

Schools at Risk: The Impact of Public School Land Grabbing in Kenya



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ACRONYMS

BoM	Board of Management
EACHRights	East African Centre for Human Rights
KESSHA	Kenya Secondary Schools Heads Associations
KAARC	Kenya Alliance for Advancement of Child Rights
MoLPP	Ministry of Lands & Physical Planning
MoEST	Ministry of Education, Science & Technology
NLC	National Land Commission
SID	Society for International Development
TSC	Teachers Service Commission
UN	United Nations

"We feel like we are not human beings, we are treated like animals"

Mwamdudu Primary School Community Member, October 16, 2016

"Life is unfair"

Naka Primary School Student, August 2016

This policy brief expands on *"One Year on From Lang'ata: Why Public Schools are Still at Risk"*, a qualitative study released in January 2016 by the ShuleYangu Alliance.¹ It looks at the correlation between land grabbing and the violation of fundamental human rights and seeks to prove that land grabbing affects the State's ability to protect and provide for fundamental human rights. In an attempt to prove this, the brief employs a case-study approach, looking at the social, psychological, economic and institutional impact of land grabbing on 15 primary school communities across ten counties. It makes assumptions on the general impact public schools face as a result of public school land grabbing.

The epic rush for land-based investments and corruption within land governance structures in Kenya perpetuates a system that enables for land grabbing. Kenya currently ranks as the third most corrupt country in the world and second most corrupt in East Africa. Kenya's land services sector is ranked among the top ten worst performing sectors in the region.² Current processes of land alienation and allocation lack accountability and transparency and are unable to prevent the illegal grabbing of public school lands.³

Out of a total of 29,404 public schools, over 24,400 schools do not have title deeds or lease certificates. They have no documentation of ownership and are therefore vulnerable to encroachment and land grabbing.⁴ Already, 4,100 schools have reported cases of land contestation, encroachment and grabbing to the NLC.⁵ The attempted grabbing of Lang'ata Primary School on January 19th 2015 and the subsequent Presidential directive to the MoLPP to title all public school lands, further highlighted the threat public schools without legal protection (title) or physical protection (fenced/well delimited perimeters) face from land grabbers. However, since then, only 800 schools have been processed for, but have not received lease certificates. This represents roughly 2.7% of all schools in the country.

Schools and their communities who have reported cases of land grabbing or encroachment face social, psychological, economic and institutional impact.

The findings of this brief demand accelerated policy and administrative action from the Executive, Judiciary and Legislative branches of government at the highest levels possible.

Consequently, we call for:

- 1. The Ministry of Lands & Physical Planning together with the National Land Commission to expedite the survey, registration and titling process of all public schools in Kenya, with an immediate focus on the 15 schools studied in this brief;**
- 2. The Ministry of Lands & Physical Planning to immediately give full access of all cadastral and public land registry records to the National Land Commission;**
- 3. The National Land Commission to fast track the development and launch of a publicly accessible public land registry.**
- 4. That the Ministry of Education, Science & Technology and the Teachers Service Commission institute basic land administration training for school board of managements and head teachers**
- 5. That the State Law Office and the Department of Justice implement the Witness Protection Amendment Act 2016 to protect the teachers and administrative staff who report instances of land grabbing**

INTRODUCTION

The scramble for public land in Kenya perpetuates a system of corruption in land governance that undermines the State's obligation to protect and provide for fundamental human rights and the inviolable right to human dignity.⁶ These are rights protected and provided for nationally, regionally and internationally. Specifically, the State's inability to protect public school lands and the social, psychological, economic and institutional impact felt as a result of this, violates the rights children and school communities have to an education, due process of law, freedom of speech and freedom of assembly.

