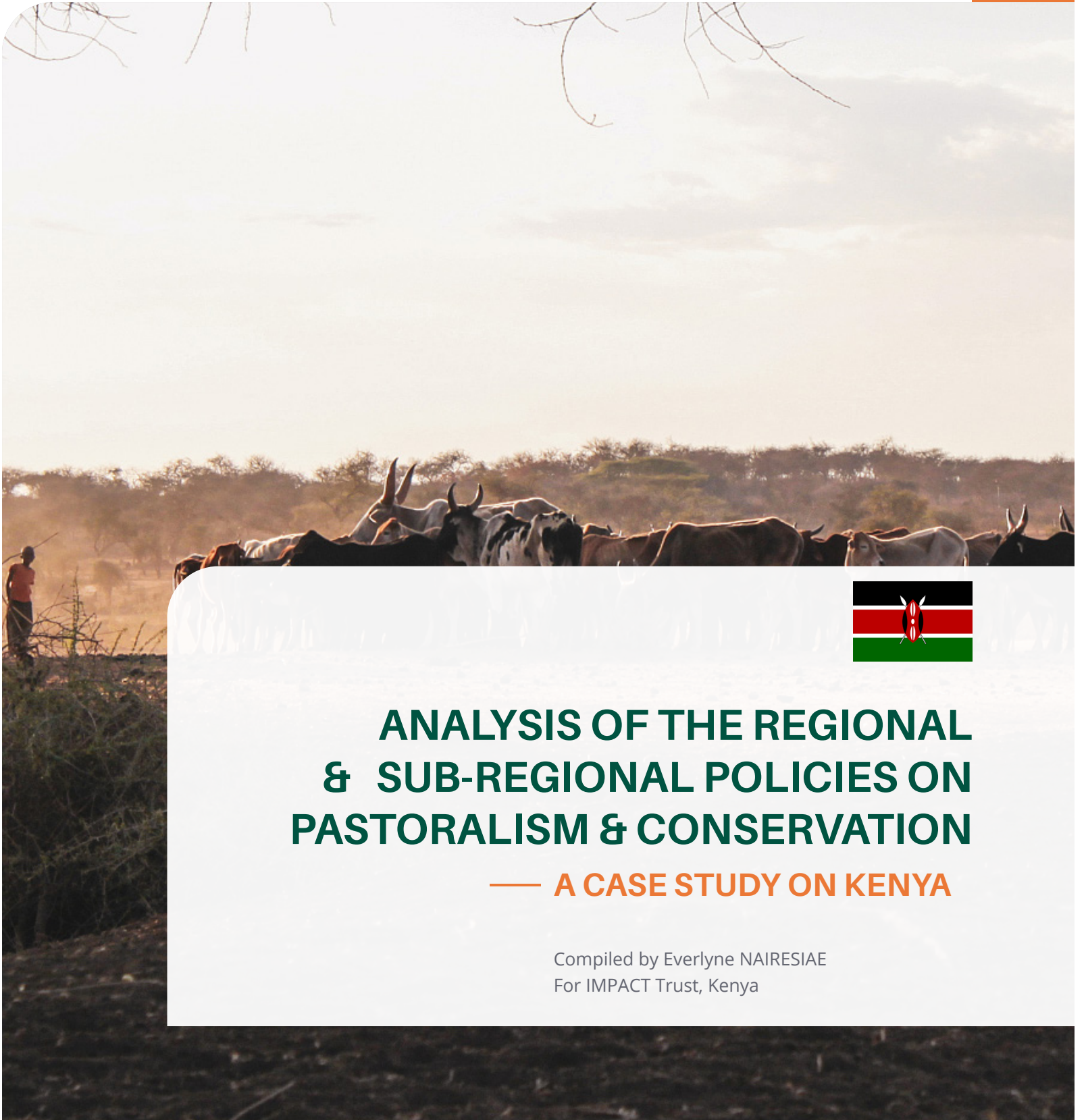




Pastoralists Alliance
for Resilience and
Adaptation in Northern
Rangelands
*Building and strengthening resilient, transformational
partnerships and social movements*



ANALYSIS OF THE REGIONAL & SUB-REGIONAL POLICIES ON PASTORALISM & CONSERVATION

— A CASE STUDY ON KENYA

Compiled by Everlyne NAIREZIAE
For IMPACT Trust, Kenya

— Executive Summary

Pastoral lives and livelihoods are dependent upon and bound to nature, yet they operate in a fragile and precarious environment characterized, by long dry spells, combined with low and erratic rainfall. Despite these tough conditions, livestock keeping represents an important economic activity and cultural identity for most Indigenous Pastoralist in Africa.

This paper discusses pastoralism from the lens of livelihoods, cultural heritage and a significant contributor to the Kenya's economy. The study further unpacks the challenges facing pastoralism in Kenya today in the wake of increased conservation efforts and climate change. The nexus between pastoralism and conservation in Kenya is also underscored. Numerous laws and policies that have direct relevance to pastoralism and conservation in Kenya are discussed. They include the Constitution of Kenya, 2010 as the supreme law of the country and other specific legislations that provide for protection and promotion of pastoralism. This paper reviews various policies to highlight provisions and inform the discourse on the approaches to enhance pastoral development in Kenya. Policies do not operate in a vacuum, hence the study maps and profiles key stakeholders and institutions that plays a key role in pastoralism and conservation development in Kenya. Acknowledging the institutional failure in pastoral areas depicted by among other things, social and political marginalization, economic stagnation, destitution and persistent social conflicts, the study provides key recommendation to address the perennial challenges among pastoralists.

