

# **Partos Joint Evaluation on Indigenous Peoples**

## **Case study on pastoralist development in Kenya and Cordaid's contribution**

**Final version**

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11 May 2010

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ETC Project number	083258
Customer's Project number	
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Date	May 2010
Electronic file name	093258 Kenya case study report final 11.05.10

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## List of acronyms

ACHPR	African Commission on Human and Peoples' Rights
ALRMP	Arid Lands Resource Management Project
ASAL	Arid and Semi-Arid Lands
CAHW	community animal health worker
CAPE	Community Animal Health and Participatory Epidemiology
CAP	Community Action Plan
CBO	community-based organisation
CDF	Constituency Development Fund
CELEP	Coalition for European Lobbies on Eastern-African Pastoralism
CEMIRIDE	Centre for Minority Rights Development
CFA	Co-Financing Agency
CHW	community health worker
CIFA	Community Initiative Facilitation and Assistance
CMDRR	Community-Managed Disaster Risk Reduction
CBHC	Community-Based Health Care
COMESA	Common Market for Eastern and Southern Africa
Cordaid	Catholic Organisation for Relief and Development Aid
CSO	civil-society organisation
DFID	Department for International Development (UK)
DRIP	Declaration on the Rights of Indigenous Peoples
EU	European Union
FARM–Africa	Food and Agriculture Research Management–Africa
GB	Great Britain
GDP	Gross Domestic Product
GEF	Global Environmental Facility
GoK	Government of Kenya
GTDO	Garba Tulla Development Office
GTZ	German Agency for Technical Cooperation
HIV/AIDS	Human Immuno-deficiency Virus / Acquired Immune Deficiency Syndrome
Hivos	Humanist Institute for Development Cooperation
IBGs	Identity-Based Groups
ICCO	Interchurch Organisation for Development Cooperation
ICT	information and communication technology
IIED	International Institute for Environment and Development
IIRR	International Institute of Rural Reconstruction
ILIDP	Ilkerin Loita Integral Development Project
IPO	indigenous peoples organisation
IPs	indigenous peoples
IUCN	International Union for Conservation of Nature
IWGIA	International Work Group on Indigenous Affairs
KLA	Kenya Land Alliance
KLMC	Kenya Livestock Marketing Council
KNCHR	Kenya National Commission on Human Rights
KPF	Kenya Pastoralist Forum
KPW	Kenya Pastoralists' Week
LATF	Local Authority Transfer Fund
LPWK	League of Pastoralist Women of Kenya
M&E	monitoring and evaluation
MCSF	Maa Civil Society Forum

MEDS	Mission for Essential Drugs and Supplies
MIDP	Merti Integrated Development Program
MoH	Ministry of Health
MoL	Ministry of Lands
MP	Member of Parliament
MPIDO	Mainyoito Pastoralist Integrated Development Organization
MRG	Minority Rights Group
MWADO	Marsabit Women Advocacy and Development Organisation
NARC	National Rainbow Coalition
NGO	non-governmental organisation
NRI	Natural Resources Institute
NRM	natural resource management
PADO	Pastoralist Area Development Organization
PAK	Practical Action Kenya
PARIMA	Pastoral Risk Management
PCI	Pastoralist Communication Initiative
PDNK	Pastoralists Development Network of Kenya
PEDDEP	Pastoralist Economic Diversification and Development Programme
PENHA	Pastoral and Environmental Network in the Horn of Africa
PCH	Primary Health Care
PISP	Pastoralist Integrated Support Programme
PKWGCCS	Pokot Kiletat Women's Group Consumer Cooperative Society
PME	planning, monitoring and evaluation
PPG	Pastoralist Parliamentary Group
PRSP	Poverty Reduction Strategy Paper
RECONCILE	Resource Conflict Institute
S&C	savings and credit
SAIDIA	Samburu Aid in Africa
SIDEP	Samburu Integrated Development Programme
SNV	Netherlands Development Organisation
SRIC	Security Research and Information Centre
SWM	Samburu Wings of Mercy
TBA	traditional birth attendant
ToR	Terms of Reference
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
USAID	United States Agency for International Development
VSF	Vétérinaires Sans Frontières
WAMIP	World Alliance of Mobile Indigenous Peoples
WISP	World Initiative for Sustainable Pastoralism

## Acknowledgements

This case study on pastoralist development in Kenya and the contribution of Cordaid to this was carried out as part of the Joint Programme Evaluation on Indigenous Peoples commissioned by Partos. It would not have been possible without the support from Hilda van 't Ried, Inge Barmentlo, Matthijs Renden and their colleagues in the Cordaid head office in The Hague, who helped in seeking out relevant information and documents about the partner organisations and projects, advising on the approach to the study, suggesting contact persons and making the initial arrangements with partners the study team selected to visit.

In the Cordaid Liaison Office in Nairobi, Sophie Randall gave assistance in organising flights within Kenya, and Annie Lefevre and Safia Abdi gave us valuable insights into the history and partnerships of Cordaid in eastern Africa. The headquarters and field staff in the partner organisations in Kenya facilitated the fieldwork, particularly the meetings with pastoralists and with staff of other organisations, and also made relevant documents available. Thanks are also extended to all external resource persons for giving us their perspectives, information and time.

We particularly appreciate the time and thought that the pastoralists in northern Kenya devoted to the focus-group discussions.

Finally, we would like to thank Lisette Desain of Partos for coordinating this programme evaluation.

*Ann Waters-Bayer & Jacob Wanyama  
May 2010*

## Executive summary

### Background and methodology

Cordaid and two other Dutch co-financing agencies (CFAs), Hivos and ICCO, designed a joint evaluation of their support to indigenous peoples (IPs), focusing on political and land rights, women's rights, livelihoods and organisation of IPs. The core question is: *To what extent have CFA policies, strategies, procedures and programmes and those of their partner organisations contributed to reducing structural injustice toward IPs?* The study covers the period 2003–08 and is in three phases:

- Inception phase, looking at CFA policies regarding IPs
- Case studies, looking at Cordaid-supported work in Ethiopia and Kenya, Hivos-supported work in Bolivia and Guatemala, and ICCO-supported work in India
- Synthesis, comparing and analysing findings from the case studies and the review of CFA policies.

The fieldwork for the case study in Kenya was carried out from 7 to 24 January 2010 by an agricultural sociologist and a livestock scientist. The team carried out semi-structured interviews and focus-group discussions using guideline questions for resource persons, partner organisations and pastoralists. It made field visits to the operational areas of partner organisations working with Samburu, Turkana and Boran pastoralists, and also visited Rendille pastoralists not working with Cordaid partners. In Nairobi and Nakuru and in the field, the team elicited views on changes in the situation of pastoralists over the last 10–15 years from: 1) the endogenous (“insider”) perspective, i.e. practising pastoralists (men, women, youth) and people from pastoralist ethnic groups working in local civil-society organisations; and 2) the exogenous (“outsider”) perspective, i.e. non-pastoralists working with intermediary NGO partners of Cordaid and other actors in government and civil society engaged in pastoralist research and development. The team met with staff and partners of the following organisations that are or had been supported by Cordaid or its predecessors: Centre for Minority Rights Development (CEMIRIDE), Diocese of Lodwar, Diocese of Marsabit, FARM–Africa, Kenya Livestock Marketing Council (KLMC), League of Pastoralist Women of Kenya (LPWK), Mainyoto Pastoralist Integrated Development Organization (MPIDO), Practical Action, Resource Conflict Institute (RECONCILE) and Samburu Integrated Development Programme (SIDEP).

### Findings regarding changes in the position of pastoralists

**Political and institutional change.** Since the 1980s, several ethnic pastoralist individuals held government leadership positions, but little changed for practising pastoralists in rural areas. The 1990s brought an improved climate for policy advocacy through the re-establishment of the multiparty system. From the mid-90s onwards, growing interest in and support to pastoralist development was reflected in the creation of the Kenya Pastoralist Forum and Pastoralist Parliamentary Group and the launching of the Arid Lands Resource Management Project (ALRMP) co-funded by the World Bank. The ALRMP helped set up the Pastoralist Thematic Group, made up of national-level advocates for pastoralists, which formulated a chapter on pastoralism for Kenya's Poverty Reduction Strategy Paper (PRSP). In 2006, the National Rainbow Coalition ushered in renewed support for pastoralist development, including the revival of the Kenya Meat Commission and, in 2008, the establishment of a Ministry for Development of Northern Kenya and Other Arid Lands, led by an ethnic pastoralist. The process of Constitutional Review, which started in 2001, gained momentum after the political violence in December 2007; the proposed regionalisation should lead to more self-determination by minorities, including pastoralists.

The attitude of the Government of Kenya (GoK) to the rights of pastoralists as IPs has been ambivalent. Kenya did not ratify the International Labour Organization Convention 169 on Indigenous and Tribal Peoples of 1989, and abstained in the vote on the Declaration on the Rights of Indigenous Peoples in the United Nations General Assembly in 2007. Although the African Commission on Human and Peoples' Rights classifies pastoralists as IPs, this term was deliberately avoided in the Draft Harmonized Constitution of Kenya (Committee of Experts on Constitutional Review 2009), which refers instead to “marginalized communities”. It affirms their rights to be integrated into the social and economic life of Kenya.

Resource persons and NGO staff stated that the GoK has become more open to listen to pastoralists and is better informed about pastoralist issues, and also that Kenyan pastoralists were more aware of their rights, more vocal about these than in the past and thus in a better position to negotiate with modern government authorities. Pastoralist men and women pointed to an increased degree of self-organisation and networking at community and regional level. Several ethnic pastoralists who were formerly employed by NGOs working in rural development are now in influential government positions. Pastoralism has been well profiled through events such as the annual Kenya Pastoralists' Week (KPW) and other national meetings. However, the national-level NGOs engaged in lobbying are poorly linked with practising pastoralists. Although there has been considerable success in bringing pastoralist issues into policy documents, including the National Land Policy, there is a big gap between written policy and actual practice. On the other hand, some local and



regional initiatives by pastoralists and supporting NGOs have led to improvement in road infrastructure and to change in *practised* policy, e.g. in sharing local market taxes or in supporting community-based healthcare, even though these are not written policies.

**Natural resource rights.** The Trust Land Act, introduced by the colonial government and retained after Independence, stipulated that local authorities held communal land in trust for pastoralists. With the Land Act of 1968, provisions were made for group registration of land for ranches; this encouraged further subdivision of pastoral land.. It was only in 2009 that the new National Land Policy recognised the rights of minority groups to land. Also the Draft Harmonized Constitution of 2009 protects collective rights to land. This change in land policy was described by resource persons and Cordaid's national-level NGO partners as an achievement of the pastoralist movement of committed advocates.

However, many practising pastoralists in northern Kenya were uncertain about the actual content of the new policies and laws related to land and water. They noted an increase in the number of local grazing bylaws, leading to a greater necessity to negotiate with other pastoralists groups – even of the same clan – to gain temporary rights to access pasture and water. Both pastoralists and outsiders had noticed increasing encroachment on pastoralist areas by investors, conservancies, ranches, national parks, military camps and mining operations. The resulting reduction in pasture had led to impoverishment or forced migration. More firearms are now being used in livestock rustling, leading to more conflict and to higher animal and human losses. Increased insecurity led to concentration of people and herds in some areas and abandonment of other areas, which were then underutilised and reverted to bush. However, a few resource persons mentioned some promising examples of revival of local land-management institutions that could counteract the otherwise negative trends.

**Livelihoods.** Both pastoralist and non-pastoralist interviewees reported improvements in social services and infrastructure, and stressed the great change brought about by mobile phones and mobile banking (M-Pesa). There was a greater readiness among pastoralists to invest in foregoing their children's labour and sending them to school. This was reinforced by the re-introduction of free primary education. According to pastoralists and school authorities, enrolment of boys and especially girls has risen greatly in recent years. Pastoralists also show more interest in and have more opportunities for adult education. A larger number of educated pastoralists are returning to work in clinics, schools etc in their home areas. Resource persons drew attention to the fact that development NGOs had played an important role in building the capacities of pastoralists hired to work in local projects. The relatively recent availability of decentralised development funds allowed the local community to influence decision-making, and the more literate – mainly men – had more influence.

Both pastoralists and non-pastoralists noted that families had started to keep more goats and camels and less cattle, were more involved in markets than in the past and were diversifying their sources of income (crops, vegetables, honey, petty trade). Nevertheless, external observers saw an overall decline in livestock production and in the state of the natural resources, and referred to a decrease in the percentage and absolute number of families practising pastoralism. Although the NGO partners felt they had contributed to improving the livelihoods of the people with whom they were working directly, they and the resource persons as well as pastoralists themselves felt that, on the whole, pastoralists in Kenya had become less resilient to shocks and more dependent on food aid. Resource persons pointed out that there is a lack of up-to-date information and analyses of the current situation of pastoralists. The same old data are being repeated year for year, but much must have changed that is not reflected in "standard" statistics.

**Position of pastoralist women.** Both insiders and outsiders perceived marked changes in the status of pastoralist women, who had gained a better economic position, primarily through more control over assets such as livestock and self-generated income. This improved their sociopolitical position in terms of more influence in the family and community. Pastoralists themselves – both men and women – had observed that women and girls had become more active in demanding their rights. This was linked with higher education and literacy rates among young women, some of whom had taken on work in the modern sector in towns and sent money and information back to their mothers. However, outsiders observed that pastoralist women had little influence in the women's rights arena in Kenya to be able to bring in pastoralist-specific concerns. At grassroots level, there are still relatively few women in formal community decision-making bodies. Their influence is limited by weak leadership skills and lack of recognition of Western-educated women by women in the traditional power structure. In cities, several ethnic pastoralist women are government commissioners and MPs (usually nominated rather than elected) but they are poorly linked with rural pastoralists.

## Overall assessment of change in the situation of Kenyan pastoralists

**Changing worldviews and values.** Worldviews and values of pastoralists have changed through increased exposure to other cultures, above all through schools, markets, improved telecommunication and stronger links with urban areas. This has led to a changing view by pastoralists of their own culture.

**Reduced marginalisation and greater inclusion but increased poverty.** Improvement in access to basic social services has reduced the marginalisation of the pastoralists with whom the study team met, compared with a very low baseline 10–15 years ago. However, pastoralists further away from roads, i.e. those not visited during this study, have probably not experienced the same extent of reduction in marginalisation. Moreover, the level of services is still low compared to other, more densely populated areas in Kenya. Pastoralists are facing increasing difficulties in maintaining their way of life and production. The population is increasing and access to land decreasing. There appears to be a general increase in poverty, inequality and vulnerability among large segments of the pastoralist population. Most of the pastoralists met were settled and had lost many animals in recent, very dry years. They had a largely pessimistic view on the future of pastoralism. In any case, also elsewhere in Kenya, there is a trend toward semi-permanent settlement of women and children, while (most male) herders continue to move with the remaining livestock.

**Greater power and self-determination.** Pastoralists have more opportunities for formal representation in modern government structures up to national level, where over 20% of Kenyan MPs are from pastoralist areas. In the past, the prevailing political system did not allow these representatives to use their positions to impact positively on improving pastoralists' lives. Now, some committed ethnic pastoralists whose knowledge and capacities have been built through their work with international NGOs are in influential positions at national level. At lower levels, recent subdivision of administrative units has given pastoralists a better chance to deal directly with local officials. The current trend by development organisations to work with pastoral communities across borders, in view of the fact that pastoralist groups were arbitrarily split by national borders, and the current efforts of East African countries to set up a unified regional block could further strengthen the position of pastoralists in the region.

Some forms of “modern” pastoralist organisation are emerging through cooperatives, committees, community-based organisations and the like but, in general, these are still relatively weak. They still need much mentoring to be able to deal effectively with the government administration. Both the government and NGOs have given little attention to the civic education of pastoralists, to make them more aware of their constitutional rights, but Kenyan pastoralists appear to have greater awareness than their peers in Ethiopia, probably because of the higher level of education and better access to information of pastoralists in Kenya. This can be attributed largely to improved communication technologies.

**Struggle for rights to natural resources.** The increasing individualism in resource use among some pastoral peoples, especially those living in better-endowed areas, brings economic opportunities but also social risks. In Kenya, largely because of land policy in the past, there has been a trend toward group ownership of designated land areas with clear boundaries, moving away from the common-property and flexible tradition of land use among pastoralists. More slowly than among the Boran in southern Ethiopia, possibly because the traditional institutions are weaker in northern Kenya, initiatives are beginning to use customary sociopolitical institutions to stem this tendency toward increasing inequality in access to resources. Although practising pastoralists' interest in stressing their distinctness as IPs is generally low, some pastoralists and development-support NGOs – including Cordaid partners – see the IP movement as a possible path for land-rights advocacy to push for implementation of the new land policy that recognises collective rights, but the general trend in Kenya continues to go in the direction of privatisation.

**Improved position of pastoralist women.** Greater ownership of individual assets has brought economic benefits to women and their families. Their increased involvement in community-level decision-making, such as in water management, and their greater freedom to attend meetings and markets have broadened their horizons and given them more confidence to express themselves in public. Among the settled pastoralist women, the increased burden of responsibilities they have taken upon themselves to ensure family welfare after high livestock losses stimulated them to organise themselves for mutual social and economic support, also on their own initiative. However, the improvements in the position of pastoralist women are relative to a low baseline. They are still marginalised in economic and sociopolitical terms compared with men in their own society and compared with other women in Kenya. Moreover, although there are some pastoralist women “representatives” at national level, rural pastoralist women did not feel well represented. There is also continued concern about changes that have not yet taken place to any appreciable extent: i) reducing violence committed by pastoralist men against pastoralist women; and ii) eradicating female genital cutting; here, traditional leadership will need to be targeted to bring about change.

**Indirect “forced” integration.** Ever since Independence, there has been a great emphasis on nation-building in Kenya. Formal “Western” education, which started earlier among pastoralists and is more widespread, encouraged urban values and strongly promoted Swahili and English. This was the case for all ethnic groups in Kenya, not only for pastoralists. Fixed-point service provision and other interventions, including subdivision of local administration, induced urbanisation in pastoralist areas. In these towns, many dropouts from pastoralism and from schooling can be found.

## How Cordaid and its partners have contributed to these changes

**Direction poverty alleviation.** In their operational areas, Cordaid partners contributed to alleviating the poverty of pastoralists primarily through the following types of – in some cases, innovative – interventions:

- **Improved livestock husbandry:** Pastoral families were assisted in diversifying the species composition of their herds; some young people – mainly men – were trained as Community Animal Health Workers (CAHWs) to give basic treatment to livestock, thus reducing mortality rates; in some cases, Cordaid partners helped to improve availability of water and forage/feed and to develop grazing management agreements and multistakeholder committees to manage stock routes and promote peace; Community-Managed Disaster Risk Management (CMDRR) activities reportedly strengthened community resilience;
- **Improved provision of basic services:** Over many years or decades, Cordaid's church-affiliated partners have provided health services through clinics and outreach posts, as well as through training of Community Health Workers (male and female) and Traditional Birth Attendants (female). Cordaid partners have promoted education for children, e.g. through strengthening School Management Committees. Also support to water provision, primarily for humans, from shallow wells and cisterns has, according to project reports, eased the workload of women and girls and improved hygiene and health.
- **Diversification of income sources:** Cordaid partners gave considerable attention to helping pastoralists diversify their sources of income by providing seed money and training for savings and credit, petty trading, handicrafts, gardening and beekeeping. Capacity building in small-enterprise development has targeted primarily women. Income diversification has also been promoted through support to marketing of livestock and livestock products, including support to establishment of marketplaces and market management committees.

**Strengthening civil society.** Cordaid partners have contributed to strengthening local organisation of pastoralists, such as common-interest groups for income generation, cooperatives and community-based organisations. They have provided training, mentoring and encouragement for pastoralist participation in local decision-making bodies such as Location Development Committees, Water Management Committees and Community-Based Risk Management Committees. An important aspect of strengthening civil society has been the empowering of pastoralist women by improving their access to micro-credit, livestock assets and self-generated income. In addition, a few partners have supported pastoralist women's organisation and networking and raised their and other community members' awareness about women's rights through seminars on advocacy issues.

**Influencing policy.** Cordaid partners have made interventions related to influencing policy at various levels – and at national level, often together with other development funding agencies. Since 2003, Cordaid has supported the annual KPW to profile and celebrate pastoralism and to draw attention to key issues affecting pastoralists' lives. An important lobbying activity linked to the KPW in 2004 was the Great Trek from Moyale to Isiolo to demand a tarmac road. Numerous interviewees saw the recent improvements in the road as a direct – although delayed – outcome of the Great Trek. Cordaid and several other Western donors helped establish the Pastoral Development Network of Kenya, which did exert more concerted influence on national policy. However, many pastoralists and non-pastoralists regarded this network as externally driven. Cordaid partners helped involve pastoralists in consultations on the new National Land Policy, which recognises collective rights to land. They created opportunities for pastoralists to speak for themselves at international meetings and played a role in setting up the Regional Pastoral Elders Council in eastern Africa. Partners in Kenya and the UK developed a regional training course in pastoralist advocacy. Participants in the course held in Arusha, Tanzania, in early 2009 gave it a very favourable assessment. It opened the eyes also of people in national policy-advocacy organisations about the rationale for pastoralism and provided them with well-founded arguments to lobby on behalf of pastoralists. NGO partners contributed to improving knowledge about pastoralism and widening awareness about pastoralist issues through dissemination of information via newsletters, radio and seminars for journalists. Cordaid also financed studies on pastoralism, e.g. on the situation of pastoralist women, thus increasing the availability of information that can be used to influence perceptions and policymaking.

For several years already, Cordaid has collaborated with the Minority Rights Group (MRG) to put issues of pastoralists on the international development agenda. These efforts were recently stepped up with the creation of CELEP (Coalition for European Lobbies on Eastern-African Pastoralism), involving MRG and various other lobbying organisations based in Europe. CELEP is coordinated by Cordaid.

**Overall assessment of Cordaid's contribution.** Cordaid's strategy has been to work on two levels: directly addressing poverty alleviation and organisational development at the grassroots, while trying to influence policy at national level. Both are relevant and necessary for reducing structural injustice to pastoralists. Economic empowerment at local level increased pastoralists' self-confidence as Kenyan citizens and led to greater acceptance by others to listen to the voices of pastoralist men and women.

Cordaid has made a geographically limited but effective contribution to strengthening men and women pastoralists' capacity in community-level decision-making. However, although "representation" of pastoralist

men and women in modern government structures has improved at local and higher level, legitimacy of the representation has been questioned by pastoralists and resource persons; some of the latter feel that Cordaid and its partners have been relatively blind to indigenous power structures and how they are or are not reflected in “representation” in modern institutions.

Through its achievements in increasing women’s economic power but also through encouraging women’s involvement in managing community assets, Cordaid helped strengthen women’s position in their families and communities. However, the pastoralist women generally have little genuine voice at higher levels. One reason may be the low attention given by most Cordaid partners to functional literacy; writing and assessing proposals for development handled by higher-level institutions depend on these capacities.

Cordaid’s partners at national level played an important role in raising the profile of pastoralism, putting pastoralist issues on the policy agenda and amplifying pastoralists’ voices through media and participation in major national and international meetings. The support to the KPW provided opportunities to celebrate and reinforce pastoralist identity. Cordaid support made intermediate NGOs capable of reacting quickly and flexibly in their lobbying activities and strengthened the capacities of some pastoralist member organisations to engage directly in lobbying. National-level partners brought pastoralists’ concerns into major policy documents, such as the National Land Policy, but the challenge remains to ensure policy implementation.

Cordaid’s current pastoralist development policy is very relevant: increasing policymakers’ knowledge about the rationale behind pastoralism; helping pastoralists organise themselves to generate income and manage community assets; and increasing the participation and voice of pastoralist women and men. This is being reinforced by Cordaid’s closer collaboration with European-based organisations to create a wider support base among donors and policymakers for pastoralist development in eastern Africa. In view of the ambivalent attitude toward the concept of “indigenous peoples” in Kenya, it has been wise of Cordaid not to put IP rights in the foreground in its policy-influencing activities.

It is not possible to measure the extent to which the changes as described by pastoralists themselves and by supporting NGOs are attributable to Cordaid, because numerous donor agencies – often working closely with government agencies – have been supporting pastoralist development along much the same lines.

