development of the maintenance systems and building the capacity of MoL to handle them.
7. Explore what can be done to move towards funding directly to MoL, and what the consequences would be for the procurement and contracting of short-term consultants.
8. Review the role of Lantmäteriet and the need for their broad resource base of consultants/specialists, with a more focused future project.
9. The MoL may need a long-term advisor who mainly has a policy advisory role to enhance the proposed future project's and overall Swedish support to the land sector regarding strategic planning and decision-making at the ministry.
10. There should be a phase-out strategy for PILAK 2.
11. A gender and human rights approach should be mainstreamed throughout the project and also be part of the public awareness component.
12. Since there have not been any noted attempts to make the many processes that have been developed more pro-poor, we recommend that this be done under PILAK 2.

Recommendations to MoL about progress, challenges and opportunities for land reforms and improving land information builds on the fact that reform work is already well integrated in the overall reform programme, leading to the vision 2030. For the land reforms, there is a hierarchy of policies and strategies for reforming the land sector. Although the implementation is slow, it is on track.

The MoL is building an IT-infrastructure and is developing common system platforms for the development of a number of land administrative systems. Some recommendations that may contribute to the successful implementation of the reforms and the development of the land administrative systems are:

1. Future reform implementation and system development should contribute more to poverty and humans rights and be gender mainstreamed.
2. MoL may look at several options for capacity creation, training, recruitment, out-sourcing etc. – based on a needs-assessment for the implementation of reforms.
3. MoL should take responsibility for a nation-wide roll-out, once systems been developed – the budget for this needs to be secured.
4. MoL should continue the efforts of “ring-fencing” some of the revenue raised from fees and land rent, to be used for reform implementation.

1 Introduction

1.1 PURPOSE OF THE EVALUATION

The assignment is an end-of-project evaluation that will inform the design and the Embassy's decision on contribution to the proposed Phase 2 of the Project for Improving Land Administration in Kenya (PILAK) and will inform the Ministry of Land (MoL) on progress, challenges and opportunities in the implementation of land reforms and improvements of land administration in Kenya.

1.2 METHODOLOGY

The evaluation questions are clearly articulated in the Terms of Reference (TOR),² and have been assessed using a combination of approaches: technical assessment/review, evidence-based approaches (IT-systems running, model analogue and digital archives accessible, etc.), indirect evidence (e.g. reporting of system faults, review of operation records, etc.) and interviews with key staff and other stakeholders. A list of reference documents is attached as Annex 6.

The evaluator(s) undertook a field trip to Nairobi for fact-finding and interviews with implementing partners, key staff of the MoL and managers and key decision-makers.

Cross-cutting issues like poverty, human rights and gender have been analysed, based on an assessment of what was lacking in reports and attitudes of key project stakeholders, as part of the evaluation in regards to the initial assessment, measures taken within the project to benefit the poor and to improve the gender situation, and what has been achieved.

Initially, a desk study of documentation listed in the ToR and other documents was performed. During the field visit, interviews were conducted that followed structured questionnaires for MoL and project staff and another one for interviews with CSOs. The list of persons interviewed is attached as Annex 5. As many staff as possible from MoL that were involved in the project have been interviewed. The selection of CSOs that the evaluators wanted to interview, was made from a list of CSOs that received support from the Embassy of Sweden, complemented with other CSOs based

² Terms of Reference version 1/10/2012, in Annex 1.

on the evaluators' own knowledge. During the very short time for the field work, it was only possible to get appointments with a few of the CSOs.

A final workshop was organised for fact-checking and discussion of the first draft report that was developed by the evaluators. The time schedule for the field visit is attached as Annex 4.

1.3 LIMITATIONS

The lack of some progress reports, the non-analytical character of the reports, the lack of analysis in financial reporting and the fact that the identified results indicators have not been followed up, have limited the information available for the evaluation.

Some of the individuals at MoL, that the evaluators wanted to interview, were not available during the time of the field work.

2 The Evaluated Intervention

2.1 PROJECT BACKGROUND

Land ownership and tenure is a highly controversial and sensitive issue in Kenya that cannot be dissociated from the recent history of the country. The settlement of British and other European farmers in the interior central highlands during the early part of the 20th century has led to a massive exodus of original highland inhabitants to the cities as their ability to earn a living from the land has dwindled. People were displaced from their fertile highlands and, after independence, they were settled outside their traditional areas, which in turn belonged to other groups. These events are commonly associated with historical injustices related to land rights and constitute an important source of tensions between tribes and communities, even today. The post-election violence of 2007-2008 is partially related to this historical background.

Furthermore, the land administration and governance system in Kenya is often associated with inefficiency, corruption, illegal allocation of public lands, inconsistent and complicated legal frameworks, gender discrimination and poor land dispute resolution systems.

Acknowledging this situation and the necessity of change, the successive governments of Kenya have undertaken land reforms since the 1970s, with a clear acceleration starting from the end of the 1990s. A number of reforms and commissions have been initiated, such as the Njonjo Commission of inquiry into land law system of Kenya (1999), the Land Reform Transformation Unit (LRTU) established in MoL (2002), the Ndung'u Commission appointed to inquire into the illegal/irregular allocation of public land (2003) and the Waki Commission of Inquiry into Post-Election Violence (2008). The legal framework has been modernised and has gained coherence with the Environment and Land Court (2011), the Land Act (2012), the Land Registration Act (2012) and the National Land Commission Act (2012). The National Land Policy (2009) has also been enacted by the Parliament in 2012. Finally, land reform occupies a central place within Vision 2030 and the Kenya National Dialogue and Reconciliation (Agenda 4).

Despite the support of international stakeholders and donors, and the progress acknowledged within the land sector, the implementation of the various laws and policies is still largely incomplete and major challenges remain at the political and the technical levels.

2.2 OBJECTIVES OF THE PROJECT

Lantmäteriet and Kenya's Ministry of Lands have been, since 2009, implementing a Project for Improving Land Administration in Kenya 2009-2012 (PILAK). The project is financed by Sweden through the Embassy of Sweden in Nairobi, with SEK 40 600 000 according to the latest revised budget.³ PILAK aims to contribute towards a Kenya with a "well functioning land administration, with correct, accessible and reliable information that will contribute to social and economic development" (Overall Objective). More specifically, the project purpose is "Improved procedures and operating environment at the Ministry of Lands, leading to accessible and reliable land information". It aims to achieve the following results:⁴

- Model analogue and digital archives in place for nationwide implementation
- Business and IT-architecture developed and a strategy for Land Information Management system (LIMS) development and implementation.
- A modern geodetic framework is designed and implemented in parts of Kenya
- A national system for unique land parcels ID developed and implemented in one DLO
- A Land Rent Collection System developed
- A procedure for systematic conversion of old titles to the new Registered Land Act (RLA) developed and tested
- One or more system modules developed and another initiated
- Project activities and results communicated to all stakeholders

PILAK has eight components, corresponding to the eight result areas above. PILAK comes to an end in December 2012. It has been proposed that it be followed by another project (here called "PILAK 2"). In order to draw important lessons from PILAK, and to inform the design, and motivate the financing, of PILAK 2, a "rapid evaluation" of PILAK was commissioned.

Parallel to PILAK, Sweden also channels broad support to the implementation of reforms in the Kenyan land sector through the Ministry of Lands. The latest contribution amounts to some 48 MSEK over three years, starting in 2012.

2.3 IMPLEMENTATION ORGANISATION

The project is implemented by the Ministry of Land through a twinning agreement with Lantmäteriet.

³ InceptionReport August 2010

⁴ Inception report. August 2010.

The main project responsibility within MoL lies with the Permanent Secretary, supported by a national project manager, a steering committee and the project team. During the first year and a half, the project organisation consisted of the Chair of Land Information System (LIMS) Transitional Working Group (TWG), acting as Project Manager and the steering group of LRTU, who also acts as steering group for this project. The project team consists of the members of the LIMS TWG, and as project activities increased, so did the size of the LIMS group.

The main responsibility for this project at Lantmäteriet in Sweden is held by the Coordinator of Overseas Activities at the Division for Cadastral Services. As a coordinator he works closely with the Department for International Services, who are responsible for overseas projects and for quality assurance reviews of the project on behalf of Lantmäteriet. A resident team leader/project manager has been responsible for Lantmäteriet's work with the project in Kenya.

2.4 THEORY OF CHANGE

The project purpose is to achieve improved procedures and an operating environment at MoL that will lead to accessible and reliable land information. Increased certainty of ownership can remove or reduce disincentives to invest in real property, such as the risk that a person with a better claim to the property will appear and demand its return. Increased certainty of ownership also provides time and money savings when a transaction takes place, because the buyer or mortgagee can simply rely on the information in the register. Increased certainty as to the location of boundaries can reduce disputes over boundaries, lower transaction costs and encourage the utilisation of the whole of the land plot. Access to credit can increase as a result of banks having greater confidence in the mortgagor's ownership of the property unit and its boundaries. Land administration and tax collection can be improved because the authorities have a unified and up-to-date information base.

Improved land administration will be achieved by the project supporting the ongoing reformation of MoL through the eight project components described above. The theory of change is summarised in the following figure.

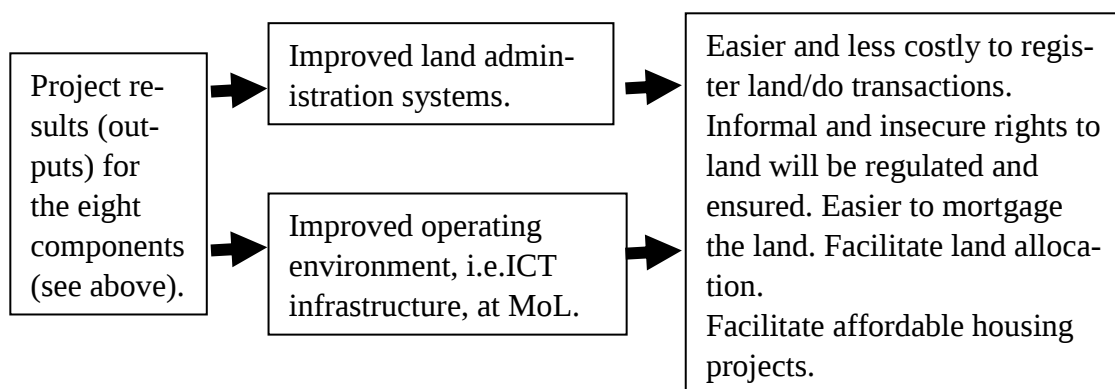


Figure 1: Theory of change

The theory of change seems to be logical. So far, the achievements from the project have mainly been at the output level (see Chapter 4). A number of indicators have been formulated to find out if the systems have been improved; but no data has yet been collected.

3 Findings and Conclusions Regarding Achievements

The Results for each component were revised in the Project's Inception Report, dated June 2010, and therefore differs from the Project document. The evaluation has assessed the results as stated in the Inception Report.

3.1 SAFEGUARDING PAPER RECORDS

The work of this component was planned to be carried out in three phases, where the first phase involves creating a model analogue, paper-based archive followed by phase two to create a digital archive. In a third phase, a nationwide implementation should follow, including the sequencing of record offices to follow the model archive. Result 1 refers to the first phase and results 2 and 3 refer to the second phase.

Result 1.1: *Model analogue archives in place for nationwide implementation. Two Land Registry archives at the Ministry's headquarters (the Central Registry and the Nairobi District Land Registry) will have been re-organized into proper analogue archives with accessible but secure information, ready for scanning.*

Until November 2012, the Central Registry was reorganised into proper analogue archives with accessible and secure information, and approximately 80% of the documents have been scanned. The Nairobi Registry has been reorganised into proper analogue archives, but no documents have yet been scanned. Furthermore, 60 000 documents are reported by the MoL to have been reorganised at the Coastal Registry (Mombasa). It seems that this action has helped stop the further degradation of the archives, has reorganised misplaced files and keeps better track of missing files.

Work in the field offices is ongoing:

- Nakuru: the analogue system has been finalised (with funding from the United States Agency for International Development, USAID)
- Kitale: work on the analogue system is being currently carried out
- Thika: no progress has been made
- Machiagos: no progress has been made

The Strong Room of Ardhi House (containing both the Central Registry and the Nairobi Registry) was rehabilitated. Shelves and manpower were provided by PILAK. However, shelves are still missing and space remains a challenge. A security system (mainly through CCT cameras) has been put in place, which was funded by the MoL.

Under PILAK, 280 000 files (around 2 million documents) of the Records Office have been put in order (but not indexed) and placed in a mobile shelf system. Shelves are still missing, but should be received before the end of December 2012.

PILAK has provided the Banking Hall with computers and a queue management system.

Conclusion: This result has been partially achieved.

Result 1.2: *A production line for scanning of important documents with trained staff will be in place in Nairobi.*

A digital archive system has been procured by the project and a digitalisation process, under the supervision of MoL with casual workers hired by PILAK, is ongoing. The production line has been set up in the shape of a Land Records Conversion Center (LRCC) in Ardhi House in June 2010 (with a six-month delay compared to the work plan), and completed with two additional rooms in October 2011. The LRCC is equipped with scanning machines and a security system. The Records Office is currently undergoing analogue and digital processes at the same time.

LRCC guidelines for accessing the files have not been formalised. Maintenance and a lack of space remain major challenges. A number of training activities have been carried out (see Annex 3). It seems that the one week hands-on training on paper conservation and restoration in April 2011 had a limited short-term effect. The restoration of registry books has not started because of related costs in terms of material (Japanese paper), time and manpower.

Conclusion: The setup of the production line has been achieved. Capacity building of the staff is ongoing and operating guidelines are being finalised. The result has been achieved.

Result 1.3: *All documents in the model archives will have been scanned and made accessible via a digital archive system, thus creating a model digital archive that can be replicated in other locations. "If plans are followed successfully, nationwide implementation can begin after 1.5 years from the start of the component."*

As stated above, around 80% of the Central Registry has been scanned but the Nairobi Registry has not started the digitisation process. Until November 2012, the digital archive system has only been accessible to a few internal users (registry managers). External users have no access at all.

Nationwide implementation has begun (in Mombasa and in Nakuru with funding from World Bank and USAID) and is being considered in Thika, Kitale and Machakos. *The Guidelines for the Nationwide Implementation of Safeguarding Land Paper Records* have been finalised, in November 2012, but no replication system has yet been initialised.