Due to the nomadic nature of pastoralist, the study examines regional policy frameworks on transhumance, and efforts by member states to promote pastoralism in the region. The study concludes that Kenya has progressive policies and legislations, as well as institutions that supports pastoralism development. However, these policies and legislations are not adequately harmonized for effective strategy and fiscal decisions. Pastoralists' voice and agency is also limited and more needs to be done to demand accountability and policy engagement. This study recommends wholistic pastoralist development interventions that shuns the implementation of sporadic and short-term strategies that often are in response to crises such as drought, famine or other disasters.

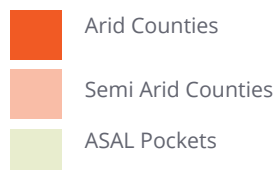
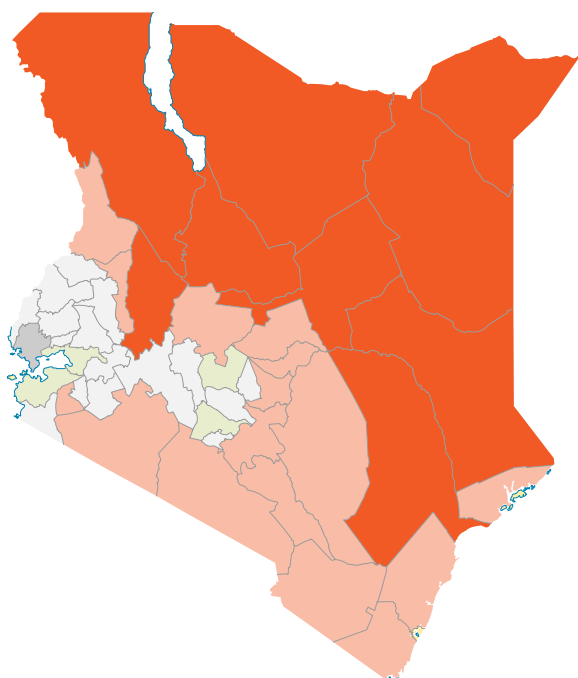
PASTORALISM

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1.0. Background on Pastoralism in Kenya

About 80% of land in Kenya is characterized as arid and semi-arid lands (ASAL) with pastoralism as the main source of livelihood to millions of people residing in these lands.

Ownership of cattle and other livestock was synonymous with wealth, respect and prestige and accordingly, pastoralism was a “predominant force” in East Africa.



KES 60Bn

Kenya's Pastoral Sector Worth

12%

Contribution to Kenya's total Gross Domestic Product (GDP)

80%

of Kenya's land mass is Arid and Semi-Arid

About 80% of land in Kenya is characterized as arid and semi-arid lands (ASAL) with pastoralism as the main source of livelihood to millions of people residing in these lands (Amwata et al. 2015). Pastoralists can be defined as people who derive most of their subsistence and income from keeping livestock under natural pastures, with humans and livestock co-existing in a symbiotic relationship (Sandford, 1983; Koncziaki, 1978). Pastoral communities in Kenya include but not limited to the Masaai, Turkana, Pokots, Samburu and Rendile. These groups may be semi or fully nomadic, with recurrent seasonal migration along traditional routes.

Pastoralism is central to providing means of livelihood in the arid and semi-arid lands of Kenya and largely among Indigenous and local communities. It contributes immensely to the local and national economies. IGAD, in 2007 estimated Livestock production contributed over 12% of total Gross Domestic Product (GDP) in Kenya. However, the use of GDP to estimate the value of pastoral livestock is inadequate since it only considers livestock and livestock products that are marketed, ignoring the non-marketed products including the value of livestock in subsistence and socio-cultural values which are core components of pastoralism. According to Nyariki (2004), Kenya's pastoral sector was worth Kshs 60 billion (US\$800 million), with the internal trade alone netting about Kshs 6 billion (US\$80 million) a year. He further reported that the monetary value of livestock from the pastoral sector in Kenya was Kshs 60–70 billion with a 'conservative' total annual market value both locally and nationally between Kshs 5 billion and Kshs 8 billion. Leksmono et al. (2006) reported that Kenya's livestock sector is one of the best organized in the region, and the number of dairy cattle exceeds that of any other country in Africa.

Despite the role of pastoralism in the local, national and global economies, it faces several setbacks that hinder the realization of its full potential. The overwhelming majority of Kenya's 8 million livestock producers are among the poorest people in Kenya. Pastoralism is often undervalued due to limited information on the economic value of the pastoral systems, inadequate policy and institutional support for the systems and weak organizing among pastoralists. The situation

is worse for many pastoral producers in the Northern parts of Kenya facing prolonged drought and increasing desertification attributed climate change as well as historical marginalization by pre and post-colonial governments. These factors, together with low soil nutrients and high temperatures limit the productive capacity of their key enterprise: livestock (Omiti and Irungu, 2002). Sustainable livestock production in pastoral areas of Africa, and particularly in Kenya, is made worse by the failure of institutions to guard against both poor land and natural resource governance and policies that are discriminating against pastoralism. Institutional failure in pastoral areas of Kenya is portrayed by social, economic and political marginalization, economic stagnation, and persistent social conflicts among others. For example, misconceptions and negative narrative peddled about pastoralism being “primitive”, unproductive and environmentally destructive continues to be advanced by some policy makers, with some believing that pastoralism is in its “sunset days”.