## Sustainability of Cordaid-supported changes

**Political rights.** To a limited extent, local awareness of rights as citizens has been raised; the level of literacy, access to information and strength of local organisations offers some promise that pastoralists’ awareness of their rights will continue to rise through the efforts of their educated sons and daughters and through women’s associations. Marginalisation will probably continue to decrease with the ongoing improvements in telecommunications and mobile financial services. The recent positive changes in land policy, achieved partly through support of Cordaid partners, will encounter resistance in implementation and could be endangered by shifts in power at national level. Long-term support to advocacy for implementation of the policy will be needed.

**Natural resource rights and livelihoods.** These are inextricably linked in the case of pastoralists, whose livelihoods depend on flexible access to natural resources. Alternative income-generating activities that depend – like pastoralism – on natural resources (e.g. small-scale irrigation) will not be sustainable unless the issue of secure access to these resources is addressed. Efforts to increase income from and reduce risk in livestock-keeping, e.g. through improving access to market, will have little future for the same reason. Many activities supported by Cordaid partners that fit the unique pastoralist way of life have yet to be mainstreamed. For example, the GoK does not recognise the role of community-based health services (for animals or people); this puts the sustainability of the Cordaid-supported activities in question, unless Cordaid partners and other stakeholders can manage to influence government policy in favour of these services.

**Position of pastoralist women.** The gains made in the position of women are likely to be maintained and increased, largely because also the GoK promotes this. However, women’s economic empowerment has led to a greater burden of responsibility and work on women to sustain the family; this may allow them less time to be involved in sociopolitical activities at community and higher level. The greater involvement of young pastoral men and women in marketing activities may lead to a higher incidence of HIV/AIDS.

## Influence of Cordaid’s mode of support

**Choice of partners.** Cordaid chose a well-balanced portfolio of partners, including both international and local NGOs, and used the experience of more established NGOs to build capacities of local ones. In 2008, it carried out systematic consultations with stakeholders in pastoralist development and did participatory institutional mapping with pastoralist men and women and traditional leaders in order to identify partners that practising pastoralists respect and regard as reliable. Cordaid selected partners with different strengths: ones working directly with pastoralists, ones that could study and analyse pastoralist issues, and ones that could communicate with policymakers on behalf of pastoralists. It also supported a few pastoralist member organisations directly, building their capacity to speak on their own behalf. It started up partnership with a private-sector organisation, the Kenya Livestock Marketing Council (KLMC) to open up new possibilities to

support pastoralist organisation around marketing. However, better linkages between partners working at different levels – grassroots, national and international – would have enhanced Cordaid's policy influence.

**Support to planning, implementation, monitoring and evaluation.** In building the partners' capacities, Cordaid supported both software (strategy development, planning, monitoring and evaluation, financial and human-resource management) and hardware (transport, office, meeting and lodging facilities). Through support from national and international advisors and Programme 1 staff, it helped stimulate and assess change in organisational capacities. However, there was little technical assessment of the activities promoted in the name of pastoralist development. The monitoring reports describe primarily activities and outputs, but contain little information on outcomes and impacts. A follow-on funding phase was often approved without in-depth evaluation of the outcomes of the previous phase. Many of the partners in the field were carrying out very similar activities, as if from a standard portfolio of interventions. Moreover, many interventions supported a settled existence. Pastoralist groups had not been well differentiated with regard to their specific conditions, visions and realistic possibilities for development.

**Communication and networking.** Communication between Cordaid Programme 1 and its partners was described as satisfactory to good, although it is mainly by email. Most partners felt that Cordaid understood their circumstances well but that, after the Regional Office in Nairobi closed, the presence of Cordaid staff on the ground was insufficient. Partners expressed a need for a Cordaid "content person" for Programme 1 based in the country, especially to understand the policy context and strengthen the policy-dialogue activities of the partners. With regard to communication about policy changes within Cordaid as an organisation, many partners did not feel sufficiently consulted, although one national-level partner felt it had played a major role in developing the new pastoralist programme. There is no formal partner network of Cordaid partners working on pastoralist issues. However, other meetings organised by Cordaid Programme 4 or other events related to pastoralism gave the partners some space for informal networking and to arrange collaboration on specific issues. Also the cross-border interactions supported by Cordaid (regional meetings for CMDRR partners and the pastoralist policy workshop in Arusha), although few in number, provided good opportunities for informal learning. They also provide potential for policy influence within East Africa.

## Specific recommendations to Cordaid

The four main recommendations to Cordaid that emerged from this study are:

**1) Strengthen policy dialogue through documentation and communication.** Practising pastoralists will be better able to exert upward influence for policy change if they are better informed about existing policies and those in the making. They also need to be better aware of and understand their rights and responsibilities as citizens. Information about the situation in pastoralist areas and realistic options for meeting their needs must reach higher-level policymakers in a convincing form. Cordaid partners should give more attention to documentation and communication: i) from the local level to reach policymakers, and ii) to the local level to increase awareness of policies and rights, so that better-informed local leaders can engage effectively in policy dialogue. A good entry point would be issues that concern the people and partners on the ground, rather than issues that come from international frameworks.

**2) Integrate disaster-risk management into local development planning.** In dryland areas, the CMDRR approach helps communities give realistic attention to the high risks involved in pastoralists' lives. This approach should be incorporated into the overall community-level planning facilitated by all Cordaid partners in pastoralist development. It stimulates linkages and dialogue between pastoralists and local authorities. Cordaid should provide several years of support to scale up and internalise this approach through targeted training (especially for government staff) and coaching and peer-to-peer learning.

**3) Encourage NGO-led networking.** Cordaid should explore whether its partners in Kenya or more widely in eastern Africa are genuinely interested in a network for pastoralist development and, if so, with what mandate, membership and structure. If interested, the partners should include these networking activities in their funding proposals to Cordaid and other donors, so that all members can contribute to their own network with their "own" funds, rather than to one primarily identified with donors.

**4) Enhance women's capacities, leadership and representation.** In building the capacities of pastoralist women, Cordaid partners should give more weight to non-formal education and mentoring in functional literacy and numeracy in ways that fit into the lives of women, also those in more mobile groups. This could be linked to the process of strengthening S&C, cooperative and small-enterprise groups. Women leaders need to be identified and nurtured so that they can truly represent the interests of their people at higher levels. Cordaid and its partners will have to gain a better understanding of the traditional leadership structures, so as to be able to facilitate identification of women who are recognised and respected in their communities as representatives and explore ways that rural pastoralist women can make themselves heard through modern power structures.

# 1. Introduction

## 1.1 Background and context of the study

Three Dutch co-financing agencies (CFAs) – Cordaid, Hivos and ICCO – designed a joint evaluation of their support to indigenous peoples (IPs) worldwide, focusing on political and land rights, women's rights, livelihoods and strengthening of indigenous peoples organisations (IPOs). The core evaluation question is: **To what extent have CFA policies, strategies, procedures and programmes and those of their partner organisations contributed to reducing structural injustice towards IPs?** To answer this, the evaluation team explored: 1) CFA policies; 2) changes in the situation of IPs and how these relate to CFA-supported interventions; and 3) how the CFAs support IPOs. The main period covered by the joint evaluation was 2003–08 (see summary of Terms of Reference in Annex 1).

The evaluation should lead to a better understanding of political and cultural sensitivities involved in supporting IPs and to lessons regarding, e.g., selection of suitable partners; modes of support to IPs, their organisations and intermediary partner organisations; communication between the CFAs and their partners and among the partners; and types and levels of activities that could help IPs improve their lives on their own terms. The CFAs intend to use the evaluation findings to show and account for the results of their activities to support IPs, to critically review these activities, and to inspire future policy development and implementation.

The evaluation process covered three phases between September 2009 and May 2010:

- 1) Inception phase (Sept–Oct 2009) focusing on CFA policies regarding IPs and how these are translated into interventions; this was based on a desk review of CFA documents on the global IP-related portfolio, other literature, and interviews with CFA staff and external resource persons;
- 2) Case studies (Nov 2009–Feb 2010) focused on Cordaid-supported work in Ethiopia and Kenya, Hivos-supported work in Bolivia and Guatemala, and ICCO-supported work in India, to see how the CFAs have operationalised their IP policies and supported their partner organisations and to assess the relevance and outcome of CFA policy and implementation in the selected areas;
- 3) Synthesis (Apr–May 2010), in which the inception and country case-study findings are compared and analysed to assess to what extent the situation of IPs has changed and how CFAs and their partners have contributed to these changes. It highlights the lessons learnt and makes recommendations for future CFA policy and programme development related to IPs.

Cordaid requested a focus on its work with **pastoral peoples in eastern Africa**, where it has been supporting partners primarily in Ethiopia, Kenya and Tanzania. Two country case studies were carried out: in Ethiopia and in Kenya. The partners included in the studies were those operating under Cordaid's Programme 1 (Identity and Diversity).

This report is on the case study of pastoralist development in Kenya and of Cordaid's contribution to this process. It is based partly on a desk study of Cordaid documents, project documents and other relevant literature and interviews with resource persons in Europe and partly on a field study carried out in Kenya from 7–24 January 2010 by a team composed of a Dutch-Canadian agricultural sociologist from ETC EcoCulture and a Kenyan livestock scientist, coordinator of the African LIFE (Local Livestock for Empowerment of Rural People) network.

The structure of the report largely follows the Research Questions (RQ) 4–10 in Parts B and C of the Terms of Reference (ToR; see Annex 1). After a brief recapitulation of Cordaid policy and strategy to support pastoralists in eastern Africa, Chapter 3 presents the changes in the situation of pastoralists (RQ4) from their own perspective and from the perspective of outsiders. In Chapter 4, the study team gives its assessment of these changes (RQ5). Chapter 5 discusses the contribution of Cordaid and its partners' intervention to these changes (RQ6). Chapter 6 looks at the sustainability of the changes (RQ8). Chapter 7 examines how Cordaid's mode of support contributed to the outcomes (RQ10). The relative importance of the partner network (RQ7) is discussed as part of Chapter 7. The unexpected outcomes of Cordaid partner's interventions (RQ9) are discussed as part of Chapter 5.

## 1.2 Inception phase and preparation for the case study

During the inception phase, a team of three Netherlands-based researchers compiled information about concepts and definitions, international norms and developments, controversies and challenges

regarding IP issues. They looked into the explicit and implicit policies of the three CFAs regarding IPs and related interventions and made preliminary assessments of:

- the degree to which IP perspectives were incorporated into the policies and interventions;
- the amount of attention given to the challenges of marginalisation, discrimination and domination and helping IPs achieve greater self-determination and inclusion; and
- whether the CFAs selected partners and supported interventions in line with their policies.

In collaboration with one national researcher in each of the five selected countries, the evaluation team also developed plans for carrying out the case studies.

The term “indigenous peoples” as used in the inception report and in this case-study report is in line with the most common use of this term in international discourse, referring to groups that:

*“having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems” (Martinez Cobo 1986).*

The interviews and the documents reviewed during the inception phase revealed that Cordaid’s Programme 1 focuses on Identity-Based Groups (IBGs) – minorities or marginalised groups with distinct ethnic, cultural or religious identities. This is a broader concept than “indigenous peoples”. In the project documents, there was seldom reference to IPs. In most cases, it was not clear whether the pastoralists (and the Cordaid partners supporting them) regarded themselves as IPs. This made it difficult to analyse the situation of pastoralists from an IP perspective and has led to study findings more focused on pastoralist development than on indigenous rights issues. This case study on Kenya focuses on changes in the situation of pastoralists primarily in terms of their livelihoods and their participation in decision-making related to development, including issues of access to land and other resources needed to continue living as pastoralists, and gives less attention specifically to their situation as IPs.

In Africa, most of Cordaid’s projects in Programme 1 involving IBGs in the period 2003–08 were carried out in Kenya and Ethiopia. In addition, about ten projects were regional in coverage (Horn of Africa / eastern Africa). Currently, the work of Programme 1 in Africa focuses on Kenya, Ethiopia and Tanzania. Because Cordaid’s regional programme for pastoralist development addresses cross-border issues, the study team chose to work in one of the two focus areas Cordaid selected for this regional programme: southern Ethiopia / northern Kenya. There are more partner organisations involved here than in the second cross-border area (southern Kenya / northern Tanzania).

According to Cordaid’s Programme 1 database, in 2003–08 there were 25 partner organisations working on pastoralist issues in Kenya, including some working across borders in eastern Africa (see Table 1<sup>1</sup>). Five of the partners are affiliated with the Catholic Church, 16 are Kenyan organisations and four are overseas-based non-governmental organisations (NGOs) or networks. In addition to the work under Programme 1, much of the work of Programme 4 in the sector for Emergency Aid and Reconstruction is in areas inhabited by IBGs, e.g. among pastoralists in Ethiopia, Kenya, Tanzania and Uganda who face recurrent drought and are frequently involved in conflict between ethnic groups and across borders. This sector works with various pastoralist groups in southern Ethiopia and northern Kenya and has been working through some of the same partner organisations in the period 2003–08.

### 1.3 Methodology

**Selection of areas and partner organisations.** Of the 25 partner organisations that worked with pastoralists in Kenya in 2003–08, the team selected ten that are active in northern Kenya or at national level. The study team focused on the north because: 1) this would complement the previous case study in southern Ethiopia, on the other side of the border, i.e. in one of the two focus areas of Cordaid’s work with pastoralists in eastern Africa; and 2) a larger portion of Cordaid’s funding for pastoralist development in Kenya goes to partners in the north than in the south of the country. The partners visited (shown in bold print and marked with “v” in Table 1) included both church and non-church

<sup>1</sup> One of the 25 organisations listed in Table 1, the League of Pastoralist Women in Kenya (LPWK), became a partner only in 2009 but was visited by the study team because of its focus on pastoralist women. The table does not include the Mission for Essential Drugs and Supplies (MEDS), to which Cordaid contributes and which also serves pastoralist areas.

partners and both Kenyan and international NGOs, also those working across the Kenya–Ethiopia border. Four of the eight partners in Kenya that explicitly focus on pastoralists’ rights were visited.

**Table 1: Cordaid’s partner organisations working with pastoralists in Kenya in 2003–08<sup>2</sup>**

No. (v=visited)	Partner organisation	Organisation type / church affiliation	Pastoralist group(s) / level of intervention	Type of approach	Attention to gender	Period of funding
1 (v)	CEMIRIDE	Intermediary (national NGO)	Pastoralists in Kenya	Rights focus	No mention	since 2006
2 (v)	Diocese of Lodwar	Intermediary / service (faith-based)	Turkana	Poverty alleviation	Mentioned	since 1995
3 (v)	Diocese of Marsabit	Intermediary / service (faith-based)	Pastoralists in Marsabit and Moyale Districts	Poverty alleviation	Mentioned	since 1995
4	Diocese of Ngong	Intermediary / service (faith-based)	Maasai	Poverty alleviation	Mentioned	since 1989
5 (v)	FARM–Africa	Intermediary (UK-based NGO)	Pastoralists in Marsabit and Moyale Districts	Community development	Mentioned	since 1998
6	GTDO	Intermediary (church-affinity)	Pastoralists	Community development	Mentioned	1995–2006
7	ILIDP	Intermediary (church)	Maasai	Community development	Mention	since 1972 (phasing out)
8 (v)	KLMC	National membership organisation	Pastoralists in Kenya	Marketing support	Mentioned	since 2006
9 (v)	LPWK*	Network	Pastoralists in Kenya	Rights focus	Explicit	since 2009
10	MCSF	Network	Maasai	Rights focus	No mention	since 2008
11	MIDP	Intermediary (local NGO)	Boran	Rights focus	Explicit	since 2007
12 (v)	MPIDO	Intermediary (local NGO)	Maasai	Rights focus	Explicit	since 2008
13	PADO	Grassroots NGO	Pokot	Community development	No mention	2007–08
14	PDNK	Network	Pastoralists in Kenya	Rights focus	Explicit	2006–08
15	PISP	Intermediary (local NGO)	Pastoralists in Marsabit District	Poverty alleviation	No mention	2006 (emergency aid)
16	PKWGCCS	Grassroots organisation	Pokot	Poverty alleviation	Explicit	since 2007
17 (v)	RECONCILE	Intermediary (national NGO)	Pastoralists in Kenya	Rights focus	Mentioned	since 2008
18	SAIDIA	Network	Samburu	Poverty alleviation	Mentioned	2004–06
19	SWM	Grassroots NGO	Samburu	Poverty alleviation	Explicit	1994–2005
20 (v)	SIDEP	Grassroots organisation	Samburu	Community development	Mentioned	since 2007
21	SNV Kenya	Intermediary (Netherlands NGO)	Pastoralists in Kenya	Community development	No mention	1996–2008 (phased out)
<i>Regional:</i>						
22	CIFA	Intermediary (cross-border NGO)	Boran, Gabra, Somali, Sakkuy	Community development	Mentioned	since 2006
23 (v)	Practical Action Kenya	Intermediary (UK-based NGO)	Karamojong	Community development	No mention	since 2007
24	SRIC	Intermediary (national NGO)	Pastoralists in Horn of Africa	Rights focus	No mention	2001–09 (phased out)
25	VSF-Germany	Intermediary (German NGO)	Maasai, Karamojong, Toposa	Community development	No mention	2006–08

\* Became partner only in 2009, but visited by the study team because it is a national-level NGO focused on pastoralist women.

The study team selected the operational sites of the following partners for field visits:

- i. SIDEP (Samburu Integrated Development Programme) among the *Samburu* people in Wamba;
- ii. the Diocese of Lodwar among the *Turkana* people between Lodwar and Lokichoggio; and
- iii. FARM–Africa among the *Boran* and *Gari* people east of Moyale.

These were selected to cover a representative range of newer and older partners (local NGO, church-affiliated organisation and international NGO, respectively) working with different pastoral groups.

<sup>2</sup> This table probably does not include all partners of Cordaid Programme 4 working with pastoralists in Kenya, but does include those Programme 4 partners that the study team met during the fieldwork.



SIDEP is a local NGO that was formerly supported through SNV (Netherlands Development Organisation) and, since 2007, has a direct agreement with Cordaid. The Diocese of Lodwar, like the Dioceses of Marsabit and Ngong in Kenya, has been supported by Cordaid (and its predecessors) since decades, primarily to provide health services in pastoralist areas. This support is gradually being phased out or shifted to attention to local organisational development and legal aid (e.g. in the case of the Diocese of Marsabit, a new project started in 2009 with the Department of Justice and Peace). FARM–Africa has been working in Kenya since 1985 and has been a Cordaid partner since 1998. Over the period 2003–08, it received over 10% of the total commitment of Cordaid’s Programme 1 to Africa, partly through the head office in the UK and partly through the offices in Ethiopia and Kenya. In Nairobi and Nakuru, the study team visited five partner organisations working on national level: CEMIRIDE (Centre for Minority Rights Development), KLMC (Kenya Livestock Marketing Council), LPWK (League of Pastoralist Women of Kenya), MPIDO (Mainyoto Pastoralist Integrated Development Organization) and RECONCILE (Resource Conflict Institute), as well as the East African headquarters of the two UK-based NGO partners (FARM–Africa and Practical Action) and the Cordaid Liaison Office. All of these partner organisations are working at least partly on advocacy issues. Although the team had chosen to focus on pastoralist development work in northern Kenya and not to visit partners operating in the south, it visited the headquarters of MPIDO in Nairobi, mainly because this NGO has been active nationally and internationally in promoting the rights of pastoralists as IPs.

Not originally planned but very useful for an understanding of local networking was a meeting in Marsabit with the Director of the Pastoralist Integrated Support Programme (PISP) and the Director of the Marsabit Women Advocacy and Development Organisation (MWADO)<sup>3</sup>. In the Laisamis area south of Marsabit, the study team organised an additional meeting with *Rendille* pastoralists in contact with the Department of Agriculture and not supported by Cordaid. This was because the team had recognised that the pastoralists it had met until then were more or less sedentary, and the perspectives of more mobile pastoralists were needed for a more balanced study

As marginalised pastoralists tend to live in marginalised areas, the distances covered were long and much time had to be spent in planes and on rough roads to reach them. Of the 12 days that the team spent outside of Nairobi, about half of this was spent travelling. In other words, half of the time allocated for fieldwork could not be spent productively in meetings with pastoralists and supporting NGOs.

**Research tools and process.** The study team used a slightly revised version of the checklist of questions for semi-structured interviews and focus-group discussions that had already been prepared for the Ethiopia case study in November 2009 (Waters-Bayer & Getachew 2010). Different question guidelines were used for: 1) resource persons, 2) partner organisations, and 3) pastoralists (see Annex 5). The same draft outline as had been used in Ethiopia was used in Kenya (as in the other case-study countries) to provide a ready-made structure for the information collected in the field.

Most meetings with resource persons were individual interviews held in Nairobi. In the field, group meetings were held with Cordaid partner staff, pastoralists with whom they are working and other local stakeholders (government officers and staff of other NGOs). These included a partner of Cordaid’s Programme 4: CIFA (Community Initiative Facilitation and Assistance), a Kenyan NGO that developed out of an earlier FARM–Africa project. Most meetings with pastoralists in the different ethnic areas were with mixed groups (men, women, elders, youth, traditional leaders) involved in diverse development activities. In addition, in three ethnic areas, separate discussions were held with pastoralist women and girls, giving attention to their specific perceptions and issues. In all group discussions, including those with partner organisation staff, the team explored their perspectives on how the situation of pastoralists had changed over the last 10–15 years, the positive and negative aspects of these changes, the factors that contributed to them, and visions of pastoralist development in the future. With the partners, the team also explored Cordaid’s mode of supporting and communicating with them.

Altogether in the course of the case study, one or both members of the study team met with ten Cordaid staff members (8 in the Netherlands, 2 in Kenya; 90% women), two resource persons in Europe (1 male, 1 female), 38 staff members of Cordaid partner organisations in Kenya (32% women), eight district government staff members (all male), ten other resource persons (30% women) and about 125 pastoralists (54% women). The team members interviewed 11 individuals (resource persons and partner NGO staff), held 14 discussions with small groups of 2–6 persons (partner organisation or

<sup>3</sup> MWADO had been formed with the support of SNV and has sought further support through Cordaid.

district staff) and nine focus-group discussions with pastoralists, including the three groups composed only of women and girls.

In all cases but one (interviews with Rendille pastoralists in Tirukoamo *manyatta* near Laisamis), partner staff served as interpreters. With the Rendille, a local veterinarian and a local teacher provided translation. Sometimes, judging by the unusual length or brevity of the translation, the team gained the impression that additional explanation or “editing” was occurring. On the other hand, the partner staff obviously enjoyed the trust of the community members; this allowed for easier entry into discussion with the different groups, both male and female. In view of the main objectives of the evaluation – giving attention primarily to changes in the lives of the pastoralists and Cordaid’s contribution to these changes, rather than being a conventional project evaluation to assess the partners’ work – the translation is not likely to have led to a significant bias in the information gained from the field.

In addition to partner organisation staff, the team members met (sometimes in parallel visits) with resource persons such as researchers working on pastoralist issues, members of networks concerned with pastoralist and indigenous peoples, a woman pastoralist Member of Parliament (MP), the head of the Kenyan Justice and Peace Commission, and the Minister for Northern Kenya and Other Arid Lands.

At the field sites and in the partners’ headquarters, the team collected relevant documentation in hardcopy or electronic form. It reviewed project evaluation reports, studies and other publications on pastoralism provided by resource persons. Because meetings went late into the evenings, travel conditions were difficult and lighting was poor, opportunities to recapitulate after the discussions were few. However, whenever possible, such as when travelling from one site to the next, the team noted down key findings, identified information gaps and selected issues to explore in subsequent meetings. It analysed the data collected by clustering them according to the categories in the table of contents and, within each cluster, examining similarities and differences according to type of respondent (e.g. different pastoralist groups, practising versus non-practising ethnic pastoralists, men versus women, Cordaid partners versus resource persons).

Methodological triangulation in this study involved: i) using different sources of data (interviews, discussions, Cordaid documents, partners’ reports, other documents, own observations in the field); and ii) collecting data from different perspectives: the endogenous views held by pastoralists and the exogenous views held by people not of pastoralist descent but working with pastoralists and/or well-informed about the situation of pastoralists in Kenya (“resource persons”).

In Annexes 2–5 can be found the itinerary, list of persons met, documents consulted and question guidelines used during the fieldwork. A more detailed description of the process of fieldwork and the team’s own assessment of its strengths and limitations of the work are given in Annex 6.

