

# **Training Providers in Capacity Development for Major Land Reforms and Land Policy Implementation at Country Level**

**Peter M NGAU and Jasper N MWENDA, Kenya**

**Key words:** Human Capacity Development, Land Policy, Kenya

## **SUMMARY**

A number of developing countries are in the process of developing and implementing land policies or major land reforms. A recent study in Kenya has demonstrated that training providers have a crucial and unique role in capacity development for successful implementation of major land reforms or implementation of land policies. Demands for training at country level for major land reforms are often more complex than those that are required for reforms in particular land sectors. Careful identification of training providers, targets for training, the mode and duration of training, training institutions and curricula offered by these institutions is imperative. Coordination and timely linkages between various landed professions, training providers and public and private institutions is also crucial in effective capacity development.

The existing human capacity status and projected human capacity needs in the Land Sector were assessed by qualitative and quantitative methods to reveal the gap between the existing and the projected human capacity, particularly in terms of hard and soft skills. This capacity was then dissected further to reveal requirements for capacity development at different levels for various targets for training throughout the Land Sector at the Country level. Further study was then carried out to assess the existing capacity among Training Providers to effectively address capacity development needs that were identified in various sectors and levels. Findings from this study reveal that there is urgent need to address the capacity development ability and focus of these Training Providers during and after enactment of the Land Policies in a Country, and to develop their capacity so that they will, in turn, play their role effectively.

It is expected that findings of this study will contribute to the on-going discussion on human capacity development to support implementation of land policies or major land reforms at Country Level.

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## **1. INTRODUCTION**

In many developing countries underutilization, misuse, unclear tenure and inequitable access to land often result in impediment to growth. Land reforms seek to address such challenges to create conducive environment for protection of property rights, to facilitate equitable access to land for all, and encourage land based investment (Enemark and Ahene, 2002). However, lack of adequate and competent human resource capacity to undertake the necessary reforms can be a key barrier for implementation of any new land reforms and land policies (Nzioki et al, 2009). Indeed, histories of land reform show that capacity building of the human resource is normally neglected or forgotten before and after the action begins (McAuslan, 1998; Mattingly, 1989; Nsamba-Gayiiya, 1999). It is noteworthy that during the past few years, there has been growing interest and discussion to address human capacity development to aid land reforms at country level (Haile et Al., 2013; de Vries and Groenendijk, 2015).

The matter of human capacity development to aid implementation of land policy and major land reforms in Africa is very urgent because less than 10% rural land on the Continent is undocumented (Byamugisha, 2013). In some countries where land documentation has taken place for a number of decades (such as Kenya and Uganda), the process has been slow and has faced challenges such as inequitable access; unregistered land rights and land transactions; underutilization of land; lack of transparency in land dealings.

Capacity development in land management is not only a question of establishing a sufficient technological level or sufficient economic resources, but also a question of understanding the interdisciplinary and cross-sectoral nature of land administration systems, and understanding the need for human resource development in this area (Enemark and Ahene, 2002). Capacity development entails building sound institutions and good governance in the multidisciplinary area of land management. Human capacity development in land entails addressing of soft (generic) skills, hard (technical) skills and full ownership of the process by individuals, organizations and societies whose capacities are being developed (Zevenbergen, 2013). Haile et al (2013) mentions that another dimension of human capacity development thinking visualizes the operational space spatially (local, country, regional and continental). The capacity to build capacities (represented by the “providers of knowledge, skills and attitudes”) must be sustained over the time it takes: not only to install new capacities in the process, but also to maintain the capacities that are needed as individual actors leave the process and need replacement. Ultimately human capacity development should enable the society to achieve its desired development goals.