Pastoralists, the world over, have often been brought to bear the vagaries of political and economic neglect by their governments (RWA International, 2000). Thus, understanding pastoralism cannot be complete without looking at pre and post-colonial policies that continue to shape and influence pastoralism in Kenya. According to Letai, (2014, the process of pastoral land tenure can be traced to the colonial government imposition of the Land Title Ordinance which provided for the crown to lay rightful claim over pastoral land. At independence, these lands became trust lands, and were vested in County Councils to hold them in trust for the benefit of all persons residing therein. While in theory the Trust Land Act was meant to protect pastoral interests, in practice it failed to provide adequate protection of grazing lands and access to key resources used by pastoralists. Additionally, pre-independence, political economy adopted by the colonial regime saw infrastructural development such as railway lines was focused on areas that have resources to be extracted such as Mombasa and Kisumu. Such areas became the geographical focus of investment to the detriment of areas further afield. For example, the north – then called the Northern Frontier District (NFD)¹ – was also governed under different and more authoritarian measures than the Kenya colony (Aukot, 2008; Hassan, 2008). Colonial administrators were given extensive powers of arbitrary arrest and collective punishment. Containment rather than engagement was the priority (Ochieng Odhiambo, 2012). Unfortunately, even post-independence, successive government has tended to further exacerbate marginalization of Arid and semi-arid areas of Kenya. For example, pastoralist depend on flexible and negotiated cross- boundary access to land and other natural resources which were not being provided for in post-colonial land reform processes. Tenure reforms came with subtle delimitation of pastoralist with boundaries as the norm and individual titling receiving more emphasis compared to the commons.

Pastoral areas have not received adequate attention from both pre- and post- colonial governments, to a point that pastoralists often feel neglected and abandoned. Failure of governance and institutional structures to engender pro-pastoral policies in the mainstream socio-economic and political agenda continue to be evident to date. The government has in many instances portrayed pastoralist groups as backward, in need of modernization and, as exploiting the rangelands in a non-efficient way. Negative attitudes and narratives directed towards pastoralism and insufficient attention to roles of existing customary institutional arrangements in the governance of land and natural resources continues to pose risks to their tenure security and conservation efforts especially in ASAL areas.

1.1 Challenges of Pastoralism Today

As discussed in the section above, pastoralism faces a myriad of challenges in Kenya today. Some of the challenges include, but are not limited to the following:

Insecure land tenure system: Pastoralism is anchored on a communal land ownership to support transhumance and nomadic nature of pastoralists. Communal land ownership facilitated the migration of livestock and pastoralists from one place to the other in search of pasture and water. While individual land ownership is considered favorable for crop farming in arable land, it is not viable in ASAL pastoral areas. Unfortunately, privatization of the commons through subdivision has intensified environmental degradation and increased poverty in ASAL counties in Kenya. The small parcels of land allocated to individual herders after

¹ NFD comprised of the following areas: Turkana, Marsabit, Moyale, Wajir, Mandera, Ijara, Isiolo and Samburu

subdivision cannot support their livestock, as it quickly gets overgrazed, threatening pastoral livelihoods, lives, and the delicate ecosystem. Sub-division of land has contributed to increased conflicts between pastoralist herders and crop farmers, as negative impacts of climate change bites including prolonged droughts and drying water points. The Community Land Act of 2016 seeks to recognize and register communal lands to improve tenure security of pastoralists and other communities in Kenya. However, its implementation has been extremely slow, delaying the envisioned social, economic and environmental gains associated with secure tenure rights to land.

Weakened traditional governance structures and institutions: For many years, pastoralists have used traditional knowledge to maximize returns on livestock production in Arid and semi-arid lands and resolve disputes over land and other natural resources. Traditional knowledge was also forecasting and managing the impacts of climate change through traditional methods of adaptation and resilience. Traditional norms and values were always used to organize utilization of resources and to manage individual competition for ecosystem services within and between the communities. For example, some parcels of land were set aside for use only in extreme drought conditions and as reservoir land. They also used traditional knowledge and institutions to map out grazing routes during dry-season, minimizing conflicts with other pastoral and farming communities (Muricho, et al, 2017). Additionally, pastoralists have used weather forecasting methods to predict seasonal climatic events. They observe clouds, wind and lightning that likely have their origins in traditional understandings of what contemporary researchers recognize as atmospheric science. Others watch the behavior of livestock, wildlife and the local Flora. However, many traditional weather forecasting methods are perceived as less reliable with increasing climate variability and intensity of climate hazards. Frequency of occurrence of these weather events is stretching the resilience of the pastoral community and have adverse effect on their current and future generations' livelihoods, environment and conservation efforts.

Increased competition and interest for large scale land based investments such as mega infrastructural projects, biofuels and others targeting land communally owned by pastoralists' communities. The northern corridor in Kenya has in recent years experienced implementation of mega infrastructural projects such as the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor, resort city in Isiolo among other private investments. Other Arid and semi-arid areas like Turkana are endowed with oils and minerals, exposing them to land acquisition for exploration activities. Due to increased pressure on land use, more pastoralists' communities are faced with the tenure insecurity a situation that increases vulnerability to losing their land and other natural resources; which are key for conservation efforts and in mitigating the negative impacts of climate change. This has also seen an increase in investment and land use related conflicts among pastoral community who often find their livelihoods threatened.

Unfounded narratives continues to create negative perceptions of pastoralism as a non-viable economic sector. Due to the nomadic nature of pastoralism, some people especially at policy level perceive this mode of livelihood as backward and a source of conflict. According to Omondi and Odhiambo, 2009 many policy-makers and practitioners perceive pastoralism as an unsustainable, inefficient land use practice with little economic contribution to the national growth and environmentally destructive.