At the heart of all human rights is the belief that human dignity is inviolable. The belief that human beings must have a sense of self-respect and self-worth must be respected and protected. Without it, no other human right can be respected.⁷

The right to education is provided for and protected internationally under the Universal Declaration of Human Rights,⁸ the International Covenant on Economic, Social and Cultural Rights⁹, the UN Convention on Rights of the Child,¹⁰ the African Charter on Human and People's Rights.¹¹ It is protected locally under the Constitution of Kenya 2010,¹² the Children's Act¹³ and the Basic Education Act 2014. Protecting this right is fundamental to the development and growth of a nation, as evidenced by its inclusion as one of the United Nations Sustainable Development Goals (SDGs) key to improving people's lives.¹⁴

With over 45% of the country's population living below the poverty line and high levels of inequality, public education offers Kenyans an avenue for personal development.¹⁵ Further, with poverty, gender and rural-urban differences creating mutually reinforcing disadvantages to a majority of the Kenyan population, the right to education is key to ensuring the economic growth of the Kenyan people. Most of the country's population therefore relies on public facilities for an education. Research shows that since the implementation of free primary education in 2003, the number of children who go to primary school has increased.¹⁶

At the same time, the vicious scramble for public land across the country and the state's failure to build integrity in public land governance, has left public schools as 'easy targets' for grabbing.¹⁷

A study conducted and published in 2016 by the ShuleYangu Alliance for the very first time made

public primary data on the frequency, scale and impact of school land-grabbing in 45 counties.¹⁸ The study revealed that out of the 29,404 public schools in the country, 83% did not have title-deeds of lease certificates, 41% were not fenced and therefore were at an immediate risk of encroachment and grabbing and 14% had already reported cases of land grabbing to the NLC.

The study, together with the high-rate reports of public school land grabbing in the recent past, with some schools having been closed due to land-disputes, presents a challenge to school going children in Kenya. Highlighting this, the Committee on the Rights of the Child while reviewing Kenya's commitment to promotion and protection of children rights in March 2016 expressed concern over the 'illegal acquisition of public lands (...) by private individuals and business enterprises'.¹⁹

THE IMPACT OF PUBLIC SCHOOL

Chapter five of the Constitution of Kenya states that 'public land shall vest in and be held by the national government in trust for the people of Kenya (...) It shall not be disposed of or otherwise used except in terms of an Act of Parliament, specifying the nature and terms of that disposal and use'.²⁰ Public land is further protected under Article 12(2) of the Land At which states unequivocally that public land can only be converted to private land through the process of alienation and even so, is subject to public needs or in the interest of defence, public safety, public order, public morality, public health, or land use planning.²¹ The re-allocation or public school land to private land for the private interests is therefore illegal and violates the trust vested in the government to protect and provide for public needs.

Fifteen public primary schools across ten counties were chosen for the purposes of this study: Naka (Nakuru), Maralal (Samburu), St Catherines (Nairobi), St. Brigids (Nairobi), Nairobi School (Nairobi), Lang'ata Primary (Nairobi), Mwamdudu (Kwale), Changamwe (Mombasa), Danicha (Kilifi), Yikisemei (Makueni), Tisya (Makueni), Mbacaca (Tharaka Nithi), Sumbeiyo (Uasin Gishu), Kimalel (Uasin Gishu) and Sitatunga (Trans Nzoia). These fifteen schools were chosen through a process of convenience and purposive sampling. The fifteen schools reported cases of land contestation, encroachment or grabbing to the ShuleYangu Alliance in 2016. All fifteen schools have encountered significant social, psychological, economic and institutional impact as a result of land disputes.

An analysis of these impact highlights that the grabbing of public school land and the failure of the state to secure public school lands violates fundamental human rights that are held to be inviolable.

Public school land grabbing directly and indirectly violates the rights to education, due process of law, freedom of speech and freedom of assembly. Violations of these rights may occur through direct action of state parties, or through their failure to take steps required by law.²²

ECONOMIC IMPACT

In total, 105 acres have been grabbed across the 15 schools. Currently market values for the parcels of land estimate the economic loss at seven hundred and fifty million Kenya shillings or seven million, five hundred thousand US Dollars (KES 750,000,000 / USD 7,500,000).