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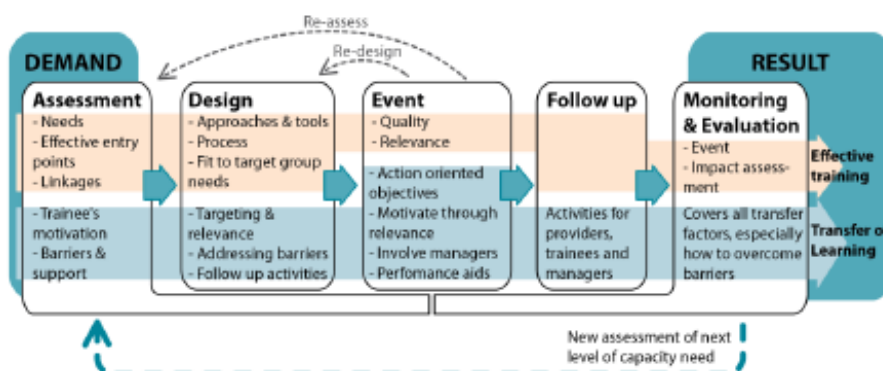
After considering human capacity development studies to implement land policy in Kenya, Mozambique and Uganda in recent years, de Vries and Groenendijk (2015) identify three distinctive capacity development stages as scoping of assessment and mobilization of resources; implementation of assessment, including choice of indicators and methods of data collection; and presenting and dissemination of results

## 2. TRAINING CYCLE AND FOCUS IN HUMAN CAPACITY DEVELOPMENT

### 2.1 Good Practice Training Cycle

A key concern in the study was to prepare and validate a robust methodology for human capacity needs assessment, leading to design of training programs, resource mobilization, approaches for training delivery and monitoring and evaluation. The methodology consists of a systems approach linking human capacity needs assessment with design of training program, resource mobilization and training delivery along with continuous evaluation and feedback mechanism. The methodology has since been refined and more details added as shown in Figure 1:

**Figure 1: Good Practice Training Cycle**



Source: UN-Habitat Good Practice Note on Training

Source (Zevenbergen, 2013; Haile et al, 2013)

### 2.2 Breadth and depth of knowledge required for capacity development in land

In a discussion of breadth and knowledge of reforms (consequently the capacity development focus for different segments of demanders of training) P. F. Dale (2000) classifies the demanders into four groups. Group A consists of politicians and the general public including land owners and occupiers. These are consulted about their needs and possible solutions in public participation forums. Support by this group is crucial to long-term sustainability of land reforms. Group B consists of senior managers, concerned with strategic planning, who are involved in the operations or consequences of the operations of the land management system: these include senior professionals, senior lawyers, bankers and investors. Group C consists of middle managers and administrators. They oversee work

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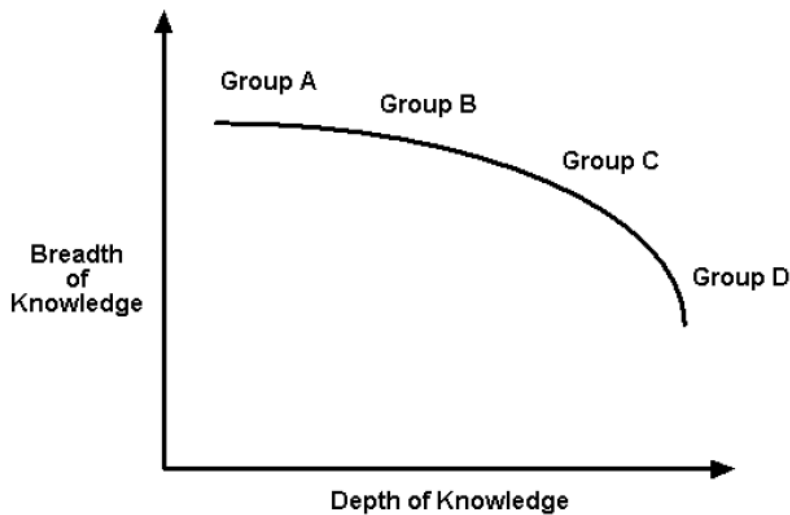
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of the office and field staff and ensure that resources are available, monitor quality of the work and resolve disputes and uncertainties. Group D may consist of professionals, technicians and others who come into contact with the public. Though they have specialist skills, they need to understand the environment in which they are operating.

**Figure 2: Breadth and depth of knowledge required for capacity development in land**



(Source: Adapted from Dale (2000))

### 2.3 Forms of training

Often whether envisioned, planned, or actually implemented, training for land administration and reform takes conventional forms, depending most often on lectures, seminars and manuals and less often on learning visits by groups and individual secondments. More general knowledge of training and learning recognizes a great variety of modes of delivery in addition to these, including demonstration, simulations, role-playing, audio-visual techniques, use of case studies, behaviour modelling, apprenticeships, self-directed learning, and on-the-job training.