## 2. Cordaid policies to support pastoralists in eastern Africa

In 2000, Cordaid established a Regional Office in Nairobi, Kenya, in order to strengthen its relationships with partners, improve networking and strengthen the partner organisations through capacity building. It covered projects in Ethiopia, Kenya and Sudan. To address structural poverty of pastoralists, most support was channelled to partners working under the theme “Access to Markets”. This dealt mainly with organisation of livestock production and establishment of cooperatives, with a view to diversifying livelihood options. Increasing income through improved access to markets was meant to contribute to alleviating poverty. Aspects of civil-society strengthening and lobbying were also included under this theme. On regional level, the initiatives concerning pastoralists came under the theme of “Peace and Conflict”: in the Eastern and Southern Africa Department, the projects overseen by Cordaid’s Regional Office in Nairobi dealt with natural resource management (NRM) and conflict involving pastoralists in the Horn of Africa, e.g. the Karamojong cluster in parts of Ethiopia, Kenya, Sudan and Uganda. Cutting across these initiatives, Cordaid also worked with its partners on institutional capacity-building, gender equity, and policy research and advocacy. After Cordaid’s restructuring in 2006, most of these activities came under Programmes 1 (Identity and Diversity) and 4 (Disaster Prevention and Emergency Aid).

Since decades, Cordaid and its predecessors has been supporting projects working with pastoralists as the main minority groups living of the remote dryland areas in the Horn of Africa in which, initially, the Catholic Dioceses were operating and, increasingly in the last decade, NGOs not affiliated with the Church. However, there was not a specific Cordaid policy focused on pastoralist development. After the introduction of Cordaid’s new strategic plan in 2007, pastoralists became the IBGs on which the work of

Programme I “Identity and Diversity” focused. A specific policy to support pastoralists was drawn up: “Increasing the Participation & Voice of Pastoralists in Ethiopia, Kenya and Tanzania” (Espinoza Rocca & Barmantlo 2008). This was based on a thorough analysis of the situation of pastoralists in eastern Africa. Marginalisation was identified as the key challenge of pastoralists, whose development has been impeded by inappropriate policy and interventions resulting from a:

- *Knowledge gap*: policymakers and development practitioners do not understand the rationale and dynamics of pastoralism, relevant information is not readily accessible and the pastoralists cannot convince policymakers and practitioners of pastoralism’s benefits to the national economy, the environment and society as a whole;
- *Power imbalance*: pastoralists are few in number relative to the population of the countries where they live, they inhabit drier areas that policymakers regard as useless, and they are not organised to be able to exert influence on decisions affecting these areas.

Cordaid decided that the emphasis of its work should be on helping pastoralists develop strong, well-informed, representative and active organisations that can form relevant linkages, develop effective strategies and cooperate with others to present a united front on key issues identified by pastoralists.

### Box 1: Pastoralists and the concept of IPs

In 2008, while developing its pastoralist development programme, Cordaid explored the opportunities of using the IP concept to lobby for pastoralists’ interests. Allies of Cordaid in its work with IBGs – especially the Minority Rights Group (MRG) and the International Work Group on Indigenous Affairs (IWGIA) – work primarily from an IP perspective. The position paper on policy lobbying in Europe for pastoralists in eastern Africa (Cordaid 2009b) states: “The Human Rights Strategy of the Netherlands and the Human Rights and Democratization policy of the EU can be used to address the rights of pastoralist women and the rights of pastoralists as indigenous peoples in East-Africa.” In this paper, Cordaid explicitly defines pastoralists as IPs: “Pastoralists also enjoy additional rights recognised to minorities and indigenous peoples because they constitute a group that is culturally different from the rest of the national population ... Minorities might also classify as indigenous peoples. What distinguishes indigenous peoples is their attachment to their land and natural resources<sup>4</sup>. According to the African Commission on Human and Peoples’ Rights (ACHPR), “the term ‘indigenous peoples’ in the African context does not refer to ‘those who came first’ but to shared experiences of dispossession and marginalization. Pastoralists can therefore be considered indigenous peoples.” Cordaid initiated the Coalition for European Lobbies on Eastern-African Pastoralism (CELEP) to influence policies of both European and developing countries to recognise pastoralism as a production and livelihood system, respect pastoralists’ human rights and promote sustainable NRM through livestock-keeping. The Coalition, which includes MRG and IWGIA, discussed the IP concept, as some other members work more from a perspective of livelihoods and NRM, rather than IPs’ rights. All members acknowledged the need to use both strategies for maximum impact (Inge Barmantlo, pers. comm.).

In its pastoralist development strategy, Cordaid chose to take a three-pronged approach: i) building alliances, ii) strengthening pastoralists’ voice to advocate on their own behalf (self-determination), and iii) addressing the knowledge gap (strengthening research and policy-influencing organisations). It developed a regional programme focused on pastoralist communities in two cross-border areas: southern Ethiopia/northern Kenya and southern Kenya/northern Tanzania. The thematic foci are:

- Increasing the participation and voice of pastoralist women
- Increasing the participation and voice of pastoralists in planning and managing the natural resources on which they depend
- Improving the marketing of livestock and their products (Espinoza Rocca & Barmantlo 2008).

The work directly with pastoralists is meant to ensure that they can continue to gain a livelihood from dryland areas. This is a high-risk environment, which makes their mobile mode of production necessary and must include attention to reducing disaster risks and accessing markets. Thus, there are obvious links with Cordaid’s Programme 4 (Disaster Prevention) and Programme 9 (Small Producers).

<sup>4</sup> However, this is not necessarily the case, as minorities may also have strong attachment to the land and natural resources. What distinguishes IPs is that they are entitled to special and internationally recognised group rights (as collective subjects) and minorities are not.

### 3. Changes in pastoralists' lives and some factors contributing to these changes

This chapter starts with a brief introduction to pastoralism in Kenya, followed by an account of changes in government policy related to pastoralism in a historical perspective. During the field study, views on actual changes in the situation of pastoralists<sup>5</sup> and on Cordaid's contribution to these changes were sought from pastoralists – mainly but not only those in contact with Cordaid partner organisations – and from “outsiders”, subdivided into: a) people working in partner organisations; and b) other actors in pastoralist research and development in government and civil society. As much as possible, but trying to avoid repetition, the perspectives of these three groups are reflected in Sections 3.2 and 3.3.

#### 3.1 Changes in policies related to pastoralists and pastoralism in Kenya

Pastoralists in Kenya number about 4–5 million, constituting about 12–15% of the total population, projected in 2009 to be about 39 million (CIA 2010). Altogether, in addition to the three majority ethnic groups in Kenya – the Kamba, Kikuyu and Luo – there are about 50 minority ethnic groups, including both (agro-)pastoralists and hunter-gatherers (Makoloo 2005). The pastoralist groups use primarily the arid and semi-arid lands (ASAL), which – according to the FAO (2009) statistics quoted since many years – cover about 80% of the land area in the country (which totals ca 580,000 km<sup>2</sup>). The ASAL are largely unsuitable for cultivation, except along the river courses. Although the figures vary in different government documents, it is generally claimed that about 50–60% of Kenya's livestock is kept in the ASAL, primarily by pastoralists and agropastoralists.

**Development rights.** During colonial times, pastoralists were seen as difficult to administer. Punitive measures were used to exercise control: launching expeditions into pastoralist areas, confiscating livestock and designating the areas as closed districts. This started the creation of differences between those peoples with whom the colonialists interacted most closely and those who were marginalised and to whom different sets of policies and rules were applied. The major group of pastoralists in and near the coveted highlands – the Maasai – was subdivided in the early 1900s. Land regulations enabled white settlers to expropriate much of the land used by Kalenjin, Maasai, Samburu and Turkana people.

When Kenya became independent in 1964, the new government maintained the closed-district and other colonial policies biased against pastoralists. Government administrators posted to these areas were given hardship allowance as an incentive, as few amenities and services were available. Investments were made in the high-potential areas rather than the ASAL. Daniel arap Moi, the second Vice-President and from 1979 President of Kenya, came from a pastoralist ethnic group. He made pastoralists a key part of his power base and promoted several ethnic pastoralists to high positions (Livingstone 2005). However, the presence of pastoralist individuals in leadership did not translate into changes for the pastoralists in the ASAL.

*“Initially, we struggled to have representatives in the political structure, because we lacked influence. Then we had representatives in the political structure, but this did not change the livelihoods of the people. The political representatives were compromised; they were literally bought to associate themselves with the political structure and they forgot the plight of their own people.”*

Partner NGO staff mixed group discussion, Marsabit

The international NGOs that worked in pastoralist areas of Kenya initially focused on relief efforts. In the 1980s, they started to realise the need to build local capacities and institutions of pastoralists so that they could help themselves. The concepts of participatory approaches to development contributed greatly to this change. Some Kenyan institutions, e.g. Egerton College, were at the forefront of capacity building in such approaches. However, relief has continued to play a large role in the ASAL. Already in Moi's time, the Government of Kenya (GoK) realised that issues of drought needed to be addressed but had a poor understanding of the dynamics of pastoralism – particularly of the difference between drought-related transitory poverty and chronic, structural poverty – and responded with food aid and

<sup>5</sup> Although the concept of “indigenous peoples” (IPs) is internationally recognised, it is controversial in Kenya. Most interviewees did not want to distinguish between groups that could be regarded as “IPs” and other ethnic groups that have lived for several generations in Kenya. The term “pastoralists” as used in this report refers to people from ethnic groups that customarily live(d) from grazing livestock, regardless whether these people regarded or regard themselves as economically and/or culturally marginalised within Kenya.

with costly development schemes designed for settled people to practise small-scale irrigation. Yet, as soon as climatic conditions improved, many of the people returned to pastoralism (Little *et al* 2006).

After a law from the colonial era that had limited freedom of speech and assembly was revised and, after considerable pressure from civil society and from international donors, a multiparty system was re-introduced in the early 1990s, and all Kenyan citizens – including pastoralists – enjoyed a better climate for policy dialogue and lobbying. Already toward the end of Moi's time, numerous local civil-society organisations (CSOs) had emerged that advocated for pastoralists and tried to inform officials working in the ASAL who were making perhaps well-meaning but, in reality, inappropriate decisions that incited conflict, e.g. about water and pasture rights.

The Kenya Pastoralist Forum (KPF) was set up in 1994 to strengthen advocacy on pastoralist issues. It stimulated the emergence of the Pastoralist Parliamentary Group (PPG) and the Pastoralist Thematic Group, which articulated pastoralists' development needs in the process in the late 1990s and early 2000s that led up to Kenya's Poverty Reduction Strategy Paper (PRSP). During the 2002 general elections, pastoralist issues came into the spotlight, as different political parties tried to claim the pastoralist vote. They promised to mainstream pastoralists' interests in national development. The coming to power of the National Rainbow Coalition (NARC) in 2006 heralded a new era of support to pastoralist development. Its victory was interpreted as a climax of significant progress in the articulation of pastoralists' concerns at national level (RECONCILE & IIED 2003). The government liberalised access to information. This gave more space for research and advocacy on pastoralist issues.

The State Ministry for Development of Northern Kenya and Other Arid Lands was set up in 2008 to address specifically the issues of pastoralists. Another important institutional development at national level was the reviving of the Kenya Meat Commission in 2006, as livestock marketing is an important element of pastoralist livelihoods.

**Rights to land and other natural resources.** According to the Ministry of Lands (MoL 2007), colonial and post-colonial land administration in the ASAL deprived traditional pastoralist institutions of their land-management rights and created uncertainty with respect to access, control and use of land-based resources, including pasture, water and saltlicks. Under the Trust Land Act, the local authorities and county councils were supposed to hold pastoral land in trust for the people, but these authorities did not always protect community interests; land titles were often given to individuals (KLA 2004).

In efforts to commercialise the livestock sector, development policy in Kenya in the 1960s and 1970s favoured establishment of group ranches under the Land (Group Representatives) Act. However, in many cases, representatives of pastoralist groups who had been entrusted to manage the land disposed of it without consulting other group members (MoL 2007). Even in the case of land that continued to be held by a group, the subdivision of the range restricted mobility and reciprocal access and reduced flexibility in using the natural resources. With further subdivision in the 1980s, the units became too small to allow sustainable livestock-keeping, making pastoralists more vulnerable to food insecurity (Meinzen-Dick & Mwangi 2008). In addition, former grazing land was taken up for commercial farming, game parks and nature reserves.

The new National Land Policy, finally adopted in December 2009, recognises the rights of minorities such as hunter-gatherers, forest-dwellers and pastoralists to access land and to participate in decision-making over land-based resources. A key land issue raised in the policy is that "individualization of land rights has undermined indigenous culture and conservation systems, especially in areas inhabited by pastoral communities" (MoL 2007, p11). On the other hand, it appears to support this individualisation: it will "institute alternative methods of registration that define individual rights in pastoral communities while allowing them to maintain their unique land use system and livelihoods" (§183c). The intention is to "provide for flexible and negotiated cross boundary access to protected areas, water, pastures and salt licks among different stakeholders for mutual benefit to facilitate the nomadic nature of pastoralism" (§183f). The policy describes pastoralism as a livestock-based economic activity suited to the drylands that has survived as a livelihood and land-use system despite changes in lifestyles and technological advancements. The "tenacity of pastoralism testifies to its appropriateness as a production system for the drylands" (p37). The CSO pastoralist lobby in Nairobi, many of them part of the Kenya Land Alliance (KLA), played an important role in bringing these statements into the National Land Policy. Also the Harmonized Draft Constitution of 2009 protects collective rights to land.

**Civil and political rights.** The Kenya National Commission on Human Rights (KNCHR) was created in 2002. In the first few years, it put more emphasis on civil and political rights and less on economic,

social, cultural and group rights. In its strategic plan for 2009–13, it recognised that the land question is at the centre of the contradictions between citizenship rights and indigenous rights. It refers to the “social political reality that membership to an ethnic community grants access to certain rights, particularly with regard to land ownership. Where civic rights have opened the doors for acquisition of land, they have often come into collision with the rights granted by ethnic citizenship” (KNCHR 2008, p5). It is now therefore an issue on the Commission’s agenda.

The process of constitutional review that started in Kenya in 2001 was halted by the referendum of 2005 but, after the political violence in December 2007, was resumed. The review process is in English, a language that few practising pastoralists understand, and the time given for citizens’ comments is too short to be able to create sufficient awareness among pastoralists (and others with a poor command of English) about what the new constitution could mean for them. However, CSOs campaigning on behalf of pastoralists have managed to find room to insert into the new draft constitution some articles of significance to pastoralists, such as about community rights to land, whereby communities are “identified on the basis of ethnicity, culture or community of interest”<sup>6</sup>. The regionalisation being proposed in the new constitution augurs well for more self-determination by people living in pastoralist areas, i.e. the right to pursue their own economic, social and cultural development (Charter of the United Nations and International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 1976, Common Article 1, §1) and the right to govern their own internal and local affairs (DRIP 2007, Articles 3+4). However, in those regions of Kenya where pastoralist groups are in the minority, struggles for their self-determination may need to be intensified.

**Rights of pastoralist women.** The women’s movement in Kenya originated with CSOs and was given a strong boost by the Fourth World Conference on Women held in Beijing in 1995. Moi’s party took up the call for gender equality, possibly for political reasons in order to gain support from women voters and to show a gender-sensitive face to the development donors, who were critical of his one-party system. In the women’s movement, no particular attention has been paid to pastoralist women.

**Rights as indigenous peoples.** The global IP movement influenced thinking among some individuals and organisations working with Kenyan pastoralists. Some became involved in the World Alliance of Indigenous Mobile Peoples, formed in 2003, and took part in the first WAMIP congress held in Segovia, Spain, in 2007. However, earlier statements by Maasai speaking on behalf of Kenyan pastoralists before international bodies had already politicised the issue of IPs in Kenya and created suspicion among other peoples that regarded themselves to be just as indigenous as the Maasai. The fear that not only the Maasai but also other peoples would start to claim land expropriated during colonial times created a politically tense situation, which the GoK wanted to avoid. Kenya had signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both in 1976), both of which recognise the right of all peoples to self-determination, including the right to manage their own resources and the right of a people not to be deprived of its means of subsistence. However, it did not ratify the International Labour Organization Convention 169 on Indigenous and Tribal Peoples in 1989, and it abstained from voting on the Declaration on the Rights of Indigenous Peoples (DRIP) in the UN General Assembly in 2007.

All ethnic groups in Kenya, except the immigrant traders and settlers from Asia and Europe, could be called “indigenous” in the sense that they originate from there. The term “indigenous peoples” could be applied to the historically marginalised ethnic groups, particularly those whose language, social characteristics and lifestyles set them apart from the dominant political and economic structures of the nation. Pastoralist groups are classified as such, according to the African Commission on Human and Peoples’ Rights (ACHPR & IWGIA 2006).

However, in the current Draft Harmonized Constitution of Kenya, pastoralists are not referred to as IPs. Indeed, this term does not occur in the text. As was explained by CEMIRIDE, a deliberate choice was made to avoid this term and instead to refer to “marginalized community”, defined as:

*“(a) a community which, by reason of its relatively small population or for any other reason has been unable to fully participate in the integrated social and economic life of Kenya as a whole;*

<sup>6</sup> It is noteworthy that the draft constitution specifically mentions the “ancestral lands and lands traditionally occupied by hunter-gatherer communities” but does not refer to land used to pastoralist communities. However, pastoralist groups that identify themselves as “communities” can call upon Article 80 (4), which states that “Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.”

*(b) a traditional community which, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;*  
*(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or*  
*(d) pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community which, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of the Republic as a whole.”*

Committee of Experts on Constitutional Review (2009)

The Draft Harmonized Constitution affirms the rights of such marginalised communities to be integrated into the social and economic life of Kenya. It does not grant pastoralists any special status as IPs.

### 3.2 Pastoralists' perceptions on change in their situation

In this section, a distinction is made between the perceptions of “practising pastoralists” and those of city-based well-educated sons (and some daughters) of pastoralists, who are not engaged directly in pastoralism (although they may own livestock) and often speak on behalf of pastoralists. As can be seen in the relative length of the sub-sections, pastoralists referred primarily to change in their livelihoods and change in the role of women, rather than to changes in civil, political and land rights.

#### 3.2.1 Civil and political rights

During the discussions with practising pastoralists in northern Kenya, the issues they raised pertaining to representation and voice were concerned primarily with influencing development activities at local level and the opportunities for women to take part in decision-making in the household and community. The push for national policy change from the grassroots does not appear to have been very strong. The pastoralists in the rural areas seemed to know little about the advocacy activities carried out by national-level CSOs. They were even less aware of international instruments and global plans of action (e.g. to prevent the loss of indigenous breeds). Some criticised the Nairobi-based organisations that profess to represent pastoralists. One local woman leader in Marsabit gave the example of the ethnic cultural celebrations in Nairobi, for which ethnic pastoralist women living there requested that traditional dress be sent to Nairobi but did not invite the pastoralist women from the Marsabit area to come.

Pastoralists interviewed in the north did not feel they had been consulted about matters relating to policy influence at national level and generally did not feel well represented. Pastoralists far from Nairobi (e.g. in Moyale on the border to Ethiopia) complained that they saw their MP only when he sought votes for election, and it was too difficult for them to go to Nairobi as a group to voice their demands. As their representatives, they have more trust in the ethnic pastoralists working in local NGOs than in the ethnic pastoralists or other “spokespersons” based in large cities in the south of the country. Some educated pastoralists in the local NGOs also expressed their doubts whether MPs actually represent pastoralists in the rural areas or are more interested in maintaining their positions and benefits as MPs. They also felt that policy-influencing groups operating at national level did not have enough direct experience in pastoralist areas, whereas the local NGO staff continued to be pastoralists (having their own herds) and could bring the voices of their fellow pastoralists to higher levels. However, they claimed that they seldom had the opportunity to do so.

On the other hand, pastoralists and local NGOs composed largely of ethnic pastoralists have succeeded in influencing the *practised* policy of local authorities, often through building personal relationships and depending on the goodwill of sympathetic individuals in the local government offices, e.g. livestock market committee sharing cess with the local council; and working with local government line offices to continue supporting community workers in human and animal health even though this should be phased out according to national policy. Yet even at this local level, there has been slow progress in changing legal institutions (bylaws) to reflect these person-to-person agreements.

Ethnic pastoralists in Nairobi identified significant sociopolitical change among pastoralists throughout the country: increased self-awareness, formation of civil-society groups and networks at community and regional level, and more agitation for citizens' rights. This was attributed to civic education and organisational strengthening by development agencies. The ethnic pastoralists engaged in policy influence and policymaking at national level are now more informed and empowered than in the past and have seen the need for closer links between the different segments of ethnic pastoralists: the elite, the entrepreneurs, the politicians and the herders. The GoK's recognition of the PPG led to important

policy development at national level, above all, the creation of a government ministry to cater for the interests of pastoralists. This is headed by an ethnic pastoralist who interacts with pastoralist advocates in preparing policy papers and a development agenda. The Kenyan pastoralist lobby has combined forces with lobbying groups in other countries in eastern Africa to ensure that regional policy interests are also addressed, e.g. through the African Union's Standing Commission on Pastoralist Policy Development. These advances were attributed to the commitment of a few individual Kenyans who collaborated in an informal network, but were supported by the pastoralist research and policy development work of several bilateral and multilateral agencies (the most frequently mentioned were USAID, EU, DFID, GTZ, UNDP, UNOCHA and UNEP) and the World Initiative for Sustainable Pastoralism (WISP), which is hosted by the International Union for Conservation of Nature (IUCN).

### 3.2.2 Rights to land and other natural resources

When referring to land and other natural resources, most of the practising pastoralists talked about issues of drought and conflict, both of which require movement – in one case, in search of pasture and water and, in the other, in search of security. There was reportedly an increase in cattle rustling, which led to more conflict between ethnic groups and was exacerbated by the increased availability of firearms. The raiding is no longer “traditional” but rather for commercial purposes: wealthy and influential people in urban areas hire young pastoralists to raid others, so that the cattle can be sold and slaughtered. According to Turkana elders, many of their people had to settle and depend on food aid because their animals had been stolen.

Those who wanted to continue practising pastoralism felt obliged to move closer to existing settlements for greater security, as in the case of the Rendille group interviewed near Laisamis. This meant they could not use more remote but better grazing areas. They felt torn between remaining mobile for the wellbeing of their herds and moving closer to town for the wellbeing of their families, i.e. for security and social services. They also felt that NGO and government interventions were focused on towns and that they and especially their children could not benefit if they stayed in the more remote areas. For them, the issue was not one of land rights but one of access to services and security.

Only the Samburu reported a reduction in raiding and conflicts, and attributed this to increased involvement of community members – including women – in peacemaking measures and the entry of young men into marketing activities, either as guards or as traders.

*“Previously the morans raided. Now they have their own stalls in the market and don't have time to do raiding anymore. They have moved from doing illegal to legal activities.”*

Samburu elder, Wamba

Also in Samburu, the men referred to drawing up local grazing management bylaws and trying to gain the local government's recognition of these bylaws. A local chief reported that, unlike in the past, Samburu communities are now entrusted with land and manage their natural resources in group ranches. There used to be no problem for one Samburu subgroup to move into the area normally used by another subgroup, but today they need to negotiate formal agreements for reciprocal grazing rights.

In Godoma near the Ethiopian border, the Boran and Gari pastoralists were uncertain about the content of national policies and laws on natural resources. For example, they had misinterpreted the new water law as being applicable to all water sources and feared that the government or a private company would take over the hand-dug wells that had been used for generations by local families. In other words, they feared they would lose control over essential resources for pastoralism. The water expert in CIFA, who is collaborating with the government water authorities to implement the new law, was aware that it did not apply to traditional wells, but the local pastoralists spoke as if they were not aware.

Well-educated ethnic pastoralists working at national and international level pointed to several negative changes related to land. The areas available for pastoralism have shrunk because of encroachment by investors, wildlife conservancies, ranches, national parks, military camps and exploration for minerals and oil. As a result, pastoralists have lost much of their dry-season grazing. Droughts and conflicts are compounding the more basic problem of land alienation. In the Moyale area, the Boran also mentioned that grazing land had been lost to quarrying and illegal mining.

The study team did not visit southern Kenya but were informed by MPIDO that particularly the pastoralists in that part of the country have suffered from dispossession and fencing of land, and their way of life is under even greater pressure than that of pastoralists in northern Kenya. A larger



percentage of the pastoralists in the south has reportedly been obliged to give up pastoralism for lack of land and animals, and they now live in great poverty.