Table 1: Market Price of Acres Grabbed

School	Acres Grabbed	Market Price (KES Millions)
Naka Primary	10	320
Maralal Primary	15	15
St. Catherines Primary	8.25	55.77
St. Brigids Primary	0.8	20
Nairobi School	0	0
Langata Primary	1.5	81
Mwamdudu Primary	8	100
Changamwe Secondary	7.4	74
Danicha Primary	3	0.15
Yikisemei Primary	8	1.6
Tisya Primary	0.25	0.025
Mbacaca Primary	4	0.2
Sumbeiyo Primary	24	21.6
Kimalel Primary	10	50
Sitatunga Primary	4.8	4.8
TOTAL 744.145		

The misappropriation of KES 744.145 Million through the loss of public school lands violates the trust vested in the government to govern and manage public land for the public interest.

With secondary education costing an average of KES 55,000, the money lost through public school land grabbing is enough to cater for the secondary education of about 13,636 students.²³ With over 29,404 public schools in Kenya and 12,055 schools currently at risk of encroachment and land-grabbing, the potential loss of these schools is enough to ensure free secondary education in Kenya.

SOCIAL IMPACT

Across all fifteen schools, children and school communities have encountered and continue to encounter difficulties to accessing school grounds and making use of school land. This was clearly evident at Sumbeiyo Primary and Mwamdudu Primary.

Sumbeiyo Primary in Uasin Gishu county was established as a public school in January 1987.²⁴ It was registered, received teachers and enrolled over 300 students.

Despite the existence of the school, in July of the same year, the school learned that the land had irregularly and illegally been re-allocated to private individuals by the provincial administration. On inquiry, school officials were told by the Land Registrar that the challenges in land allocation were possible as the prior subdivision maps were proposals and not the final maps. Subsequently, without notice, the school was demolished in 1989.

Letters from the District Commissioner, the Permanent Secretary at the Ministry of Education and the Chief Land Registrar dated November 1994 state that the government had no objection to the land formerly designated as a school having been reallocated to private individuals.²⁵

As a result of the state-sanctioned illegal re-allocation of the school, children at Sumbeiyo Farm are forced to travel long distances to access a public school. It was noted that children leaving home at 5:00 am to get to school by 8:00 am is a norm within the community.

Within the community, tensions remain high. In November 2016, during a community meeting at the Farm with the ShuleYangu Alliance, a meeting turned violent, with one of the land-grabbers hitting an elderly gentleman for stating that the parcel of land rightfully belonged to the community for the purposes of a primary school.

At Mwamdudu Primary in Kwale county, children risk their physical health daily in attempts to access school property. The school which is registered under Registration No. KWL/PE/02/109/113 is currently being forcefully evicted from its' land by a private company, Colfax Holdings Ltd, in lieu of adjudication on the land. In the course of nine years and without state intervention, the company has excavated soil from the surrounding community, creating cliffs that one must climb in order to access the school.

Image 1: Children climb the cliffs of Mwamdudu to Access Mwamdudu Primary School



Continued excavation, sometimes through the use of dynamites and other explosive materials, has resulted in unstable ground, causing children and teachers to suffer broken and fractured limbs.

Image 2: An injured child from Mwamdudu Primary School



Interviews with community members revealed that in some cases, members of the schools Board of Management (BoM) had been threatened for their work to secure the school and hold the company legally responsible for its' actions. In the extreme, two members of the BoM and the community have been accused of supporting terrorist activities and specifically the terrorist group Al Shabaab, in an effort to stop their active roles in the protection of the school and the community.

Despite court injunctions ordering Colfax Holdings Ltd to cease all activities on the land, the company continues to excavate the grounds. Efforts to report Colfax Holdings to the relevant authorities has failed.