The D3 software for accessing and managing the digital archives has been procured, installed, configured and tested by a German consultancy company (d.velop). Produc-

tion has not yet started because of two missing elements: the uploading of images into the system and capacity building of staff.

Conclusion: 50% of the digitalisation of records has been achieved. Steps have been taken towards nationwide implementation, but the result has not yet been achieved.

The indicator “Shorter time for title searches and other information retrieval activities” cannot be reported against, as such, since methods of verification (evaluation reports from “model archive” implementation and measured service time) have only been partially provided. Indeed, the status of model archive implementation can be verified, but the measured service time can not.

3.2 DEVELOPING BUSINESS AND IT-ARCHITECTURE

Result 2.1: *The strategic framework needed for implementation of LIMS is developed.*

The strategic framework for LIMS was developed in the master plan for the National Land Information System (NLIMS), which explains how NLIMS is a central part of Land reforms with: the Overall Objective to facilitate efficient and effective service delivery in land management as spelt out in the Constitution, Vision 2030 and the National Land Policy. The NLIMS Programme is impended in the Ministry’s core functions as per the Ministerial Strategic Plan 2008-2012 and the Ministerial Performance Contract of Financial Year (FY) 2009/10-2010/11. The NLIMS Mission is to ensure that we have an integrated land information system based on Geographical Information Systems (GIS), i.e. a GIS-based NLIMS, which will incorporate e-Land Ownership Records and e-Land Registration Maps to provide our clients and customers with high quality and needs-oriented land information products and services on a timely basis.⁵

PILAK has supported the development of the Master plan for NLIMS, starting with the workshop at the end of 2010, which resulted in the first draft of the Master plan for NLIMS early 2011. PILAK activities were then streamlined to support the implementation of the Master plan. An organisational structure for NLIMS was set up and was functioning in early 2011; at the same time, the project organisation of PILAK was formally defined and linked to the NLIMS structure. The national project manager of NLIMS became also the MoL project manager for PILAK.

⁵ National Land Information System Master plan 2011-2012, dated 5 July 2011. MoL.

In the Master plan for NLIMS, several of the other components were defined as part of the development of NLIMS and were managed within the NLIMS organisational structure: The Safeguarding of archives (Component 1), Kenya Reference System, KENREF (Component 3) and Business process reengineering (originally part of component 2). NLIMS is being implemented according to the Master plan.

Conclusion: The result has been achieved.

Result 2.2: *The e-government strategy is looked into more thoroughly and mapped to the LIMS development.*

In March 2011, the government presented its ICT Standards and Guidelines,⁶ defining the infrastructure and systems that should be common to government administration. PILAK has then followed the guidelines in developing the systems of the MoL, i.e. intranet, e-mail system, etc.

Conclusion: This result has been achieved.

Result 2.3: *Methodologies for system development and system maintenance are introduced and staff trained.*

A number of systems have been developed with assistance from international consultants, based on the Government ICT standards and Guidelines, but no particular methodology as such for systems development has been introduced.

Maintenance of the IT equipment procured through PILAK will be secured through contracts with local suppliers, although the cost will be high at about 20% per year of the initial investment cost. For the scanners procured by Lantmäteriet, MoL staff has been trained to do prevention maintenance and minor repairs. Since the Bantec scanner is the only Bantec scanner in Africa, it has not been possible to secure a maintenance contract. So far, the solution has been that a technician from Sweden come to Nairobi to perform service twice a year and repair. This is financed from the PILAK project budget, but is not a sustainable solution for MoL.

Conclusion: This result has not been achieved.

Result 2.4: *An information security policy is developed.*

⁶ ICT Standards and Guidelines, the Presidency and Cabinet Affairs Office of the Office of the President, Directorate of e-Government. Version 0.1. March 2011.

A policy has been developed and a number of activities have been implemented to increase the security of information. The physical security has been increased with restricted access, camera surveillance and fingerprint detectors at the doors, to sensitive areas such as the archives and the Land Register Conversion Center (LRCC). A system for IT security has been developed to regulate access to different parts of the NLIMS for internal and external users; although the system is not yet operational for access to MoL in general or to external users.

Conclusion: This result has been achieved.

Result 2.5: *Business architecture developed and land administration businesses re-engineered.*

Component 2 was originally, in the Project document, a component aimed at developing the IT-architecture for the administrative systems of MoL, with an emphasis on information security and maintenance. In the Inception report, a sub-component for analysing and re-engineering the business processes of MoL was added to support an ongoing process within MoL.

A first seminar on Enterprise architecture was held by Lantmäteriet in September 2010 to assist the MoL to adapt this methodology in their work with Business Process Re-engineering (BPR). Other seminars followed in 2011 and 2012 and resulted in the mapping of several of the business processes of MoL. The number of steps needed to go through each of these processes was identified and a proposal was developed on how to rationalise the processes and decrease the number of necessary steps. The re-engineering of the process for land rent payments (component 5) is one example of how steps and the duration could be shortened (see section 3.5). Other examples are the processes of applying for registration and for a copy of registration. Both of these processes can be implemented when the new software for the e-archive has been installed (see below). No general plan for implementation has yet been developed. Yet another system is the file tracking system that has been developed and implemented.

Another business process that would be developed was the software system needed to access the digital land records archive and its scanned documents. Software has been procured by the MoL and is still being tested and adopted to the needs of MoL.

This component has increasingly focused on the MoL IT infrastructure that has been upgraded. During the evaluation, preparations were ongoing for the development of the MoL public website, intranet, e-mail and an IT-helpdesk.

Conclusion: This result has been achieved.

3.3 MODERNISING THE GEODETIC FRAMEWORK

Result 3.1: *A modern geodetic framework is designed and implemented in large parts of Kenya.*

A start-up workshop was held in April 2010 and a work plan was developed. Visits were initially made to two existing pillars that could be included in the Kenya Reference system (KENREF). The component was then put on hold until December 2010 for lack of funding that was not part of the PILAK budget, but should have come from other support from Sweden to MoL that was delayed. The funding problem was temporarily solved and activities of locating and construction of pillars began. With additional input from PILAK consultants, the total number of constructed pillars at the time of the evaluation in November 2012, is 19.

The main support from PILAK has been assistance to MoL by a geodetic expert to find proper locations for a national network of reference pillars and the design of the pillars. The expert has also assisted in collecting data at the pillars from GSM satellites to establish the exact position of the pillars, with a margin of error of around a millimeter.

A plan for the continued construction of pillars has been developed by PILAK to be part of a possible continuation of the project.

Result 3.2: *A number of continuously operating reference stations (CORS) will have been established.*

Training in software (Bernese) that should be used for the reference system was planned but could not be conducted, since the equipment was lacking. The necessary GNSS/GPS equipment had not been procured.

It cannot be established from the Project document or the inception report if the CORS were supposed to be passive or active with equipment such as antennae, receivers, data communication and power backup in use and data streamed to the control centre. According to PILAK, the CORS have been constructed as a passive network. According to the original budget, GNSS/GPS equipment at two Reference stations and Control centers were included and were part of PILAK. The construction of these is being finalised.

Result 3.3: *Data from the CORS stations made available to government surveyors, and private companies.*

The pillars have not been equipped with receivers or turned into active CORS stations. The network can have its coordinates distributed from the Survey of Kenya, but all end users must set their own GNSS receiver on the pillar to perform observations. After the use of the CORS, each user will remove its receivers and antennae from the pillar to make it possible for the next end user to occupy the pillar for its use.

Conclusion: With the successful construction of 19 pillars and the observations carried out for the processing of data to achieve new exact coordinates, a passive Con-

tinuously Operating Reference System has been established. The three expected results have been achieved.

3.4 PARCEL IDENTIFICATION REFORM

Result 4: *A standardized system for unique referencing of land parcels is developed and implemented in at least one district.*

The implementation of this component has been dependent on the new Land Registration Act that was finally approved by Parliament in May 2012. Meanwhile, a proposal on assigning identities for land parcels was developed with assistance from a PILAK consultant in April 2011. During 2012, the consultants have reviewed the new approved Land Registration Bill and helped develop pilot activities in three areas in the Kiambu district. A process for implementing the Parcel ID Reform has been proposed and a Cadastral Information System (CIS) prototype has been developed' a first version has been installed and demonstrated.

Conclusion: This result has been partially achieved.

3.5 LAND RENT COLLECTION SYSTEM

This component originally aimed to set up a computerized land rent collection system to enable efficient rent collection, simplified payments for the customers and to generate increased revenue for the MoL and for its development.

Result 5: *A computerized Land Rent Collection System, in line with the agreed IT architecture and which enables data exchange with e.g. banks and the Kenyan Revenue Authority.*

While the project proposal includes the entire setting up of the Land Rent Collection System through the implementation of various activities (detailed business and requirement analysis, system design, construction and test, data capture/conversion and deployment in Nairobi office), the inception report underlines that the development of the Land Rent System has already been done in-house at the MoL (as one of the so called "Quick Win Projects") and that the Ministry is planning for the roll-out of the system.

As a consequence, the component has been redesigned towards the provision of assistance in training activities and the setup of training facilities for the roll-out of the Land Rent System. Furthermore, during the reporting period of July 2012 to September 2012, the components "Land Rent Collection System" and "Other Land Administration system" have been merged with the BPR component.

The system is built with a Top Speed Database and the 4GL programming language Clarion. The system is in a network. The ICT-unit started work with this system in

2005, including the data capture of information from the manual system. A training manual on the “Integrated Land Rent Information System” was issued in March 2010.

At the evaluation time, the centralised system had been set up in Nairobi but not in other regions/districts. The revenues from the land rent are said to have improved (indicator 1). The land payment procedures have been considerably shortened for customers commuting to Ardhi House/Banking Hall and the working environment has significantly improved. However, data on statistics on land rent income, shorter queues outside land offices and land rent payment compliance rates have not been collected.

Until now, the system is only used within the Ministry and has not yet been connected to the Kenyan Revenue Authority, banks etc. No particular step has been taken towards land rent demand notices being sent to leaseholders on time (indicator 2).

In November 2012, 158 577 freehold records (out of 500 000 records) had been captured, the land rent component being implemented in parallel with the computerisation of the cadastre and the land registry that are still ongoing.

PILAK has contributed through the payment of salaries to the casual workers for the scanning system, the provision of equipment (mainly computers), the setting up of the training laboratory and the facilitation of training sessions and workshops.

The project progress report for January to March 2012 concludes that “The PILAK project has finalised this component according to the planned activities. The important issue to upscale the database to a GIS platform remains and should be prioritised in a new project financed by Sweden”.

Conclusion: Achievements towards the initial expected result have been made but they, along with the contribution of the PILAK project within the component, are difficult to quantify and qualify, given the changes to the component design.

3.6 SYSTEMATIC CONVERSION TO RLA TITLES

Result 6: *A procedure for systematic conversion of old titles to RLA developed and tested.*

In the Project document, this project component was supposed to develop a procedure for the systematic conversion of land titles registered under the old Registration of Titles Act (RTA) to the new system under the Land Registration Act (LRA), and to test the conversion system in one district.

In the Inception report, it was recognised that the new Land Policy had been passed. The Land Policy says that a new Land Registration Act should be developed, and it is only then that this project component can start working. The Land Registration Act was passed in May 2012. A Task Force has been working with the modalities for the

conversion. PILAK contributed with a seminar in Mombasa regarding three critical laws for the conversion of titles.

Before carrying out the conversion, the new parcel ID should be introduced (Component 4). It has, so far, not been possible to initiate further activities under this component.

Conclusion: The result has not been achieved.

3.7 DEVELOP OTHER LA SYSTEMS

The Project document recognised that a number of administrative systems or modules needed to be developed for the efficient administration of land. The modules should be aligned with the framework for business and IT architecture.

Result 7: *One or more system modules developed and others initiated*

Modules mentioned in the Inception report were modules for cadastral information system, land registration, land allocation, systematic adjudication, physical planning and valuation. No step-by-step plan has been developed, although several of the modules were later part of the NLIMS and were developed under component 2.

Conclusion: There have been no activities under this component.

3.8 PUBLIC AWARENESS

This component was initially aimed to ameliorate the poor image of the Ministry in line with the performance contract of the MoL, which emphasises customer satisfaction and the implementation of the communication strategy. The Inception report says that within the LRTU, there is a working group for public awareness and the project shall coordinate with this TWG to ensure that the public is aware of the progress in MoL's LA improvements, through the preparation of information strategy and plan the provision of information on progress via different media. The project will focus on preparing information strategy and plan for providing information on the project and information on progress via different media.

According to the report on the Ministry's Performance Contract for the 2011/2012 financial year, as of 30th June 2012, the Ministry held 12 regional workshops, produced 12,000 copies of the News Letter Ardihi Bulletins, implemented communication strategy and distributed Citizen Service Delivery Charters and Booklets to all field staff and newspapers supplements were done. Furthermore, Public Education Awareness Committees, aiming to explain the action of the MoL, have been put in place in 47 counties. Civil Society Organisations (CSOs) were involved in the spreading of communication material.

Various activities were foreseen by PILAK to be related to the communication strategy (such as the re-design of the MoL's website and the realisation of a documentary about the progress in the project and at the MoL), but none of them were implemented/finalised until November 2012.

Customer Satisfaction Surveys covering years 2008/2009, 2009/2010 and 2010/2011 have been contracted by the MoL from a consultancy company. It appears that over these three years, overall customer satisfaction rating has increased from 42.2% to 59.3%, and reached 71.0% for the last year. Main concerns expressed are complicated processes, speed of services, customer service, staff shortage, computerisation, corruption and accessibility.

The MoL was awarded position three in Public Service Performance for the year 2010/2011.

Result 8.1: *Prepare information strategy and plan for providing information on the project.*

No activities have been reported for this result.

Conclusion: This result has not been achieved.

Result 8.2: *Information on progress via different media*

The PILAK have invited stakeholders to some workshops, i.e. when the KENREF component started up. Articles in the newspaper has informed about the PILAK project as well according to the project. No evidence has however been presented.

Conclusion: This result has not been achieved.