Changing climatic conditions and increasing exposure to climate hazards. Increasingly, severe and unpredictable droughts are forcing pastoralists across Kenya to travel far and more frequently to find water and pasture for their livestock - under increasingly dangerous circumstances including conflict and banditry affected areas. In some areas such as Kajiado, West Pokot and Turkana, pastoralist migrate to neighboring countries such as Tanzania, Uganda and Ethiopia in search of pasture and water; with such migration at times met with resistance from hosting communities; pastoralists and crop farmers. Drought is a common phenomenon in pastoral ASAL areas resulting in decreased vegetation cover and drying up of scarce water sources including permanent rivers and wells. This often leads to loss of livestock and therefore lost sources of livelihoods for pastoralist communities (Nkedianye et al., 2011). Increasing climate hazards mainly prolonged drought is expected to negatively impact lives and livelihoods of most pastoralists in Kenya and the horn of Africa, and threaten conservation of land, forest, biodiversity, and other ecosystems already facing severe levels of degradation.



Cows herding in the Maasai Mara Plains

1.2 Pastoralism and Conservation in Kenya

Indigenous pastoralists' communities struggle to strike a balance between governance of their land, livelihoods and exclusionary conservation efforts promoted by government and conservation organizations. Conservationists often assert that the coexistence of livestock such as cattle with wildlife impacts negatively on fauna.

They explain that competition is created between cattle and the wild herbivores, where both exploit the same ecological niches and manifest the same grazing behaviors. Another argument by conservationist is that domestic cattle contaminate wildlife with contagious diseases, and vice-versa (McKenzie 1988). These narratives inform in many instances how conservationist relate to pastoralists contrary to Article 8(j) of the Convention on Biological Diversity (CBD) which commits to respect, preserve and maintain knowledge, innovations and practices of Indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

Pastoralist rangelands are among the highest income earning due to fastest-growing tourism destinations, but their populations mean incomes and development indices are consistently below national averages. In Kenya, the Maasai land and other pastoral areas are among the fastest growing tourism destinations with 33% growth in bed-nights in the hospitality industry (Ministry of Tourism and Wildlife, 2006). Indigenous peoples, a majority of whom are pastoralist play a crucial role in the conservation of the natural environment. Sadly, Indigenous communities face the negative impacts of conservation programs, which often are based on the concept of protecting natural resources and biological diversity, while excluding Indigenous Peoples and local communities within their strategies. This exclusion has exacerbated violence; poaching, cattle rustling; natural resource conflict as communities struggle to access water, pasture and land tenure rights. As a result of natural resource based conflict, there has been an increase in proliferation of small arms, deepening gender and income inequalities, and political corruption and marginalization of Indigenous communities in terms of access to land and other ecosystem based services. Greiner (2012) notes that the „unexpected consequences of protected areas“ where policies developed outside of the particular social context of implementation may exacerbate or influence land and resource conflicts.¹

¹ Greiner, C. (2012). *Unexpected consequences: wildlife conservation and territorial conflict in northern Kenya*. *Human Ecology*, 40(3), 415-425.

1.3 Pastoralism, Gender Equality and Women's Rights



Pastoral women are particularly disadvantaged by the cultural beliefs and traditions that limits their participation in the governance of land, forest, water and other natural resources.

Existing policies, legislations and programs that advance various aspects of conversation and pastoralism are often gender blind, missing the opportunity to articulate the differentiated gendered impact of proposed interventions.

Pastoralist women play a key role in livelihood development as they engage in socioeconomic and cultural activities, and in the conservation and management of natural resources. They are resourceful in finding ways to ensure that their households' basic needs are met and embody traditional knowledge on herbs and medicinal plants for humans and livestock use, and able to provide early warning in times of drought and predict rainy seasons. Women play a critical role in caring for weak livestock left behind when men and the youth migrate in search of pasture and water. During prolonged drought, women not only experience the challenge of burden of care for their children, the sick and the old in their family, but also have to search for pasture to feed the weak livestock left behind as their spouses migrate, and go far distances to access water, a situation that exposes them and their girls to sexual violence and abuse. Increasing threats of climate change are likely to pose severe risks to pastoralists' women and girls' social and economic wellbeing especially in Kenya.

Existing policies, legislations and programs that advance various aspects of conversation and pastoralism are often gender blind, missing the opportunity to articulate the differentiated gendered impact of proposed interventions. As a result, the role of women and men in conservation and implications in the pastoralism are largely undocumented. Often, women valuable role in pastoralism development and conversation is partially or never recognized, a situation that must be reversed through solid investment in gender mainstreaming and targeted programs that addresses power relations between women and men at household and community level, research and documentation for better access to information and understanding the nexus between women in pastoralism and conversation.

Pastoral women are particularly disadvantaged by the cultural beliefs and traditions that limits their participation in the governance of land, forest, water and other natural resources. As a result of such discriminatory cultural practices pastoralist women are denied rights to owning property or participating in decision-making processes (IFAD, 2012), they are often relegated to users of customary laws and practices prescribed



by male members of their communities that are often not responsive to women's basic and strategic needs. Deeply entrenched patriarchal systems remains a barrier to women's land and other natural resource rights; limiting their contribution to conservation efforts for livelihood development, biodiversity and climate resilience.

Low illiteracy among women compared to men among the pastoralist communities also contribute limited access to information and participation in economic ventures such as in conversation. For instance, most women are not aware of policies and legislation that provides for their rights to land and natural resources, and are unable to identify, apply and or find opportunities for social, economic and environmental and conservation development at national and county government levels such as accessing women development funds. This challenges women's economic ability to access available productive resources to contribute to conservation efforts that builds on their indigenous knowledge; and often left behind. Women have a great wealth of knowledge that remains untapped. Targeted interventions are needed to profile the role of women the economics of pastoralism and conservation efforts, climate resilience and community wellbeing.