### 3.2.3 Livelihoods

**Basic services and infrastructure.** There was general agreement among men and women pastoralists in northern Kenya that, in the past 15–20 years, there has been improvement in availability of basic social services – healthcare, education and water supply – and in communication infrastructure (particularly mobile phones).

*“We used to have no way of communicating with relatives far away but now, because of Safaricom, we can communicate even when we are in grazing areas, even with relatives in America. With M-Pesa we get money from them while we are sitting right here; before, we had to go very far to get money.”*

Elderly Rendille woman, Tirukoamo

This change did not come about because of interventions by development agencies but through the private sector, and the innovations were adopted quickly, without any need for formal credit or training.

In recent years, the GoK finally started to improve some of the main roads in pastoralist areas. This was attributed to campaigns by Kenyan civil society, and the raising of local voices was, in turn, stimulated by civic education by NGOs.

Particularly valued were the local health services provided by their own people, who could better respond to their needs. For example, pastoralist women in Godoma praised the services of the government nurse (a Boran) in the local dispensary who – unlike previous staff from other areas who did not want to stay there – has been active in Godoma for over ten years, works for the community and has medicine one cannot even get in Moyale. Generally, however, the tenor of pastoralists’ comments about change in health status was that many new diseases had come in, such as HIV/AIDS, and they depended much more on human and animal medicines than in the past.

The comments of pastoralists – both those in towns and those in temporary settlements – revealed that modern education has become a deliberate diversification strategy: investing in education promises to bring dividends in terms of remittances, which can be used, e.g. for restocking after drought. Education for both boys and girls has therefore become more important in the eyes of all the pastoralist groups encountered; this was the most remarkable change highlighted in the discussions. It had been further stimulated by the GoK’s re-introduction of a policy of free primary education. According to the education office in Wamba, enrolment by Samburu boys and girls tripled as a result of this.

The Samburu reported that, in the past, they had not taken education seriously, had sent only a few boys to school and, when they moved, they took their children with them. Through educated Samburu who served as role models, they began to realise that *“education is wealth”* and offers more security. As one Samburu elder in Wamba said: *“Livestock come and go, but education does not go.”* Now, they include their children’s education in their development planning. SIDEP helped them draw up Community Action Plans (CAPs) and make proposals to the Constituency Development Fund (CDF) and other sources of funding. As a result of these CAPs, several pre-primary schools were set up.

Also Boran spoke of how they became convinced that their children should receive modern education:

*“Wealthy leaders sent their children to school; the children got jobs. When drought made me become a pauper, those with employed children could start again; they could restock and didn’t have to depend solely on relief. This set an example: education is a path to get out of poverty.”*

Boran women group discussion, Godoma

Pastoralists reported an increase in the number of pastoralists among local government-appointed leaders and in the number of educated people who return to work in the community.

*“We came back. We chose to work with our people, to show what difference education can make, to be role models. More of our educated people now want to work at home, because of family matters, and also to be able to influence decisions at the local level.”*

SIDEP staff mixed group meeting, Wamba

The Samburu staff members in SIDEP saw particular promise in the Pastoralist Education Project initiated by the International Institute of Rural Reconstruction (IIRR) in 2005 to increase opportunities for out-of-school children and adult learners in pastoralist areas to access basic education. IIRR builds the capacity of local organisations, government staff and parents’ associations to design, implement and

monitor non-formal education programmes that suit the pastoralist lifestyle. This includes the integration of pastoralist culture into modern education.

Education has also become more important for some adult pastoralists. Particularly those who have become engaged in small-scale business or want to become local leaders had gained at least functional levels of literacy and numeracy. The chief of the Rendille group met by the study team had attended adult education classes in order to qualify to become a chief. Education was not necessarily seen as a way to escape pastoralism: it was also seen as a way to improve chances of surviving as pastoralists in the modern world. Repeatedly, the study team heard from groups of pastoralists – both men and women – the request for more training opportunities, particularly the training of community workers. For example, the Rendille pastoralists near Laisamis town complained that only the town-based people had been trained as community animal health workers (CAHWs), although these are needed much more by the mobile than the settled pastoralists.

However, with larger numbers of children going to school, there are also larger numbers of school dropouts whom the communities regarded as a problem, because the young people take drugs and engage in illegal activities such as selling charcoal. Rendille women who mentioned this problem felt that the dropouts became a burden to the community, as they did not contribute to the livestock work if they came back. The men also preferred that the dropouts live in town, even though – as the men said – the young people have few prospects there because they had no technical or business training.

**Markets.** The pastoralists in all areas visited reported greater involvement in livestock marketing, also by women, even though marketing is still constrained by poor road infrastructure. In the Samburu area, a local leader mentioned that recent government policies to promote livestock trade provided an incentive to continue pastoralism. Educated ethnic pastoralists pointed out that some pastoralists have sought – also without external support – closer linkages with national and international markets and are using modern telecommunication services.

An example of improvement in marketing mentioned by Samburu in Wamba and by Rendille near Laisamis was the regional Thursday market set up in Lolguniani by the Samburu with support from SIDEP. The community manages the market through a Livestock Market Committee, which shares the cess (local tax) 50:50 with the local council. They have jointly invested in security and market-facility development. The market started with emphasis on stimulating trading activities rather than building physical structures, and grew organically to include other forms of trade beyond livestock, e.g. food, clothing and animal medicines. It became a social event and a site for regular community meetings.

**Sources of livelihood.** All pastoralist groups said that, in recent years, they had become more aware of other ways of gaining a livelihood to complement livestock-keeping, such as growing field crops and/or vegetables in suitable areas, beekeeping and petty trading. One Samburu elder in Wamba gave an example in quantitative terms: *“Before only five or six pastoralists were engaged in business; now there are up to 100 small-scale enterprises run by pastoralists in this area.”*

**Livestock-keeping.** Pastoralists at all sites reported a decrease in the total number of animals per family. They saw no significant increase in livestock productivity. Because of drier conditions than in the past, they now keep fewer cattle and more goats and camels, which they described as better able to withstand drought. However, few can afford camels. In the words of a Samburu elder: *“Camels are really expensive. Only people with many cows can buy them. Those with camels are the rich people.”* The biggest increase has been in the number of goats.

Besides marketing, animal health was the main concern related to livestock-keeping expressed by pastoralists in northern Kenya. They had seen little or no increase in modern veterinary services; indeed, one educated pastoralist pointed out that, with privatisation of veterinary and extension services, only the high-potential areas in Kenya are being served, and the government services in the pastoralist areas have shrunk. However, the pastoralists the study team met in northern Kenya greatly appreciated the increase in the number of local people who have been trained as CAHWs.

**Poverty.** According to both practising pastoralists and educated ethnic pastoralists, the last 10–15 years have seen a great increase in human population and a decrease in the number of people who can live from livestock. The number of poverty-stricken pastoralists, i.e. those without enough livestock or other means to support themselves, has risen. This was attributed mainly to increasing drought and insecurity, and loss of land and water to commercial farms, game parks and nature reserves.

Ethnic pastoralists in Cordaid partner NGOs felt they were indeed helping to alleviate poverty, but only among the relatively few people with whom they were working directly. For example, SIDEPA staff stated that the pastoralists it can reach have become more resilient to shocks because they have diversified their sources of income and can manage to restock after drought. However, when they looked at the entire Samburu community, they could see that it is less resilient than it used to be.

### 3.2.4 Status and rights of pastoralist women

Most of the pastoralist women interviewed were settled in towns or villages. They felt that their lives had changed tremendously. The Samburu women living near Wamba regarded themselves as having “another way of life” than the “people who are still moving with their animals”. The indications that these women gave about development, which one woman defined as “change from where you have been to where you are now” were related to life style and values: being settled instead of moving, having a fixed house instead of a temporary hut, using modern beehives instead of traditional ones, using borehole water instead of surface water, wearing cloth instead of leather, going to doctors instead of traditional healers. These they regard as positive changes, but they also mentioned some negative ones: less respect for elders, less certainty about people’s roles, more drinking of alcohol. Also Boran women felt that their lives had improved with settlement:

*“Life is better than before. The nomadic way of life was miserable. People who follow animals have a hard life. If there is no rain, there is little milk, and people die of hunger.”*

Boran women group discussion, Godoma

**Economic position.** Educated ethnic pastoralists observed that, especially in the case of families that had fallen out of pastoralism, women “emerged” and showed their strength: forming groups and taking on men’s roles of generating some income for the family.

*“Most businesses are conducted by women: selling mira and charcoal to educate their children. The men are accepting this because it is proving useful; they even appreciate it. They are not complaining. Most households in town are headed economically by women.”*

Partner NGO staff mixed group discussion, Marsabit

Settled Boran women married to elderly men who had lost most or all of their stock explained that they had to take over responsibility for the family’s wellbeing. By forming groups, they were also able to help each other. According to a Boran woman in Godoma: “Many people have been assisted through our group when we do fundraising harambees.”

Both women and men in separate discussion groups said that the change in women’s position was due primarily to women’s success in organising themselves and setting up small businesses. Men gave open recognition to these achievements; e.g. a Boran man pointed out that some pastoralist women had generated enough income to be able to pay for iron sheets for roofing their homes. Another said: “It is now the women who bring the food for the family.”

A major change in the economic position of women has been that women’s groups and some individual women now have their own bank accounts.

*“My husband was a police officer, so I was privileged compared to other women, but I never saw a bank while he was alive. FARM–Africa encouraged us to save money in the bank; we learned how a bank operates. My husband believed that women could not do such things.”*

Boran women group discussion, Godoma

It must be noted, however, that all of these comments came from women living in villages or towns and in direct contact with development NGOs. According to the Somali MP, the Honourable Safia Abdi, most pastoralist women are “much poorer today than ten years ago.”

**Sociopolitical position.** Women in all the discussion groups felt they had gained influence in the family, e.g. in deciding about the sale of animals and even selling animals themselves, whereas formerly they used to sell only milk and hides. According to the Samburu, both women and men have recognised that, if women can generate income and make decisions for the household, they can also contribute at community level. In earlier times, women could not stand up in front of men, but now they are members of school and water committees and even speak at security committee meetings.

*“Women have a lot of power now; they are more powerful than men. When women come to the meetings and speak, they make us think a lot, they make us cry ... even husbands have not gone out to raid other tribes.”*

Turkana man, Lopeyei

The women said that they formerly had to ask their husband’s permission to go to a meeting away from home; now they decide for themselves. Their influence extends even beyond the community, as one Samburu woman pointed out: *“In the past, there was no Samburu woman in leadership; now we have a Samburu woman in Parliament.”*

According to pastoralist respondents, many of the changes in their view of life and women’s role came about because: a) they had more opportunities, e.g. through radio and television, to hear and see how other people live; and b) they had more direct exposure to and interaction with other people, partly through travelling to marketplaces and partly through visits and seminars arranged by NGOs.

**Women’s rights.** Both women and men reported that pastoralist women have become more active in demanding their rights. According to a woman leader in Marsabit, the rate of separation and divorce has risen, mainly upon the initiative of the women, and more women now seek legal advice. Some men gave supporting evidence:

*“In the past, women had no freedom and did not know their rights, but now I am taking a lot of cases of women demanding their rights regarding divorce, early marriage, children’s rights, opposing female genital cutting, demanding that fathers pay for children going to school.”*

Samburu chief, Wamba

*“Now a woman made pregnant by a man but not traditionally married brings the case to men, who decide that the man should pay.”*

Male Turkana pastoralist, Lopeyei

*“In the past, women should not have a voice. The man had to protect the family and take care of livestock, and the woman had all household chores. But now civil rights activists and the government say that men and women are equal. We grew up used to the old role, telling women what to do; now we have to discuss and agree. In the past, a woman was yours and no-one could interfere; nowadays they go to court. This is a time of uncertainties and transition, but maybe for the good.”*

Educated Turkana man, Lodwar

**Girls’ education.** Although very few of the women in the discussion groups had received any modern education, they pointed to the changes that had come about because of education. For example, the Samburu women in Wamba mentioned that some of the educated girls from their community had made their own decisions about marrying and in the marriage: they had gone to work in offices in cities, sent money home to their mothers and continued to do so even after marrying.

At least among the Samburu, it was reportedly a clan decision that girls should be educated:

*“A girl is not my daughter but the clan’s daughter. Clan members talked with each other and agreed that it was in the general community interest that also girls go to school.”*

Samburu elder, Wamba

The head of the Education Department in Wamba reported that, in some primary schools in the Samburu area, there are now more girls than boys. Because more boarding schools have been established for girls, more girls are going on for secondary education.

According to the Somali woman MP from Garissa District, the Honourable Safia Abdi, the increase in girls’ education resulted from government initiatives, Christian organisations like Cordaid, and UNICEF’s school-feeding programme. Most of the girls benefiting from this are in families that had lost their livestock and migrated to towns. Also a Turkana informant referred to the school-feeding programme as *“the genesis of the Turkana people going to school.”*

**Representation.** Despite the fact that women have taken on more responsibilities in the home and community, their representation in community-level decision-making bodies is still disproportional. For example, SIDEPA staff described women as the *“main players”* in the local markets, making up almost 70% of the traders. However, in the market committees, less than 10% of the members are women.

The CDF Committee in each location reviews all development proposals coming from the community. It is mandatory that at least three women are members of the committee to safeguard women's interests. However, according to the Honourable Safia Abdi, in most cases, the pastoralist women have little influence because of their illiteracy. This often also prevents women from making proposals to the fund. She described pastoralist women's capacity for leadership in modern institutions as still being weak.

At national level, there are now five pastoralist women MPs: two elected and three nominated. The Permanent Secretary for Justice, National Cohesion and Constitutional Affairs is a Somali woman. Two pastoralist women are commissioners in the new independent electoral commission of Kenya. At county level, some Maasai women have been elected councillors. The government has appointed five women from pastoralist areas as district commissioners. According to the Honourable Safia Abdi: *"It has taken other ethnic communities longer to become so visible as we pastoralists have recently become."* She reported that, also at regional level, pastoralist women have formed very visible NGOs.

However, the links between pastoralist women – also educated ones – living in northern Kenya and the ethnic pastoralist women who claim to represent them in Nairobi did not appear to be strong. A woman leader in Marsabit referred to a national network for pastoralist women as:

*"...dominated by town women, who swallow the rural women. It needs to have representation from different rural areas, to give us a chance to speak out. We can give the true picture. Their representatives are handpicked and are not connected with the grassroots. The list for Marsabit is filled by people living in Nairobi, who are pastoralists only by name. We were not invited in Nairobi, but they asked us to send traditional attire for the cultural event."*

### 3.3 Exogenous perceptions on change in the situation of pastoralists

Development-support agency staff and resource persons identified the following changes in the situation of Kenyan pastoralists, referring primarily to those in the northern part of the country. Cordaid partners most often referred to changes that they thought they have helped to bring about.

#### 3.3.1 Civil and political rights

**Awareness of rights.** According to CEMIRIDE, Kenyan pastoralists' awareness of their rights has increased greatly in recent years. Some pastoralists who attended international meetings about minority rights started, after their return, to organise their communities around land-rights issues. Other signs of this heightened awareness were: women and youth from pastoralist groups have organised cultural nights and fora to discuss crucial issues; more pastoralist women have run for local councillorship; pastoralists have put more pressure on pastoral MPs (more competition in elections); an increasing number of mobile phone calls come from pastoralist elders to CEMIRIDE; and some pastoralists are paying their own way to attend the annual Kenya Pastoralists' Week (KPW). Cordaid partner NGOs attributed the heightened awareness to pastoralists' use of modern information and communication technology (ICT), especially the mobile phone; the stimulus of local funding possibilities such as the Local Authority Transfer Fund (LATF) and the CDF; civil education by CEMIRIDE and other NGOs in pastoralist districts; and training by faith-based organisations under CAFOD (Catholic Agency for Overseas Development) to strengthen peoples' participation, e.g. in action research. Especially in 2008 during the post-election crisis, minority groups realised that they could play important roles in the nation, as they are seen as neutral. In several government commissions, people from minority groups have therefore been given leading roles.

Practical Action reported that, where it and similar NGOs have been active in rural areas, the local people are more vocal in demanding services from government. Communities have started to ask what has been approved for funding from the LATF. Their demand for transparency and accountability obliged government people to change their attitude.

SIDEP staff felt that it had contributed to increased awareness among the Samburu:

*"Fifteen years ago, the people here were not aware of laws governing this country. They used their own local systems of law. We have trained women and men in issues of lobbying and advocacy, for them to know their rights, to know that Ministries have resources meant for them."*

SIDEP staff mixed group discussion, Wamba

Resource persons who were not Cordaid partners attributed pastoralists' greater awareness to more education, higher literacy levels and local-language radio broadcasts that increased their access to

information. Civic education by CSOs had created expectations of a greater degree of accountability at local level and the liberalised political setting (multiparty democracy) created more opportunities for pastoralists to raise their concerns. The decentralisation of government administration helped this process, as decisions about allocation of government funds have been devolved to the location level. In addition, the shift in scientific paradigms, such as the slowly widening acceptance of the disequilibrium theory of range management (Behnke & Scoones 1993), confirming many traditional practices, led to a major shift in thinking at international and national level about pastoralist development.

**Representation and voice.** Through the decentralisation of government administration and the support by NGOs to local organisational development, pastoral men and women have become active in various community-level committees to manage community assets and development, e.g. Water Management Committees, Community-Managed Disaster Risk Reduction Committees and Location Development Committees. Pastoralists' participation in these bodies gives them and others in their community opportunities to inform themselves and to influence decision-making. According to both Cordaid partners and other development-support actors, pastoralist men and women are now better able to engage in negotiation and decision-making about economic, social and cultural aspects of their lives beyond their traditional institutions, i.e. in interaction with local government authorities and with NGOs.

Since 2005, various national and international (cross-border) meetings involving the leaders of customary institutions from different pastoralist ethnic groups have provided platforms for these pastoralists to voice their concerns. Examples mentioned were the peace-building meetings organised by NGOs and government agencies and the large pastoralist gatherings organised by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). There is now more openness on the part of government to hear the voices of pastoralists. The greater freedom of expression was described by CSOs as being a result of the struggle led by civil society. CSOs from outside the country had provided important support to the main drivers: CSOs and committed individuals within the country.

Resource persons noted that more ethnic pastoralists are elected in Kenya than in any other country in eastern Africa. According to the Honourable Safia Abdi, 46 (21%) of the 222 Kenyan MPs come from pastoralist ethnic groups, and they have their own forum in the PPG. Five government ministers come from pastoralist areas. Pastoralist MPs have been very engaged in the process of constitutional reform. Of the 27 members in the Parliament Select Committee, six (23%) are ethnic pastoralists, a higher percentage than that of pastoralists in the Kenyan population (12–15%<sup>7</sup>). They have focused on influencing issues of land use and management, pastoralist development and livestock insurance.

With respect to international representation of pastoralists, it appears that a small group of “usual suspects” have repeatedly attended conferences and spoken on behalf of pastoralists. According to RECONCILE, not enough has been done to expose and nurture a larger group of people from pastoralist groups who can express their views eloquently on international platforms.

**Policy influence.** Cordaid partners at national level expressed satisfaction that significant changes had been made at policy level and that the pastoralist lobby had succeeded in bringing specific references to pastoralists into major policy documents. CEMIRIDE described policymakers at national level in Kenya as “*more informed and aware of the critical issues in pastoralism*”, partly because research findings are now reaching them, but doubted whether policymakers at regional and local level were well informed. Pastoralism has been given greater coverage in the media. For example, in 2004, a senior editor of a mainstream newspaper covered the Great Trek campaign in northern Kenya. This was frequently mentioned as an outstanding example of how different ethnic and religious groups combined forces to lobby for a common cause. About 65 people (among them, 15 women), including staff of NGOs supporting pastoralists as well as pastoralists themselves, trekked over 500 km from Moyale to Isiolo in a campaign to press the GoK to implement its pledges to tarmac the road, and also generally to raise national consciousness about the situation of pastoral peoples in northern Kenya<sup>8</sup>.

Since then, several more newspaper articles on pastoralism have appeared and also journalists from FM radio stations have actively sought stories from pastoralist areas. Several resource persons and

<sup>7</sup> However, the statistics do not make clear how “pastoralists” are defined: those practising pastoralism or those belonging to pastoralist ethnic groups.

<sup>8</sup> An analysis of the Great Trek is central to a Masters thesis on policy lobbying and social services, completed last year by James Galgallo, Development Coordinator with the Diocese of Marsabit.

NGO partners were of the opinion that widespread media coverage makes an important contribution to changing attitudes and perceptions and to engaging the general public in the concerns of pastoralists.

Moreover, several former NGO employees – especially from pastoralist development projects supported by Oxfam–GB – are now in important government positions. Politicians have been vying for political support from different pastoralist groups. As a result of all these changes, policymakers and government officials now show more interest in and give more recognition to what NGOs are doing in pastoralist areas. Several resource persons stressed that pastoralism is now on the national agenda.

*“The pastoralist agenda has come to the fore. The NARC brought in the arid lands votes and set out to integrate arid lands into the economic mainstream. It sees arid lands in terms of their economic potential to society. It looks at pastoralism as an economic activity rather than as a candidate for humanitarian aid. Pastoralists have become a significant political force.”*

RECONCILE staff mixed group discussion, Nakuru

Nevertheless, the national-level Cordaid partners also recognised that inserting some sentences or paragraphs about pastoralists into a policy document is only a small part of a much larger task, which concerns not only pastoralists but all citizens of Kenya.

*“This has not yet been translated into real benefits on the ground. This is a problem of the policy context in total in this country. The pastoralist movement has to contribute to the larger movement of civil society to push politicians to be accountable, to make demands and monitor what happens.”*

RECONCILE staff mixed group discussion, Nakuru

The pastoralist lobby and the general change in the political climate in Kenya has brought pastoralist groups into the position that they can now link up with each other and be a powerful force:

*“Changes are taking place, but people are stuck in time in the problem analysis. People still say that pastoralists are marginalised, that they are not represented, but that is no longer the case. Changes at national level have opened up space to agitate for the interests of pastoralists. They used to be seen as a minority, but now no group is a minority without political voice. Groups can create alliances with other groups. Small groups coming together have as much weight as bigger groups. Being a minority is in their favour.”*

RECONCILE staff mixed group discussion, Nakuru

In contrast, some partner NGOs working in districts in northern Kenya felt largely cut off from national-level policy influence. They felt that they had not been sufficiently consulted about policy issues and that both they and the pastoralists with whom they worked did not receive sufficient information about the policies being formulated and therefore could not make an input. It was repeatedly said that national policies were not being implemented on the ground. They felt that not enough attention had been given to supporting advocacy and lobbying at the local level:

*“Little has been done to organise the local population for advocacy. At national level, there is the KPW, there are workshops and displays, and some people from the local population go there, but it does not go to the roots and does not come from roots. The fora happen in the big cities. Bring the fora to where the people are.”*

Partner NGO staff mixed group discussion, Marsabit

They referred to policy issues that are important for pastoralist livelihoods and that they had tried, in their own way, to address at local level, but this needed more support from national-level lobbying. An example given was the government policy about community-based workers in human and animal healthcare. The few doctors and veterinarians working in northern Kenya understand the situation of pastoralists and recognise the value of the community health workers (CHWs), traditional birth attendants (TBAs) and CAHWs. In a personal goodwill basis, the doctors and veterinarians collaborate with NGOs supporting these community-based workers, but the message about their importance for the wellbeing of pastoralist families had not reached national policymakers.

### 3.3.2 Rights to land and other natural resources

According to Cordaid partners and other resource persons, areas traditionally used by different pastoralist groups are still governed to some extent by customary law, especially in areas further from Nairobi, although these institutions were weakened considerably during colonial and post-colonial times. In the past couple of decades, numerous individual pastoralists (including those working with NGOs) have enclosed land for their private use for cropping and/or grazing, as was evident to the study

team especially in the Boran area. Migrating pastoralists still exercise customary rights of communal use even on land privately owned by non-pastoralists. A case study made in the Samburu–Laikipia–Isiolo–Meru area revealed that many pastoralists continue to practise extensive dry-season mobility through corridors that cross privately owned land (Lengoibonia *et al* 2009). Thus, two sets of land rights are operating side by side: the modern system of registered land and the traditional system of customary and/or negotiated access to land for limited periods.