3.9 OTHER RESULTS OF PILAK, NOT NECESSARILY PART OF THE ORIGINAL LFA

Change management

During the implementation of the project, the PILAK project management has identified change management within the MoL as a factor that would contribute to achieving the objectives of the project. Activities by the MoL, supported by PILAK, would respond to the necessity to deal with some of the capacity gaps and training needs

identified in a Needs Assessment.⁷ The assessment report identifies customer care, integrity and attitude change as individual staff capacities that need to be strengthened among all staff. To promote change in the way the MoL conducts its business, the change management component should also be concerned with the structures of the organisation and the insitutional incentives underpinning the changes in staff capacities

A employee satisfaction study done in 2011⁸ concluded that there are concerns about the performance of the employees of the MoL as a whole and there is an urgent need to create an enabling environment within which staff can work diligently in meeting the Ministry's objectives in service delivery.

For the financial year 2012/2013, change management is one of two areas prioritised by the MoL for training activities. For ICT, the objective is to train all staff to get the International Computer Driving License Certificate (ICDC). Change management is a process driven by the MoL with inputs from PILAK for arranging, so far, two workshops, in Mombasa and Kisumu, with strong leadership from the MoL top management.

No results have been defined for these activities.

Local industry

The local industry in Nairobi has seen the need for archive paper boxes and archive shelves, and has started producing them. However, there may still be a problem with the quality of this equipment produced in Kenya. The project has noted that local firms/companies are expensive for both services and equipment.

⁷ Training Needs Assessment.

⁸ Employee & Work Environment Satisfaction Survey. MoL July 2011.

4 Efficiency

4.1 EFFICIENCY OF PROGRAMME IMPLEMENTATION

The agreement between Sweden and Lantmäteriet for PILAK builds on the Framework Agreement between the two parties, dated December 2007, and the Project Document, dated August 2009. The call-off contract does not contain any specific conditions or obligations for the PILAK project other than those in the above two documents. There are no Terms of Reference for the assignment of Lantmäteriet according to the template in the Framework Agreement. There is a Specific Agreement between Sweden and Kenya on support to land reforms that includes the PILAK project, but no agreement between Lantmäteriet and MoL, which may not be needed, provided there are Terms of Reference for the assignment.

The conditions in the Framework Agreement between Sweden and Lantmäteriet are of a general nature and do not specify any specific twinning arrangements or relations between the contractor (Lantmäteriet) and the client (MoL). There are also no specific intentions, principles or procedures for institutional twinning arrangements that have been agreed between Sweden and Lantmäteriet in the Framework Agreement, the Project document or the Inception report. The added value of the twinning has been easy access to the broad range of experts within Lantmäteriet as well as the connection to Lantmäteriet, that has several of the same responsibilities as the MoL, and has developed similar land administration systems that have been shown as models for Kenya, taking into account the different context. In PILAK 2 there may not be the same need for either such a broad range of consultants nor for the experience of Lantmäteriet as a model for Kenya, since systems have already been identified and work is ongoing to develop them.

The main project responsibility at Lantmäteriet lies with the Coordinator of Overseas Activities. Lantmäteriet is a member of the Global Land and Tool Network (GLTN) – as is Sida - and UNHABITAT. GLNT is a partnership of key international actors working to promote land reform and global coordination of land issues. The network is developing pro-poor land tools and has identified a number of tools that can be used to implement land programmes, such as the Social Tenure Domain Model, the Gender Evaluation Criteria etc. It seems to the evaluators that Lantmäteriet has missed some opportunities by not introducing any of these tools in the project.

The project organisation in Kenya, the coordination and working relations between the advisers and consultants of Lantmäteriet and MoL have been good, according to the parties involved. Meetings in working groups and the steering committees have

not been as frequent as was anticipated; but this has not hampered the implementation of the project.

All funds for PILAK are disbursed from Sweden to Lantmäteriet, which has been responsible for the payment of project costs, accounting and financial reporting.

It was decided, together with the Embassy of Sweden, that semi-annual progress reports will be prepared instead of yearly progress reports. The first semi-annual report was presented in November 2010. For 2011, the project submitted a semi-annual report for December 2010 – April 2011 and an Annual report. Quarterly reports for 2010 had been developed, but could not be found. For 2012, there is a complete set of quarterly reports, but no semi-annual report. The reports are mainly on activities and do not relate to results. The reports are not analytical, nor are they reporting on the agreed results indicators. The reporting from the project has not met the contractual obligations of regular analytic annual/semi-annual reports.

Financial reporting has been done by providing financial follow-up in relation to budgets attached to the monthly invoices. The financial reporting has not included explanations or analyses of deviations from budgets.

The budget was revised during 2011 and 2012, since the project had received new directives in some areas. The budget for the safeguarding component was consumed, more funds were needed for the study tours and it was agreed to increase project activities with change management.

The project was, in general, progressing slowly with considerable delays, until mid-2011, although Component 1 was progressing according to plan. A new national project manager was appointed in June 2011 and in September of the same year the Swedish programme manager was replaced. The project implementation structure was formalised and strengthened and aligned to the NLMS structure in 2011.

4.2 EFFICIENCY OF CAPACITY BUILDING

Capacity building has taken place through seminars and workshops, study visits and through the interaction between MoL staff and the consultants.

The PILAK project has, in collaboration with MoL, organised and funded 40 workshops/trainings/study visits for a total of 686 participants during a three-year period (see Annex 3). The project has also set up a modern ICT training laboratory at MoL.

Table 1: Trainings and workshops

Component	Number of workshops	Purpose
1	5	Archives management, paper restoration and management of the Bantec scanner

2	11	Document management, business re-engineering and ICT
3	2	Geodetic reference system and surveys
4	2	Land registration and parcel identification systems
5	1	Land rent
General	4	Change management and human resources
Planning	4	Planning of the project and planning for PILAK 2

The project has not conducted any workshop/training evaluations. The evaluators have analysed the content of the workshops/trainings and how they relate to the project results. Efficiency may have been high, since most of the workshops and trainings have been very specific and provided the participants with skills that have been necessary in order to carry out the project activities. Several of the interviewees have praised the change management component, saying that the focus on timeliness, customer orientation and internal work relations have visibly improved customer satisfaction.

There have also been 11 study visits, seven visits to Lantmäteriet in Sweden, two to Germany to get information and training on the document management system that MoL has purchased, one to Italy for participation in the international FIG conference and one to Botswana to study their land information systems. No Terms of Reference have been developed for the study tours to identify the purpose of the study visits, nor have any evaluations of the participants' views been done after the study visits. The total cost for all of the study visits is about 1.4 million SEK or, on average, 28,000 SEK per participant.

Mostly, the consultants of Lantmäteriet have come to Kenya in order to conduct the workshops/trainings. Since there are no course evaluations, it has only been possible for the evaluators to assess the capacity building via interaction between staff at MoL and the consultants, through some of the interviews with MoL staff.

4.3 COST-EFFICIENCY

That only 12 of the 17 results were fully or partially achieved, whereas the budget will be fully spent, indicates low cost-efficiency; but since the budget has been revised and funds have been reallocated, it is difficult to assess the cost-efficiency.

The evaluators have found that the non-achievements are mainly due to the overambitious design of the project, delays in the project implementation and late passing of key policies (National Land Policy and the new Land Registration Act). The budget has been revised during the project period and funds have been reallocated from the components that had become stalled, to other components where the project could advance. The original budget and estimated costs, as per the latest revised budget, are shown in the following table.

Table 2: Budget and estimated project cost per component

Component	Original budget	Revised budget 2012 ⁹	%	Results achieved
1	15,189,000	9,315,000	22,9	Partially achieved
2	1,478,000	1,576,000	3,9	Achieved
3	3,579,000	564,000	1,4	Achieved
4	414,000	1,713,000	4,2	Not achieved
5	2,333,000	452,000	1,1	Not achieved
6	1,899,000	394,000	1,0	Not achieved
7	4,900,000	392,000	1,0	No activities
8	190,000	57,000	0,1	No activities
Change management	0	1,035,000	2,5	No results defined
Project administration	9,606,000	9,976,000	24,6	
Study tours	2,000,000	1,412,000	3,5	No results defined
Equipment	(Incl. above)	9,371,000	23,1	
Other costs	-1,612,000	4,350,000	10,7	
Total	39,976,000	40,600,000	100	

The delays to the project implementation are reflected in the differences between the budget and estimated costs, most notably for component 3 (KENREF), component 5 (Land rent system), component 6 (Conversion of titles) and component 7 (development of other land administration system). The results for some components (5, 6, and 7) have, as a consequence of the delays, not been achieved. It should be noted that the original budget has been revised during the course of the project to adapt to the delays. A new component has been introduced (change management), but with no defined results). If the results had also been revised, the project could have shown higher cost-effectiveness.

Component 1 (safe-guarding and a digitising of the archives) is the biggest component and has used about 40% of the budget, including equipment. The next two most cost-consuming components have been component 2 (ICT and business re-engineering) and component 4 (Parcel Identification).

⁹ According to financial information of the latest revised budget at the end of 2012, that the evaluators have received from the Project Manager from Lantmäteriet regarding the revised budget for July to September 2012, reflecting actual costs so far.

5 Sustainability

PILAK has, according to MoL, contributed to the sustainability of the implementation of the strategic Plan 2008 – 2012. Seeing PILAK being successfully operationalised, the Government has increased its contributions to the land reforms from 10 million KES in 2009/2010 to 200 million KES in 2011/2012.

A sustainable benefit from PILAK is that by organising the archives, further deterioration of the records has been stopped. Also, a number of files that were thought to be missing have been found, thus increasing the completeness of the archives.

One aspect of sustainability is continued operation and maintenance of the equipment put in place by the Project for the rest of their designed life. For PILAK, costs for the operation and maintenance of equipment have been paid by the Project. Often there is a discussion with development projects, that the supported organisation takes over some of the costs, already during the time of the project, that are expected to continue after the project ends, in order to increase both ownership and sustainability. At least there should be a clear plan and commitment from the supported organisation to take responsibility for such costs. This has not been achieved in the case of PILAK, partly because of the perception that there will be a continuation of project funding. What PILAK is supporting is also part of what is prioritised by the Government, within the framework of NLIMS. The MoL expects the Government to give them additional funds for this and does not seem to prioritise the takeover of costs for operations and maintenance within their current budget.

Sustainability is also about the processes developed and initiated during the Project, such as the administrative processes that PILAK has supported. Sustainability means that processes will continue to function, and in the case of piloting, be rolled out country-wide, even if the project comes to an end. For this to happen, there should be a plan and funds available from the supported organisation for the roll-out. The phase-out plan is not a plan to phase out PILAK, but a plan about how to ensure the sustainability of equipment and processes when there is no more funding from Sweden.

There are some concerns in relation to the sustainability and continuation of the activities. One concern is the employment of the casual staff (37 persons in total) that is, as a temporary solution, paid by the Project. There are so many records to scan that it may take another 10 years before all the records at all departments are scanned; the casual workers will probably have to be employed beyond the project period. The view of the MoL, according to interviews, is that as long as there is a project, all costs for project activities, including the salaries for the casual workers, should be part of the project budget. When the Project has ended, there will either be no need for the

casual workers or the MoL staff will take responsibility for the continuation of activities.

Another concern is maintenance for the scanners. For the big Bantec scanner there is no service agreement and the Project is currently paying for a technician to come from Sweden for maintenance and repair. So far, a technician has come from Sweden twice a year (cost about 50 000 SEK per visit) for repair, maintenance and training of the local staff. A service agreement would cost about 200 000 SEK per year. For the small scanners (Fujutsi), local maintenance agreements can be obtained; but they are expensive and amount to 20% of the annual procurement cost. So far, a local company (Image Tek) has assisted PILAK. For other ITC equipment, there is no service agreement yet in place. Overall, the sustainability of the ICT infrastructure also seems to be vulnerable due to the limited number of adequately trained IT staff at the MoL. Since NLIMS and the automatisisation of MoL are priorities for the Government, the MoL is confident that maintenance cost can be covered after the project ends.

The MoL are now collecting more than five times more in fees and land rent than they were five years ago. In 2011/2012, the collection was 9.6 billion Sh. This can possibly be further increased. The current budget of MoL is about 4 billion Sh and most of that goes to salaries (75%), with less than a million left for operational costs and development. Sustainability in financing for the MoL would increase if they were allowed to use some of the funds that are collected through fees and land rent (ring fencing). The strategy followed by the Ministry of Water and Irrigation could be referred to as best practices to be duplicated in other sectors;¹⁰ although it is not at the Ministry level that the income is retained, but at the level of the semi-autonomous agencies (like WRMA) and the water companies. The exact same system could, of course, not be immediately copied to the land sector, with its different legal and institutional setup, but this could probably be possible over time. In the immediate future, we think the argument of MoF reinvesting some of the money in land administration is not far fetched at all, and Sweden should bring this up in its dialogue with MoF and support MoL lobbying for funds.

There have been no efforts to develop a phase-out strategy for the PILAK project. The development of a project document for PILAK 2 is an opportunity to start drafting the phase-out strategy for PILAK 2.

¹⁰ The Ministry of Water and Irrigation is allowed to use revenues collected from water and irrigation fees for development and reform of the sector.

6 Relevance

6.1 RELEVANCE IN RELATION TO THE PROBLEMS

Through its different components, the PILAK project aims to contribute to the improvement of land administration in Kenya by providing technical support to the MoL. The MoL suffers from several technical shortages, such as poor storage and management of land records, inefficient manual processes, a low level of computerisation, inconsistent geo-referencing of surveys, the multiplicity of standards for parcel numbering and registration systems and the inefficient land rent collection system. It seems that the PILAK project is very relevant, given these problems and the current technical assistance needs of the MoL, even though long-term involvement of several donors and stakeholders is necessary in order to make a real impact.

However, the sole focus on the technical challenges is a clear limitation to the impact of the project, since it is key to address political challenges in order to enable the implementation of a pro-poor and sustainable land reform that mainstreams human rights, gender and environment. And, ultimately, the amelioration of the poor image of the Ministry (related to the eighth component) depends on both technical and political achievements. A sustainable improvement of the image of the MoL will depend on solutions to the problems related to access to land and perceived increases to the security of land ownership.