In some instances, the police have threatened teachers and BoM members, the most recent instance being in August 2016, following a tree-planting ceremony planned by the ShuleYangu Alliance to fence the property with trees. Following the event, security officers threatened members of the school board, teachers and the County Director for Education with arrest if they continued to take action in an effort to secure the school.

The right to education for these two school communities has been grossly violated. The right to education includes the right to access education. The physical dimension of the right to access education requires that education is within safe physical reach.²⁶ Without the ability to access education, the right to education has been violated.

PSYCHOLOGICAL IMPACT

In four schools, the grabbing of school land has resulted in negative mental health effects as a result of extreme distress and hardship. The effects of loosing public school land not only affect the children and teachers that attend the school but the communities who rely on the school. For schools that cater to the economically marginalised, children and parents of the community rely on the school for basic needs such as food, water and in some cases, health care. This is true for most public schools in Kenya.

At St. Catherines Primary in Nairobi, a school that mostly caters to children from a neighboring slum, with a specific focus on children affected by HIV, the continued attempts, some metted with violence, to evict the school from its' grounds has caused disruption in the education and play of children at the school.²⁷ The children and surrounding community still rely on the school for meals, water and health care, despite the uncertainty of the schools' tenure. Sentiments from the schools' leadership highlighted the despair within the school and the belief that the government had abandoned them and shown no efforts to support the school.

At Sumbeiyo Primary, the children being forced to walk long distances to school and the continued tensions within the community have created an environment that is high-risk to out-siders who might be seen as supporting the existence of the school.

Further, the forced eviction of the school, given the demolishing of school buildings without notice, have left community members feeling alone and without a government that cares for their well-being. As a result, the recent involvement of the NLC on behalf of the school is a welcome development to the community. Currently, the NLC is representing the school in the Environment and Land Court of Kenya at Eldoret against the private individuals in an effort to reclaim the land that was lost.²⁸

At Mwamdudu, the continued excavation of soil and the forced eviction of the school and surrounding homes have left a community in distress and without hope. During ShuleYangu interviews with community members, sentiments expressed included: “We feel like we are not human beings, we are treated like animals”; “It feels like the community is fighting for its dignity against the government”; and “Our homes have become home to intimidation”. The atmosphere within the community is one of despair.

Excavations have also uprooted ancestral graves, leaving the skeletal remains of loved one’s above ground, which has further traumatised community members. In 2009, community attempts to question the irregular survey of community land by Colfax were met with violence from Administration police who confronted the unarmed men with guns.

The community further claim that frustrations and psychological torture have resulted in the deaths of three community members, namely: Menzole Shanga; Nyae Ionya; and Michael Kobo Ndosho.

At Naka Primary, a school in Nakuru, a private individual has successfully illegally acquired the school land in its’ entirety. Currently, the school is squatting on 0.8 acres of land, sharing the space with a nursery school. As a result, the school has experienced over 50% drop out rate.

As a whistle-blower to the impact land-grabbing has had on the school, the head teacher has faced intimidation and threats against his job, his family and his life. Most recently, attempts to reclaim the land in May 2016 resulted in his persecution in court by the state. Currently, the head-teacher, alongside four other human rights defenders face criminal charges for their non-violent efforts to reclaim back the land.

Despite catering for children from impoverished backgrounds, the school is situated in an affluent neighbourhood. Despite support from neighbours and the surrounding communities, the children feel

abandoned and have expressed feelings of hopelessness.

A recent documentary by Africa Uncensored, “Not My School” featured Naka Primary School and highlighting the plight of the school and the school community. In the documentary, a student asked what lesson she had learned from the inability to secure the school stated that she had learned that “life is unfair”.

At Nairobi School, despite its’ ability to expeditiously and successfully recover school land that was otherwise grabbed, weaknesses along the school border enabled for the smuggling of alcohol and drugs and the increased use of the illegal substances by students.