## 3. THE HUMAN CAPACITY DEVELOPMENT STUDY IN KENYA

### 3.1 Background

A study was undertaken in Kenya assess human capacity development needs required to implement the new land policy (of 2009) and develop a human capacity development (training) program within the new 2010 Constitution dispensation. The output was to clearly identify target groups, required competencies, training providers, types of training and accreditation, cost of training programs and

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other related issues. In the course of the study, a number of workshops were held and feedback from stakeholders considered and incorporated to improve the content of the reports. A comprehensive analysis of roles in the land sector to identify capacity that is required at various organs and levels of the state and non-state actors training needs was carried out.

Individual interviews and focus group discussions at the district (now county) and national level were used to obtain data/information at four levels of training needs assessment (system, organizational, occupational and individual). Heads of Departments in the Ministry of Lands were interviewed to probe their assessment of capacity needs and projections for the future. Interviews in training institutions were conducted to assess the basis for new curriculum reforms and cost of training. Interviews were conducted with private sector, civil society organizations and professional bodies on capacity and challenges facing them. The overall approach employed a systems methodology linking human capacity needs assessment with design of a training program, resource mobilization and training delivery along with continuous evaluation and feedback mechanism. Data was collected from relevant state institutions (Ministry of Lands Headquarters and sixteen (16) representative counties), other state and quasi-state institutions, from non-state institutions, private sector, nongovernmental organizations, and professional associations, and training institutions.

The study utilized three lines of inquiry, comprising of a demand side analysis, a supply side analysis, and cost analysis. The demand side analysis addressed the issue of key personnel and necessary core competencies for implementation of the land policy within the new institutional setup. The supply side investigation focussed on identification of training that is currently offered in Kenya and characterization of that training. Finally, the cost analysis involved costing the requirements of meeting the demand, identifying possible sources of funding, and analyzing scenarios.

### **3.2 Framework used in the analysis of training**

The framework for analysis was based on five key principles for training:

- That training is understood as a process of effecting change in behaviour, providing the necessary skills, knowledge and attitude;
- That training is most effective if it allows trainees to take some responsibility for learning;
- That training needs are the shortfalls in performance that require to be supplied by systematic instruction:  $P-DK=TN$ ; where P is what and how the employee should perform, DK is what the employee already knows and does, and TN are the training needs.
- That training needs should be informed by both current performance gaps as well as future needs (the new roles and functions) that might arise from the new policy and accompanying institutions.
- That an adequate sustainable enabling environment for capacity development is essential to motivating and applying training. The engagement and commitment of at least the major stakeholders means a strong enabling environment for both the acquisition and the application of knowledge, skills and attitudes

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### **3.3 Capacity gaps that were identified**

The study identified capacity gaps for various target groups for capacity development and stakeholders at all possible levels within the Land Sector in Kenya. The first level of capacity gaps are cross-cutting and include: customer care, integrity and attitude change, deficiency in relevant computer skills, awareness of rights for minority and women, understanding of new land policies, knowledge of environmental sustainability, and management of public participation and consultation. The next set of capacity gaps are in Land Administration, Valuation and Registration; the third set of capacity gaps are in provision of surveying services; the fourth set of capacity gaps are in physical planning; the fifth set of capacity gaps are in land adjudication and settlement and the sixth set of capacity gaps highlighted are in administrative support services. Capacity gaps in the civil society and private firms were also highlighted: skills in advocacy, networking, negotiation, and understanding of new policies.