6.2 RELEVANCE IN RELATION TO THE KENYAN POLICIES AND STRATEGIES FOR THE LAND SECTOR

The activities at MoL are guided by the Kenya Vision 2030, the Strategic Plan 2008 – 2012 and the National Land Policy, 2009. Since the promulgation of the Constitution, the Ministry of Lands, in collaboration with other stakeholders, has also prepared Environment and Land Court Act, 2011, Land Act 2012, Land Registration Act, 2012 and National Land Commission Act, 2012. The National Land Commission is expected to be in office shortly. The preparation of rules and regulations to operationalise these Acts is under way.

PILAK is an essential part of the implementation of the National Land Policy through the Strategic Plan 2008 – 2012. The Strategic Plan identifies eight strategic areas: formulation of land policies, land use planning, spatial information system, institutional and legal reforms, and security of tenure for sustainable development, improve work environment, process re-engineering and land banking. The safeguarding and

digitisation of records, Parcel identification, Conversion to RLA titles and KEN-REF are all important activities for the spatial information system (Strategic Area 3). IT architecture, Development of other land information systems and Business re-engineering are part of Strategic Area 6: to improve the work environment.

A new Strategic Plan 2013 – 2015 is currently being developed. A continuation of PILAK will be aligned with the new strategy. One of the priorities in the new strategy will be the automatisisation of MoL functions.

6.3 RELEVANCE IN RELATION TO OTHER SUPPORT

Apart from support to PILAK, Sweden also supports the Land Reform Support Programme from 2012, with SEK 48.8 million. Support goes to the land reform process and supports the priorities of the MoL. The Programme has four components and most of what PILAK is doing is related to component four. The other components are management, support to policy development, implementation, monitoring and evaluation, including the operationalisation of the National Land Commission and strengthening of local level mechanisms for land rights, administration and management. Since this programme was only started in 2012, it is too early to assess if anticipated linkages and synergies between PILAK and overall Swedish support to land reforms have been realised.

Besides the twinning arrangement between Ministry of Lands and Lantmäteriet, assistance from Sweden has been provided to the MoL in the form of two long-term advisors stationed at the LRTU, one strategic long-term advisor and one technical advisor from Orgut. This support has ended.

Sweden is also supporting UNHABITAT (see below) and a network of NGOs working in the land sector.

The Kenyan government has requested support from development partners to facilitate a systematic scale-up of slum upgrading, one that can reach all slums in the medium- to long-term. In response, the World Bank, Sweden and the Agence Française de Développement (AFD) have been working with the government to jointly design and prepare the Kenya Informal Settlements Improvement Project (KISIP). KISIP will focus on improving living conditions in existing informal settlements or slums by investing in infrastructure and strengthening tenure security. It will also support the government in planning for future urban growth in a manner that prevents the emergence of new slums.

The digitising of land records in Mombasa is financed under the World Bank Financial and Legal Sector Technical Assistance Project. This project will contribute to creating a sound financial system, and a strengthened legal framework and judicial capacity that will ensure broad access to financial, and related legal services.

Safe guarding, digitisation and improvements in the Banking Hall of MoL have been financed through the Additional Financing for Transparency and Communications Infrastructure Project, which aims to contribute to lower prices for international capacity, to extend the geographic reach of broadband networks, and to contribute to improved government efficiency and transparency through e-government applications.

USAID has two active grants with the Ministry of Lands - one in Nakuru and one in Kilifi, that contribute to the safeguarding of land records. The Kilifi grant is infrastructure only. It is completed; and there will not be a new phase. Nakuru is a continuation of previous work. USAID had funded Nakuru as a pilot in 2009-2010 and a short Phase 2 to ensure that the gains were capitalised on and were not eroded. The analogue system has been finalised.

UNHABITAT is the chair of the Development Partners Land Group (DPLG). In July 2003, the Development Partners supporting land reforms in Kenya officially established the Development Partners Group on Land (DPGL) as a land-sector donor group aimed at facilitating coherent engagement with the Government of Kenya/Ministry of Lands (MoL). It was also agreed that the establishment of a secretariat to serve donors, hosted at UN-HABITAT, would add value in coordinating engagement with the Government of Kenya, promoting Harmonisation, Alignment and Coordination. Pursuant to this agreement, a Memorandum of Understanding (MoU) was signed between donors and the Ministry of Lands in 2004, which set out the framework for joint collaboration in the land sector. Following this process, a donor basket fund was established to support the formulation of a National Land Policy. In order to support operations of DPGL Secretariat, Sweden has supported two staff members since 2008 to UN-HABITAT: 1) Technical Advisor; and 2) Coordinator.¹¹

UNHABITAT work includes enhanced pro-poor implementation of the National Land Policy and Constitution of Kenya, through piloting and implementing Social Tenure Domain Model (STDM) as a pro-poor tool for delivering land reforms to the poor and strengthening tenure security through Kenya Informal Settlements Improvement Programme (KISIP). UN-Habitat are supporting Non-State Actors (NSAs) in engendering reforms, including land institutions guided by GLTN tool on “Gender Evaluation Criteria” and in mainstreaming grassroots participation guided by GLTN tool “Not about us, without us: Working with grassroots organizations”. UNHABITAT also supports the mainstreaming of a Rights-Based Approach by strengthening NSAs and developing a Non State Actors guide.

¹¹ Project document. Support to Donor Coordination in Land Sector in Kenya 2011/2012. UNHABITAT.

The support from JICA is directed to the surveying responsibilities of MoL, the Kenya National Spatial Data Infrastructure (KNSPI) and equipment for the Kenya Informal Settlements Improvement Project (KISIP). JICA is conducting training courses for surveyors; two courses are conducted in Tokyo annually. The training of surveyors is complementary to the PILAK Component 3.

After the DPs Joint assessment in 2007, Japan has reduced its engagement in the land sector and considers itself a “sleeping partner” in the land sector. JICA support is concentrated on infrastructure, agriculture/rural development and health/education.

As mentioned above, the Swedish Embassy has been supporting Land Sector Non-State Actors (LSNSA), a network of CSOs working in the land sector. Through this support, “the Swedish government aimed to contribute to the realisation of comprehensive land reforms to be achieved through finalisation and implementation of the National Land Policy; implementation of the Truth, Justice and Reconciliation Act and finalisation of the constitutional review process. Similarly the support was to strengthen the voices of Non state Actors in the ongoing land reform processes in order to influence the land reform process to become more pro- poor through promoting and safeguarding equity, sustainability and security of land tenure”.¹² Among these NGOs, consultations were held with PAMOJA Trust and FIDA – Kenya.

PAMOJA Trust began its operations in 2000, aiming to support inhabitants of informal settlements in obtaining the right to land and the right to access basic services through awareness raising and community mobilisation. It is financially supported by a wide range of donors (including UNHABITAT/ World Bank (WB), Swedish Embassy, UK Department for International Development (DFID), Ford Foundation and others). The NGO has an informal partnership with the MoL and serves as an intermediary between the MoL and communities, facilitating negotiations between both entities. It raises civil awareness on land laws and rights under the new Constitution/legal framework as well as on ongoing reforms within the land sector. PAMOJA Trust recognises the improving attitude of the MoL, which has led to an important reduction in eviction cases since 2001-2002. However, corruption, customer service and speed remain major challenges.

Federation of Women Lawyers (FIDA) - Kenya was funded in 1985 but only obtained registration in 1995. The NGO aims to fight discrimination against women in various sectors (including land sector) through enhanced access to justice for women, advocacy towards the upgrading of the legal framework and monitoring of the im-

¹² See the “End of Project Review of the Interim Support to non-state Actors in the Land Sector (LSNSA)” finalized in October 2012

plementation of international conventions ratified by Kenya. It is financially supported by a wide range of donors (including UNWOMEN, USAID, Swedish Embassy, Ford Foundation etc.). FIDA – Kenya recognises the efforts to mainstream gender in the Land Act, the National Land Policy and the Constitution but underlines the lack of implementation of such a gender-focused approach. Furthermore, the low awareness of women regarding their rights, the lack of female representation and the cultural approach towards gender are additional challenges. The MoL has shown an interest in mainstreaming gender, but with limited results until now, and with limited involvement of civil society.

6.4 RELEVANCE IN RELATION TO SWEDEN'S POLICIES AND COOPERATION STRATEGY FOR KENYA

PILAK is within the priority sectors, according to Sweden's Cooperation Strategy with Kenya, which states that development cooperation will be focused on democratic governance and human rights, natural resources and the environment, and urban development. According to the strategy, Sweden will support reforms, which are needed to ensure results in the water and agricultural sectors, which includes land reforms (land rights). Support will also include contributing to the development of an urban policy and improved land-use planning in urban areas, which PILAK can also contribute towards.

Sweden's Urban Policy states that Sweden shall support local and central governments and civil society capacity for land management, and to develop equitable, rights-based and transparent land legislation. This is essentially what PILAK has been doing.

The support is also in line with Sweden's Position Paper on Land Tenure,¹³ which specifies Sweden's entry point in supporting efforts that reduce poverty by means of addressing natural resource tenure. The paper recognises that secure access to land is fundamental to the livelihoods of the majority of the population. The project activities may, when systems are fully implemented, support the reduction of poverty by improving land rights; but there are no obvious attributable links to poverty reduction in the project (see Section 7.3 below).

¹³ Sida (2007), A Position Paper for Sida on Natural Resource Tenure. Reference Number SIDA37805en.

According to the Project document, the work of PILAK would hypothetically contribute to better natural resource management via more correct mapping data, a fight against corruption with more transparent and computerised processes and land tenure security in both rural and urban areas through more correct data in the land registers - but there is no evidence of that, and the full effects will come when the initiated activities have been finalised and the systems are operational.

The result of the assessment of poverty perspectives, human rights and gender mainstreaming and focus (see Section 7) is that these aspects have not been present in the project implementation.

7 Cross-Cutting Issues

7.1 GENDER AWARENESS AND FOCUS IN THE PROGRAMME

Gender discrimination remains a main concern in the land sector. At the legal level, discriminatory laws are still in place,¹⁴ even though the new Constitution (2010) and the National Land Policy show that significant progress has been made in Kenya towards addressing gender disparities in the land sector. However, progressive laws and the new constitution have yet to be enforced and implemented; the steps taken by the Government to ensure the supremacy of the constitution over conflicting laws and the interpretation of laws in accordance with the international human-rights norms of equality and dignity of the person will be essential for moving forward.

At the community level, gender awareness remains very low and women are, culturally, largely discriminated against, even infraction with the law. As a consequence of this fragile gender legal framework, women and girls are often in poor economic conditions and are forced into negative coping mechanisms such as transactional sex and prostitution. Gender discrimination can then be directly linked to another main cross-cutting issue, HIV/AIDS. A gender approach could have been mainstreamed through the public awareness component.

7.2 HUMAN RIGHTS

Human Rights include the right to housing, the right to an adequate standard of living (including access to basic services) and other rights as described in the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Kenya in 1972. The administration of land is directly related to the right to housing and the right to an adequate standard of living, especially when it comes to informal settlements on governmental land.

¹⁴ The revision of the Succession Act of 1984 in 2008 shows certain progress regarding gender equality, but is not yet complete. For instance, it provides for equal inheritance rights for children regardless of their gender, but does not apply in twelve districts to agricultural land, crops, livestock and resources (section 32), the primary asset owned by most Kenyans.

In 2004, between 300,000 and 400,000 informal settlement dwellers in Nairobi were threatened with evictions. Under international pressure, Kenya committed, in 2005, before the UN Human Rights Committee to abide by international standards in relation to evictions, and eviction guidelines were later drafted. Furthermore, the new Constitution shows substantial progress in the mainstreaming of HR. However, many human rights concerns remain in the land sector.

Despite this background, the PILAK Project does not take action to mainstream human rights through its activities and objectives.

7.3 THE PERSPECTIVES OF THE POOR

The Project document describes the poverty aspect of the land administration system. Land is a limited and sought-after resource in Kenya and many poor people do not have access to land at all, or the access might be informal and insecure. For poor people, housing might be in a slum area such as Kibera and Mathare. In other cases the land allocation process, in which land has been provided, might not have been completed. This creates insecurity for persons living on the allocated land. There is also a risk that land grabbing will affect mostly poor people. Improving lands rights will ease access for the people that will be able to go to the banks and receive a loan if they have the title of their land.

The project assists MoL to develop an efficient, secure and reliable land information system, including various modules, which provide the main tool for land administration and management. A main focus is on information security, hence ensuring that the built system modules are secure, and that the information is trustworthy. The system is thereby expected to provide better tenure security. Having accessible, trustworthy and reliable geographic and alpha-numeric data in a reliable system means e.g. being able to work with the planning of government housing projects, which is needed to provide affordable housing and to assist in alleviating poverty.

Land administration services should be provided at reasonable costs. In Kenya today, most land transactions are handled by lawyers. This means that poor people cannot afford to deal in land rights. For instance, inherited land rights might not be registered, thus making the right less secure. According to the Project document, PILAK should develop procedures (e.g. registration procedures) that are also affordable for the poor. The project has potential to do this once the systems, developed with the assistance of PILAK, are implemented.

There is also a reasoning in the Project document, based on international experience, that a well functioning land administration should lead to a number of benefits for the poor:

- Easier and less costly to register land or do transactions
- Informal and insecure rights to land will be regulated and ensured
- Easier to mortgage the land
- Facilitate land allocation

- Facilitate affordable housing projects

PILAK has thus concentrated on assisting MoL in improving the Land information system, and expects that this will eventually benefit the poor. Since most of the systems have not yet been implemented, none of the above benefits for the poor have yet been realised.

8 Evaluative Conclusions

8.1 EFFECTIVENESS OF THE PROJECT

Significant steps have been taken towards the achievement of the project overall objective (*A well functioning land administration, with correct, accessible and reliable information that will contribute to social and economic development*) and project purpose (*Improved procedures and operating environment at the Ministry of Lands, leading to accessible and reliable land information*). The overall objective and purpose have not been achieved.

At the time of the evaluation in November 2012, twelve of the expected results have been fully or partially achieved. The non-achievements are mainly due to:

- overambitious design of the project
- delays in the project implementation
- late validation of key policies (National Land Policy)
- redesign of the project components

During the evaluation, the project was in a very hectic final period of work and some more outputs may be achieved by the end of December, even though they had not been achieved by the time of the evaluation. The final achievements of PILAK will be reported in the final project report.