Some cases of “destructive development” were mentioned, e.g. where the drilling of boreholes to open up new areas for grazing had led to the establishment of new settlements and to land degradation.

Some resource persons saw the greatest threat to pastoralists’ livelihoods not in drought – as the pastoralist mode of production and life is an adaptation to high climatic variability in which drought frequently occurs – but rather in the encroachment by other non-pastoralist actors on key natural resources needed to maintain this mode of production, including encroachment by one group of pastoralists on land customarily used by another. Most NGO people pointed to an increase in conflict in recent years, often associated with animal raiding using firearms. Because of insecurity, pastoralists and their herds are crowded into certain areas and taking a heavy toll on the grazing resources, at the same time as other former pasture areas are no longer used and have become scrub or woodland. Even if conditions would become more peaceful, there would still be a need for vegetation management to restore good pasture for cattle, or even greater emphasis on keeping camels and goats that can make productive use of the woody vegetation. The changes in vegetation and herd structure resulting from insecurity may be endangering the continuation of keeping cattle, which has been the cultural and economic focus of some pastoralist groups such as the Boran.

However, a few promising examples were cited where local institutions to govern land use had been recognised, revived and further developed. The IUCN Regional Drylands Coordinator reported that Boran in Garba Tula are documenting their customary laws and encouraging the county council to adopt them as bylaws (now published by Davies & Roba 2010). Such activities supported by NGOs – and general civic education to make pastoralists aware of their rights as citizens – had helped strengthen the voice of pastoralists and supporting organisations in objecting to irregularities in land acquisition and in insisting on community-based decisions about resource development:

*“A lot of pastoralist voices are heard now. They can speak on own and say: this is not right, this is not where we want a borehole; there should be no settlement here.”*

KLMC male staff group discussion, Nairobi

For over ten years, CSOs and persons within the KLA – to which several Cordaid partners belong (e.g. CEMIRIDE, Practical Action, MPIDO, RECONCILE) – pushed strongly for land reform. RECONCILE reported that, during the design of the National Land Policy, the pastoralist movement took the opportunity to ensure the strengthening of common-property rights, which is the main concern of pastoralists, and agitated for these issues together with the KLA as part of the wider land-rights lobby. They were successful in gaining recognition of the need to retain communal rights of resource use, to continue mobility in pastoralist resource use, and to strengthen customary institutions for managing resource access and conflict. In December 2009, the new National Land Policy was adopted by the GoK. It acknowledges collective rights to land as practised by pastoralists and other groups, such as hunter-gatherers. Previously, land in Kenya had been designated as government, trust or private land. Now, it is classified as public, private or community land. This should give secure rights to natural resources for communities, such as pastoralists, that use land in communal tenure.

### 3.3.3 Livelihoods

**Basic services and infrastructure.** There was general agreement that, compared with 10–15 years ago, pastoralists in northern Kenya had greater access to education, health services, clean water and improved telecommunications. Interviewees pointed to the positive development that tarmac roads are being built in pastoralist areas, e.g. the road from Isiolo to Moyale, after having been an unfulfilled election promise for years. Several Cordaid partners regarded this as a result of the Great Trek campaign (see Section 3.3.1).

The decentralised development funds made available to communities through various governmental and non-governmental programmes had been used primarily for schools and water development. In addition, the government had established more health facilities, although not all of them were staffed and the statistics about vaccination coverage in pastoral areas in Kenya continue to be worrying: 6% as



compared to a national average of 52% (CELEP 2010). The subdivision of districts led to establishment of basic services at more sites throughout the ASAL and attracted pastoralist families to settle close to them, not only for the services but also for security.

**Education.** In all areas visited, the interviewees pointed to higher schooling rates of pastoralist children in recent years. Previously, pastoralists had sent only a few boys and even fewer girls to primary school. They are now more interested in schooling for at least some of their children, as a kind of risk-spreading measure: education creates capacity for alternative sources of income in the future<sup>9</sup>. A larger number of pupils now enter secondary school, and some – including girls – go on to university. More primary schools have been set up with government funds, on the basis of community development plans. The introduction of Free Primary Education has led, however, to very high student-teacher ratios, so that the quality of education has fallen even lower than it used to be. Moreover, also with respect to education, comparison with national averages reveals how large the gap still is: the overall literacy rate in Kenya is reportedly 79% but the literacy rate in pastoralist areas is only 32% (CELEP 2010).

In the view of outsiders, a very positive development (which had also been highlighted by the pastoralists themselves) was that a larger number of educated and motivated ethnic pastoralists had returned to contribute to development of their own people. However, Cordaid partners pointed also to the growing number of school dropouts who remain unemployed in towns and fall into the gap between the pastoralist and “modern” world. Theoretically, school leavers who returned to the drylands could enter into alternative income-generating activities, such as business or technical services, but their school education had not prepared them for this.

**Capacity building by NGOs.** Over the past years, young pastoralists who had received some modern education, primarily through church-operated schools, became employed by NGOs working in their home areas. Some international NGOs, such as Oxfam–GB, did not seek primarily formal qualifications; they looked for personal qualities of motivated individuals. Especially the British and Norwegians provided support for these people to obtain diplomas and degrees up to MSc level. An example was given of a young pastoralist who started as a data collector for an international NGO, benefited from on-the-job and higher education, and now works as an expert with the United Nations Development Programme (UNDP). Some local staff members who had been hired and trained by international NGOs have advanced into government positions, even to the level of the Minister for Development of Northern Kenya and Other Arid Lands. Thus, NGOs built capacities of pastoralist community members, both male and – to a lesser extent – female, gave them responsibilities, increased their self-confidence and helped them set examples for other community members. When some of these individuals left to join other organisations – including new local NGOs and government departments – this was not regarded as a loss but rather as a contribution of NGOs to overall development in pastoralist areas.

Some of the pastoralists who left the area or even the country for further education have returned to work as NGO or government staff among their own people and/or have invested in their home areas, not only in livestock but also in houses, shops and hotels. Similar investments are being made by soldiers with a pastoralist background. In addition, as noted by COMESA (2009), remittances from relatives living overseas or in urban centres have become increasingly important sources of financial capital for pastoralists.

**Livestock production.** Animals are the main source of livelihood for pastoralists. NGO staff working in the ASAL reported that water development for people and animals had changed land-use patterns, but had not led to improvements in livestock productivity or the state of the natural resource base. Cordaid partners reported a better survival rate of livestock where CAHWs had been trained and were active. The general perception was that the level of cattle productivity had fallen. Because environmental conditions have become less favourable for cattle, many pastoralists now keep fewer cattle and more goats and camels. Thus, the species composition of the herds has changed over the past decade, and important traits of indigenous cattle breeds in high-risk dry environments are in danger of being lost.

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<sup>9</sup> The contribution of education to the wealth of pastoralist families is illustrated by a 20-year study in Baringa District: the proportion of households with at least one secondary school graduate increased from 8% to 23%; 78% of the households with secondary school graduates received remittances, whereas only 30% of households without such graduates received remittances (COMESA 2009).

A particularly dire picture was painted by government officials in Moyale District in the far north. The human population has increased, movements of people and livestock have become more restricted, the number of animals has dropped sharply, and more people are trying to grow crops but with little success. As a result, the vast majority of pastoralists in the district now depend on food aid. However, the government officials also pointed to innovations that pastoralists had developed to cope with the increasing frequency and intensity of drought. The richer ones have increased their mobility by hiring trucks to transport their animals to better pastures, even across the border into Ethiopia. Following their example, also some owners of smaller herds have started to combine forces: each owner sells one animal and, with the proceeds, they jointly hire a truck to transport their remaining cattle.

**Marketing and other forms of diversification.** According to Cordaid partners, the pastoralists with whom they worked had become more self-reliant (i.e. less dependent on food aid) as a result of improved marketing possibilities and diversification into dry-season cultivation, beekeeping and other income-generating activities promoted by the partners. Pastoralists were more involved in the cash economy than in the past and more willing to sell their livestock. The richer ones used income from animals to invest in other things, especially education, but also buildings and vehicles. Although not an activity supported by Cordaid, partners pointed to the growth in ecotourism in some pastoralist areas, especially where group ranches had become involved in wildlife conservation, sometimes collaborating with private-sector actors. Both international and national NGO partners regarded marketing as the key to improving pastoralists' livelihoods. Although improvements had been made in some areas, they felt that most pastoralists are still disadvantaged with respect to markets and roads, in part because of the vastness of their area and the sparseness of the population. Trading places continue to be an important site for information exchange between pastoralists and other actors. It was stressed that improved road infrastructure would contribute greatly to improving marketing and, through it, access to information.

**Poverty alleviation.** Cordaid non-pastoralist partners felt that they had helped improve the livelihoods of the pastoralists with whom they are working but that the majority of pastoralists were, in economic terms, worse off than 10–15 years ago. The gap between rich and poor had increased and a growing number of people had dropped out of pastoralism, resulting in a larger number of families dependent on food aid. The resilience of pastoralists had not improved, as resilience depends on mobility, which was restricted by insecurity and reduced access to land. However, the capacity of outside agencies to respond to shocks had improved. Through the improved early-warning systems, there is reportedly less time lag between the emergence of a crisis and the allocation of humanitarian resources. On the other hand, this has had the negative effect of attracting destitute people to settle around food distribution points, undermined local social-security mechanism and created greater dependency on external aid.

**Lack of data.** The picture of pastoralism that is generally reflected in planning documents over decades has remained much the same, even though much has obviously changed. Planners lack current data about human and livestock populations; relative numbers of "pastoralists" who are mobile, semi-settled, settled and totally without livestock; changes in herd structure and the reasons for this. Official statistics on land area used by pastoralists have not changed for years, yet the information from interviews, own observations and research reports make it clear that game parks, nature reserves and cropping have encroached on what used to be pastureland. Government agencies appear to give little attention to data collection or analysis of existing data, and therefore lack up-to-date information as a basis for planning. According to reports from the field, northern Kenya has just experienced a devastating three-year drought, but it is not clear how many animals died and how many survived; how much land has reverted to impenetrable bush and can no longer be regarded as grazing land; and how many pastoralists still consider themselves capable of living from pastoralism. Numerous small-scale studies have been carried out by Kenyan and foreign researchers, but the information is usually not available in a format usable by development planners and implementers, including pastoralists themselves.

### 3.3.4 Status and rights of pastoralist women

Cordaid partners and other development actors in northern Kenya saw a marked increase in pastoralist women's abilities to make decisions within and on behalf of the household resulting from their increased access to assets (e.g. goats) and income, with which they paid school and medical fees and bought food and other necessities for the household. This change was reported in all pastoralist areas visited and was attributed to the efforts of NGOs and government organisations to help women organise themselves into petty-trade cooperatives, savings and credit (S&C) groups, livestock-marketing cooperatives etc. Some women's groups owned assets such as seminar venues and accommodations

to rent. Their own income gave the women some degree of independence, increased their sense of self-importance and increased their status in the community, especially – as was noted by staff in the Diocese of Lodwar – in the case of single mothers. The pastoralist women with whom the partners NGOs were working had opened bank accounts, had taken out loans and had been more successful than men in making good use of micro-credit to generate income.

*“In the past, pastoralist women were not allowed to sell animals and did not enter markets. Now the women sell tea, small stock, even cattle. A woman used to have to ask her husband to sell animals; this is not the case today. Women have made more progress in economic activities than men. Groups composed of only women are more reliable in repaying loans. The banks trust women more than men. Because of the difficulties experienced by pastoralist groups, more women have become breadwinners. When the livestock died, the men became idle, while the women formed groups and gained economic power. This gave them more power to make decisions at household level.”*

KLMC male staff group discussion, Nairobi

Indeed, one all-male discussion group composed mainly of government officials suggested that women and girls had been promoted so strongly among the Boran that the men had become marginalised:

*“Women are controlling everything. Now that the Boran no longer have large herds, the women access funds from NGOs and government, they buy small stock and poultry, they do petty trading, they keep bees, they make and sell bread, they build lodges, they have the ready cash and they don’t need to ask men’s permission to spend it. It is the women who are bringing the iron sheets for roofing, the women who are making the improvements. The men have become idle; they chew mira and sleep. The change of lifestyle has brought psychological problems. Women are being empowered by NGOs and government. Young men can apply for the youth enterprise fund but men over 35 are being marginalised; there are no enterprise funds for them.”*

Government and NGO male staff group discussion, Moyale

The partner NGOs in northern Kenya reported that pastoralist women had become more greatly involved in decision-making not only in the household but also at community level. This was attributed largely to the fact that foreign and local NGOs challenged cultural norms among pastoral peoples by insisting that women be present and be heard in public meetings. The NGO staff had observed that, in the local development committees, the treasurers were often women, as all committee members trusted the women to handle money well.

The gender agenda was taken over by the Government, possibly with political motives, but the end effect has been greater visibility of women in the public sphere. However, Cordaid partners and resource persons noted that most of the ethnic pastoralist women visible in the public sphere are town-based. Even women from crop farming communities have had little voice in the women’s movement in Kenya, and rural pastoralist women even less. Most issues raised by urban ethnic pastoralist women in discussions with the study team revolved around employment or other forms of town-based income generation. Some other issues raised by the women’s movement, such as women’s rights in the case of divorce and female genital cutting, are relevant also for pastoralist women. On the whole, however, staff in partner NGOs at national level saw little impact on pastoralist women emanating from the women’s rights discourse in Kenya. They saw a need to have pastoralist women or at least *“people thinking of pastoralist women”* more involved in discussion of women’s issues at national level.

One national-level partner doubted whether there has been any real change in how women relate with power structures in pastoralist society, despite the fact that there is now a larger number of educated pastoralist women in county councils, national commissions and Parliament:

*“Women are not being elected into the county councils; they are being nominated because of the government regulations requiring more women in the councils. Pastoral women are very powerful in the societies structured in age sets and very influential in actual decision-making within the pastoralist society. However, at the interface between traditional and modern structures, the pastoralist men define how the community relates with the modern structures. Even if progress is made that women are members of formal modern structures such as the School Committee or the CDF Committee, these structures are mediated by men. When girls go to school, they lose the right to sit in the female age sets; school draws them out of the traditional organisational structure and influence. As ‘representatives’ in modern structures, they do not respond to the needs of pastoralist women at grassroots level. Pastoralist women in formal structures, e.g. as MPs, are blocked upwards by men and downwards because they are not in the age sets and are not recognised by pastoralist women.”*

RECONCILE mixed staff group discussion, Nakuru

## 4. Assessment of change

### 4.1 Pastoralist worldviews, values and identity

Especially when meeting with pastoralists not supported by Cordaid partners, it became evident to the study team that many of the changes reported by pastoralists have come about not because of project support but rather because of larger movements and general changes within Kenya. This may be a biased view, as all the pastoralists encountered – whether supported by NGOs or not – were living either close to or within a couple of hours' drive from towns, and both the men and the women spoke of having been in those towns. They had been exposed to other “worlds” through telephones, radio, television, electricity (including solar power), internet, marketplaces and other trading sites, and had thus come to know about other ways of living and had entered into a money economy. Since decades, faith-based organisations and later the government have been making health and education facilities available at fixed points which became settlements including people from other cultures. Not only development interventions but also other pressures have forced pastoralists to change their way of life. In northern Kenya, because of the proliferation of small firearms, many pastoralist groups sought protection by moving closer to settlements where police had been posted. The trend is toward selecting a semi-permanent site when the women and children live (within walking distance of a primary school), while the herds remain mobile, grazing more remote pastures seasonally and cared for by older men and some youth who did not go to school.

**Views on culture.** The pastoralists met by the study team had partly changed their view of their own culture: Samburu and Rendille women expressed pride in the fact that they no longer wear their traditional attire (leather) but rather wear cloth that can be washed and that they are aware of hygiene<sup>10</sup>. Nevertheless, men and women in the different ethnic groups seemed to be developing distinctive styles in their modern attire and retained the traditional adornments, e.g. beadwork, and particular colours.

With increasing education and urbanisation, individualism has become more pronounced:

*“In the traditional set-up, everything was ours. We were taught that we had to take care of our neighbours. But the white man has taught me to be selfish, to take care of my family, to save, to buy a good house, to get a TV. Western values will triumph over traditional values.”*

Educated Turkana man, Lodwar

However, discussion with the “children” of pastoralists now living and working in towns revealed that many still identify themselves as pastoralists, and continue to own and invest in livestock kept by herders and controlled remotely, e.g. by mobile phone. Also among the educated pastoralists who have returned to work in their home areas, there is still a strong cultural attachment to livestock, although economic reasons are also given.

*“There must be some animals with your relative or you hire someone to look after them. You need that for your pride, to keep the family image, but money also needs to come from your herd. We keep livestock for commercial purposes: we buy and fatten stock and keep only a very small breeding herd.”*

Educated male Boran staff member of partner NGO, Moyale

Resource persons who had recently or are still working in more remote areas of northern Kenya reported that, among mobile pastoralists who depend mainly on livestock, wealth is still measured in terms of number of animals and the social relationships linked with those animals, and people who earn income through livestock or other sources continue to invest some of this in livestock. The study team observed among the more sedentary pastoralists in semi-arid areas that investments were being made in non-pastoral realms, such as housing and transport, but also in fencing communal land to reserve it for their own livestock. In the drier and harsher areas, however, such as the desert between Moyale and Marsabit where Gabra were seen herding large herds of goats, the team was informed by an NGO staff member that communal management of natural resources is more highly valued and individualism in land use is shunned in such areas. These local values regarding communal and flexible use of land probably reflect necessity in trying to live from livestock in an extremely dry environment. Worldviews of pastoralists are being changed also by their own sons and daughters, by those who went away to school and returned home to contribute to the development of their people. For example, the Samburu

<sup>10</sup> These are, of course, the comments that they would expect a foreigner would want to hear.

staff members in SIDEP saw themselves as “agents of local sociocultural change” who are “transforming Samburu society” (group interview).

One educated ethnic pastoralist even felt that there were mainly political motivations for raising pastoralists’ consciousness of identity:

*“Politicians divide us along ethnic lines to dilute our ability to form alliances to advocate for issues that affect us all. That is why our issues do not reach national level. We are marginalising each other.”*

Partner NGO staff mixed group discussion, Marsabit

The positive counter-example cited was the civil-society campaign in northern Kenya for a tarmac road:

*“The Great Trek had the support of ten indigenous groups. They recognised that identity, tribe or religion was not the issue, that the common agenda was service delivery.”*

Partner NGO staff mixed group discussion, Marsabit

**Views on the future.** Change in identity is also reflected in the way the people view the future of pastoralism. According to the chief of the Rendille pastoralists who had recently moved their families and herds closer to Laisamis: “If there is rain, there will always be pastoralism”. Also the younger men saw their future in pastoralism. They expressed great interest in livestock trade and stressed the efforts they make to travel to distant markets such as Loguniani, Isiolo and Maralal. They spoke of transforming their animals into money during drought and then buying animals again afterwards.

Samburu men and women in separate focus-group discussion in Wamba, a semi-arid area with some possibilities for crop farming and gardening, saw their future in having two main “legs” of livestock-keeping and cultivation, supplemented by small-scale business, and gave great importance to marketing<sup>11</sup>. Part of the family will be settled and the younger men and women will move with the herds.

The pastoralists who had few or no livestock and were living in villages or towns were very pessimistic about the future of mobile pastoralism. Their view was doubtless influenced by three consecutive years of drought and high livestock mortality. These are the people who had not succeeded, had dropped out of pastoralism (at least temporarily) and were living on relief aid and remittances, as well as alternative sources of petty income. The Turkana interviewed in Kalamunyang, Lopeyei and Oropoi said they relied mainly on food aid<sup>12</sup> and their numbers were growing. “The culture of nomadism is getting off; there are still nomads in the interior but very few; that life style will not stay” (elderly Turkana woman, Lopeyei). Boran women in a group discussion in Godoma saw little hope in complementing pastoralism by cultivation, because the crops usually failed, but saw no future in pure pastoralism either.

Pessimism was also expressed by some educated ethnic pastoralists working in pastoralist development and/or policymaking in i) a district government, ii) a Cordaid partner NGO and iii) a high government office, respectively: “Pastoralism is dying” (Moyale); “Nomadism is dwindling; the future is not bright” (Marsabit); “Pastoralism as an economy and way of life is in serious decline. Insecurity, land grabbing and drought are threatening to destroy pastoralism” (Nairobi).

Thus, the perspectives on the future of pastoralist life and culture differed according to past experiences of drought and other shocks and possibilities of complementary sources of livelihoods. A generalised assessment cannot be made but, among the pastoralists with whom the Cordaid partners are working, the trend is clearly toward diversification of livelihoods and a new life style accompanying this.

As the study in Kenya was done after three years of drought, pessimistic tones about the end of pastoralism were heard among people who had lost many of their animals and among NGOs supporting these people. The same tone has been heard after previous droughts, but the poverty of many of the pastoralists turned out to be only temporary. According to Little *et al* (2006), those people who maintained pastoral livelihoods, participated in local institutions and rituals, and kept up their local social obligations did not consider themselves to be poor, even if they suffered food insecurity during droughts and had “below-average” cash incomes and expenditures. The period of six years (2003–08) on which the current study focused of this study is too short to be able to discern lasting positive or negative trends in the quality of pastoral livelihoods.

<sup>11</sup> Most of them were members of the local Market Management Committee.

<sup>12</sup> The study team was speaking with settled pastoralists who depend on food aid, but this may not reflect the situation of the majority of pastoralists. A survey-based study of food aid in the east African rangelands revealed that it made up only a minor share of household income. In northern Kenya, only 30% of pastoralist households derived more than one-quarter of their income from food aid even in the midst of a severe drought (Lentz & Barrett 2004).

**Forced integration.** Elements of indirect “forced integration” were evident mainly in two spheres:

- *Western education:* In Kenya, basic education is compulsory. Pastoralist children who went to school have been inculcated with Western values, have learned about other lifestyles and are questioning some aspects of pastoralist life. This has been a passive rather than a forced assimilation. In full recognition of this change, pastoralist parents continue to send their children to school because they regard investment in education as a way to bring their families somewhat greater livelihood security. The study team encountered no evidence of resistance or avoidance; quite the contrary, many pastoralists living in or close to settlements said they had moved there or stayed there because schooling was available. Also a resource person living in North Horr reported that Gabra nomads are demanding modern education for their children: in this case, however, rather than sending their children to school in town, they wanted to have teachers living in their community so that they could continue to give their children the traditional education that would inculcate a sense of responsibility for their people.
- *Induced settlement patterns through provision of services:* Clinics, dispensaries, schools, potable water supply, roads and, above all, food aid attracted pastoralists to settle in order to take advantage of these amenities. A few NGOs tried to set up alternative modes of service delivery to suit a mobile lifestyle, such as CHWs, CAHWs and mobile out-of-school teachers, but by far the majority of services were offered at fixed points which became settlements. The recent subdivision of districts, leading to an increased number of administrative sites, has increased this trend toward villagisation in pastoralist areas.

As in other countries in Africa, pastoralists in Kenya did not chose to become citizens of Kenya, but neither did the majority of other ethnic groups that happened to be in the area that was designated by colonial powers and later gained independence as Kenya. It was a deliberate policy of the post-Independence government to create a nation, i.e. to build a Kenyan identity. Not only pastoralist children but all children in Kenya were sent to secondary school and college in other parts of the country than their home area. Also their first employment was usually in another ethnic area. At latest by second grade, the children were (and are) obliged to speak Swahili or English. Indeed, children caught speaking their mother tongue at school were obliged to wear the “necklace of shame” and to pass it on to the next children they found not speaking Swahili or English. In this sense, all ethnic groups in Kenya have been subjected to “forced integration”.

## 4.2 Pastoralist self-determination and inclusion in development

The devolution of decision-making about use of government funds has given pastoralists and other peoples in Kenya more opportunity to determine their own economic, social and cultural development. Changes in policy at national level have also recognised their collective rights to natural resources. However, some pastoralist groups at grassroots level have inadequate information about these changes, such as the Boran met by the study team near the Ethiopian border, who feared losing their traditional rights to water, having misunderstood the new water policy in Kenya.

Although the National Land Policy makes good provisions about collective rights of pastoralists and other minority groups, there continues to be a general push by government and the private sector for privatisation of land rights. There is also disagreement among pastoralists, with some pressing for more individual land rights and others wanting to continue to retain collective rights. Also when pastoralist land was trust land, the GoK failed to enforce the law and to prosecute transgressors. Pastoralists were not sufficiently aware of the policy foundation which they could use to protect their rights.