### **3.4 Targets of training**

Targets for training commonly extend beyond those who supply land administration and reforms to the demand: the people using land and NGOs and CBOs representing them. For this study the targets of training were identified thus:

- Officers in the public sector. These include officers from the Ministry of Lands (main state institution with mandate for land administration and management). Other state institutions include Local Authorities, Ministries that deal with Forest and Wildlife, Environment, Agriculture, Transport, Works and Water. This category also includes Professional Registration Boards and Grassroots Quasi-State Boards and Committees
- Non-State actors comprising of the private sector, professional organizations, community based organizations as well as non-governmental organizations, Civil society and the media
- General public

### **3.5 Training providers**

In the study, training providers were considered as part of supply side analysis, whose main role is seen to address the demand of training needs. The analysis characterized training offered in the country using the following parameters: -

- Characteristics of training providers (Universities, colleges, trade or vocational schools, other formal education providers; government training centres; NGOs/professional societies, etc.)
- What each one of these offers in relation to requirements; the analysis of training providers looked both institutional and non-institutionalized routes of training. It also considered sandwich programs and other ways of building capacity.
- Subjects taught (e.g., land registration, property law, land valuation, project analysis, GIS, gender analyses, participatory planning, remote sensing, contract law, surveying, land economics, etc.) determining whether or not these are adequate to meet requirements.
- Appropriateness of training providers and training programs in light of requirements.

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### **3.6 Methods of training**

Training for professionals and para-professionals in the Land Sector in Kenya is offered through non institutionalized and institutionalized training.

Non-institutionalized training may include: ‘Ad hoc’ basis where candidates study on their own and may subsequently sit for examination; short study visits; short “tailor-made” courses; conferences, workshops and expert-group meetings. This kind of training may also be done through the use of social and religious gatherings as well as paper and electronic media (newspapers, radio, television and internet). Institutionalized training various on land related disciplines is offered by public, private and faith-based institutions in Kenya. Public institutions include technical institutes, colleges, universities and university colleges. There are also an increasing number of private and faith-based universities that offer land related courses.

### **3.7 Different levels of insttutionalized training**

Training is offered at various levels for a variety of courses: -

- Certificate level (GPS, engineering surveying, cartography, computer courses)
- Diploma level (surveying, cartography, estate agency and property management, law)
- Higher diploma level (surveying, cartography, law, computer courses)
- Degree level (land administration, geospatial engineering, cartography, law)
- Masters level (geospatial engineering, planning, GIS, housing administration, law)
- PhD level (real estate, law, surveying and urban and regional planning)

## **4. COMMENTS ON TRAINING FOR CAPACITY DEVELOPMENT IN KENYA**

### **4.1 Quality control of curricula offered and cost of training**

Quality control of institutions that offer training is dependent on the level of training. Many institutions that offer certificate and diploma courses are not registered with regulatory bodies and do not present their candidates for Kenya National Examination Council (KNEC) Examinations: the content and duration of their courses vary greatly. If an institution offers candidates for KNEC Examinations at this level, then content and duration are specified. Staffing and accreditation of departments in tertiary institutions are loosely regulated and pose a challenge in quality control. For bachelors and higher degree levels, The Commission for University Education (CUE) and respective University Senates regulate the content and duration of the courses and also inspect to ensure that staffing and facilities are acceptable.

The cost of training courses is highly competitive and market driven. New institutions and those outside the big cities charge lower fees, while premier institutions charge higher fees.

### **4.2 Training in Soft Skills**

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The study found that soft skills (customer care, integrity, negotiation, conflict resolution, dialogue and courtesy) and professional ethics are not amongst the courses taught in the universities and colleges. This poses a challenge because the findings of this study were that the current staff in the Ministry of Lands and other government institutions that deal with land, have serious capacity gaps in these skill areas.

### **4.3 Continuous Professional Development**

Professional bodies within the landed professions are actively involved in continuous professional development (CPD) programs for their members. This is however done in a “silo fashion” where synergies between these professions are not fully utilised towards a more systematic and unified human capacity development program to implement the National Land Policy.

### **4.4 Role of Non-State Actors**

It is acknowledged that this group played a vital role in lobbying for a number of crucial issues in the National Land Policy and the Chapter on Land in the Constitution. This group also plays a “watchdog role” in ensuring that the reforms are on track. They have a vital role in providing training of citizens particularly at the grassroots level. There is a need for closer coordination in capacity building efforts between this group and the Public Sector.