2.0. Policy and Institutional Frameworks on Pastoralism

2.1 Legal Frameworks Relevant to Pastoralism's in Kenya

“Legislative instruments have been used by most independent African states to legitimise alienation of pastoral land.”

Kenya recognize pastoralism as an important economic sector. Kenya’s 2010 Constitution, emphasizes that land use planning in pastoral areas is key in sustaining livestock. The objectives of devolved system of government in the Constitution are explicit; including to “protect and promote the interests and rights of minorities and marginalized communities” and “ensure the equitable distribution and sharing of resources throughout Kenya.”¹

Article 63 of the CoK, provides a legal basis for recognition and registration of communal land. The Community Land Act (CLA), 2016 gives life to Article 63 of the Constitution of Kenya 2010 by recognizing, protecting, and providing for the registration of community lands. The Act underlines, that community land in pastoral areas should be available for use by members of the community for the grazing of their livestock, subject to the kind and number of livestock, the grazing rotation, the grazing plan, and the right of the community to utilize the portion of the land in accordance with the Act. Any person who is not a member of the registered community may be granted a grazing right by the community where that community accepts his /her application. In the case where any registered member fails to abide by the conditions referred to in the Act, the grazing right of the individual may be withdrawn by the community. The enactment of the CLA, 2016, and its Regulation (2017) increased expectations among the Indigenous pastoralist communities of Kenya that the new law will not only help them secure their land but also reclaim all or part of the ancestral lands they lost during colonial times. Although the implementation of this CLA has been ongoing, there have been delays in fast tracking registration of community land by some county governments and the Ministry of Lands, further delaying the quest to secure land rights for pastoralist in Kenya. Fast tracking and completion of registration of community land in Kenya remains a top priority for the pastoralist communities with the aim to secure their land and conserve their natural environment; a cause that all partners led by the Ministry of Lands need to allocate the required resources to achieve the desired objectives.

Other legal frameworks relevant to pastoralism in Kenya include the County Government Act 2012. The act gives effect to Chapter Eleven of the Constitution, which provides county governments the powers to function and take responsibilities for the delivery of services within their respective counties including management of environment and natural resources among other responsibilities. The functions include management of natural resources, biodiversity, forests and water resources among others. Livestock production and extension services are under the devolved function of the county governments.

¹ See Article 174 (e) and (g) of the CoK



Kenya Agricultural and Livestock Research Act, 2013

It provides for the establishment of the Kenya Agricultural and Livestock Research Organization, (KALRO) to take leadership in the coordination of agricultural research activities in Kenya. The organization is mandated to among others undertake research on appropriate Rangeland management such as livestock breeds, Range livestock feeds, pasture/ fodder grass seed varieties for higher productivity in rangelands and other regions.

The National Drought Management Act, 2016

It established the National Drought Management Authority (NDMA); which is further responsible for overseeing Kenya’s drought management policies and programs, coordinating the government’s drought response and climate change initiatives, with a focus on the Northern part of Kenya and promoting the integration of drought response into development programs and projects. NDMA is also responsible for developing a drought early warning system and conducting research on drought management and climate change. These functions are relevant in reducing the negative impacts of climate change, enhance productivity and resilience of pastoral communities in Kenya.

The Physical and Land Use Planning Act, 2019

The Physical and Land Use Planning Act, 2019 (the 2019 Planning Act) came into force on 5 August 2019, repealing the Physical Planning Act of 1996. The 2019 Planning Act governs matters relating to planning, use, regulation and development of land in Kenya. The government, at both national and county level, is tasked with the preparation of physical and land use plans. The national, county, inter-county and local plans are required to be integrated, and these plans shall collectively form the basis of how land is to be used in Kenya. The implementation of the 2019 Planning Act have a direct influence on how land will be planned and used including in ASALs that host most of the pastoralist communities. Participation of pastoralist communities, men and women in the development of integrated land use plans that best support their livelihood development and conservation for climate resilient is paramount. Community owned, integrated land use plans are key for security of tenure rights to commons, improving livelihoods, reducing conflict and sustainable conservation of biodiversity for climate resilience.



National Policy for the Sustainable Development of Northern Kenya and other Arid Lands, Sessional Paper No. 8 of 2012 (RoK 2012)

The purpose of this policy is to re-frame the Government's approach to the ASALs, as a region of potential, not just challenges, where Government will think and act differently by taking its unique characteristics into account, but whose citizens are entitled to the same basic rights in development as other parts of the country.



Pastoral development as an important agenda was only recently recognized and boldly included in the Kenya Vision 2030, the country's long-term development blueprint. The Vision 2030 acknowledges special circumstances of marginalized pastoral communities, and places a premium on reducing poverty and inequality, and re-balancing regional development. The Vision 2030 includes arid and semi-arid lands' unique needs and recommends the establishment of a Ministry of State for the Development of Northern Kenya and Other Arid Lands. Further, a Vision, 2030 for Northern and other Arid Lands was also developed in 2011 to complement and deepen the national blueprint with specific focus on pastoral communities. A holistic and sustainable management of land and natural resources across the ASALs is clearly supported in the policy. Other aspects called for in the policy include: integrating traditional systems of natural resource management, recognizing the role of traditional institutions in dispute resolution, increasing institutional capacity for arid lands research, and extending and ensuring that the needs of pastoral land use and customary institutions are fully taken into account in all legislation and institutions. Kenya Vision 2030 Development Strategy for Northern and other Arid Lands recognizes key challenges in pastoral areas including the effects of an ever-changing climate; the threat of insecurity; the legacy of past under-development; and evidence in the high levels of inequality in human well-being between those in the arid lands and those in the rest of Kenya. These challenges must be addressed if the region is to realize its potential. National Policy for the Sustainable Development of Northern Kenya and other Arid Lands, Sessional Paper No. 8, 2012 provides that to ensure sound land and natural resource management in the ASALs, the government should reinforce the authority of traditional natural resource management systems that promote sound environmental practices; protect and promote indigenous knowledge and practice; promote environmental education and awareness; and intensify environmental conservation efforts.