8.2 EFFICIENCY

The overall design of the Project, the selection of intervention areas and the agreement between MoL and Lantmäteriet seem to the evaluators to have been good decisions with potential for promoting efficiency in the implementation of the project. However, at the time of the evaluation in November 2012, only twelve of the expected results have been fully or partially achieved.

The progress reports mainly report on activities rather than relating to results. The reports are not analytical, nor are they reporting on the agreed-upon results indicators. Financial reports contain no explanations about deviations from budgets or any other information except the financial data tables. Lantmäteriet has not met the contractual obligations of reporting.

The specific content of the “twinning”, as such, has not been defined and there is no document that defines the obligations of Lantmäteriet in relation to what the twinning is supposed to be about. The added value of the twinning has been the easy access to the broad range of experts within Lantmäteriet as well as the connection to Lantmäteriet. In PILAK 2, there may not be the same need for either such a broad

range of consultants nor for the experience of Lantmäteriet as a model for Kenya, since systems have already been identified and work is ongoing to develop them.

The evaluators have not found any reason to believe that the workshops/trainings have not been efficient. The efficiency of the study visits could not be evaluated within the budget and time-frame of the evaluation, considering the evaluation should be a “rapid evaluation” according to the ToR. There have also not been any course evaluations after the workshops/trainings that could have given the evaluators some broader evidence about the interaction between MoL staff and the consultants from Lantmäteriet. Responses from the relatively small number of MoL staff members that have been interviewed indicate that the interaction has been working well.

That only 12 of the 17 results have been fully or partially achieved, whereas the budget will be fully spent, shows low cost-efficiency. The flexibility of the budget, with reallocation of funds to the components that have not suffered delays and to the new component (change management), has been commendable but does not seem to have increased the achievements of the defined results.

8.3 RELEVANCE

The implementation and achievements have, so far, been particularly relevant in relation to the Kenyan policies and strategies for reforming the land administration. The activities for safeguarding the land records, the re-engineering of administrative processes and the establishment of a passive geodetic network are fundamental to the continued reforms. PILAK has contributed to forwarding the land reform agenda in Kenya and, by contributing to the reporting on the performance contracts, has also, to some extent, contributed to the strategic planning at the Ministry of Lands.

The PILAK project is closely related to the Swedish Land Reform Support Programme and supports one of its components. The support from the World Bank and from USAID are both complementary to the PILAK project and the agencies have assisted the PILAK project by taking on work with the safe-guarding of records at the archives in Mombasa (World Bank) and in Nakuru and Kifili (USAID). The JICA support to the training of surveyors benefits component 3 of PILAK by building the capacity of the surveyors who will manage the KENREF system.

Swedish funding to UNHABITAT is contributing to the coordination of development partners in the land sector. There is also a potential for the future PILAK project to draw on the pro-poor and gender tools developed by UNHABITAT. Swedish support to the LNSA network of CSOs is complementary to the PILAK project. While PILAK works with the technical aspect of land reforms and improving land management, the LNSA works with the political aspect in order to influence the land reform process to become more pro-poor through promoting and safeguarding equity, sustainability and the security of land tenure.

The PILAK project and the achievements fit well with what other donors are doing and are integrated in the overall Swedish support to the land sector in Kenya.

The project is in line with the Country Cooperation strategy and potentially in line with Sector policies, but project design and implementation have not had an explicit human rights, gender or poverty perspective.

8.4 SUSTAINABILITY OF RESULTS

A sustainable benefit from PILAK is that further deterioration of the land records has been stopped. Also, a number of files that were thought to be missing have been found, thus increasing the completeness of the archives.

There are concerns that costs for the hiring of casual workers and the operation and maintenance of equipment have been paid by the project and there is no commitment from the MOL to take over these costs during the project period nor when the project ends. The explanation given to the evaluators is that what PILAK is supporting is also part of what is prioritised by the Government, within the framework of NLIMS, and MoL expects the Government to give them additional funds for this and does not seem to have prioritised the assumption of costs for operations and maintenance within their current budget.

Sustainability also means that processes that have been developed within the project will continue to function, and in the case of piloting, be rolled out country-wide, even if the project comes to an end. There is however, currently no such plan or funds available from MoL for this.

Sustainability in financing for the MoL would increase if they were allowed to use some of the funds that are collected through fees and land rent (ring fencing). There have been no efforts to develop a phase-out strategy for the PILAK project. The development of a Project document for PILAK 2 is an opportunity to start drafting the phase-out strategy for PILAK 2.

8.5 CROSS-CUTTING ISSUES

The PILAK Project does not mainstream gender or human rights, even though the performance contract of the MoL foresees gender and disability mainstreaming and Sweden's policy focus on gender mainstreaming.

PILAK has concentrated on assisting MoL in improving the land information system, and expects that this will eventually benefit the poor. The poverty focus has not been operationalised in the project or into the NLIMS; nor have there been any noted attempts to make the many processes that have been developed more pro-poor. Since most of the systems have not yet been implemented, none of the above benefits for the poor have yet been realised.

9 Lessons Learned

Although there has been some training in Results-Based Management (RBM) in the project, this has not resulted in proper monitoring and reporting. The result indicators defined in the Project document have not been monitored and data has not been collected. Data collection and analyses of the development of indicators cannot be left to the end-of-project evaluation, but should be done on an annual bases to inform the project implementation. Furthermore, the project design should include a strong M&E section that defines the monitoring system, indicators, data to be collected and the establishment of a base-line.

The assessment of cost-efficiency is usually difficult in most evaluations. The accounting system of PILAK could not provide the actual cost related to specific outputs or outcomes of the project. The M&E section should have elaborated how cost-efficiency could be addressed, and on design indicators and the accounting system, so that data for the assessment of cost-efficiency can be provided. M&E should also include an assessment of the implementing partners monitoring system and, if needed, support the strengthening of the system and the building of capacity to manage the monitoring system.

A proper risk assessment should be done, including the risk of delays in passing national laws and policies that are needed in order to be able to carry out the project activities for reaching project results. This has not been done in the Project document or the Inception report. One example is component 4 (Parcel identification) and component 6 (Conversion of LRA titles), that were dependent on the passing of the Land Registration Act, which was only passed in May 2012. This was not identified as a risk.

For a project that supports capacity building, it is important to document the purposes and expected results of the activities such as training courses, workshops and study visits, and to do course evaluations or other assessments to find out if the expected results were achieved. Self-assessments or questionnaires are generally easy to administer and analyse. This has not been done in the PILAK project.

Modifications of the project and/or the budget in relation to what is stated in the Project document should always be explained, explicitly agreed-upon between the parties and documented. This has not been consistently done for the PILAK project.

Cross-cutting issues such as a poverty focus, and gender and human rights should be properly assessed in the Project document. The assessment should, as a result, define a number of activities to address these issues through the project and should define the expected outcomes. For a project like PILAK, that is supporting the development

of a number of administrative systems, such as land registration, payment of land rent etc, it should be assessed how these systems could be designed to promote gender equality and human rights, and contribute to make it easier for the poor to have access to and use the systems, i.e.at the local district land office instead of having to travel to Nairobi.

10 Recommendations

The evaluators recommend Sweden to continue supporting a new phase of the PILAK project, linked to a strong policy dialogue between the Government and Development partners and building on the following recommendations:

1. A future project, PILAK 2, should be fully integrated into the NLIMS structure and also be seen as a part of the larger Swedish support to land reforms through the Ministry of Lands. There should be one annual review meeting between Sweden and the Ministry of Lands that covers all Swedish support to MoL.
2. The Project document for PILAK 2 should be more specific, with realistic and well-defined results for the outcome level and a clear strategy to reach the results.
3. The Results-Based approach should be strengthened and a strong M&E function must be set up, that is ideally integrated into the MoL system.
4. PILAK 2 should include some of the current components (primarily Archives and KENREF), where investments have been made, but where the fruits from investments have not yet been harvested.
5. Explore the possibility to support other components in the new MoL Strategic Plan 2013 – 2016 – through a more thorough assessment of the land administration tools that can be used and the effects on the poor, the marginalised and women.
6. Future support should include finalising the development of the maintenance systems and on building the capacity of MoL to handle them.
7. Explore what can be done to move towards directly funding MoL, and what the consequences would be for the procurement and contracting of short-term consultants.
8. Review the role of Lantmäteriet and the need for their broad resource base of consultants/specialists with a more focused future project.
9. The MoL may need a long-term advisor who mainly has a policy advisory role to enhance the proposed future project's and the overall Swedish support to the land sector regarding strategic planning and decision-making at the ministry.
10. There should be a phase-out strategy for PILAK 2.
11. A gender and human rights approach should be mainstreamed throughout the project and should also be part of the public awareness component.
12. Since there have not been any noted attempts to make the many processes that have been developed more pro-poor, we recommend that this be done under PILAK 2.

Recommendations to MoL about progress, challenges and opportunities for land reforms and improving land information build on the fact that reform work is already well integrated in the overall reform programme leading to the vision 2030. For the land reforms, there is a hierarchy of policies and strategies for reforming the land sector. Although the implementation is slow, it is on track.

The MoL is building an IT-infrastructure and is developing common system platforms for the development of a number of land administrative systems. Some recommendations that may contribute to the successful implementation of the reforms and the development of the land administrative systems are:

1. Future reform implementation and system development should contribute more to poverty and humans rights and be gender mainstreamed.
2. MoL may look at several options for capacity creation, training, recruitment, out-sourcing etc. – based on needs-assessment for the implementation of reforms.
3. MoL should take responsibility for the nationwide roll-out once systems been developed – the budget for this needs to be secured.
4. MoL should continue the efforts of “ring-fencing” some of the revenue raised from fees and land rent, to be used for reform implementation.

Annex 1 – Terms of Reference

Terms of Reference for Evaluation of the Institutional Cooperation between Ministry of Lands, Kenya and Lantmäteriet, Sweden on the Project for Improving Land Administration in Kenya 2009-2012 (PILAK)

(Version 1/10/2012)

1. EVALUATION PURPOSE

- Inform the design of Phase 2 of PILAK
- Inform the Embassy's decision on contribution to the proposed Phase 2 of PILAK.
- Inform Ministry of Land on progress, challenges and opportunities in the implementation of land reforms and improvements of land administration in Kenya.

2. INTERVENTION BACKGROUND

Lantmäteriet and Kenya's Ministry of Lands are since 2009 implementing a Project for Improving Land Administration in Kenya 2009-2012 (PILAK). The project is financed by Sweden through the Embassy of Sweden in Nairobi, to the tune of 40 MSEK (current phase, in addition to preparatory activities). PILAK aims to contribute towards a Kenya with a "well functioning land administration, with correct, accessible and reliable information that will contribute to social and economic development" (Overall Objective). More specifically, the project purpose is "Improved procedures and operating environment at the Ministry of Lands, leading to accessible and reliable land information".

It aims to achieve (Project results):

1. Model analogue and digital archives in place for nationwide implementation
2. Business and IT-architecture developed as a strategy for LIMS development and implementation.
3. A modern geodetic framework is designed and implemented in parts of Kenya
4. A national system for unique land parcels ID developed and implemented in one DLO
5. A Land Rent Collection System developed.
6. A procedure for systematic conversion of old titles to RLA developed and tested.
7. One or more system modules developed and other initiated
8. Project activities and results communicated to all stakeholders.

PILAK has 8 components, corresponding to the 8 result areas above. Since the beginning of 2009, PILAK sorts under the National LIMS (Land Information Management Systems) programme run by the Ministry of Lands.

Parallel to PILAK, Sweden also channels broad support to the implementation of reforms in the Kenyan land sector through the Ministry of Lands. The latest contribution amounts to some 48 MSEK over 3 years, starting in 2012.

PILAK comes to an end in December 2012. It has been proposed that it be followed by another project (here called “PILAK 2”). In order to draw important lessons from PILAK, and to inform the design of and motivate the financing of PILAK 2, a rapid evaluation of PILAK needs to be made.

9. STAKEHOLDER INVOLVEMENT

Stakeholder involvement expected as follows

- In the formulation of ToRs (Embassy of Sweden, Ministry of Lands, Lantmäteriet),
- In the provision and triangulation of information (Embassy of Sweden, Ministry of Lands, Lantmäteriet, clients of the Ministry of Lands), and
- In the validation and application of findings and recommendations (Embassy of Sweden, Ministry of Lands, Lantmäteriet and representatives from civil society active in the sector).

10. EVALUATION QUESTIONS

- To what extent has the Overall Objective, Purpose and expected Results of PILAK been achieved? (Ref the Project LFA Matrix and agreed indicators) including sustainability of results?
- Has PILAK contributed to forwarding the land reform agenda in Kenya? In particular the development of pro-poor LIMS? If yes, in what ways?
- Has PILAK through LIMS work contributed to improved land governance, for example by systematising due diligence on land documents in the system?
- Has PILAK contributed to improving the strategic planning or decision making at the Ministry of Lands?
- Are there any other evident results of PILAK, not necessarily part of the original LFA?
- Has the PILAK intervention strategy overall been efficient (incl in terms of cost)?
- What has been the efficiency and effectiveness of capacity building under PILAK? How has the mix between the use of using Swedish experts and building local capacity in the sector in Kenya worked in this respect? Is the project integrating a systematic phase out strategy?
- What has been the linkages and synergies between PILAK and the overall Swedish support to land reforms through the Ministry of Lands?
- Has PILAK followed the intentions, principles and procedures for institutional twinning arrangements agreed between Sweden and Lantmäteriet?

11. RECOMMENDATIONS AND LESSONS

The Evaluation shall provide recommendations informing the design of

- Future activities aimed at improving land administration in Kenya
- Future activities aimed at capacity building and institutional development in the GoK institutions dealing with land administration
- Future twinning arrangements between GoK institutions dealing with land administration and the Swedish Land Administration Board. To cover but not be limited to:
 - What should be the coordination mechanisms and interface between the project and the larger Swedish support to land reforms through the Ministry of Lands?

- Possibilities for enhancing the proposed future project's effects on strategic planning and decision-making at the ministry?
- What should ideally be the role of the Swedish Embassy in planning, follow-up and dialogue?
- Possibilities for enhanced efficiency (incl cost-wise) in the contribution.
- Any reflections on how the future partnership would engage the National Land Commission? And decentralised and/or devolved structures of land administration?