During interviews with school officials, the difficulty they have faced in restricting these substances was among the primary reasons for their swift and quick action to secure the school. While Nairobi School is a public school, the finances to secure the property were donated by school alumni; Nairobi School is a prestigious school with an affluent alumni network nationally and internationally.

Across all schools studied, the feeling of hopelessness was mutual and a deteriorating trust in the state was evident.

The violent actions taken by land-grabbers and the inability of the state to intervene on behalf of school communities has clearly violated the communities’ rights to freedom of speech and assembly. This is clear across all cases where actions taken to protect the school were met with intimidation and physical violence.

INSTITUTIONAL IMPACT

The institutional impact relates to the impact land grabbing has had on the productivity and effectiveness of state institutions. The fifteen schools proved that land grabbing has had a negative effect on the productivity and effect of all three branches of Government, but specifically, on the effectiveness of the Judiciary.

Across the fourteen schools studied, land grabbers had used the court system to legalise land-grabbing and criminalise any actions to protect the school.

This was clearly evident with Naka Primary during the Pyboard Housing Co-operative Society Ltd vs. Municipal Council of Nakuru case, where the Judge in his decision noted that the private developers had manipulated the land allocation system so as to have

the suit land allocated to it, but found for the plaintiff, stating that if the allocation of land was to be questioned, then the Land Commissioner would be answerable, but that the Commissioner of Lands had the authority to allocate the land to anyone he deemed fit.²⁹ Not only does the decision contradict itself, it is a decision that violates the law and grossly violates the spirit of the law.

At Changamwe Secondary, school officials were left confused after being informed that their land had been grabbed through a newspaper article in mid-2016. The article stated that a court of law ruled that 7.4 acres of the school belonged to a private individual, Mr. Doshi, as the land was allocated to the school by consent of the Lands Commissioner in the mid-1990s. This came after the school community pushed down an illegal wall built by the private developer and requests for assistance by school officials to the NLC, the Ministry of Lands and Physical Planning and county officials, which they believed would ensure the security of their school land.

The failure of the courts to observe the due process of law has also indirectly sanctioned corruption within land governance structures. Without an oversight authority willing to exercise due diligence of examining and disclosing all evidence pertaining to the case, corrupt land administrators feel secure and protected from the consequences of breaking the law.

The NLC was established in 2012 in an effort to build integrity in public land governance. Its constitutional mandate was and continues to be, the governance and management of all public lands in Kenya.³⁰ The MoLPP, however, has a residual role as some processes require the approval of both County and National Assemblies. Unfortunately, the ills that plagued the previous administration have not been completely cured. Public school land-grabbing continues at an alarming rate. For example, the 10 acres grabbed at Kimalel Primary in Uasin Gishu were grabbed in 2014 after the NLC was established. Lang'ata Primary School, a school whose fight to protect it resulted in public outcry, a Presidential directive to title all public schools and the first ShuleYangu policy brief on the state of public school lands, remains unsecure. According to sources from the Nairobi County Government, the title of the school is still under the private developer.

In Maralal, despite a directive by the chairman of the NLC to evict all illegal occupants of the school grounds, the destruction of illegal buildings on the property in 2015, the school remains untitled and

buildings destroyed have been rebuilt and continue to operate businesses on public school land. At St. Brigids, despite oversight authorities, a private school has been able to construct buildings and start holding classes within public school grounds. Despite letters of inquiry from the BoM to the NLC, the Ministry of Education, Science and Technology, the Director of Criminal Investigation and Nairobi County Government, the private school has encroached and taken over 0.8 acres of public school land.

The inability to protect public school lands and secure the tenure for students and school communities has stripped the faith of the public in these public institutions.

TWO YEARS SINCE THE RECLAMATION OF LANG'ATA ROAD PRIMARY SCHOOL

The reclamation of Lang'ata Road Primary sparked public outrage and reignited the conversations on public land governance, initially discussed in the Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land – Ndungu Report. The subsequent report by the ShuleYangu Alliance raised hopes, that with a baseline from which to work, progress would be seen within a year to reclaim public lands and specifically public school lands.