### **4.5 Relevance of training offered in addressing capacity development needs**

Currently most of the land based courses in Universities and Tertiary Institutions address the needs of the wider market and do not necessarily focus on eventual employment of their graduates by government departments. Thus for teaching institutions to offer courses that directly address human capacity development needs for implementation of the National Land Policy, then special arrangements would have to be made to that effect. Figure 2, shows an analysis of curricula in a sample of land based courses in a number of Universities in Kenya, to give an indication of the gap between the courses offered and what the new dispensation would demand. This is further complicated by the fact that the “turn-around time” for approval of new curricula could be in excess of two years. There is need for closer consultations to enable the training institutions to design and implement programmes that address capacity development needs. Though the National Land Policy (GOK, 2009) specifically recommends establishment of a Land Policy Research Centre in partnership with universities and research institutions to coordinate land policy research, this is yet to be actualised.



**Figure 3: Subjects taught in a sample of land based programmes in Kenyan institutions**

| CURRICULLUM                               | Subjects taught   |                       |              |                          |                  |                          |                 |               |                        |              |           |                |                 |                         |                      |                            |          |                        |
|---|-------------------|-----------------------|--------------|--------------------------|------------------|--------------------------|-----------------|---------------|------------------------|--------------|-----------|----------------|-----------------|-------------------------|----------------------|----------------------------|----------|------------------------|
|   | Land Registration | Professional Practice | Property Law | Land /Property Valuation | Project Analysis | Land Information Systems | Gender Analysis | Land Planning | Remote Sensing and GIS | Contract Law | Surveying | Land Economics | Land Management | Environ Impact Analysis | Computer Programming | Environ Studies & Planning | Land Law | Hydrographic Surveying |
| B Sc (Geospatial Engg), UoN               | E                 | Y                     | X            | X                        | X                | Y                        | X               | Y             | Y                      | X            | Y         | X              | E               | X                       | Y                    | O                          | Y        | Y                      |
| B Sc (Geospatial Engg), JKUAT             | E                 | Y                     | X            | X                        | X                | Y                        | X               | Y             | Y                      | X            | Y         | X              | E               | Y                       | Y                    | Y                          | Y        | Y                      |
| B Sc (Geomatic Engg & GIS), Kimathi UC    | E                 | Y                     | X            | X                        | X                | Y                        | X               | Y             | Y                      | X            | Y         | X              | E               | Y                       | Y                    | Y                          | Y        | Y                      |
| B Eng (Geospatial), TUK                   | E                 | Y                     | X            | X                        | X                | Y                        | X               | Y             | Y                      | X            | Y         | X              | E               | X                       | Y                    | O                          | Y        | Y                      |
| Bachelor of Real Estate, UoN              | X                 | Y                     | Y            | Y                        | Y                | X                        | X               | Y             | X                      | Y            | E         | Y              | E               | Y                       | E                    | E                          | Y        | X                      |
| B Sc (Land Administration), TUK           | E                 | Y                     | Y            | Y                        | Y                | Y                        | X               | Y             | X                      | Y            | E         | Y              | Y               | Y                       | X                    | X                          | Y        | X                      |
| B A (Planning), UoN                       | X                 | X                     | X            | X                        | Y                | Y                        | X               | Y             | Y                      | X            | E         | Y              | X               | Y                       | E                    | Y                          | X        | X                      |
| LL B - School of Law, UoN                 | E                 | Y                     | Y            | X                        | X                | X                        | Y               | X             | X                      | Y            | X         | X              | E               | X                       | X                    | Y                          | X        |                        |
| M Sc (GIS), Kimathi                       | X                 | X                     | X            | X                        | Y                | Y                        | X               | X             | Y                      | X            | E         | X              | X               | Y                       | Y                    | X                          | X        | X                      |
| M Sc (GIS), Nairobi                       | X                 | X                     | X            | X                        | Y                | Y                        | X               | X             | Y                      | X            | E         | X              | X               | Y                       | Y                    | X                          | X        | X                      |
| M A (Valuation & Prop Mgt), UoN           | X                 | Y                     | X            | Y                        | Y                | X                        | X               | X             | X                      | X            | Y         | Y              | Y               | Y                       | X                    | X                          | X        | X                      |
| M A (Planning), UoN                       | X                 | X                     | X            | Y                        | Y                | Y                        | X               | Y             | Y                      | X            | X         | X              | Y               | E                       | Y                    | X                          | X        | X                      |
| B Environmental Planning & Management, KU | X                 | X                     | X            | X                        | Y                | X                        | X               | Y             | E                      | X            | E         | X              | E               | Y                       | E                    | Y                          | X        | X                      |
| B Sc (GIS), Kimathi                       | X                 | X                     | Y            | X                        | Y                | Y                        | X               | Y             | Y                      | X            | Y         | Y              | E               | Y                       | Y                    | Y                          | X        | X                      |