The Draft proposal for PILAK 2 shall be made available. Where relevant, the Evaluation shall relate its recommendations to what has been proposed for PILAK 2.

12. METHODOLOGY

The methodology to be used for the Evaluation (to be developed in detail at Inception Stage) shall include:

- Desk study of documentation (National Land Policy (2009), PILAK programme document, PILAK Inception Report, PILAK progress reports, NLIMS reports, MoL strategic plans, MoL performance reports, reports listed under “Method of verification” in the LFA (if data not reported in PILAK progress reports), programme document for “Kenya Land Reform Programme”,)
- Group Discussions (incl representatives from civil society)
- Individual interviews with staff at different levels in the ministry
- Observation
- Any other to be proposed by the Consultant.

13. WORK PLAN AND SCHEDULE

The work plan will include:

- Initial Desk Review
- Introductory meetings to confirm purpose and roles of stakeholders in the Evaluation
- Development and refinement of Methodology
- Preparation of detailed Work Plan
- Preparation of survey tools
- Data collection (in Nairobi only)
- Preparation of Draft report
- Holding of Stakeholders workshop to discuss Draft Report
- Preparation of Draft Final Report (incorporating written comments and those communicated in the Workshop)
- Preparation of Final Report

It is expected that the Draft Report can be prepared within 3 weeks after commencement of work, and the Workshop be held within 3 days after that. Written comments on reports shall be provided within 1 week of receipt. Revised reports shall be submitted within 1 week after receiving comments. Initial Desk Review and Preparation of Draft Final and Final reports can if necessary be done outside of Kenya.

It is expected that the PILAK secretariat (Ministry of Lands supported by Lantmäteriet) will assist in making the necessary documentation available (in soft copy if possible), communication with stakeholders, and in organising the stakeholder workshop (at the expense of the consultant (to be included in the assignment budget, MoL through Sweden to advise on amounts)). Desk space will also be provided by the Ministry of Lands.

14. REPORTING

The following reports shall be prepared and submitted in soft copy to the Swedish Embassy in Nairobi, copy to Ministry of Lands and Swedish Board of Land Administration:

- Draft Report
- Draft Final Report
- Final Report (also in hard copy)

The report shall be structured in accordance with the outline in Annex 1. The executive summary shall not exceed one (1) page, and the main report (excluding annexes) not exceeding 20 pages.

15. EVALUATION TEAM

One (1) senior consultant for a total of 20 person-days, with:

- At least 10 years documented working experience
- Documented in-depth knowledge in, and at least 5 years' experience from, results based management and evaluations.
- Documented experience from work with Government institutions in Africa
- Added advantages: Experience from development of information systems. Experience from the land sector, in particular from land administration. Experience from work in Kenya. Experience from twinning arrangements. Experience from work with Sweden.

One (1) assistant junior consultant for a total of 20 person-days, with:

- Documented knowledge in, and experience from, results based management and evaluations
- Added advantages: Any of the above.

Annex 1. Proposed structure of Evaluation Report

EXECUTIVE SUMMARY

Summary of the evaluation, with particular emphasis on main findings, conclusions, lessons learned and recommendations.

INTRODUCTION

Presentation of the evaluation's purpose, questions and main findings.

THE EVALUATED INTERVENTION

Description of the evaluated intervention, and its purpose, logic, history, organisation and stakeholders.

FINDINGS

Factual evidence, data and observations that are relevant to the specific questions asked by the evaluation.

EVALUATIVE CONCLUSIONS

Assessment of the intervention and its results against given evaluation criteria, standards of performance and policy issues.

LESSONS LEARNED

General conclusions that are likely to have a potential for wider application and use.

RECOMMENDATIONS

Actionable proposals to the evaluation's users for improved intervention cycle management and policy.

ANNEXES

Terms of reference, methodology for data gathering and analysis, references, etc

Annex 2 – Follow-up on Indicators

Objectives and Results	Indicators	Method of verification	Status
Project Purpose Improved procedures and operating environment at MoL, leading to accessible and reliable land information.	More efficient land services at central and local offices of the MoL.	Statistics on the number of transactions handled by the involved offices.	No data has been collected by the project.
Project Results <u>Result 1:</u> Model analogue and digital archives in place for nationwide implementation.	Shorter time for title searches and other information retrieval activities. Old and torn documents are reconstructed, saving valuable information and avoiding future land conflicts. Information on land rights is stored securely, and made accessible for land administration and for public needs.	Evaluation reports from “model archive” implementation. Measured service time. Processes of document conservation and scanning in operation in the established LRCC.	No information has been compiled. No data has been collected by the project. No data has been collected by the project.
<u>Result 2:</u> Business and IT-architecture developed as a strategy for LIMS development and implementation.	Policies and frameworks in place facilitating the development of a cost effective and coherent IT environment that is easy to maintain and to develop.	The adopted IT architecture. Policies for Information and IT-security and System maintenance developed and adopted.	Achieved. Policy for IT-security adopted. No policy for maintenance in place.
<u>Result 3:</u> A modern geodetic framework is designed and implemented in parts of Kenya.	Cadastral surveys are better geo-referenced, resulting in more efficient surveys and less	The documentation of the new geodetic reference frame. Number of new geodetic control	System in place but not yet documented. 19 control points

	boundary disputes.	points.	constructed.
<u>Result 4</u> : A national system for unique land parcels ID developed and implemented in one DLO.	Easier exchange of parcel related information. Better access to cadastral information for land administration and for the private surveyors. Information is more secure and fraudulent activities have decreased.	Use of new parcel ID in files and documents. Records of discovered fraudulent parcels.	Not yet in place.
<u>Result 5</u> : A Land Rent Collection System developed.	Land rent is collected in a more efficient way, resulting in more revenue. Land rent demand notices sent to leaseholders on time.	Statistics on land rent income. Shorter queues outside land offices.	Requested but not presented to the evaluators. No data collected.
<u>Result 6</u> : A procedure for systematic conversion of old titles to RLA developed and tested.	Simpler and more decentralised registration procedures, saving landholders from travelling long distances when transacting land.	Files and documents for all real properties related to the test-district are kept at the DLO.	No testing has yet taken place.
<u>Result 7</u> : One or more system modules developed and others initiated.	Land administration processes are running more smoothly.	Response time for the affected LA processes.	No data collected.
<u>Result 8</u> : Project activities and results communicated to all stakeholders.	Public trust is growing.	Reaction to information activities, as seen in newspapers and other communications (e.g. on Internet)	No data collected but annual client satisfaction surveys show increase.

Annex 3 – List of Capacity-Building Activities

CAPACITY BUILDING

Summary of Capacity building activities in PILAK I (Nov 2009 - Dec 2012)

Comp.	Ref No	Deskription	Type of Acti- vity	Where	Number of MoL Participants
1	2009-03	Technical Training in Digital Recordkeeping	Study Visit	Sweden	8
1	2010-01	Capacity building in Records Management and Information Science	Training	Nairobi, Fairview	22
3	2010-02	Modernising the Geodetic Reference Frame	Workshop	Nairobi, Panafric	54
2	2010-03	Data Communication and Networking	Workshop	Nairobi, MoL	21
	2010-04	PILAK Project Planning	Workshop	Nairobi, Masai Lodge	19
1	2010-05	Archive Management Module	Workshop	Nairobi, Panafric	14
4	2010-06	User Needs and System Requirements for Land Registration	Workshop	Nairobi, Silver Springs	31
	2011-07	Management Study Visit	Study Visit	Sweden	3
2	2011-08	Business Process Reengineering	Workshop	Mombasa	
	2011-09	Change Management		Nairobi, Crowne Plaza	19
	2011-10	High Level Management Visit	Management Visit	Kenya	7
	2011-11	Study Visit to understand the Saperion Software	Study Visit	Germany	5
1	2011-12	Paper Restoration	Training	Nairobi, MoL	8
	2011-13	High Level Study Visit	Study Visit	Sweden	7
Comp.	Ref No	Description	Type of Acti- vity	Where	Number of MoL Participants

ANNEX 3 – LIST OF CAPACITY BUILDING ACTIVITIES

1	2011-14	Document Management System Training, D.Velop	Training	Nairobi, MoL Training Room	23
1	2011-15	Site Visit - Safeguarding Land Records		Mombasa	23
1	2011-16	Banctec Training	Training	Nairobi, MoL	10
3	2011-17	Survey – GNSS	Workshop	Nairobi, MoL	26
5	2011-18	Land Rent	Workshop	Naivasha, Morendat Training centre	13
2	2011-19	Business Process Reengineering	Workshop	Nairobi, Heron Hotel	15
2	2011-20	Business Process Reengineering	Workshop	Nairobi, MoL	12
2	2011-21	Business Process Reengineering	Workshop	Nairobi, MoL	10
2	2012-22	Information Security	Workshop	Nairobi, Silver Springs	20
	2012-23	Study Visit- Botswana	Study Visit	Botswana, LAPCAS Project	8
2	2012-24	Business Process Reengineering	Workshop	Nairobi, Lukenya Getaway	10
4	2012-25	Parcel Identification reform & cadastral Information system	Workshop	Nairobi, Silver Springs	19
2	2012-26	Document Management System Training, D.Velop	Training	Nairobi, MoL Training Room	16
	2012-27	IT Study Visit	Study Visit	Sweden, Lantmateriet	8
	2012-28	Team Building/Change Management Workshop	Workshop	Mombasa, Continental Resort	60
2	2012-29	Business Process Reengineering	Workshop	Nairobi, Panafric	9
	2012-30	FIG Congress	Study Visit	Rome, Italy	2
2	2012-31	Document Management System Training, D.Velop	Study Visit	Germany	7

ANNEX 3 – LIST OF CAPACITY BUILDING ACTIVITIES

Comp.	Ref No	Description	Type of Activity	Where	Number of MoL Participants
	2012-32	Discussion of PILAK2, Logical Framework Analysis- Senior Management	Workshop	Nairobi, Panafric	20
	2012-33	Discussion of PILAK2, Logical Framework Analysis- NLIMS Team	Workshop	Nairobi, Panafric	16
3	2012-34	Geographical Information System Data Modelling	Study Visit	Sweden, Lantmateriet	8
	2012-35	Discussion of PILAK2, Logical Framework Analysis- Drafting of Report	Workshop	Machakos, Garden Hotel	20
	2012-36	Senior Management Study Tour	Study Visit	Sweden, Lantmateriet	9
	2012-37	Human Resource Workshop	Workshop	Mombasa, North Coast Beach Hotel	10
2	2012-38	Document Management System	Workshop	Nairobi, HillPark Hotel	12
	2012-39	Team Building/Change Management Workshop	Workshop	Kisumu, Kisumu Hotel	82

Annex 4 – Time Schedule for Field Work

PILAK Evaluation Revised Programme FROM 9TH TO 23RD November 2012

DATE	TIME	CONTENT/SUBJECT	CONTACT PERSONS
Thursday 8/11/2012	14.30-17.00	MoL	Mrs. Lynne Nyongesa
Friday 9/11/2012	9.00 – 9.30 am	Ministry Strategic Plan & Vision 2030	Mr. E. W. Barasa, MBS (Gideon MWANGI)
	9.30 – 10.00 am	Land Sector Reforms	Mr. Peris Mangira
	10.00 – 10.30 am	NLIMS Implementation Roadmap / PILAK	Mrs. Lynne Nyongesa, OGW/ Ake Uthas/ Kristina bwire
	11.00 – 11.30 am	Coffee/Tea Break	
	11.30 – 12.00	Safeguarding of Land paper records in Central /Nairobi Registry	Mr Z. A. Mabea, MBS/ Mr. Peter Kahuho Mr. C. Ngatia
	12.00 am – 1.00 pm	Registry and Records visit Land Records Conversion Centre (LRCC)	Mrs. E. Gicheha / Mrs. Rosina Mule Mr.Wire and Mr. Ombima, Mr. Jones Nyangweso Mrs. Rose Goes
	1.00 – 2.00 p.m	Lunch Break	
	2.00 – 4.00 pm	Swedish Embassy	Anna Tufvesson
Monday 12/11/2012	8.30-9.00 am	Safeguarding of Land paper records in Central /Nairobi Registry	Mr Z. A. Mabea, MBS/ Mr. Peter Kahuho Mr. C. Ngatia
		Registry and Records visit Land Records Conversion Centre (LRCC)	Mrs. E. Gicheha / Mrs. Rosina Mule Mr.Wire and Mr. Ombima, Mr. Jones Nyangweso Mrs. Rose Goes
	11.00 a.m- 11.30 AM	Coffee/Tea Break	
	11.30 – 12.30	Meeting with director of Administration	Amb. Magdalene Wambua
	12.30 – 2.00 p.m	Lunch Break	

	2.00pm-3.00PM	ICT Infrastructure/ICT LAB	ICT Team (Lynne Nyongesa. OGW)
Tuesday 13/11/2012	9.00 – 10.30am	Land Sector Reforms & performance Contract/PILAK	Mr. Peris Mangira
	10.30 – 11.00 a.m	Coffee/Tea Break	
		Integrate Land Rent system	Mr. Abner Bangi Ms. Jacinta Muthoni Mr. Kilimo Jotham Ms. Ann Gacau Ms. Esther Njatha
	11.00-11.30	File tracking System	Muthomi Ngaruja Lilian Kiarie
	11.30–12.30pm	Systematic Conversion to RLA Titles	Mr. Cyrus Ngatia Ms. Elizabeth Gicheha Mrs. Rosina Mule Mrs. Salome Kirera
	12.30 – 2.00 p.m	Lunch Break	
	2.00p.m	Capacity building Change Management	Mr. David W O Ochiel
Wednesday 14/11/2012	9.00 – 10.30am	Business Processes Re-engineering	Mr. Peter Kahuho/ Lynne Nyongesa/ Jacinta Muthoni
	10.30 – 11.00 a.m	Coffee/Tea Break	
	11.30–12.30pm	Public Awareness	Peris Mangira / Nicholas Kitua (ILUVE)
Thursday 15/11/2012	10.00-12.00 am	Kenya Survey	Bo-Göran Holmgren Lars Malmvik
	3.00 pm	Pamora Trust	Salma Sheba Sophia Kanweru
Friday 16/11/2012	11.00	UNHABITAT	Clarissa Dorothy Augustinus Cyprian Selebalo
	3.00 pm	Federation of Female Lawyers - Kenya	Shiro Mogeni-Shilako
Monday 19/11/2012		Internal work on First Draft Report	
Tuesday 20/11/2012	10.00	JAICA	Steve N. Mogere
Wednesday 21/11/2012	2.00 pm	Embassy of Sweden	Anna Tufvesson
Thursday 22/11/2012		Internal work with preparations for workshop	
Friday 23/11/2012	10.00a.m-1.00 pm	Workshop to discuss Draft Report	MOL INDEVELOP