Reviewing the recommendations published in the first ShuleYangu policy brief and presented and submitted to the Cabinet Secretary of the MoLPP, steps have been taken to meet three of the five recommendations in the report. The recommendations were:

1. The Ministry of Lands, Housing and Urban Development to issue lease-certificates to the 2,400 schools that have already been surveyed;
2. The Cabinet to fast-track the approval of waiving survey fees and all other costs
3. The Ministry of Education, Science and Technology to encourage all remaining schools to apply for title deeds;
4. All 47 County Governments to urgently complete their audits of all public schools and other public utilities and where appropriate issue lease-certificates
5. The establishment of a rapid results titling taskforce of Government Ministries, NLC, ShuleYangu Alliance and Teachers Association

As a result of the collaborative effort to secure public schools between private, public and civil organisations, the Ministry of Lands and Physical

Planning and the NLC has successfully processed close to 800 schools for titling; successfully waived all survey fees for public schools, and encouraged all public schools to apply for titles.

While measures have been taken to protect public school land and specifically to follow through with the recommendations of the first ShuleYangu report, the inability to expedite the processes continues to put schools at risk and violate the fundamental and inviolable rights of school communities.

WHAT WE MUST DO NOW

In an effort to expedite the process of surveying and titling all public schools and in an effort to secure schools and enable the State's ability to protect and provide for the fundamental human rights protected and provided for nationally, regionally and internationally, we recommend the following points of action for the Ministry and the NLC.

The Ministry of Lands and Physical Planning should work together with the NLC to expedite the survey, titling and protection of the fifteen schools subject to this study, namely: Naka (Nakuru), Maralal (Samburu), St. Catherines (Nairobi), St. Brigids (Nairobi), Nairobi School (Nairobi), Lang'ata Primary (Nairobi), Mwamdudu (Kwale), Changamwe (Mombasa), Danicha (Kilifi), Yikisemei (Makueni), Tisya (Makueni), Mbacaca (Tharakanithi), Sumbeiyu (Uasin Gishu), Kimalel (Uasin Gishu) and Sitatunga (Trans Nzoia).

The MoLPP should give full access to all cadastral and public land registry records to the NLC within the next three months. Interviews with officials of both the Ministry and the Commission highlighted the lack of cooperation between the agencies and the bureaucracies in place that limit the efficiency of both agencies. The vetting of these processes and the streamlining of sharing documents between both departments would enable for an expedited process, allowing for transparency and inevitably rooting out corrupt land administrators who hide in the bureaucracy of land administration.

The NLC should fast track and report on the development and launch of a public land registry that is publically available online. This will enable for stakeholders in public and private land to expand the capacity of the Commission to protect public lands. While remarks have been made to the successful development of the same, interviews with the NLC revealed that a sectoral inventory is unfinished. There has been no verification of public lands in the country and as such, without knowing the amount of

public land and specifically public school land in Kenya, public schools' lands will remain low lying fruits for unscrupulous grabbers.

The Ministry of Education, Science and Technology and the Teachers Service Commission should institute basic land administration training for school board of managements (BoMs) and head teachers. This will provide schools with the ability to identify when their school is at risk and give them the information they need to be able to preliminary protect school land, while they report instances of grabbing to the relevant authorities.