Still other policies have been adopted that rob pastoralists of the advances in self-determination that they had gained in recent years largely with the support of NGOs, but pastoralists at the grassroots do not seem to have been informed about these policy changes. For example, Turkana women trained as TBAs complained to the study team that they no longer received any refresher training, and were not aware that the government is phasing out TBAs. The women said they are allowed to speak at community meetings called by the chief. However, because they had not received information about policies being discussed at higher levels that directly affect the services that they can give to their people, they had not taken the opportunity to voice their concerns at the community meetings.

The pastoralist groups encountered during the study were less marginalised than in the past with respect to basic services and infrastructure, but development was still very far from what they want and need. A comparison of human development indicators with others parts of the country – above all, the

Nairobi area – would obviously put pastoral areas at the bottom of the ranking (*cf. Rowley et al 2007*); however, in the perception of the pastoralists encountered – also those not working with Cordaid partners – service provision has improved (from a base of nil, in many cases). They are more aware of their rights to social services, and the subdivision of districts into smaller administrative units has given them opportunity to negotiate directly with local government officials.

Improved telecommunication has contributed greatly to decreasing the marginalisation of pastoralists and other people living in remote areas of Kenya. Mobiles phones and other forms of ICT are already being used by pastoralists particularly for money transactions, to a lesser extent for access to market information. It was striking how quickly M-Pesa had become integrated into the lives of both settled and semi-nomadic pastoralists. While NGOs were focusing on local S&C and village-banking schemes, pastoralists recognised the opportunities beyond the vision of the supporting NGOs and adopted ICT variants for money transactions coming through the private sector. Cordaid and its partners in Kenya seem to have given little attention to the potential of ICT for decreasing marginalisation, but some NGOs such as ALIN (Arid Lands Information Network) have gained good experience in setting up ICT-based information centres in pastoralist and crop-farming areas. These days, capacity building in ICT should be incorporated into all development projects, not only those related to marketing.

Access to relevant information is key to the ability to make choices for improving productivity and livelihoods. However, links between pastoralist-led development, on the one side, and pastoralist-related formal research and extension, on the other, continue to be weak. Research organisations such as the International Livestock Research Institute (ILRI) and the Kenya Agricultural Research Institute (KARI) have explored new approaches to research and development in and for pastoralist areas, e.g. Pastoralist Field Schools, but have not managed to institutionalise these approaches. Moreover, most approaches in livestock-related extension are based on settled production systems.

Those multi- and bilateral projects and international NGOs that hired and built the capacities of people from local pastoralist groups contributed to enhancing pastoralist inclusion in development. Local staff were enabled to set up and manage local community-based organisations (CBOs) that, in some cases, developed into NGOs. This was encouraged by donors seeking way to sustain development achievements: several projects created or strengthened local organisations to manage service delivery (e.g. water supply) and, as part of the project's exit strategy, helped local staff form NGOs to continue some aspects of the project's work. For example, the District Pastoralist Association in Wajir was set up in the mid-90s with the support of Oxfam-GB and ALRMP to ensure maintenance of water and veterinary-drug supply and to continue promotion of peace.

The overall impression gained during the study was one of increased opportunity for pastoralists to determine their own development path, e.g. through recently adopted laws and through decentralisation of government administration, but a continued need for capacity building of local CBOs and NGOs so that they can grasp these opportunities – to know about them and to organise themselves to take development into their own hands. Important advances have been made in including pastoralist men and women in decision-making bodies at local levels. A few pastoralist NGOs have emerged, but they still need training and mentoring in organisational and management skills and in improving communication with their constituencies and with higher-level organisations.

However, strengthening local organisations and capacities is a slow process, while other factors are quickly undermining pastoralism. As a general picture, pastoralists and NGOs reported a situation of higher human population, greater poverty (fewer animals per person and a lower percentage of households able to live from livestock), reduced food security and – as a result – greater dependency on support from government, NGOs and/or relatives in cities or abroad. This impression may have been gained because most of the pastoralists met by the study team were those living in or near settlements, who had lost many of their animals. Some had diversified – by necessity or by choice – into other activities and saw hope for survival, with livestock-keeping as only one leg, if at all, of their livelihoods. The team did not have a chance to explore the changes among pastoralists who have enough animals to be able to continue a pastoralist way of life and culture. In the wealth-ranking terms of pastoralists, these would be the richer families. Recent case studies of pastoralist livelihoods reveal that the gap between rich and poor has become wider (*cf. Lesorogol 2008*). Levels of dependency are likely to be greater around settlements than in the more remote rural areas.

### 4.3 Pastoralist representation and power

Since post-colonial times, there have been individuals from pastoralist ethnic groups that have wielded considerable power within Kenya. Especially some Maasai and Somali men were influential both politically and economically. However, they were largely divorced from their own people in the rural areas and did not translate their power into improving the situation of their people. Liberalisation and improved communication facilities within Kenya in the past few years allowed people to express themselves more openly and created a favourable environment also for pastoralist groups, which managed to use mass media such as radio, television and newspapers to voice their concerns. Educated ethnic pastoralists have been successful in bringing statements supportive of pastoralism into major policy documents, such as the National Land Policy and the revised Constitution. There are now more pastoralists in Parliament and in key government positions. Recently, well-educated, well-informed and committed ethnic pastoralists have assumed high government positions such as Minister for Northern Kenya and Other Arid Regions and Commissioner for National Cohesion and Integration.

The discussions with resource persons and the study of policy documents revealed that at least some national-level policymakers have a better understanding of pastoralist issues and have brought about positive policy change. Civil society has been the prime mover behind this change – not only NGOs but also committed individuals that joined forces in a movement and communicated with policymakers through informal channels. The outstanding NGO behind much of this change has been Oxfam–GB; some passages from their policy briefs were taken over word-for-word into government draft policies. Indeed, mention was made more than once of the “Oxfam cabinet”, composed of several persons who had gained expertise through their earlier work in Oxfam projects. An important contribution was also made by studies, policy briefs, training courses for pastoralists and policymakers, strengthening of local pastoralist CSOs, and networking and information-exchange meetings under the RECONCILE / IIED (International Institute for Environment and Development) project on “Reinforcement of Pastoral Civil Society in East Africa”. This project grew out of recognition that NGOs and committed individuals were carrying out activities on behalf of pastoralists, instead of empowering pastoralists and their organisations to fight their battles themselves (Rowley *et al* 2007). The current pastoralist development programme of Cordaid is designed to continue this process.

Looking at the proportion of pastoralist MPs (21%), at least with respect to ethnicity, pastoralists appear to wield disproportionately large power at this level. Members of pastoralist ethnic groups are commonly seen and see themselves as pastoralists, but they are pastoralists by identity, not in practice. Some act as representatives of pastoral peoples in Kenya but are not always well-informed about what is actually happening in the rural areas. This creates a problem in lobbying for relevant policies.

*“The pastoralists most advanced in terms of formal schooling have represented pastoralists and influenced policy often without realising that pastoralists in other parts of the country live in a completely different environment than Kajiado, and the policies may not be appropriate everywhere.”*

Partner NGO staff mixed group discussion, Marsabit

Pastoralists at the local level expressed greater confidence in the Cordaid partners with which they are working than in their MPs. For example, in a group discussion in Kalamunyang, Turkana TBAs regarded the Diocese of Lodwar staff, through the patient attendants, as the channels through which they could convey information about the reality of health services in their area and could receive information about impending changes in health policy. In a group discussion in Wamba, male Samburu pastoralists, describing a recent incident in which military forces attacked a pastoralist settlement, referred to the local Cordaid partner NGO as the channel through which they were seeking redress:

*“We do not know where to run to. Government is causing the problem so we cannot turn to them. Our only alternative is SIDEP. The government is like this mountain; if the mountain refuses to accommodate us, we need to seek refuge elsewhere. The one who is closer to us is SIDEP.”*

Samburu male pastoralist group discussion, Wamba

Also at regional, district and locational level, former staff of international NGOs, bilateral projects and foreign-funded Kenyan NGOs have taken on positions in government administration, e.g. as chiefs, and have thus been able to influence policymaking to some degree and actual policy implementation (or adaptation to the local situation) to a larger degree. Pastoralists and local NGOs regarded this as very beneficial because, where their own people are in key positions at these levels, they are more likely to recognise the importance of facilities and regulations that are suitable specifically for pastoralists, such as CHW, CAHWs and other mobile social services.



National-level NGOs expressed doubt whether sufficient information about policy reaches the relevant people at lower levels and whether relevant information from those levels is fed into national decision-making processes. CEMIRIDE felt that many pastoralist community representatives lack convincing arguments for policy influence and lack sufficient information and understanding, e.g. of budget cycles and tracking, to put policy into practice. Although devolved funds (e.g. the CDF) have become available to allow a greater degree of local-level decision-making, it remains a challenge for most pastoral groups to access these funds.

#### 4.4 Position of pastoralist women

Men and women pastoralists, Cordaid partners and other resource persons agreed that there has been a great change in the situation of pastoralist women. Formation of women's groups and involvement of women in mixed groups for livestock marketing and other forms of income generation have widened women's horizons, leading them to discuss matters that used to be considered only the concern of men. They have been empowered both economically and sociopolitically. This change came about partly because NGOs and the GoK had pushed the women's agenda, given seminars and training, and encouraged women to form groups for mutual support and income generation. But it is also – at least according to Boran women in Godoma – because the women themselves saw the need to join forces and do something to improve their lives, because the men had lost the family's livestock and the women had to find other ways to support the family. The Boran women in poor households (i.e. with few or no livestock) referred to themselves as household heads, even if their (aging) husbands were still alive. This could be celebrated as empowerment of women, but also means that women now have even greater responsibilities and workload than in the past, especially in families that have lost their livestock and possibly even sold their (privatised or group-ranch) land. Among the women settled in urban areas, their efforts to support their families may have also exposed them to HIV/AIDS.

NGOs played a large role in creating opportunities for women to own assets, including livestock, as individuals. Women now have more opportunity to deal with money on their own account. It is not clear to what extent this private ownership of assets has weakened traditional collective decision-making about livestock in the household or (sub)clan.

Other traditional institutions, such as customary rights of women to use communal land to collect food, fodder, firewood, building materials, medicines and herbs have reportedly been weakened. Selling of Trust Land to individual male owners in pastoralist areas has denied women access to sources of livelihood for their families (KLA 2004).

At grassroots level, pastoralist women have taken on roles in community committees, although the lower levels of literacy and greater language constraints among women than men may limit their contribution. Pastoralist women are also more visible at national level. However, the linkage between the two levels still needs to be strengthened. The pastoralist women who hold important positions in Parliament and national commissions are educated women that live in a completely different world than that of the pastoralist women in the rural areas. They are identified as “pastoralists” because of their ethnicity. Even in northern Kenya, most of the pastoralist women interviewed by the study team were based in villages or towns. Their perspectives will differ from those of women practising mobile pastoralism. The question remains whether the concerns of these women are being voiced directly or indirectly through modern power structures and, if not, how this could be achieved.

## 5. Contribution of Cordaid partners' interventions

This section outlines the interventions made by Cordaid partners and tries to assess their contribution to changes in the situation of Kenyan pastoralists in the last ten or so years. The assessment is made on the basis of project documents, discussions with project staff and beneficiaries and other resource persons and – to a limited extent – mention of Cordaid contributions in other documents. As Cordaid supported both specific project interventions and the strengthening of partner organisations, reference is made here not only to the Cordaid-funded interventions but also to some other activities carried out by the partners, who stated that the organisational strengthening made them better able to carry out the other activities. The assessment of outcomes or impacts is based primarily on the project progress and closing reports rather than external evaluation and impact studies, very few of which could be found.

Some Cordaid partners receive support from a large number of other donors. Cordaid's contributions are sometimes not very visible, because the local organisations do not identify with Cordaid some of the work partly funded by Cordaid through, e.g. SNV and IIRR. It is positive that Cordaid is collaborating with other NGOs in supporting pastoralist development at the grassroots, national and international level. Especially the activities related to advocacy and policy dialogue were co-funded by Cordaid and several other organisations. Such collaboration is likely to lead to greater impact.

The types of intervention made by partner organisations with Cordaid support (referring mainly to Programme 1<sup>13</sup>) in 2003–08 that have contributed to the above-mentioned changes are presented below according to the three main aims of Cordaid's work in pastoralist development during that period: to alleviate poverty directly, to strengthen civil society and to influence policy relevant for pastoralists.

## 5.1 Direct alleviation of poverty

According to the Cordaid project descriptions<sup>14</sup>, 26% of the pastoralist-related projects funded by Cordaid Programme 1 in Kenya in the period 2003–08 focused explicitly on direct poverty alleviation, while still others included one or more poverty-alleviation components. These included activities to increase food security and income, to improve access to natural resources for pastoralist livelihoods increase and, closely related to this, to contribute to conflict resolution.

**Livestock production.** A direct contribution by Cordaid partners to livelihoods in pastoralism has been the assistance given in diversifying the species composition of their herds so that the people can continue practising pastoralism as a way of life and source of livelihood in a changed natural environment. Richer pastoralists had already been diversifying into camel husbandry; FARM–Africa and SIDEP have assisted also other families to obtain camels.

A frequently mentioned contribution by Cordaid partners to pastoralism was the support to building up a system of community-based animal health work, in collaboration with Practical Action, Oxfam–GB, VSF and FARM–Africa. This includes service delivery across borders, linking with drug suppliers and drawing up memoranda of understanding with district veterinary departments on both sides of the Kenya/Ethiopia border. Working with pastoralist MPs and the Ministry for Development of Northern Kenya, Cordaid partners Practical Action and FARM–Africa have lobbied for national-level policy change in Kenya, where less openness for this approach has been shown than in Ethiopia. They collaborated on formulating the Kenyan Animal Health Technicians Bill to anchor the existence and practice of animal technicians in statute law. Most of the CAHWs trained have been men.

Practical Action also worked with groups of pastoralists to set up grazing committees and stock-route committees as local organisations that negotiate access to natural resources and agree on reciprocal grazing arrangements, including transboundary agreements made by cross-border committees of elders. The local committees, together with CAHWs, also monitor livestock diseases and incidence of conflict and kick in mechanisms to deal with them. One important outcome reported by Practical Action was a reduction in raiding by young men trying to restock. **Peace-building activities** have made a direct contribution to alleviating poverty and other forms of suffering by allowing safe movement of herds and herders to pastures, water sources and markets. Practical Action reported that it pioneered the peace-committee approach with Cordaid funding. The good experiences made with this approach inspired others to scale it up: for example, according to Practical Action, USAID adopted this approach in supporting peace-building work in the Mendera Triangle on the Kenya/Ethiopia/Somalia borders.

As survival is a prerequisite for identity, the achievements under Programme 4 in building more resilient communities in a high-risk environment deserve attention in this study, although it is meant to focus on the activities supported under Programme 1. The enthusiasm expressed by pastoralists, Cordaid partners and other resource persons suggest that the work on Community-Based Disaster Risk Reduction (CMDRR) is heading in the right direction. The evaluation by Cosgrave (2009) showed that CMDRR helps create a broader livelihood base and, in cases where the community has developed its ability to influence local government, can leverage both community and government resources. In

<sup>13</sup> However, in the discussions with partners and non-partners in Kenya, they normally did not distinguish between the contributions of Programmes 1 and 4, as they regarded it all as "Cordaid support to pastoralists".

<sup>14</sup> These percentages were calculated from the matrix of CFA projects classified by the study team during the inception phase according to, among other factors: country/region, funds committed, type of partner, type of intervention and type of approach. The matrix was based on project data provided by the CFAs. The figures in this report refer to the work of 24 Cordaid Programme 1 partners in Kenya (not including LPWK, which became a partner only in 2009).

Kenya, there is high interest and positive feedback on the training and publications on managing disaster risks, such as the training manual on CMDRR produced jointly by IIRR and Cordaid in 2007.

**Marketing.** Cordaid partners have helped to improve pastoralists' income from marketing by facilitating the formation of marketing cooperatives (e.g. for livestock, honey, resins, gums) and providing training to the members. In the Samburu area, SIDEPE helped pastoralists set up two local livestock markets, which reportedly led to reducing brokerage costs and increasing incomes of the livestock keepers, and also stimulated local initiatives in establishing two more markets (SIDEPE proposal 2007–08). A Samburu pastoralist elder in Wamba described the role of SIDEPE as follows: *"They gave us the knowledge to be self-reliant, enabling us to organise revenue sharing [by the livestock market committee and the local council] on our own and assisting us in getting market information."* According to KLMC, the opening up of markets in pastoralist areas, which are visited by various ethnic groups, has also helped to reduced inter-ethnic conflicts, because the pastoralists are interacting on a different basis and have a local committee to deal with any emerging problems.

**Micro-enterprise development.** Especially pastoralist women reported that they have benefited from the support of the NGOs (Cordaid partners, although the women did not describe them as such) through training in small-enterprise development and other income-generating activities, and highlighted the importance of visits to groups in other areas in order to learn from them. The women have been linked with banks and micro-finance institutions, have learned how these institutions operate and have gained more confidence in using them. Project documents point to increased household incomes as a result of mobilising pastoralists to initiate revolving funds from their own contributions and giving loans to small-scale businesses (e.g. SIDEPE proposal 2007–08).

**Human healthcare and potable water.** Cordaid partners have contributed to improving the availability and quality of human health services, particularly through the Catholic Dioceses, which have received funding from Cordaid and its predecessors since decades. In recent years, government health services in northern Kenya have improved and the study team's interviews with government staff in Lodwar and an evaluation report on the work in Marsabit (Aboum & Kiyonga 2007) indicate that the Dioceses' services have become better integrated with those of the Ministry of Health (MoH). The Dioceses built and continue to staff health posts and clinics throughout northern Kenya. They and other Cordaid partners, working with district MoH staff, provided initial and refresher training to community-based workers: female TBAs and female and male CHWs who, according to project reports and interviews during this case study, play a vital role in human healthcare among pastoralist groups. The combined efforts of the Cordaid partners, other NGOs, the MoH and the private sector have probably reduced maternal, infant and child mortality rates, but statistics are hard to come by (*cf.* Aboum & Kiyonga 2007). A large part of the improvement could be attributed to Cordaid support, as the Diocese staff and external evaluators (Aboum & Kiyonga 2007) report that the Dioceses still operate over half the health facilities in northern Kenya.

**Education.** Modern education has contributed to alleviating poverty. All pastoralist groups met by the study team reported that some of their educated sons and daughters had gained employment and sent part of their earnings back to the family and community. Modern education can also play a role in strengthening civil society in the sense that it produces citizens who are better informed about laws and rights and better able to mediate between the pastoralist and non-pastoralist worlds. Some Cordaid partners have promoted and facilitated formal and non-formal education for both boys and girls from pastoralist groups. In 2008, SIDEPE made a study in Wamba District of education facilities, management and curriculum in seven schools, sponsored by SNV, and presented the findings to the District Education Office and all head teachers. SIDEPE reported that, as a result, many improvements were made. With Cordaid funding, this work is being extended to train 28 School Management Committees to learn how to manage school funds. SIDEPE staff and other pastoralists with whom the team spoke referred to the success of SIDEPE in sensitising the community to see education as an investment, encouraging enrolment of both boys and girls, working with School Management Committees and teachers to improve the facilities and quality of education, and rewarding well-performing pupils. Better-off Samburu people living and working in other areas have made it possible that scholarships can be given to top Samburu pupils in secondary school so that they can go on to university.

## 5.2 Strengthening civil society

According to the project descriptions, almost 40% of the pastoralist-related projects funded by Cordaid in Kenya in 2003–08 focused explicitly on community-development activities that include strengthening local organisational capacities and linkages with local government, increasing pastoralists' participation in decision-making at community level, and empowering women as citizens within the public sphere.

**Local capacity building and organisational strengthening.** Cordaid partners have contributed to enhancing local organisational capacities in three main ways:

- *Strengthening organisation by pastoralists:* Cordaid-supported partners, other NGOs and government offices – often in a combined effort – have contributed to helping pastoralists organise themselves. It would not be possible to say which of the support organisations played a larger role. Capacities in pastoralist communities were strengthened through support to economic activities in common-interest groups and cooperatives. This helped increase the confidence and competence of pastoralist men and especially women to become engaged in community-level decision-making.
- *Capacity building of staff from local ethnic groups.* International NGOs supported by Cordaid hired, trained and encouraged staff members from the local pastoralist communities in such a way that some of them have gone on to responsible positions in government service. For example, two Turkana men who used to be patient attendants working with the Diocese of Lodwar have now become government-appointed leaders of pastoralist sub-locations.
- *Capacity building of local NGOs.* This above-mentioned support contributed to developing a cadre of young people who learnt how projects, NGOs and donors work and could establish local CBOs and NGOs to pursue development activities important for their people. A prime example is SIDEP. Because Cordaid gave attention to organisational strengthening and supported the local NGOs to carry out projects in a series to build on each other and address arising issues, it was possible for the NGOs to gradually become more involved in policy advocacy, at least at the local level.

Cordaid and other international organisations also tried to facilitate organisation of a national-level network of pastoralist and development-support NGOs in the Pastoralists Development Network of Kenya (PDNK). According to resource persons and national-level Cordaid partners, however, this was largely an externally driven effort with little life of its own and only certain ethnic groups were “propped up” by donors, including Cordaid. This led to competition between different pastoralist groups rather than strengthening pastoralist unity with a common agenda.<sup>15</sup>

The KPW, held since 2004 with Cordaid support, has offered an annual platform for exchange between different pastoral peoples. This may have led to spin-offs in terms of pastoralist self-organisation around certain issues, but an evaluation of such impact could not be found and the issue could not be followed up during the brief study visit in Kenya. In any case, some Western-educated pastoralists saw a contribution of the KPW to strengthening the cultural identity of the different pastoral peoples.

**Pastoralist participation in community-level decision-making.** Cordaid has supported NGOs that work with participatory approaches, giving different segments of the local population an opportunity to take part in decision-making. The partners have promoted formation of Local Development Committees and community-level groups to manage markets, schools, water supply etc. The community-based work combined with approaches that allowed exchange between different ethnic groups (e.g. cross-visits) broadened the perspectives of the local pastoralists, as they could see and hear how people in other areas dealt with certain issues, such as marketing or peace-making. Also the CMDRR approach introduced by Cordaid has strengthened pastoralists' decision-making in development, improved coordination between pastoralists' and local government's development planning, and promises to reduce pastoralists' vulnerability to disaster and climate change (Cosgrave 2009).

**Empowering women.** The support given by Cordaid to pastoralist women's organisations and networks is relatively recent; both LPWK and MWADO started to receive funding in 2009. During the

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<sup>15</sup> This interpretation by resource persons and national-level Cordaid partners is not shared by Cordaid headquarters staff, which maintains that there were internal divisions between (elite) pastoralists – some of whom initiated the network – already before this was set up. Cordaid raised representativeness of all pastoralist ethnic groups in Kenya as a key issue. According to Cordaid headquarters staff, a major challenge was that PDNK members showed little willingness to support the network and expected the funding to come from donors rather than from members.

period 2003–08, Cordaid partners tried to strengthen women’s rights not primarily through advocacy and lobbying, but rather by empowering women in economic terms by helping them build up assets (e.g. goats, cooperative shops, accommodations to rent); helping them organise themselves in income-generating groups, marketing cooperatives and S&C groups; and facilitating their access to micro-credit. Partner NGOs’ support to small-enterprise development has focused primarily on women. This gave them an opportunity to contribute directly to family income and to become locally recognised as entrepreneurs and managers. It has been the first step toward strengthening women’s voice in the public sphere. Cordaid is following up on these activities in the pastoralist women leadership programme that was developed during 2008 and has since been launched.

Partner NGOs involved both men and women in seminars to learn about lobbying and advocacy issues, informing them of their rights as citizens. Samburu men and women<sup>16</sup> visited pastoralists in Kajiado to learn from their experiences, including those of active women’s groups. The local chief in Wamba attributed the tremendous change in the situation of Samburu women in the area to SIDEPA’s efforts:

*“In the past, the women had no freedom and did not know their rights, but now I am taking a lot of cases of women demanding their rights regarding divorce, ... demanding that fathers pay for children going to school. The women found out about these things through SIDEPA.”*

### 5.3 Influencing policy

According to Cordaid’s project descriptions, 30% of the pastoralist-related projects in 2003–08 in Kenya focused explicitly on rights issues, and still other projects included components related to this, e.g. designed to increase pastoralists’ capacities to exert influence at the local level. The activities revolved around lobbying, advocacy, providing information to policymakers and contributing to local bylaw development, national policy formulation and international agreements.