Annex 5 – Persons Interviewed

- Mr. Richard Amati, MoL
- Mrs. Clarissa Augustinus, Head Land and GLTN Unit, UNHABITAT
- Mrs. Wendy Ayres, Economist, MoL
- Mr. Dicksson Balo, MoL
- Mr. Abner Bangi, ICT Officer, MoL
- Mrs. Kristina Bwire – Lund, Safeguarding Consultant, PILAK
- Mr. Jonathan Chwatsi, MoL
- Ms. Ann Gacau, Assistant Land Registration Officer, MoL
- Mrs. Elizabeth Gichecha, Senior Assistant Commissioner of Lands, MoL
- Mrs. Rose Goes, LRCC Supervisor, MoL
- Mr. Bo-Goran Holmberg, Geodetic Consultant, PILAK
- Mr. Kilimo Jotham, Assistant Commissioner of Lands, MoL
- Mrs. Esther Kadriga, ICT Officer, MoL
- Mr. Peter Kahuho, Deputy Commissioner of Lands, MoL
- Mrs. Sophia Kanweru, M&E Consultant, Pamoja Trust
- Mrs. Lilian Kiarie, ICT Officer, MoL
- Mrs. Helen Kirera, Chief of Records Section, MoL
- Mr. Nicholas Kitua, Head of the Central Planning and Monitoring Unit, MoL
- Mr. Leitich, MoL
- Mr. Victor Liyai, Deputy to LRTU Coordination, MoL
- Mr. Lars Malmevik, Modelling Consultant, PILAK
- Mrs. Shiro Mogeni, Senior Programme Officer, FIDA Kenya
- Mrs. Carol Moyeni, FIDA Kenya
- Mr. Francis Muchiri, MoL
- Mr. Muigai, Officer in Charge of the Strong Room, MoL
- Mrs. Rosina Mule, Assistant Commissioner of Lands, MoL
- Mrs. Jacinta Muthoni, Principal Land Administration Officer, MoL
- Mr. Gigion Mwangi, Senior Economist, MoL
- Mrs. Isabel Ndegwa, MoL

- Mr. John Ndiritu, Programme Manager, Swedish Embassy
- M. Cyrus Ngatia, Senior Deputy COL/ Registration, MoL
- Mrs. Esther Njatha, Clerical Officer , MoL
- Mr. John Nyangweso, MoL
- Mrs. Lynn Nyongesa, Head ICT and NLIMS Project Manager, MoL
- Mr. Obima, Administration Officer, MoL (Dept of Lands)
- Mr. David Ochiel, Director of HR Development, MoL
- Mrs. Esther Ogega, Director Land Adjudication and Settlement, MoL
- Mr. Ake Uthas, Project Manager, PILAK
- Mr. Cyprian Selebalo, Technical Advisor, UNHABITAT
- Mrs. Salma Sheba, Deputy- Director, Pamoja Trust
- Mrs. Anna Tufvasson, First Secretary, Senior Programme Manager, Swedish Embassy
- Mrs. Magdalena Wambua, Director of Administration, MoL
- Mrs. Sarah Wanyarde, MoL

Annex 6 – List of Reference Documents

- Annual report 2011. PILAK February 2012
- Annual Workplan July 2011 – June 2012. PILAK September 2011
- Business Process Re-engineering Technical Consultancy Assistance (March-April) in the MoL.Memo MoL dated 16 June 2011
- Contract (Uppdragsbeställning) between Sweden and Lantmäteriet. 2009-11-10
- Disarray and neglect at land registries. The Standard May 24 2012
- Documentation of records – Progress Report. Kitale. Ministry of Lands 6th august 2011
- End of Project Review of the interim support to Non-state Actors in the Land Sector (SNSA). Review Report October 2012
- Framework Agreement between Sida and Lantmäteriet (Ramöverenskommelse mellan Styrelsen för Internationellt Utvecklingssamarbete och Lantmäteriv)rkret. December 2007
- ICT Standards and Guidelines, Developed by the Directorate of e-Government
- Version 0.1. Presidency and Cabinet Affairs Office, Office of the President. Republic of Kenya March 2011
- Inception Report, Project for Improving Land Administration in Kenya PILAK. Institutional Cooperation between Ministry of Lands, Kenya and Lantmäteriet, Sweden. June 2010
- KENREF Programme: Construction of Zero Order Pillars towards the Establishment of the Kenyan Geodetic Reference Frame (KENREF). Internal memo from the Coordinator, LRTU to Coordinator, LRTU dated 06-08-2012
- Kenya Vision 2030. Sector Plan for Lands 2008 – 2012. Republic of Kenya
- Master Plan for NLIMS. Masterplan 2011. Project Organization Structure And Implementation Plan. Reviewed 5th July 2011 /SLIMS TA
- National Land Policy. Sessional Paper No. 3 of 2009. Ministry of Lands. August 2009
- Progress report May - September 2011. PILAK
- Progress Report PILAK October-December 2011
- Project Description for Improving Land Administration in Kenya 2009 – 2012. Version 0.3. August 2009
- Strategic Plan 2008 – 2012. Ministry of Lands

- Semi-Annual report March – November 2010. PILAK. November 2010
- Semi-Annual report December 2010 – April 2011. PILAK. April 2011
- Performance contract between the Government of the Republic of Kenya (represented by the Permanent Secretary/secretary to the Cabinet and Head of Public Service) and Permanent Secretary/Accounting Officer, Ministry of Lands for the period 1st July 2011 to 30th June 2012. Republic of Kenya
- Project Appraisal Document on a proposed credit in the amount of SDR 65 million to the Republic of Kenya for the Informal Settlements Improvement Project. World bank February 24 2011
- Progress Report. PILAK January-March 2012
- Progress Report. PILAK April-June 2012
- Progress Report. PILAK July-September 2012
- Report: The design of the KENREF Network, Reconnaissance Survey of Zero Order KENREF Pillars and Monumentation of fifteen (15) KENREF Pillars has successfully been completed.
- Semi-Annual Workplan July – December 2012. PILAK July 2012
- Specific Agreement between Sweden and the Government of Kenya on the Land Strategy for development cooperation with Kenya January 2009 – December 2013. Ministry for Foreign Affairs. Sweden 20 January 2009
- Support Reform Programme. March 2012
- Support to Donor Coordination in Land Sector in Kenya 2011/2012. Project document UNHABITAT
- Technical Report on the construction of the ISIOLO Zero Order KENREF Pillar. Technical Report No. 12. Survey of Kenya July 2012
- Technical Report on the construction of the Zero Order KENREF Pillar at KITUI. Technical Report No. 13. Survey of Kenya July 2012
- The Constitution of Kenya, 2010. Kenya Gazette Supplement. Nairobi, 27th August 2010
- Validation of Reengineered Processes Flowcharts. EMPOWERment Resource Technologies Ltd.

Annex 7 – Inception Report

Background

Lantmäteriet and Kenya's Ministry of Lands have been, since 2009, implementing a Project for Improving Land Administration in Kenya 2009-2012 (PILAK). The Project is financed by Sweden through the Embassy of Sweden in Nairobi, with a budget of 40,480,750 SEK (current phase, in addition to preparatory activities). PILAK aims to contribute towards a Kenya with a "well functioning land administration, with correct, accessible and reliable information that will contribute to social and economic development" (overall objective). More specifically, the project purpose is: "Improved procedures and operating environment at the Ministry of Lands, leading to accessible and reliable land information". It aims to achieve (project results):

- Model analogue and digital archives in place for nationwide implementation
- Business and IT-architecture developed as a strategy for Land Information Management system (LIMS) development and implementation
- A modern geodetic framework is designed and implemented in parts of Kenya
- A national system for unique land parcels ID developed and implemented in one DLO
- A Land Rent Collection System developed
- A procedure for systematic conversion of old titles to the new Registered Land Act (RLA) developed and tested
- One or more system modules developed and another initiated
- Project activities and results communicated to all stakeholders

PILAK has eight components, corresponding to the eight result areas above. Since the beginning of 2009, PILAK sits under the National LIMS (Land Information Management Systems) programme run by the Ministry of Lands. PILAK comes to an end in December 2012. It has been proposed that it be followed by another project (here called "PILAK 2"). In order to draw important lessons from PILAK, and to inform the design of, and motivate, the financing of PILAK 2, a rapid evaluation of PILAK needs to be made.

Parallel to PILAK, Sweden also channels broad support to the implementation of reforms in the Kenyan land sector through the Ministry of Lands. The latest contribution amounts to some 48,800,000 SEK over three years, starting in 2012.

The assignment

The assignment is an end-of-project evaluation that will inform the design of Phase 2 of PILAK, inform the Embassy's decision on contribution to the proposed Phase 2 of PILAK and inform the Ministry of Land on progress, challenges and opportunities in the implementation of land reforms and improvements of land administration in Kenya.

Cross-cutting issues

The assessment of gender mainstreaming within the project design and implementation will be part of the evaluation. There may also be environmental impacts from the Project as well human rights issues, for example, those linked to ethnic/conflict issues. The evaluators will discuss with the Swedish embassy the extent to which these issues should be assessed in the evaluation, considering that this is a “rapid evaluation” according to ToR and the time for the evaluation is limited.

Recommendations about the scope of the evaluation

The TOR characterise the evaluation as a “rapid evaluation”, although the TOR are broad ranging, albeit with a focus on programme process, impact and sustainability. This suggests that compromise may be required in terms of evaluating ‘breadth vs. depth’. Attempting to evenly spread resources across all evaluation criteria will not permit great depth of review in most cases. Rather, we aim to take a flexible approach that allows us to go into greater depth in certain areas, according to findings and issues that arise in the field. Priority will be given to issues of importance for the Embassy’s assessment of possible support under PILAK 2. In a qualitative review such as this, our aim is to gain a deep understanding of the situation, in key areas, rather than breadth. Qualitative researchers refer it to “depth over breadth”.

The scope of work, as outlined in the TOR, is realistic and the time and other resources allocated to the evaluators should be appropriate for the assignment.

Evaluation purpose and objectives

The purpose of the assignment is to inform the design of Phase 2 of PILAK, inform the Embassy’s decision on contribution to the proposed Phase 2 of PILAK and to inform Ministry of Land on progress, challenges and opportunities in the implementation of land reforms and improvements of land administration in Kenya.

Using the DAC and Sida evaluation definitions, the evaluation will assess the project in relation to the following criteria:

- a) The effectiveness of the project will be analysed (To what extent has the Overall Objective, Purpose and Expected Results of PILAK been achieved? Are there any other evident results of PILAK?)
- b) The *relevance* of the project will be analysed (Has PILAK contributed to forwarding the land reform agenda in Kenya? In particular the development of pro-poor LIMS? Has PILAK through LIMS work contributed to improved land governance, assessed through interviews with key informants? Has PILAK contributed to improving the strategic planning or decision making at the Ministry of Lands?)
- c) Did the project respond to the identified problems? Has the project been relevant in relation to Kenyan and Sida policies and strategies?)
- d) The sustainability of the investments in capacity building will be analysed (sustainability of results).
- e) The efficiency of the project design, twinning arrangements and implementation will be analysed. (Has the PILAK intervention strategy overall been efficient – including in terms of cost? What has been the efficiency of capacity

building under PILAK? How has the mix between the use of Swedish experts and building local capacity in the sector in Kenya worked in this respect? Has PILAK followed the intentions, principles and procedures for institutional twinning agreements between Sida and Lantmäteriet? What have been the linkages and synergies between PILAK and overall Swedish support to land reforms through the Ministry of Lands?)

The evaluation will assess the efficiency of capacity building by identifying and calculating the input, primarily consultant's costs and workshop costs as well as study visits, with the assessed results of the capacity building efforts.

Relevance and evaluability of evaluation questions

Effectiveness (The extent to which a development intervention has achieved its objectives, taking their relative importance into account).

The long-term objective is that Kenya shall have a well-functioning land administration with correct and reliable information that will contribute to social and economic development. It should not be expected to see great achievements in the long-term objective due to the short time that the Project has been running. Capacity development and genuine changes at the institutional level usually take longer.

The Project purpose is "Improved procedures and operating environment at MoL leading to accessible and reliable land information". The indicator for this is "More efficient land services at central and local offices at the MoL", verified through statistics on the number of transactions handled by the involved officers.

If reliable statistical data is available for 2009 – 2012, it will possible to see changes in the indicator; although the indicator is rather narrow and quantitative and may not fully capture qualitative changes related to the project purpose.

The project results for each of the eight components, together with indicators and methods of verification, are stated in the LFA Matrix, which is part of the project document. The project report does not contain any information about the development of the indicators, probably because they have not been monitored. The evaluation will collect data for as many indicators as possible, depending on the availability of data. The appropriateness of the indicators will be evaluated according to the SMART criteria (Specific, Measurable, Attainable, Realistic and Timely). Recommendations will be made for the future use of indicators and the monitoring system in a second phase of the project.

The evaluation will also assess if there are any other evident results of PILAK, other than those in the original LFA matrix.

Data collection will be done through a project report review (PILAK reports and MoL reports), observations and interviews.

Relevance (The extent to which a development intervention conforms to the needs and priorities of target groups and the policies of recipient countries and donors).

The relevance will be assessed through analysis of the Project and its component in relation to the stated problems and to Sida's policies and the policies of the Kenyan authorities. This has been assessed in Sida's Assessment Memo and will be verified by the evaluation. The evaluation will make additional interviews and have discussions with officials and beneficiaries.

Coordination with other stakeholders (WB, USAID, UNHABITAT, JICA etc...) will be evaluated in order to assess the relevance of the intervention and the non-duplication of activities. At this end, the evaluators foresee consultations with members of the Kenya Development Partners Group on Land (DGPL).