Key: Y - Offered E - Offered at elementary level X - Not offered O - As an option

#### 4.6 Four way training approach in the land sector

The training needs that were identified for the land sector require a four way training approach (Figure 4). The four way approach consists of short courses and seminars (1-2 weeks); long courses (3 weeks – 5 months); technical courses for certificate or diploma (6 months – 3 years); and Professional courses for degree and advanced degree (2-5 years). Certain training needs can be addressed through the short courses, and seminars. These include courses aimed at induction of newly employed, promoted or transferred staff. They are also suited for sensitization of staff on government operations and organizational changes, land reforms, issues of integrity, customer care, service charter and quality management. This category also includes experiential learning, exchange visits and benching marking which can be conducted both in-country and off-country.

**Figure 4: Four way training approach in the land sector**



(Source: GOK, Sida-Kenya and UN-Habitat, 2011)

#### 4.7 Regional linkages

There is need for closer regional cooperation, particularly between training providers in this Region of Africa (Eastern Africa), according to some of the objectives of the Africa Land Policy Initiative (Haile et al, 2013; Zevenbergen, 2013), and to look for ways maximize on their resources to benefit the learners in land based training in the Region: particularly capacity development to implement land policy. The East African Land Administration Network could act as a nucleus in this respect. Countries in this and other Regions of Africa could also think in terms of Centre(s) of Excellence for human capacity development to implement land reforms and policy.

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## 5. CONCLUSION

From the study in Kenya, it is observed that implementation of human capacity development programme in the land sector at country level is very complicated because it involves a multiplicity of training demanders at different levels, with differing needs (capacity gaps). This is further complicated by the fact that to address the capacity gaps adequately, it would be necessary to set up special-focus training programmes, either in new institutions or by special arrangement with existing institutions. This arrangement also requires that these gaps to be addressed within a particular time frame. Early and timely capacity development arrangements: including various programmes, training institutions, necessary funding should be put in place simultaneously with development of a National Land Policy.

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## **BIOGRAPHICAL NOTES**

Prof. Peter M. Ngau is an Urban Planner and Associate Professor, Department of Urban and Regional Planning, University of Nairobi. He holds a PhD in Urban Planning and has over 20 years of university teaching and research experience. He served for six years as National Expert at the United Nations Centre for Regional Planning – Africa Office. He is the Managing Editor of the Regional Development Studies Journal and the current Director of the Centre for Urban Research and Innovations based in the University of Nairobi

Mr. J. N. Mwenda is a Lecturer in the Department of Geospatial and Spatial Technology, University of Nairobi. He holds BSc, MEng and MSc degrees. He is a Member of the Institution of Surveyors of Kenya, a Certificated Land Surveyor (East Africa) and a Licensed Surveyor (Kenya). He worked for Survey of Kenya prior to joining the University of Nairobi. His research interests are in Cadastral Studies and Land Management.

## **CONTACTS**

Prof. Peter M. Ngau  
Department of Urban and Regional Planning  
University of Nairobi, ADD Building  
P. O. Box. 30197 - 00100 GPO  
NAIROBI, KENYA  
Tel.: +254-722658781  
Email: pngau@uonbi.ac.ke or peterngau@gmail.com  
Website: www.centerforurbaninnovations.org

Mr. Jasper N. Mwenda  
Department of Geospatial and Space Technology  
University of Nairobi  
P. O. Box 30197 - 00100  
NAIROBI  
KENYA  
Tel. + 254-721258891  
Email: jnmwenda@uonbi.ac.ke or jnmwenda@yahoo.co.uk  
Web site: www.uonbi.ac.ke

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