One way in which Cordaid tried to enhance the voice of pastoralists at national level was through the PDNK. This was launched in late 2003 following the collapse of the KPF. It included pastoralist groups, CBOs and NGOs and non-pastoralist organisations and individuals supporting pastoralist development in Kenya. It aimed to lobby on pastoralist issues, coordinate learning and sharing among members and other key stakeholders, and enhance gender equity in pastoralist development. It was supported by ALRMP, Cordaid, Oxfam–GB and SNV. During the field study, the general consensus of Cordaid partners and other resource persons was that the PDNK did play a role in bringing different pastoralist groups together and making pastoralists more informed, but it was a network that was “donor-driven” and did not represent pastoralists. Cordaid stopped funding PDNK in 2008. A report from a recent meeting organised for the Ministry for Development of Northern Kenya and Other Arid Lands (2009, p6) confirms the statements heard during the field study: “The concern of the pastoralists present was that PDNK is more closely associated with the organisations which support it (including ALRMP, Oxfam–GB, Cordaid) than with pastoralists and pastoralist institutions.”

Another major contribution to policy lobbying has been through the KPW. This provides a platform for pastoralists to come together to raise and discuss common concerns in both the formal programme and informally. It was initiated in 2003 by CEMIRIDE in partnership with the Pastoralist Parliamentary Group and the Pastoralists Hunter-Gatherers Ethnic Minority Network, and has been held annually since then, with the support of several international donors, including Cordaid. It continues to be hosted by CEMIRIDE. The overall administrative support given by Cordaid to its partner NGOs, as well as specific funding for participation in the KPW, has made it possible for staff members and pastoralist representatives to attend the KPW over several years.

An activity mentioned by several partner NGOs as extremely valuable in strengthening their capacities to engage in policy dialogue was the training in policy advocacy for pastoralism given in Arusha, Tanzania, by RECONCILE and IIED in early 2009. This was particularly important for partners that operate at national and international level but had little or no on-the-ground experience in pastoralist development work. For example, a comment made by CEMIRIDE was: *“The training opened our eyes about what mobility means.”* Also policymakers from Kenya took part in this training and, according to CEMIRIDE, it greatly improved their understanding of pastoralism.

<sup>16</sup> According to a group interview with project staff; unfortunately, the SIDEPA progress reports do not indicate the number of men and women involved in each activity.

Other key activities of Cordaid partners in 2003–08 that contributed to policy lobbying in Kenya were:

- involvement in consultation and deliberations on the National Land Policy, leading to inclusion of pastoralists' resource-use concerns;
- the Great Trek from Isiolo to Moyale in 2004, which raised national awareness about the conditions and needs of people living in the northern ASAL;
- training and informing journalists and giving them opportunities to access relevant information on the ground; Cordaid also supported CEMIRIDE in developing its strategy for engaging media;
- representing Kenyan pastoralists in various national and international meetings on development and policy, and giving pastoralists themselves opportunities to attend national and international conferences, workshops and other gatherings related to minority rights, climate change etc;
- supporting studies and other publications on pastoralism;
- developing and promoting an approach to disaster risk management (i.e. CMDRR) that had attracted the interest of Kenyan government officials and influenced government thinking about climate-change mitigation and adaptation, and has stimulated community-level advocacy activities;
- increasing the flow of information about policy to pastoralists through national FM radio (MPIDO) and newsletters (CEMIRIDE).

One indicator of the importance of Cordaid-supported partners in policy influence is the fact that the Ministries of Livestock Development and for Northern Kenya have often approached RECONCILE and CEMIRIDE to obtain information about pastoralism. Both these partner organisations are closely involved in the constitution review process. In this process, CEMIRIDE has been helping define the rights of minorities.<sup>17</sup> CEMIRIDE reported that it is working on a sessional paper on pastoralism, and that the KPW will serve as a platform where the paper can be discussed by stakeholders.

Two Cordaid partners – CEMIRIDE and LPWK – are members of the Minority Reform Consortium, which involves also other pastoralist and hunter-gatherer organisations, legal-aid organisations and the National Muslim Leadership Forum. CEMIRIDE reported that, because of the flexibility of Cordaid funding, they were able to react quickly in mid-2008 in calling public hearings and consultative meetings with CSOs, elders of minority ethnic groups and women leaders, and could thus identify a common position and bring their combined voices into the reform process. Also for this process, the KPW was used as a platform for discussion.

As Practical Action pointed out, the lobbying work targeted not only government institutions but also other development players, trying to influence their approaches to pastoralist development, especially where these approaches were undermining the Cordaid partners' approaches and creating more dependency among pastoralists. For example, Practical Action convinced other international organisations not to provide free veterinary drugs to pastoralists and to give more attention to developing infrastructure and pastoralist institutions. It brought people from these other organisations to be able to see Practical Action's work in the field, talk directly with pastoralists and hear their demands for the type of approach to pastoralist development that Practical Action took.

At the regional level, the Regional Pastoral Elders Council has been supported by MRG and CEMIRIDE. According to Cordaid documents, cross-border issues have been started only recently, with the initiative since 2008 to engage in eastern African lobbying activities. Most of the cross-border activities appear to be carried out by partners now working under Programme 4, such as CIFA.

At international level, Cordaid as an organisation has entered into alliances focusing on minorities, e.g. the MRG, and specifically on pastoralists. It recently set up CELEP to bring together like-minded organisations to influence policy at national and regional level within Europe.

Although it was not possible to quantify the relative contribution of Cordaid and its partners to policy influence on pastoralist development in Kenya, it was obvious from comments made by resource persons that the main player visible in this field during the period 2003–08 was Oxfam–GB. It must be pointed out, however, that Cordaid and Oxfam–GB are very different types of organisation with different mandates. Oxfam–GB is an implementing actor as well as a donor; it has actually implemented policy-influencing activities in Kenya. In contrast, Cordaid is primarily a donor and works mainly through organisational strengthening and capacity building among local people so that they can carry out

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<sup>17</sup> CEMIRIDE reported that the term "indigenous peoples" was deliberately avoided so as to "prevent public outrage and competition between indigenous and other ethnic groups."

development – including policy-influencing – activities themselves. Therefore, Cordaid itself as an organisation is not so visible.

Policy influence by Cordaid and its partners related to IP issues is a challenge in Kenya, as in most other African countries. Kenya abstained in the vote on ratifying the DRIP. MPIDO pointed out that pastoralist groups, supporting NGOs and their lawyers can nevertheless use this and other international human-rights instruments to claim the rights of pastoralists in Kenya. MPIDO tries to link international advocacy and seeking human rights at the national level. According to RECONCILE staff:

*“The IP movement has had a difficult time in eastern Africa. Kenya, Uganda and Tanzania are artificial nations. We have an identity crisis as ethnic groups. The IP movement appears to intensify rather than resolve this crisis. If pastoral ethnicities are IPs, how are they more indigenous than the others? We are all indigenous. However, the global IP movement is useful to push the agenda for development of pastoralism, articulating the challenges facing pastoralists. On the global level, pastoralists have now been classified as IPs. They can draw on experience at the global level to source resources. People in the movement are attracted to the idea of being IPs. It is romantic for some of our own people and in the donor community. It can be a good entry point for donors, but it creates tensions.”*

As a contribution to developing the National Policy and Action Plan for Human Rights in Kenya, a policy brief by CEMIRIDE and IWGIA characterised IPs in Kenya as shown in Box 2. It stated that many pastoralist communities in Kenya had self-identified as IPs. The ACHPR Working Group of Experts on Indigenous Populations/Communities (2006) had also recognised pastoralists in Africa as IPs. CEMIRIDE felt that the IP concept and the international conventions could be used in an instrumental way to attract attention to a particular community.

#### **Box 2: Characteristics of indigenous peoples in Kenya**

- self-identification as IP and recognition as such by others;
- conformity with their particular social, economic and cultural customs and traditions;
- shared sense of solidarity as distinct community;
- collective historical claim of common origin and ancestral lands;
- retention of traditional institutions and social organisations known to them over generations;
- demonstrate collective dependence on natural resources in the territory over a long period of time;
- continue to use traditional means of livelihood in traditionally occupied lands;
- suffered and continue to suffer exclusion and discrimination from mainstream development paradigms;
- maintained at least in part their distinct linguistic, cultural and social/organisational characteristics.

Source: CEMIRIDE & IWGIA (2007)

Among the Cordaid partners, CEMIRIDE is the advocacy NGO that specifically works with minorities. It exists since 2000 and has received Cordaid support since 2006. It has focused on pastoralists because *“they experience a high level of human-rights violations”* (interview). CEMIRIDE has an observer status in the ACHPR, and uses litigation as a strategy to seek redress on violation of human rights. Together with MRG, another partner of Cordaid that has supported land-rights issues over many years, it took the case of the Endorois pastoralists in Kenya to the ACHPR and recently registered a significant achievement: the ACHPR decided that the GoK had violated the African Charter on Human and Peoples’ Rights by evicting the Endorois community from their lands in 1973 to make way for a game reserve and tourist resort. This decision was approved by the African Union in early 2010. The GoK is now bound by international law to give back the land and to compensate the Endorois for their loss. This recognition of a Kenyan IP’s rights to land and to development will create a precedent in Africa and is an example of how the international declaration and IP movement can be used to bring about change at the local level. It remains to be seen what political repercussions this will have.

Several partners have, partly with Cordaid support, attended meetings of WAMIP. About ten Kenyans were at the Segovia meeting in 2007. Participants felt that it had been important for exposure to other experiences and to learn how to access information relevant for their own policy-influencing processes.

However, discussions about IP rights is not an integral part of discourse on pastoralist issues at local level. Most Cordaid partners working on pastoralist issues in the field pursue an agenda of sustainable development rather than indigenous rights. They regard pastoralism as a way of life and production that can develop and, in the process, cultural changes will come about. Although some of the local NGOs

are working only with one ethnic group, the focus of their work is not on ethnic identity and autonomy but rather on promoting peaceful and, most commonly, economic interactions with other people(s).

#### 5.4 Unintended outcomes of Cordaid partners' interventions

The major unintended outcomes mentioned by pastoralists, NGO partners and resource persons were:

- **Sedentarisation.** In most cases, the basic services (healthcare, education), micro-projects and small enterprises supported by Cordaid partners (and other NGOs and the GoK) were linked to fixed structures in settlements. Even the outreach health services did not follow the movements of pastoralist groups and were provided at fixed sites in small settlements to which pastoralists come for the services. Supporting stationary forms of service provision was one factor that encouraged pastoralist groups to settle or at least keep closer to settlements where these services were offered.

*"In the last ten years, our movement has been restricted because schools were built. We enrolled our children and we stayed there because of the schools. When the children came home, they didn't want our huts, saying there was too much smoke, and forced us to change to fixed houses."*

Samburu elder, Wamba

However, insecurity and land dispossession in ways that constrained mobility, human population increase (a four-fold increase in Kenya over the last 50 years), more severe impacts of drought and greater poverty (i.e. fewer livestock) were probably bigger factors leading to sedentarisation. It is inevitable that some ethnic pastoralists will have to pursue alternative modes of livelihood; all Cordaid partners are providing some support in making this shift. On the other hand, some NGOs are also taking innovative approaches, e.g. training CAHWs and offering advisory services through pastoral field schools, to support those people who choose to remain more or less mobile pastoralists. Also the increasing attention given by several partners to land issues is an attempt to address the impact of sedentarisation on livelihoods and the environment.

- **Dependency.** In the pastoralist areas visited, the Catholic Diocese is the major healthcare provider. The local administrations and people have no need to make demands on higher levels of government to provide the services to which they have a right, because the Diocese is there to provide the services and everyone seems to expect that the Diocese will continue to do so indefinitely. The Diocese may or may not be fully aware that it has created dependency on the services it offers. The fact that the Diocese is filling gaps in the budgets of the local authorities encourages the GoK to abdicate its responsibility of providing services to its citizens and, instead, to rely heavily on the Diocese. In a rights-based approach, the communities would be encouraged and capacitated to examine what they can do for themselves and what they should be demanding from their government. A joint plan for sustained provision of reliable health services would include not only cost-sharing for health services but also making clear to the GoK that community-based health workers are a necessary component of effective and affordable health services in pastoralist areas.

Also the emergency relief responses by the World Food Programme and other humanitarian organisations have contributed to the dependency syndrome. However, Cordaid partners have increased their emphasis on local capacity building, institutional development and cost sharing by beneficiaries as a way to reduce this dependency. CMDRR is a good example of an approach designed to encourage pastoralist communities to take the lead in planning and implementing drought mitigation and response measures, and will hopefully reduce the dependency often associated with emergency response.

- **Downside of markets.** The establishment of large meeting places for marketing has led to increased mobility by people selling and buying livestock and other commodities and amenities on different markets. Young men are driving livestock to distant markets; young women are involved in income-generating activities at the marketplaces. More cash is in circulation. According to SIDEP (2007), this has probably led to an increased incidence of HIV/AIDS. Pastoralists in Turkana spoke openly of HIV/AIDS as a new disease which has confronted them in recent years. KLMC referred also to an increase in consumption of alcohol and drugs, leading to negative social and economic impacts on pastoralist families. SIDEP and KLMC reported that they had included relevant awareness-raising activities – often working through local leaders and community group discussions – so as to put in place activities to prevent such outcomes or limit their impacts.



- **Increased burden on women.** Especially among the settled pastoralists, women's empowerment has the unintended effect that women are assuming the "bread-winning" role of men. Women are generating income for the family, even selling animals. Men are reportedly relaxing, drinking and chewing *mira*, while women have an increased workload and greater responsibilities. They may have potentially more voice within the community, but they have less time to be involved in the political and development discussions. This appears to have been recognised only recently by some partners, who may need to consider giving more attention to working with families rather than primarily with women, particularly in view of the psychological problems that can occur among men who have lost their customary roles (having lost most or all of their livestock) and not yet found new ways to support their families.

## 6. Sustainability of Cordaid-supported changes

This section is conjectural, based on the study team's own judgement, informed by observation of current trends and the forecasts of interviewees:

- The marginalisation of pastoralists is likely to continue to decrease with ongoing improvements in their access to information (through radio, telephone, internet, markets etc), financial services and diversified sources of income and to the extent that they continue to seek better integration into the national and international markets. The emergence of regional bodies such as the East African Community (Burundi, Kenya, Rwanda, Tanzania and Uganda) is likely to support this trend.
- The level of awareness of rights as citizens of Kenya will probably continue to rise, as educated sons and daughters of pastoralists and local NGOs continue informal and formal awareness-raising activities. There are now women's groups and associations that can continue to uphold women's rights and, through them, possibly also wider human rights. The number of educated women from pastoralist groups who could take up this task is rising. The increasing access to information will also lead to still greater exposure of pastoralists to other cultures and greater awareness of what is happening elsewhere and of their rights as citizens.
- The level of education among pastoralist children is likely to increase and, with a greater number of school, college and university graduates, more are likely to return to pastoralist areas. Already now, in the areas the team visited, it was reported that about half of the schoolgoing children in the primary schools are girls. School enrolment rates in pastoral areas of Kenya are now about 58% (CELEP 2010) and rising. The number of educated pastoralists contributing to the development of their own communities – in education and in other sectors – is likely to continue to increase.
- Instruments aimed at gender equality are already incorporated into government activities, e.g. according to the constitution, at least one-third of members of all elected and appointed bodies should be women. Even if, at the moment, some of these women may be only token representatives, with increasing education and confidence, they will be better able to express their views.
- Positive policy changes, e.g. in land rights, may not be implemented if another government and other Ministers come into power. Even under the current government, implementation will be slow. Many economic interests, also of international corporations, are tied to land in Kenya. The system of political governance and technocracy in Kenya could block the process of implementing policies that favour community land rights. There will be a need for continuous engagement with policymakers, in collaboration with other actors in Kenyan civil society not specifically concerned with pastoralists, in order to show how implementation can be achieved and to press for it. An important role in this could be played by the pastoral policy training developed by IIED and RECONCILE, but this may need to be adapted more specifically to the situation in Kenya, offered much more widely in the country and further reinforced by scientific data and arguments to prepare pastoralists and supporting organisations for effective policy dialogue.
- As a result of efforts made largely by the GoK and faith-based organisations, pastoralists in parts of northern Kenya have better access than 10–15 years ago to basic services. Cordaid partners have collaborated with government health offices; this increases the likelihood of sustainability. However, there are still large, sparsely populated areas in northern Kenya where it will not be possible to operate conventional services. This is not because pastoralists or "indigenous peoples" are living there but rather because the population of dryland areas is, of necessity, sparse and the per capita costs of providing services are therefore high. Possibly partly for reasons of cost, only limited efforts were made to adapt service delivery to the pastoralists' mobile way of life (e.g. through "outreach

clinics”: one-day visits to more remote but fixed points). More mobile community-based services are necessary to meet the most basic needs of practising pastoralists with respect to education and to human and animal healthcare. However, the sustainability of community-based services is questionable, because national policymakers do not recognise their value in pastoralist areas.

- The MoH has set up dispensaries and clinics but cannot currently provide enough trained staff to run them. Most health services are still operated by the Dioceses. However, the MoH has improved staffing in recent years and has hired several nurses who used to work for the Dioceses. Its approach to recruitment, offering more attractive salaries and terms of employment (better job security) than hitherto, is a positive sign. In the short term, most of the government-hired staff will be in towns, which means that the more remote facilities will remain without staff. There will be continue to be a need for community-based health workers, and for policy lobbying to re-open space for them.
- Promising approaches in community management of resources (e.g. CMDRR) have been introduced and piloted but are not yet mainstreamed. This will be necessary so that the paradigm shift in approaches to planning and accountability can be made sustainable.
- The increased capacity of individuals and local organisations within pastoral communities is a resource for sustainability. People from local pastoralist groups are now better able to implement projects and to generate funds for further development-support activities. Also the construction of offices, meeting and training facilities by local NGOs, partly with Cordaid support, will reduce their expenditures (e.g. otherwise spent on rent) and could generate some income through renting to others. There are good possibilities for the pastoralist NGOs to obtain more support from the “diaspora” both abroad and in Kenyan cities and towns, if the NGOs can manage to capture respect within the community and are efficient and transparent in their use of funds. For example, CIFA set up in a trust in UK, and PISP intends to do likewise. The well-educated executive directors will be able to forge direct links with primary donors, not mediated by international NGOs and donors. The organisational support provided by Cordaid to these partners is thus likely to produce dividends.

## 7. Influence of Cordaid’s mode of support

### 7.1 Choice of partners

Cordaid provided support to pastoralist organisations in Kenya both through intermediaries and directly. The partner portfolio is well balanced between international and local NGOs, including ones established by pastoralists themselves. The international partners (FARM–Africa, SNV) supported the emergence and development of national or grassroots development NGOs or networks (CIFA, MWADO, SIDEPE). In the period 2003–08, Cordaid has given increasing attention to partnering with organisations not linked with the Catholic Church. Cordaid was innovative in exploring a new type of partnership, namely with a private-sector organisation, the Kenya Livestock Marketing Council (KLMC); this advocates for the interests of its members, namely livestock producers and traders. Cordaid also supported policy research and networking organisations (CEMIRIDE, RECONCILE, LPWK) with a view to exerting policy influence. In its international lobbying activities, it has linked up with organisations such as MRG and IWGIA and, more recently, with IIED. In its work within Kenya on minority issues, Cordaid has shifted from partnering only with the better known, more organised and more vocal ethnic groups, such as the Maasai, and started to explore partnerships with other, less highly profiled groups in northern Kenya.

Cordaid provided initial and relatively low-level funding to some small pastoralist organisations to test their capacities to handle projects and provided advice in planning and financial management, but – judging from the project records – had to discontinue support in some cases, possibly because there was not sufficient capacity on which to build. It has thus taken a careful approach of entering into a relatively short-term (up to one year) initial agreement with a new organisation and, depending on experiences made, deciding whether or not to build up the partnership and the local capacities over a longer period. Sometimes, local organisations were initially funded through international intermediary organisations (e.g. SIDEPE through SNV) and a gradual move was made toward direct funding. If the local organisations working with pastoralists and often including staff members from the local pastoralist group can develop sufficient capacity, this is likely to lead to more efficient and effective use of funds on the ground, as overheads are lower and the local organisations are closer to the community. Cordaid took a wise step in giving emphasis to capacity building, financial management and monitoring of organisational development.

On the other hand, international NGOs normally have a better network for lobbying and resource acquisition from outside of Kenya. They may have higher overheads, but they are also in a position to try out innovative approaches in different situations in several countries and/or in several areas of Kenya and are well informed about new approaches of other organisations in other countries. An example is the innovative work of FARM–Africa and Practical Action in linking CAHWs with the private sector. Such international NGOs supported by Cordaid could carry out accompanying research and documentation while piloting new approaches and could support strategies for institutionalising successful approaches into the public and/or private sector.

Over recent years, Cordaid has recognised and made use of the advantages of working together with different types of organisation that can meet the varied needs of a programme for pastoralist development. The focus on primarily church-affiliated partners that could provide basic services and infrastructure (health, education, water supply) gradually shifted to NGO partners that could support the formation of pastoralist-led organisations at different levels and could strengthen pastoralists' own capacities to manage their affairs and lobby for their interests.

A fairly unique feature of Cordaid is that it has not only supported the software of organisational strengthening but has also supported local NGOs in developing their own infrastructure, providing funds for building offices, meeting rooms and lodgings for trainees (e.g. with CIFA in Moyale). This is likely to have impact in terms of efficiency and performance, lowering overheads, reducing costs of follow-on projects and putting the NGOs in a better position to acquire income from other sources.

## 7.2 Support to planning, monitoring and evaluation

Most partner NGOs visited expressed appreciation of Cordaid's advisory support in planning, organisational development, financial management, staff management, project cycle management, logistic support (e.g. for acquiring vehicles, for building offices with guesthouse) and opportunities for exchange visits and workshops (referring primarily to the CMDRR-related activities). Since 2005, Cordaid has given specific attention to building the capacities of the partner NGOs, and the performance-based standards were reportedly established collectively in the years 2005–07.

RECONCILE described the process of designing its current project as a “genuine dialogue” with Cordaid. It appreciated Cordaid's approach of looking not only at the project but rather at the NGO as a whole and how it could strengthen itself to perform better, making sure that the proper organisational systems are in place, and that there is accountability within the organisation.

*“With other funding agencies, the communication about finance is only about reporting. In contrast, Cordaid asked how it could support us in our financial management. We need to examine how best we can use this support being offered.”*

RECONCILE mixed staff group discussion, Nakuru

KLMC felt that it was given a “free hand” to develop its programme together with its members: *“Cordaid gives funds for issues that we raise; it listens to what we want to do.”* It also appreciated that Cordaid gave attention to all aspects of the partnership, including capacity building of staff and members.

Both CEMIRIDE and RECONCILE stated that Cordaid gave them support to develop their strategic plans. The support took the form not only of funding but also mentoring in discussing and assessing what the organisation had achieved and in what direction it needed to head. The mentoring was provided by staff from the Cordaid head office as well as by external management consultants. Cordaid also encouraged joint activities by the two partner organisations to allow mutual learning.

Also the field-level partners spoke positively about the mentoring they had received from capable organisations based in Kenya; particular mention was made of IIRR support to CMDRR and to the out-of-school programme (which, according to the project description, was not funded through Cordaid). Also the documentation of experiences facilitated by IIRR in “writeshops” was favourably mentioned.

Staff members of the grassroots NGO SIDEP noted that, when they initially received direct funding support from Cordaid, about 70% of their total budget was derived from that source. Now, after Cordaid helped them strengthen their own fund-raising capacities, only about half of their annual budget comes from Cordaid and the proportion is likely to decrease still further in the future. This example suggests that local NGOs are gaining fund-raising capacity and expanding their linkages, and are thus becoming less dependent on Cordaid for support.

Compared to other funding organisations, partners in Kenya found that Cordaid looks at partnership from a long-term perspective. MPIDO pointed out that this is especially important for dealing with the issues that most seriously affect pastoralists' livelihoods, namely land issues. It appreciated Cordaid's support to advocacy activities and to building the capacity of pastoral civil society through funding agreements that allowed the partner NGO to be "agile".