Other relevance issues will be analysed, such as if PILAK has contributed to forwarding the land reform agenda in Kenya, particularly the development of pro-poor LIMS, if PILAK through LIMS work has contributed to improved land governance and if PILAK has contributed to improving the strategic planning or decision-making at the Ministry of Lands.

Sustainability (The continuation or longevity of benefits from a development intervention after the cessation of development assistance).

Information will be collected about the sustainability of effects on the capacity of MoL. A condition for achieving sustainability is the establishment of ownership of the project in the existing organisation. The evaluation will analyse the agreement between different parties to see if local ownership was promoted through these agreements. The evaluation will specifically try to assess the sustainability of capacity building and investments, phase-out planning and sustainability without further donor support.

Efficiency (The extent to which the costs of a development intervention can be justified by their results, taking alternatives into account).

The efficiency of the project design, twinning arrangements and implementation will be analysed. (Has the PILAK intervention strategy been efficient overall – including in terms of cost? What has the efficiency of capacity building been under PILAK? How has the mix between the use of Swedish experts and the building of local capacity in the sector in Kenya worked in this respect?)

The intervention strategy is based on the twinning arrangement between the MoL and Lantmäteriet. Under the twinning agreement, a great number of Swedish consultants have been used, representing a major cost of the Project. The actual use of Swedish consultants, the mix with local consultants and the actual costs will be calculated as a basic reference document for the interviews. The evaluation will assess the efficiency of capacity building by identifying and calculating the input, primarily consultant costs and workshop costs as well as study visits, with the assessed results of the capacity building efforts.

The efficiency of the twinning agreement and the use of Swedish consultants will then be assessed, mainly through the collection of qualitative data through interviews with MoL staff and other stakeholders.

The internal efficiency in terms of efficient use of project resources will be analysed based on the experiences of the consultants from similar projects.

Recommendations regarding the evaluation questions

Has PILAK, through LIMS, work contributed to improved land governance? Has PILAK contributed to improving strategic planning or decision-making at the Ministry of Lands?

Interviews with MoL officials, civil society representatives and other stakeholders in the land sector will be conducted to collect information about their perception of this question. The evaluation will be limited to analysis of the respondent's perceptions.

What have been the linkages and synergies between PILAK and overall Swedish support to land reforms through the Ministry of Lands?

This question will be analysed:

- a) Based on interviews with the Swedish Embassy, MoL officials, civil society representatives and other stakeholders in the land sector.
- b) Documents such as progress reports providing evidence of actual links and synergies.

Has PILAK followed the intentions, principles and procedures for institutional twinning agreements between Sida and Lantmäteriet?

This will be analysed through a comparison of Sida's principles and procedures for institutional twinning and the agreement and functions of the twinning between MoL and Lantmäteriet.

Design of the evaluation

The Project's technical aims are clearly articulated in the TOR, and can be assessed using a combination of approaches: technical assessment/review, evidence-based approaches (IT-systems running, model analogue and digital archives accessible etc), indirect evidence (e.g. reporting of system faults, review of operation records, etc.) and interviews with key staff and other stakeholders (including beneficiaries/customers).

The evaluator(s) will undertake one field trip to Nairobi for fact-finding and interviews with implementing partners, key staff of the MoL and managers and key decision makers.

As with all evaluations, it is important that respondents can express their views openly and without prejudice. The tone and openness of the discussions will be established from the outset by the evaluators (reinforced by donors if present). The purpose of evaluations and the potential for learning and improvement will be emphasised. The

evaluators will make it clear that they are independent (and not employees of any donor organisation), and that the final conclusions and findings will be their own.

At the outset respondents will be informed about the purpose of the evaluation, and that expressed opinions will be treated confidentially. Senior officials and those in positions of authority may not mind being quoted, quotes will not be attributed to particular individuals. Expressed opinions and views will be those of the authors, interpreted from information received from respondents. If matters of particular sensitivity arise then complete confidence will need to be given to sources, and such matters will be raised with the donors in the first instance. It will be important to the evaluation process to establish conditions that encourage open and frank dialogue, as this is essential to the sharing of ideas.

Cross-cutting issues such as poverty and gender will be analysed as part of the evaluation in regard to the initial assessment, measures taken within the Project to benefit the poor and to improve the gender situation, and what has been achieved. The Project process and outcomes will be analysed according to Sida's Policy Promoting Gender Equality in Development Cooperation, and Sida's core mandate of poverty reduction. There may also be environmental impacts from the Project as well human rights issues, for example those linked to ethnic/conflict issues. The evaluation will assess if, and how, the Project is considering the environmental consequences of land use. The documents referred to in the TOR seldom specifically mention or refer to gender or poverty aspects or include specific actions aimed at improving the situation for the poor or addressing any gender issues. We recognise these limitations in assessing undertaken actions, but we see the evaluation as an opportunity to take a formative approach to identifying how these factors can receive greater attention in the future. The evaluators will discuss with the Swedish embassy the extent to which these issues should be assessed in the evaluation, considering that this is a "*rapid evaluation*" according to the ToR, the time for the evaluation is limited, and these cross-cutting issues may have been analysed in depth in other specific studies.

Data collection, sources of information and analysis

Document review

Initially, a desk study of documentation listed in the ToR and other documents will be done. (National Land Policy (2009), PILAK programme document, PILAK Inception Report, PILAK progress reports, NLIMS reports, MoL strategic plans, MoL performance reports, reports listed under "Method of verification" in the LFA (if data not reported in PILAK progress reports), programme document for "Kenya Land Reform Programmed").

The PILAK reports mostly contain information about activities performed under each of the eight components, although not always in a systematic way. Some of the work plans and reports seem to be missing or not done at all, i.e. a detailed work plan for 2010 and the annual report for 2010. The evaluators will therefore have to put more emphasis into the interviews and observations. It will be important to verify statements from the interviews by observations or with information from other interviews.

The indicators from the LFA matrix are generally not reported in the PILAK reports. During the relatively short time of the assignment, it will not be possible for the evaluators to review all sources of information for the indicators. The evaluators will select a number of indicators that will be assessed. The selection will take into account the importance of the indicators, the representativeness of the indicator for the results and the availability of the sources of information.

Interviews

A list of persons to be interviewed is being developed and will be finalised during the first days of the field visit. The list will include:

- Embassy of Sweden
- MoL
- PILAK project staff
- Lantmäteriet
- Other stakeholders
- Civil society
- Beneficiaries

The evaluators will develop a questionnaire to guide the interviews.

Observations

The evaluators expect that it will be possible to see and verify the achievements of several components, such as the archives, the IT-system and physical infrastructure as well as developed policies, guidelines and other documents.

Stakeholder involvement

Stakeholders have been involved in the formulation of ToRs (Embassy of Sweden, Ministry of Lands, and Lantmäteriet). During the evaluation, stakeholders will be interviewed and/or will participate in group discussions to provide triangulation of information (Embassy of Sweden, Ministry of Lands, Lantmäteriet, clients of the Ministry of Lands and civil society organisations/representatives). A final workshop will be organised for discussion of the draft report developed by the evaluators. This will provide an opportunity for a validation of findings and recommendations (Embassy of Sweden, Ministry of Lands, Lantmäteriet and representatives from civil society active in the sector).

The evaluation in relation to the existing system

The evaluators do not yet have any information about the systems of MoL for monitoring and evaluation, apart from the recognition, noted above, about apparent weaknesses in reporting, especially against indicators. At this stage, the evaluators cannot describe how the evaluation methodology can build on these systems. Information will be collected during the field visit and the methodology will be adapted to link to existing systems.

The use of the evaluation

We understand that the evaluation will be used by the Embassy and the partners for the assessment of future support and that the evaluation therefore should respond to the intention of the Embassy and be "focused and as fast as possible" rather than perfectly comprehensive, in order for the outcome to inform the ongoing assessment of possible future support to a PILAK 2. Our interpretation of this is that the draft report, that will be presented and discussed at the end of the field work, will focus more on the "big picture", important findings, lessons learned and recommendations for the possible future support (PILAK 2) than the details of current project implementation.

According to the ToR, the evaluation will provide recommendations for future activities for land administration improvement, for capacity building and institutional development, and for future twinning arrangements. Recommendations will be related to what has been proposed for PILAK 2.

Quality assurance

The evaluation will have quality control as an integrated part of the assignment management procedure, regardless of the different scales of the activities. Our commitment to delivering high-quality services requires effective quality assurance mechanisms. For this we have developed and applied a quality assurance system, which is compliant with ISO 9001:2000, and is managed by Indevelop's Project Manager.

Ms. **Jessica Rothman** is the appointed **Project Manager** (category 2) at Indevelop's office in Stockholm and is responsible for managing the assignment's implementation. She will ensure coordination that leads to the kind of evaluation process that Sida has committed itself to in the evaluation guidelines, which include learning and utility (usefulness). She will specifically have contact and liaison with Sida, managing the financial and contractual aspects of the assignment, providing monitoring and coordination of the quality assurance process during implementation, backstopping and support to the team and to facilitating support as needed.

Dr. **Ian Christoplos** is the **Project Director** (category 1) responsible for quality assurance on all assignments implemented under the framework agreement. He will provide technical backstopping and quality assurance on methodology and the draft and final reports to ensure that the reports are in line with Sida's requirements. He will ensure that the evaluation is in line with Sida's Evaluation Guidelines and meet the OECD/DAC quality standards for evaluation. His role is in ensuring that evaluators without extensive experience with Sida norms are guided and briefed accordingly.

Field team

Mr. Bernt Andersson, as Team Leader (category 1):

Bernt Andersson holds a Master's of Political Science with Business Administration and Economics. Mr. Andersson has significant experience in the Swedish and International healthcare sectors, most recently as the Director of Sida's Health division. He has worked as a technical advisor to the Ministry of Health in Angola and as a regional health systems advisor at the Pan American Health Organization based in Washington DC. Mr. Andersson is a specialist in health systems development, plan-

ning and programming, monitoring and evaluation. He has experience from country programming and implementation, co-operation with UN organisations, SWAPs, and global health initiatives. He is also an evaluation expert. One of his recent assignments, in May this year, was to participate in the evaluation of the National Agency for Public Registry in Georgia involving land registration and in cooperation with Lantmäteriet.

Ms. Tamara Hallaq, as Evaluator (junior consultant - category 2):

Tamara Hallaq has Master's in International and European Public Law – including International Law, Humanitarian Law, Human Rights and UN System and a Master's in Development Studies – including Good Governance, Rule of Law and Democracy. Tamara has over seven years of experience in the external cooperation field within recognised international NGOs, UN agencies and private consultancy companies. Throughout her different assignments, she has participated in technical assistance projects aiming to build Rule of Law and Good Governance capacities of governments. Tamara Hallaq has recognised skills in M&E of projects and previous working experience with Sida. She has been based in Kenya for almost two years and has developed a good working knowledge of the country.

The Terms of Reference for the evaluation framework states: *“Regarding evaluation assignments, Core Team personnel shall be included in the team performing the assignment. The teams conducting the reviews shall be composed of evaluation experts as well as relevant policy, sector, thematic and country experts”*. We have therefore included a third team member from Indevleop's *core team*, apart from the two positions requested in the ToR. The core team member will have a limited role in this evaluation by providing evaluation methods support.

Ms. Sanne Chipeta, as Evaluation methods advisor (core team - category 1):

Sanne Chipeta is a Senior International Adviser with the Knowledge Centre for Agriculture, Danish Agricultural Advisory Services. She has a strong combination of experiences from agricultural advisory work as well as community development both in Denmark and internationally. Sanne has conducted several evaluations and reviews of different rural development and land administration programmes. She is particularly experienced in applying systemic methodologies where the evaluation/review contributes to facilitating learning and change processes in the participation programme and project organisations.

Sanne's role in this evaluation will be to promote utility, assessing theories of change, results framework, achieved results and quality facilitator in relation to Sida's evaluation expectations. Sanne's input will be limited to three working days and she will not participate in the field visit.

Preliminary work plan for field visit

(To be presented and discussed at the initial meeting with the Swedish Embassy)

Preliminary Programme for Field visit in Nairobi, PILAK

Date	Morning	Afternoon
Wednesday November 7		Arrival Bernt Andersson, inchecking at Sarova Panafric
Thursday November 8	Internal work for the consultants	2 pm: Meeting with PILAK/ MoL (Lynne Nyongesa, proj manager)
Friday November 9	Meeting at PILAK/MoL, detailed review component for component of PILAK	Meeting with Anna Tufvesson Meeting at PILAK/MoL, detailed review component for component of PILAK, cont
Monday November 12	Meeting at PILAK/MoL, detailed review component for component of PILAK, cont	Meeting at PILAK/MoL, detailed review component for component of PILAK, cont
Tuesday November 13	Meeting at PILAK/MoL, detailed review component for component of PILAK, cont Meeting with Åke Uthas, Lantmäteriet	Meeting at PILAK/MoL, detailed review component for component of PILAK, cont
Wednesday November 14	Individual interviews with stakeholders,	Internal work for the evaluators
Thursday November 15	Individual interviews with stakeholders,	Individual interviews with stakeholders,
Friday November 16	Individual interviews with stakeholders, Half-time Meeting with PILAK , reflections of first week and planning for second week. Half-time Meeting with Embassy , reflections of first week and planning for second week.	Internal work for the evaluators
Monday November 19	Individual interviews with stakeholders,	Drafting report
Tuesday November 20	Drafting report	Submitting Draft report
Wednesday November 21	Continued work on the Final draft	Continued work on the Final draft
Thursday November 22	Planning for work shop, presentations etc	Continued work on the Final draft
Friday November 23	Workshop	



Evaluation of the Institutional Cooperation Between Ministry of Lands, Kenya and Lantmäteriet, Sweden on the Project for Improving Land Administration in Kenya 2009-2012 (PILAK)

This is an end-of-project evaluation to inform the design and decision for a proposed second phase of the Project for Improving Land Administration in Kenya (PILAK). Two thirds of the expected results have been fully or partially achieved. Non-achievements are mainly due to overambitious design of the project and delays in the project's implementation. The evaluators recommend Sida to continue supporting a new phase of the PILAK project where monitoring should be strengthened and crosscutting issues like poverty, gender and human rights should be better integrated.

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