Kenya Climate Change Act (2016)

This Act, provides a regulatory framework to guide national and county governments in the response actions addressing climate risks and strengthening climate resilience in the country. The Act provides an elaborate mechanism to guide the mainstreaming of climate change into sectoral policies, for which pastoralist is a key sub-sector. The National Climate Change Response Strategy (NCCRS) (GoK, 2010a) provides guidance into the integration of climate concerns into development priorities. The Strategy outlines the evidence of climate change in Kenya, climate change impacts on the country, and recommends actions that the country needs to take to reduce these impacts.

Other legislative provisions are included in National Land Policy of 2009, Sessional Paper No. 01 of 2020 on Wildlife Policy, Session Paper No. 10 of 2013 on National Environment Policy among others.

3.0. Power Mapping: Key Actors in Land Governance and Conservation

3.1 State Actors

State actors have roles and responsibilities that advance the development of pastoralism in Kenya. These are but not limited to the following:

The Ministry of Agriculture, Livestock, Fisheries and Irrigation

This ministry has a state department of Livestock policy management whose mandate is to develop the livestock industry, Veterinary services and disease control, Rangelands development and management, Livestock marketing and promotion of dairy industry. These constitute core social economic activities of pastoralists and hence the importance of this Ministry in the pastoralist development.

The Ministry of Lands and Physical Planning

The Ministry is charged with the implementation of the Community land Act, 2016 and other land laws. The Ministry seeks to improve the livelihood of Kenyans through efficient land administration, equitable access, secure tenure and sustainable management of land resource. Registration of community lands, is a mandate of the Ministry of lands under the Community Land Act, 2016 and a priority need to secure pastoralist community lands.

The National Land Commission (NLC)

This is an independent constitutional Commission with the mandate to advise the National Government on a comprehensive program for registration of title in land throughout Kenya. To ensure that the Ministry of Lands, and Physical planning that is charged with the responsibility of registering land rights and interests perform their roles as stipulated in the constitution, Section 5(2) (b) of the National Land Commission Act 2012. It is also charged with the responsibility to monitor the registration of all land rights and interests in land. The NLC thus has critical role in the monitoring of registration of community lands in Kenya¹ ; critical to tracking progress made in securing tenure rights of men and women indigenous pastoralist communities.

¹ See section 5(2)(b) of the National Land Commission Act 2012

The County Governments

The enactment of the Community Land Act, 2016 repealed both the Land (Group Representative) Act of 1968, and the Trusts of Land Act. All unregistered community lands are held by the County Government in trust of their respective communities. The law envisions that county Government as trustee of community land will also hold all monies payable as compensation for compulsory acquisition for unregistered community land. County government are to develop inventories of all unregistered community lands and support awareness raising to facilitate registration of community lands. This is key in supporting security of land tenure for pastoral communities in Kenya.

Ministry of Interior and National Coordination

The National Government through the Ministry of Interior and National Coordination has a responsibility of ensuring peace at local, County, national and regional level, while collaborating with national and global actors towards the attainment of international peace and security. Despite Kenya being relatively a peaceful country, incidences of violent conflicts relating to land and natural resources, cattle rustling, banditry, organized gangs, cross-border and boundary conflicts, agro-pastoralist, among others continue to be experienced in most of the ASAL areas mostly inhabited by pastoralist communities. The ministry through different administrative structures such as the county commissioners, chiefs work to enhance coordination in prevention, mitigation and management of conflicts as well as sustained peace building processes in the most participatory, culturally sensitive, inclusive, transparent and accountable manner. Peaceful coexistence between and within pastoral communities is critical for social, economic and environmental development, and sustainable development.

Pastoral Parliamentary Group (PPG)

The PPG re-launched itself in 2003 with the help of the Center for Minority Rights Development (CEMRIDE), a local NGO. The

Parliamentary group continues to significantly bolster its potential bargaining power amidst numerous challenges. Boasting of over 100 members, the PPG work to place pastoralist issues on the policy-making agenda by providing a forum for collective action among pastoralists. While the PPG in Kenya remains informal, it has attempted to work as a coordinated lobbying group within the national parliament. Led informally by a core group of Members of Parliament (MPs) with a sophisticated understanding of the most important policy issues and the processes of parliament, PPG operate by consulting with each other informally before approaching Ministers, Permanent Secretaries (PSs) or members of parliamentary committees (Livingstone 2005). Nevertheless, the PPG has been able to bring pastoralist issues onto the radar, although will need do more to elevate pastoralist issues and

3.2 Non-State Actors

The pastoralism sector has many non-state actors working towards the improvement of the sector. These include Non-Governmental Organizations, United Nations agencies, Private sector, Community based organizations and funding partners. Most of the non-state actors focus mainly on human rights, humanitarian assistance during drought and locust infestation, livestock production, and education among other key areas. Few NGOs and partners have dedicated efforts in advancing land and natural resource rights, promoting livelihoods through conservation for climate resilient. IMPACT Trust Kenya is one of those organizations that facilitate community efforts in registration of their community land in line with CLA,2016, advance livelihoods efforts; while support organizing for voice and agency among the pastoral communities in Kenya under the PARAN Alliance.