The State Law Office and the Department of Justice implement the Witness Protection Amendment Act 2016 to protect the teachers and administrative staff who report instances of land grabbing. Those who report do so with fear of retaliation, including harassment, dismissal from employment or redeployment, threats and even physical violence.³¹ The implementation of the act will not only protect those already reporting instances of land grabbing, but will motivate other school communities to do the same without fear of retaliation

APPENDIX 1: METHODOLOGY

The research findings were gathered through interviews, field observations and document analysis. The research involved doing field visits to Nairobi, Muranga, Kilifi, Kwale, Trans Zoia, Uasin Gishu, Nakuru, Mombasa and Samburu. Nine semi-structured interviews were carried out with County level officials in land, education and quality assurance. Twelve head teachers and two NLC officials were also interviewed. Numerous members of school communities (boards of management and school parents) were also involved through semi-structured individual and group interviews and group discussions.

INTERVIEW QUESTIONS (GENERAL)

1. What is the Name and Location of the School?
2. Does the school have a letter of allotment?
3. Does the school have a title deed?
 - a. If yes, when was the title acquired?
 - b. If no, has the school applied for a title deed?
4. Is the current acreage of the school the same as when the school was established?
5. Have there been any attempts to grab the school land? When? By Whom?
 - a. What is the acreage grabbed?
 - b. What is the economic value of the acreage grabbed?
6. What do you consider as the social, economic, psychological and institutional impact of land grabbing?
7. Have you been engaged in any advocacy work towards securing school land?
8. What challenges have you faced in protecting public school land?

INTERVIEW QUESTIONS (COUNTY AND NATIONAL GOVERNMENT AGENCIES)

1. What challenges have you faced in your work to secure titles for public school land?
2. Do you have data on the numbers of schools that have been surveyed and titled since the Presidential Directive in January 2015?
 - a. If yes, please provide them
3. How many new cases of school land grabbing have been reported and documented since January 2016?
 - a. What measures have been taken to address the reports?
4. Are there concerted efforts between the Ministry of Education, Science and Technology and other relevant actors to address school land grabbing?