3.3 Informal Governance Structures

Pastoral communities have always practiced the informal system in governing their land and other natural resources, and conservation efforts. Pastoral communities have council of elders or village elders, who deals with many aspects of life including land and natural resources as governed by customary law. Very often, rules set by the elders are binding to community members than those set by the central government. Informal institutions are cultural in nature and are transmitted across generations as norms, values, beliefs and attitudes. These institutions not only guide social interactions but also define and protect culturally sanctioned property rights.

In recent times, the informal structures of governance in most pastoral communities have been weakened due changes in government policies and lack of legal recognition, and in some extreme cases leading to total collapse. The resulting effect of the breakdown of traditional governance structures include loss of traditional knowledge, uncontrolled livestock raiding with loss of human life and property, and lack of coordinated efforts to protect their land and territories from encroachment from elites, local and interventional investors. Despite the weakened informal governance structures, community elders have continued to play a key role among pastoral communities hence holding their place of value within their communities to date. For instance, elders amicably resolved cattle theft cases between communities through traditional conflict resolution mechanisms such as fines, repatriations, and community service. (Likaka et al. 2015). Lack of clear policies and mechanisms for promotion and preservation of cultural institutions and the perceptions that most cultural aspects are outdated, pose significant risks not only to eroding traditional knowledge on land governance but also risk conservation efforts in the wake of climate change.



The Earth is the mother of all people, and all people should have equal rights upon it.

- White Elk

voice in the parliament.

4.0 Beyond the National Influencing; Focus on Regional Platforms

The African Union (AU) Policy Framework on Pastoralism and AU Framework and Guidelines for Land Policy are some of the continental policy instruments providing a generic framework for the countries to address the pastoralist issues. The Policy Framework for Pastoralism in Africa contains guiding and cross-cutting principles, two main objectives, and a set of strategies for each objective. The two objectives of the framework are:

- to secure and protect the lives, livelihoods and rights of pastoral peoples and ensure continent-wide commitment to political, social and economic development of pastoral communities and pastoral areas.
- to reinforce the contribution of pastoral livestock to national, regional and continent-wide economies (AU, 2010)

The East Africa Protocol on Environment and Natural Resources, the East Africa Climate Change Policy and the Intergovernmental Authority for Development (IGAD) Livestock Policy Initiative are some of the key instruments providing positive guidelines on pastoral issues in East Africa. IGAD Drought resilience has become the cornerstone of IGAD engagement with pastoralism, within the framework of the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI). The objective of IDDRSI is to develop a framework for managing disasters in the Horn of Africa including Kenya. The framework is based on strengthening pastoral livelihoods through interventions that target livestock production, health and marketing. A key element of the framework is the development of supportive policy, institutional and legal frameworks at regional and national levels. While the initiative emphasizes the modernization of pastoralism for increased productivity, this is to be achieved through appropriate strategies whose implementation modalities are sensitive to the way of life of the pastoralists and to broaden and enhance the policy and institutional-related strategies of the pastoral communities Alliance for Food Sovereignty in Africa (AFSA, 2017).

The East Africa regional Strategy on Regional Peace and Security sets out the strategies for collaboration in peace and security interventions within the EAC. Its goals include combating cattle rustling, preventing, managing and resolving conflicts, all of which are key for pastoralism to thrive. The Strategy appreciates the link between cattle rustling and livelihoods and proposes addressing livelihoods challenges as a means of combating cattle rustling. The EAC also has a commitment within the livestock sub-sector to address specifically the concerns of pastoralism and development. (AFSA, 2017)

Besides the EAC peace and security strategy, the EAC secretariat has developed a livestock policy to foster focused and coherent set of strategic policy decisions and actions relevant to propelling and transforming EAC Partner States Livestock industry beyond the outcomes attained with the past and current livestock subsector policy instruments. The goal of EAC livestock policy is to attain an annual growth rate of at least 5.0% with significant livestock contribution to the agricultural GDP surpassing 50% and to contribute to the reduction of poverty, hunger, unemployment and degradation of natural resources (EAC, 2016).

5.0. Conclusion and Recommendations

5.1 The Study Conclusions

Below, are study conclusions;

1. Pastoralism as a functional way of life and an economically viable production system must be fully internalized as key for livelihood of millions of Kenyans. This calls for attitude shift to discard biased perception that pastoralism is an ancient livestock production system or pastoralists' choice to pursue their traditional life style is self-inflicting. The focus has to be directed towards supporting livestock-based development while simultaneously, improving access to basic services and relevant infrastructure to make this economic system thrive.
2. There are notable efforts to mainstream pastoralism in policies and legislations, but more needs to be done to promote pastoralism development including financing, youth and gender mainstreaming, and coordination of functions. All policies in Kenya related to pastoralism and conservation should secure and protect the livelihoods and land rights of pastoralists, ensure their socio-economic and environmental development, and also reinforce the contribution of pastoralism to community, national, and regional economies in a gender responsive way.
3. Land tenure security is the most critical ingredient for rangeland management and pastoralism development. Increased interest by government and private entities on land mostly owned by pastoralist communities pose a threat to their land tenure security, lives, livelihoods and biodiversity conservation. Most of the pastoral land in Kenya is under transition as provided for in CLA, 2016. Registration of community land presents opportunity to secure land tenure rights of majority of pastoralists in Kenya, giving them power to negotiate investments opportunities including sustainable conservation for climate reliance and prosperity.
4. Increased pressure over land use increases risks of land and forest degradation; affecting livelihoods and conservation efforts. Community-led conservation efforts have a better buy in from pastoral communities and often experience less conflicts over natural resources.
5. While the problems and challenges facing pastoralism are evident, the potential of the pastoral areas to Kenya's economy remains significant and largely untapped. Although there has been some progress towards developing progressive policies on pastoralism at national and regional levels, there still considerable need to improve pastoralism in terms of its economic and ecological focus, and assure the legal rights of pastoralists to their communal lands, and pursue a livelihood of their choice. The lack of adequate attention to pastoralism, lack of data on their social and economic aspects to inform the understanding of their needs and potential remains a key hindrance to pastoralism development. This is made worse by weak political goodwill to address the challenges facing pastoralism in Kenya.
6. To avoid disconnect of policies and practice, cultural and historical aspects have to be taken into account when designing policies and programs to revitalize pastoralism socio-economic and conservation efforts. There is need to examine policy and institutional options that promote accessibility, stability, and conservation models that builds on indigenous knowledge and is community-led. Based on the reviewed literature, there is an opportunity to amplify, strengthen the voice and impact of pastoralist communities in matters of climate resilience and adaptation models and secure communal land rights, among other issues relevant to pastoralism. All solutions to the myriad of challenges identified should be practical, demand-driven, people-centered, gender responsive, fit for purpose, and backed by robust and sex disaggregated data and requisite policy instruments. There exist national, sub-regional and regional policy spaces and platforms to engage on matters affecting pastoralism and champion the desired causes.

5.2 Study Recommendations

Below are specific recommendations for government, non-state actors, and the pastoralist communities in Kenya:

5.2.1 Recommendations for County and National Governments

1. Secure land rights as key ingredient for rangeland management, conservation and pastoralism development hence the need to fast track the implementation of the Community Land Act 2016. The government through the Ministry of lands should fast track the implementation of the Community Land Act 2016 and secure tenure rights for pastoralists, men and women, boys and girls in Kenya.
2. Implement, review and harmonize existing policies, and develop specific legislations in support of pastoral livelihoods, ecosystem management. Progressive land legislations arising from the National Land Policy 2009 and the Constitution of Kenya 2010 relevant to pastoralism including the CLA 2016 present major opportunities to advance pastoralism in Kenya but are yet to be fully implemented.
3. Deliberately mainstream gender and youth affairs in land management, conservation efforts at policies and program interventions including those related to land and natural resource governance, and conservation efforts in pastoral areas to ensure women and girls are not left behind, but have equal opportunities to participate in decision making and are better equipped to benefit from opportunities linked to pastoralism and conservation efforts.
4. Respect and enforce the implementation of provision on Free Prior and Inform Consent (FPIC), fair compensation and benefit sharing in appropriation of pastoral lands for public interest projects and other land-based investment projects
5. Government should review financing for pastoralism development plans, and ensure are adequately resourced.
6. Promote strategies and programs that enhance water and pasture resource development, as part of sustainable and integrated rangeland management for pastoral areas; to foster peace, security and development.
7. Strengthen policy makers knowledge and understanding of pastoralism as a way of life, a viable economic sector, demystifying and deconstructing perceptions of and narratives on pastoralism as non-productive or even vacant land
8. Provide and strengthen legal recognition of traditional pastoral institutions and indigenous knowledge in land and natural resource governance, including conflict resolution and conservation efforts. Care must, however, be taken to avert risk of deepening gender inequality as most of the cultures are often patriarchal and exclude women in decision making and or enjoying their group rights to the commons including land, water, pasture and forest resources.

5.2.2 Recommendations for Non-State Actors

1. Review approaches to programming that promote an integrated, gender responsive land use planning, management and livelihoods through community-led conservation efforts.
2. Provide dedicated resources to support mainstreaming of gender and youth issues in pastoral development interventions including in the governance of land and natural resources, livelihoods, and conservation efforts.
3. Increase awareness raising of legal and policy frameworks that support tenure security, conservation and rights of pastoralists.
4. Facilitate and strengthen the development of a robust M&E framework that measures progress on key pastoralism and conservation using specific indicators, and data related efforts to inform policy decisions at county and national level.
5. Strengthen pastoralist community livelihoods for climate resilience especially for women and the youth in the wake of intensified drought and other change climate hazards.
6. Document and disseminate indigenous pastoralist knowledge on land governance, conservation and climate change to better inform policies, strategies and programs.

5.2.3 Recommendations for Pastoralist Communities

1. Strengthen organizing capacity around common issues for collective voice and agency to better engage with policy makers and other actors at all levels – e.g. land governance, conservation issues, gender equity and youth issues; and

financing for pastoralism development.

2. Embrace gender inclusive local leadership that is able to articulate and directly engage in policy advocacy and influencing.
3. Develop integrated land use plans that provides for livelihoods development for communities through community-led conservation efforts.
4. Embrace land use practices that reduce land degradation and strengthen community resilience to climate change.
5. Document and share indigenous knowledge on land governance, conservation and other pastoralism related issues to inform policies and programs.

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Acronyms & Abbreviations

ASAL	Arid and Semi-Arid Land
AFSA	Alliance for Food Sovereignty in Africa
AU	African Union
CLA	Community Lands Act
CoK	Constitution of Kenya
EAC	East Africa Community
GDP	Gross Domestic Product
IDDRSI	IGAD Drought Disaster Resilience and Sustainability Initiative
IGAD	Intergovernmental Authority on Development
LAPSSET	Lamu Port-South Sudan-Ethiopia-Transport
NFD	Northern Frontier District
PPG	Pastoralist Parliamentary Group



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