REFERENCES

- 1 Society for International Development (2016) One year after Lang'ata: why public schools are still at risk. Policy Brief February 4th, 2016. Available: <http://www.shuleyangu.co.ke/wp-content/uploads/2016/08/SYSchoolsAtRiskPolicybrief.pdf>
- 2 Transparency International Kenya 2014. The East African Bribery Index 2014, Available: <http://www.tikenya.org/index.php/the-east-african-bribery-index>
- 3 Kenya Land Act No. 6 of 2012.
- 4 Society for International Development (2016) One year after Lang'ata: why public schools are still at risk. Policy Brief February 4th, 2016. Available: <http://www.shuleyangu.co.ke/wp-content/uploads/2016/08/SYSchoolsAtRiskPolicybrief.pdf>
- 5 Society for International Development (2016) One year after Lang'ata: why public schools are still at risk. Policy Brief February 4th, 2016. Available: <http://www.shuleyangu.co.ke/wp-content/uploads/2016/08/SYSchoolsAtRiskPolicybrief.pdf>
- 6 Universal Declaration of Human Rights, Preamble *recognizing* "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" Available: <http://www.un.org/en/universal-declaration-human-rights/>
- 7 Shultziner, Doron (2003). "Human Dignity – Functions and Meanings" Global Jurist. Available: https://www.researchgate.net/publication/241002874_Human_Dignity_Functions_and_Meanings
- 8 Universal Declaration of Human Rights, Article 26. Available: <http://www.un.org/en/universal-declaration-human-rights/>
- 9 International Covenant on Economic, Social and Cultural Rights (1966). Article 13. Available: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
- 10 Convention on the Rights of the Child (1989). Article 28. Available: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- 11 African Charter on Human and People's Rights (2005). Article 17. Available: <http://www.achpr.org/instruments/achpr/>
- 12 Constitution of Kenya (2010), Article 53 1(b). Available: <http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>
- 13 Kenya: Children's Act 8 (2001). Article 7. Available: <http://www.kenyalaw.org/lex/actviewbyid.xql?id=KE/LEG/EN/AR/C/CHAPTER%20141>
- 14 United Nations (2015), Goal 4: Ensure inclusive and quality education for all and promote lifelong learning. Sustainable Development Goals. Available: <http://www.un.org/sustainabledevelopment/education/>
- 15 Kenya National Bureau of Statistics (KNBS) and Society for International Development (SID) (2013) Exploring Kenya's Inequality: Pulling Apart or Pooling Together? Available <https://www.scribd.com/document/187191158/SID-Abridged-Small-Version-Final-Report-stating-The-Gini-coefficient-is-a-commonly-used-measure-that-varies-between-0-reflecting-complete-equality-and-1-indicating-complete-inequality>
- 16 Ogola, Fredrick () Free Education in Kenya's Public Primary Schools *Addressing the Challenges*, Organization for Social Science Research in Eastern and Southern Africa (OSSREA), pp. 1.
- 17 ShuleYangu Alliance, Public Land Conference Summary Report (2016), *noted* the need to build integrity in public land governance given increase corruption in land administration and governance. Available: <http://www.shuleyangu.co.ke/blog/public-land-conference-2016/>
- 18 Society for International Development (2016) One year after Lang'ata: why public schools are still at risk. Policy Brief February 4th, 2016. Available: <http://www.shuleyangu.co.ke/wp-content/uploads/2016/08/SYSchoolsAtRiskPolicybrief.pdf>
- 19 Committee on the Rights of the Child (2016). Concluding Observations on the combined reports of Kenya. CRC/C/KEN/CO/3-5, Para 19 (a). Available: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KEN/CO/3-5&Lang=En
- 20 Constitution of Kenya (2010), Chapter 5. Available: <http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>
- 21 Kenya Land Act No. 6 of 2012, Article 12 (2)
- 22 Office of the High Commissioner for Human Rights (1999). CESCR General Comment No. 13: The Right to Education (Art. 13). Available: <http://www.refworld.org/pdfid/4538838c22.pdf>
- 23 Oduor Augustine (2016). Fees shocker to parents in Kenya as schools defy ministry's guide, Standard Media. Available: <https://www.standardmedia.co.ke/article/2000186802/fees-shocker-to-parents-in-kenya-as-schools-defy-ministry-s-guide>
- 24 Republic of Kenya in the High Court of Kenya at Eldoret, Civil Case no. 48 of 1998 *stating that* the initial sub-division maps show that the parcel of land was reserved for a primary school.
- 25 Republic of Kenya in the High Court of Kenya at Eldoret, Civil Case no. 48 of 1998 Para 35
- 26 United Nations Economic and Social Council (UNESCO). Right to Education: Scope and Implementation. Available: http://portal.unesco.org/education/en/file_download.php/c144c1a8d6a75ae8dc55ac385f58102erighteduc.pdf
- 27 St. Catherines Primary, where two catholic sisters were arrested when community members destroyed construction equipment belonging to the grabber. The Ministry of Lands has been consistent in speaking against the violence and harassment against the school.
- 28 E&L Case No. 11 of 2016
- 29 Civil Case No. 348 of 1999.
- 30 National Land Commission (2016). Report on the Special Committee on the Implementation of the Supreme Court Advisory Opinion on the Respective Roles of the National Land Commission and the Ministry of Land Housing and Urban Development, 2016, pg12
- 31 Transparency International Kenya (2015). Kenya Needs Whistleblowers for the War Against Corruption to Succeed. Available: <https://www.tikenya.org/index.php/press-releases/337-kenya-needs-whistleblowers-for-the-war-against-corruption-to-succeed>



To apply for a title-deed contact the Secretariat of County Land Management Board at your county Lands Office.

To report an instance of land grabbing contact Chairperson, National Land Commission,

Tel: 020-2718050 | P.O. Box 444-00100, Nairobi, Kenya | Email: info@nlc.or.ke | Website: www.nlc.or.ke

To contact the ShuleYangu Alliance,

Email: report@shuleyangu.co.ke | Mobile: +254 705 087070 | www.shuleyangu.co.ke