All the partners described their monitoring and evaluation activities as consisting primarily of making semi-annual and annual reports, based on information coming from their programme officers. CEMIRIDE referred to a partnership assessment every five years, but it was not clear whether this had been done or was planned. External evaluations were planned jointly by the partner NGO and Cordaid.

The reports contained mainly descriptions of activities accomplished, including some quantitative data, but little information about outcomes and impacts. It was difficult for the study team to obtain any concrete data about change in the situation of the pastoralists with whom the partners were working, because most of the partners have not done baseline studies. However, development of indicators for assessing change is reportedly underway as a joint task of Cordaid and its partners. The Diocese of Marsabit was the only partner that immediately provided several documents, including an evaluation report, about its Cordaid-support work. The evaluation report revealed that even some basic data that would be expected in health-service records were not available, e.g. mother, infant and child mortality rates. This suggests that record-keeping for monitoring purposes still needs improvement. Even in the Cordaid head office, it was not easy to access evaluation reports from the projects in the period under review (partly because of a change in the filing system). In the field, when the study team asked about evaluations, many partners were not sure if any evaluation of their Cordaid-funded work had been done. Such milestones in a project should be remembered. The team gained the impression that one phase of funding support was often followed by another, without in-depth evaluation. Assessments of their organisational capacities are made by Cordaid staff, but there appears to be little technical assessment of the development activities that were carried out.

### 7.3 Communication between Cordaid and partner organisations

Support to pastoralist development activities was provided through Cordaid's Regional Office in Nairobi from 2000 to early 2008, when the support function was shifted to The Hague. Partners that have been working with Cordaid for several years reported that there was more face-to-face meetings with Cordaid staff concerned with pastoralist development while the Regional Office was operating. They would have liked more visits from staff based in The Hague. However, most partners did value the frequency with which Cordaid head-office staff communicated by email and shared important information. Newer partners (e.g. RECONCILE) had no basis for comparison and were satisfied with the communication through email and during occasional visits and workshops. The Diocese of Lodwar complained about poor communication with the Cordaid head office and found it indicative that people in that office did not even know who was involved in the work Cordaid funded in Lodwar. Also field staff of this Diocese were critical, saying that communication had broken down and Cordaid had forgotten them.

Several partners suggested that the Cordaid Liaison Office in Kenya be upgraded to include a resource person for Programme 1 with the mandate to handle content issues and to facilitate networking and mutual learning. The main reason given, however, for strengthening the Nairobi Office was not to improve communication with partners in Kenya but rather to improve the capacity of Cordaid to build partners' capacity to influence policy. It was felt that this cannot be done so well from The Hague as by a Nairobi-based person with everyday experience of the local policy context.

*"It is a big disadvantage that the Cordaid team withdrew to the Netherlands. The people here need to be given more weight for oversight and networking, directly interacting with the partners. Important policy interests require that someone be here. They should identify new interests emerging, but that is difficult from the Netherlands. They have to speak with people, not just use ICT."*

Male resource person, Nairobi

Poor communication or a sudden change in policy within Cordaid or possibly other factors led to some disappointments in the past, such as the cutback in funding for the strategic-partnership alliance between Cordaid and FARM–Africa (2003–06) shortly before the agreement was signed.

With respect to the development of Cordaid's pastoralist policy, some of the partners could remember having given comments on the draft policy paper developed by Cordaid in 2008, but had heard nothing since then and had not seen a final version. They therefore gained the impression that, at least in this

case, communication had not been genuinely two-way. They saw themselves as being informed so that they could understand what Cordaid had decided to do. There was no opportunity for the partners to discuss and analyse the document together and to make it their own. In contrast, RECONCILE felt that it had been completely involved in the process of developing the policy. It felt that Cordaid's pastoralist development policy was building on RECONCILE's work with IIED in 2003–07 on reinforcing pastoralist civil society in East Africa. The document reflects their analysis of this project. According to RECONCILE, Cordaid was serious about consulting them, sending drafts and seeking their inputs.

The team did not have the time to explore the issue of transparency and accountability of the partner organisations to the pastoralists with whom they were working. However, within one of the Dioceses, the comment was made that, in the Church hierarchy, there had been no transparency in planning and budgeting until recently, when internal workshops for evaluation and planning were held with the Diocese development staff.

#### 7.4 Cordaid partner network

While Cordaid had a Regional Office in Nairobi, there were reportedly relatively good opportunities for exchange and mutual learning between partner organisations. The focus of workshops was on the access-to-market theme. Some informal networking also took place during occasional meetings when Cordaid staff came from The Hague. Certain partners have drawn together groups of some Cordaid-supported and other organisations in concerted action for advocacy, e.g. the Great Trek to campaign for better road infrastructure. Although there is no formal network of Cordaid partners, some partners mentioned that the opportunities created by Cordaid and other agencies to bring together CSOs working in pastoralist development allowed informal networking and collaboration on specific issues.

Some opportunities for networking and training were available for partners that had been involved in both Programmes 1 and 4, as they could benefit from the workshops related to CMDRR. They wanted to continue to be part of the networking, but this became difficult after the partners were split between the two programmes. These used to be mutually beneficial, working with the same target groups, one more on "software", the other more on "hardware". According to Cordaid Liaison Office staff, after the split, Programme 4 started to do more work on "software", i.e. civil-society strengthening and policy advocacy.

Some Cordaid partners working on the same theme did not appear to be closely linked. Most of the NGOs that the team visited in the field, even though they were working on women's empowerment, had not heard of the LPWK. Also the woman MP who was interviewed had not heard of this network. This national-level organisation is still young and obviously needs advisory support on how to link up better with grassroots organisations and pastoralist women parliamentarians. Also more established NGOs that frequently represent Kenyan pastoralists at national or international meetings are regarded with reserve by some of the field-based NGO staff.

In contrast, CEMIRIDE thought that networking among Cordaid partners in Kenya had improved since the closing of the Regional Office, and stressed how important the KPW is for bringing all Cordaid partners together<sup>18</sup>. Indeed, it found that the level of networking among pastoralist organisations and supporting NGOs, including those not directly supported by Cordaid, had increased strongly over the past few years, even though there was not a well-functioning formal pastoralist network in the country.

In summary, while the Cordaid Regional Office was still operating, some networking activities were going on, mainly for mutual learning. Since the office closed, networking among Cordaid-support and other organisations concerned with pastoralist issues has taken place when opportunities or need arose. This usually occurred around a specific issue, such as infrastructure and service delivery (the Great Trek) or to influence a specific policy such as about land rights.

If Cordaid sees, for some reason, a need to bring together the NGOs it is supporting into a formal network, then it would first need to find out what benefits the partners would expect from the network. Cordaid would be wise not to select an organisation or individual to lead such a network. This decision should be made by the potential members, if they feel that creating a formal structure would be useful.

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<sup>18</sup> However, some partners (and other resource persons) reported that they had not taken part in the 2009 KPW because they had been informed about it too late and/or the focus of that particular KPW was too far away from their own work.

## 8. Conclusions

### 8.1 Assessment of Cordaid's role in reducing structural injustice to pastoralists

**Two-pronged approach to reducing structural injustice.** Cordaid's policy in improving the situation of pastoral peoples has been to work mainly on two levels: poverty alleviation and local organisational development at grassroots level and policy influence at national level. The work at national level has been most directly focused on reducing structural injustice to pastoralists, but much of the work at grassroots levels in enhancing local organisational capacities should contribute to reducing structural injustice in the longer term. It is thus equally relevant for achieving the policy aims of Cordaid.

The partners' activities related to poverty alleviation were designed to increase food security and income, to improve access to natural resources for pastoralist livelihoods and to contribute to conflict resolution. The greatest degree of effectiveness has been achieved in economic empowerment, which set in motion processes that led to: i) more self-confidence of pastoralists as citizens to play decision-making roles in local-level development; and ii) greater acceptance by others to recognise them in these roles. This is particularly evident in the case of pastoralist women, who have become more visible and have more opportunities to express themselves in the public sphere. However, looking at Kenyan pastoralists as a whole, rather than just these individuals, the economic position of pastoralists may have worsened because of other pressures on finite natural resources.

The activities related to strengthening civil society were designed to strengthen local organisational capacities and linkages with local government, thus directly increasing pastoralists' participation in decision-making at community level and empowering women as citizens within the public sphere. Cordaid partners have strengthened the capacities of local groups in pastoralist communities to plan and manage their own development, but have given less attention to linkages between modern and customary decision-making institutions, such as the traditional land-management institutions mentioned several times above. Some of the injustice experienced by rural pastoralists has resulted from this disconnect, e.g. when urban-based elites consider "modern" private ownership of land to be the way forward, whereas practising pastoralists recognise the need for communal land rights to be able to maintain the mobility required in dry rangelands. Better linkages between modern and customary decision-making institutions could have also helped improve communication with and influence of practising pastoralists. It is questionable whether most of these feel genuinely represented by the elite of educated male and female ethnic pastoralists, although they see the usefulness of this elite in mediating between them and the modern structures.

**Effective national-level policy influence.** Through its support to national-level NGOs or networks, Cordaid has contributed to raising the profile and concerns of pastoralists in Kenya and thus to reducing their marginalisation. Pastoralists' voices have been amplified through radio and print media, through campaigns led by Cordaid partners and through the KPW. The national-level NGOs have lobbied effectively on behalf of pastoralists, whose political and legal position has improved. However, these NGOs' linkages with the pastoralists on the ground are still relatively weak. There is a need for strategic alliances between organisations working in pastoralist development at national and local level. All too often, the voices of the same "representatives" are heard at national and international level. Questions of legitimacy arise when the links between these "representatives" and the grassroots are not clear. However, work on closing this gap has started, such as the activities of RECONCILE designed to link representation in Parliament with the grassroots and to strengthen the capacity of practising pastoralists to engage with local authorities and with their MPs.

Using the IP label within Kenya with the intention of promoting the interests of pastoralists could be counterproductive, as it is a politically sensitive issue. However – as the Endorois case has shown – the international agreements can be used to push for justice with respect to certain issues that pastoralists have in common with indigenous peoples, such as collective rights to natural resources.

**Insufficient attention to policy implementation.** Although Cordaid-supported and other NGOs have made important contributions in influencing national policy, such as the land policy and in the continuing process of constitutional reform, the policies are not well reflected in practice. With respect to land, for example, although community rights are legally recognised, in actuality there are increasing inequalities in access to land, and individuals – including better-off pastoralists involved also in non-pastoralist activities – are enclosing more land and marginalising the poorer pastoralists. Now that enabling

international frameworks have been established and favourable national policies are in place, the national-level Cordaid partners could shift their emphasis from international advocacy to promoting implementation of international and national policy on the ground. These activities would include building the capacities of practising pastoralists to engage in policy dialogue with official government structures at local level. Some steps in this direction have already been taken in the CMDRR work.

Opportunities were not always grasped to use the space now open to pastoralists. Insufficient information has been made available about innovative ways to implement policies at lower administrative levels. Not enough effort has been made to provide information to pastoralist communities about existing policies and those in the making. More attention should have been paid in advocacy work at local level to raise policymakers' awareness of the rationale and contribution of pastoralism in making productive use of dry rangelands. Moreover, attention is also needed to specific issues that affect pastoralists, such as promoting community-based human and animal health services and out-of-school education. The field-based NGOs can bring up to national level some examples of pastoralist-friendly practices and evidence of their importance.

***Working together in the right direction.*** It is not possible to measure the extent to which the changes in the situation of pastoralists described in this report are attributable to development interventions or to other factors. Especially with regard to activities to influence policy, Cordaid's contributions cannot be separated from those of several donors working toward the same goals and from those of a committed civil society in Kenya, working also without direct donor support. Cordaid's partners and Cordaid itself as an organisation have combined forces with like-minded CSOs; this will increase the likelihood of impact. The contribution of Cordaid cannot even be measured in terms of the absolute or relative amounts of funds contributed directly to policy-influencing efforts; equally important have been the contributions of Cordaid in strengthening the capacities of the Kenyan organisations involved.

Cordaid has not been among the major international agencies that influenced Kenyan pastoralist development policy in a visible way; other international NGOs have been much more visible. However, it has collaborated well with other donors and actors in seeking the best ways to support pastoralist development. It is well poised to contribute still more greatly to such collaboration, as it is working with field-level partners that have gained the confidence of local pastoralists and could therefore link the local and national advocacy work. Cordaid could take more advantage of this position.

In ***summary***, Cordaid has combined an approach of economic empowerment and local organisation, primarily to manage local assets and resources at the grassroots level, with a more explicitly policy-oriented approach at national level. With the support of Cordaid and many other actors, Kenyan partners have helped make policy – particularly land policy – more favourable for pastoralists. Now is the time to provide support to local authorities to enable them to apply these policies on the ground, and to provide support to local pastoralist organisations to enable them to negotiate with government authorities. The issue of land encroachment needs to be faced more squarely, primarily through making information available to pastoralists to support their own lobbying and encouraging them to engage in joint land management, e.g. with the private sector involved in conservancies and tourist operations.

## **8.2 Some general lessons that could have wider applicability**

The findings on specific changes perceived by the groups of pastoralists met during this study – from four ethnic groups in widely dispersed parts of northern Kenya – may not be valid in other pastoral areas in Kenya or in neighbouring countries, e.g. Tanzania, as there are large differences between pastoralist groups with respect to their relative exposure to other cultures and other forms of governance, their distinct customary forms of organisation (especially for resource use), the nature of the environment (arid as opposed to semi-arid or subhumid) and – related to this – their degree of mobility and possibilities to combine livestock-keeping with other sources of livelihood. This is to say nothing of differences in pressures from outside, such as encroachment of subsistence crop farmers, tourism, mining or commercial-farming development and – with a view to applicability in neighbouring countries – differences in government policy and legislation. The short time available for the fieldwork allowed focus-group discussions only with pastoralists living in areas relatively easy to reach; these were in mainly agropastoral rather than “pure” pastoral settings. Wealth stratification would have been needed to assess to which wealth categories of pastoralists the findings apply. There is also great heterogeneity within most pastoralist communities in terms of social status and power; these could not be discerned during the brief field visits. However, the findings could be triangulated to some extent by

seeking both endogenous and exogenous perspectives. Moreover, the latter perspective on general changes in the situation of pastoralists were made with an awareness of the broader context in Kenya and eastern Africa. Such general changes include the trend toward sedentarisation and “modernisation” in terms of adaptation of traditional practices and culture. Therefore, some general lessons can be drawn from the study that could be more widely applied in development-support work also among other pastoralist groups in Kenya and eastern Africa.

**Choosing partners and allies.** A mix of local- and national-level partners creates an opportunity for linkages to support policy-dialogue activities, giving on-the-ground examples of good practice. In many instances, such as with reference to land rights or social-service delivery, it can be effective to link up with other stakeholders sharing common concerns, not necessarily focusing on the pastoralist or the IP lobby. Many issues related to alleviating poverty, reducing marginalisation and strengthening inclusiveness in Kenyan economy and society are of concern not only to pastoralists but also to other people who live in the ASAL. These issues may be more effectively addressed in policy dialogue through joint action with these other stakeholders. This multiplies the number of organisations pushing for the implementation of policies favourable for pastoralists, among other groups, and creates a stronger platform. It would also counter any allegations that pastoralists are seeking special consideration in claiming to have different rights than other ethnic groups, and would enhance inter-ethnic dialogue. To be able to select suitable new partners and allies, it is important to have an “inside-Kenya” view of the political situation and of the relationships between the different actors.

**Strengthening capacities.** In the work with each partner, addressing development of the entire organisation strengthens not only the project activities financed directly by Cordaid but also enables the partner to engage in other development partnerships. Also at local level, capacity building is key. It should not be confined to formal training. Giving exposure to other members of pastoralist communities helps broaden their horizons and knowledge and can motivate them to work on key issues after their return to their home communities. A good way to build capacity in pastoralist communities is to hire, train and mentor committed local people, even if they do not have high formal qualifications. Giving them experience in interacting with other stakeholders and gradually increasing their responsibilities increases their self-confidence and skills. Systematic development of staff from local pastoralist groups over a lengthy period can lead to immense policy influence.

**Promoting mobility.** Comments of practising pastoralists during the fieldwork reveal that they see a need for movement of animals but not necessarily of all the pastoralist family members. Wider understanding among policymakers about the need for mobility and flexible use of natural resources in pastoralist systems can be conveyed effectively through seminars such as those offered by RECONCILE and IIED. The modules and tools created for awareness-raising and policy dialogue may need to be re-tuned for Kenya. It took several years to put the new land policy in place and it may take even longer to make sure it is implemented well in the ASAL. Long-term support will be needed to capacitate stakeholders at various levels – from grassroots to national level – to dialogue with policymakers and to help develop policies and programmes that support flexible land use for “modern and mobile” pastoralism (IIED & SOS Sahel 2010).

**Starting policy dialogue from below.** Pastoralists and supporting NGOs at the grassroots need not wait for policy change or implementation guidelines to be formulated at national level. They can start policy dialogue at local level, such as about possibilities that the community and the council draw joint benefits from local markets. Their example can stimulate others to multiply this practice elsewhere; then these local examples can be used to influence higher-level policy. In any case, the issues for policy influence should come from below<sup>19</sup>. One issue that emerged during discussions in rural areas is that paraprofessionals (TBAs, CHWs, CAHWs and mobile teachers) linked to appropriate support facilities are essential for giving social services to pastoralist communities. Another issue that is emerging and will become more acute over time is that of school dropouts and the necessity to lobby for support in the form of technical-vocational / small-business training for youth. Land issues will, in any case, be central and will need local-level stakeholder negotiations at the same time as pressure on government at all levels to implement existing land policy.

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<sup>19</sup> A similar lesson was drawn in the recent Oxfam publication *Speaking out: case studies on how poor people influence decision-making* (van der Gaag & Rowlands 2009): “Putting local priorities first ... the priorities have first to be drawn from local, regional, and national contexts and then draw on international frameworks” (p113).



### 8.3 Specific recommendations to Cordaid

The following recommendations for Cordaid's future support to improving the situation of pastoralists in Kenya refer mainly to strengthening civil society and policy influence. Several other recommendations related to specific aspects of poverty alleviation could also be drawn from the case study.

- 1. Strengthen policy dialogue through documentation and communication.** Practising pastoralists will be better able to exert upward influence for policy change if they are better informed about existing policies and laws and those in the making, and about the implications of the policies for them. To be able to demand their rights, they also need to be aware of and understand their rights and responsibilities as citizens. Likewise, information about the situation in pastoralist areas and about realistic options for meeting their needs has to reach higher-level policymakers in a convincing form. Such information can provide ideas and “ammunition” for policy dialogue in which also other pastoralist groups are engaged. Cordaid partners should give more attention to documentation and communication: i) from the local level to reach policymakers, other pastoralist groups and supporting organisations, and ii) to the local level to increase awareness of policies and rights, so that better-informed local pastoralist leaders can engage effectively in policy dialogue. A good entry point would be issues that concern the people and partners on the ground in a given area, rather than starting with issues that come from international frameworks. Most local NGOs are not strong in documentation and communication, as they tend to focus on implementation. The partners would need capacity building in facilitating pastoralist-led documentation and in communicating in different forms for specific target groups.
- 2. Integrate disaster-risk management into local development planning.** In dryland areas, the CMDRR approach helps communities give realistic attention to the high risks involved in pastoralism. This approach should be incorporated into the overall community-level planning facilitated by all Cordaid partners in pastoralist development, as it stimulates linkages and dialogue between pastoralists and local authorities with a view to reducing disaster risks and provides a way of linking development and risk management. Cordaid should provide long-term support in Kenya to scale up and internalise this approach through targeted training (especially for government staff), training of trainers, intermittent coaching and peer-to-peer learning.
- 3. Encourage NGO-led networking.** Creating opportunities where pastoralists and supporting organisations can gather and reflect, also informally, about their experiences and about possibilities for collaboration could be more effective than supporting a network of only Cordaid partners or directly funding a national network that may be identified with only one ethnic group. Cordaid should explore whether its partners in Kenya or more widely in eastern Africa are genuinely interested in a network for pastoralist development and, if so, with what mandate, membership and structure. If there is interest, the partners should include this networking in their funding proposals to Cordaid and other donors, so that all members can contribute to their own network with their “own” funds, rather than to one funded directly by Cordaid and possibly other donors and therefore primarily identified with the donor(s). Cordaid should also consider providing funds for different partners in turn to organise thematic meetings of Cordaid partners and invited resource persons for information exchange and for reflection on basic issues. These meetings should be held in rural towns where direct interaction with local pastoralists and their organisations is possible.
- 4. Enhance women's capacities, leadership and representation.** In building the capacities of pastoralist women, Cordaid partners should give more weight to non-formal education and mentoring in functional literacy and numeracy in ways that fit into the lives of women, also those in more mobile groups. This could be linked to the process of strengthening S&C, cooperative and small-enterprise groups. Women leaders need to be identified and nurtured so that they can truly represent the interests of their people at higher levels. Cordaid and its partners will have to gain a better understanding of traditional leadership structures, to be able to facilitate identification of women who are recognised and respected in their communities as representatives, and explore ways that rural pastoralist women can make themselves heard through modern power structures. Support to pastoralist women's representation would include finding ways to bring their issues into the wider women's movement in Kenya.

## Annex 1: Terms of Reference: Joint Programme Evaluation Indigenous Peoples<sup>20</sup>

Participating organisations: Cordaid, Hivos, ICCO.

May 2009

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### List of abbreviations

CFA	Co-Financing Agency
CBO	Community-based Organisation
CG	Co-ordination Group
ERG	External Reference Group
IOB	Inspectie Ontwikkelingssamenwerking en Beleidsevaluatie (Policy and Operations Evaluation Department)
IP	Indigenous People
MFP	Medefinancieringsprogramma (= CFP: Co-Financing Programme)
MFS	Medefinancieringsstelsel (= CFS: Co-Financing System)
OECD/DAC	Organisation for Economic Cooperation and Development / Development Assistance Committee
PME	Planning, Monitoring and Evaluation
RBA	Rights Based Approach
SWOT	Strengths, Weaknesses, Opportunities, Threats
ToR	Terms of Reference

<sup>20</sup> Without the 13 pages of annexes; these are included in the annex to the inception report (11 December 2009).

## 1. Joint Programme Evaluation Partos

All recipient organisations from the Dutch Co Financing System (MFS) are required to establish a practice of regular “project evaluations” of their activities. In addition, the larger MFS recipients are also required to organise “programme evaluations”. In contrast with project evaluations (where the object of evaluation is an individual project/ organisation supported by an MFS organisation) the object of a programme evaluation is a particular programme and/or policy area of the MFS organisation. The selection of programmes to be evaluated is made by the MFS organisations themselves. Programme evaluations are part of the accountability mechanisms of MFS organisations. Therefore they are required to be result oriented. The quality of these programme evaluations is assessed by IOB, the Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs.

Based on their previous collaboration<sup>21</sup>, the organisations Cordaid, Hivos, ICCO and Oxfam Novib have decided to implement part of their programme evaluation agenda jointly: in the period 2007-2010 they organise a series of five joint programme evaluations, focusing on subject areas common to and relevant for each of them. Each organisation has agreed to participate in at least three joint evaluations<sup>22,23,24</sup>. The co-ordination of these joint programme evaluations is with Partos, the association of Dutch civil society organisations in the international development cooperation sector.

The present document provides the Terms of Reference for one of these five joint programme evaluations, focussing on the CFAs’ support for ‘indigenous peoples’. Participating organisations are Cordaid, Hivos and Icco. They will be referred to below as “the CFAs”.

## 2. CFAs and Indigenous Peoples (IP)

The CFAs have a long history of supporting initiatives and organisations of indigenous peoples<sup>25</sup>, also referred to in this text as IP. This should be of no surprise given the overall mission of the CFAs to contribute to poverty eradication: in many countries indigenous peoples belong to the poorest and most marginalised social categories in society. During the period 2003-2007, the three CFAs committed roughly € 60 million to more than 330 projects in support of indigenous peoples, in some 35 countries<sup>26</sup>. The supported initiatives included interventions focusing on land rights, political rights, livelihood, the rights of indigenous women, and organisational strengthening.

The policy foundation for working with Indigenous Peoples differs between the CFAs<sup>27</sup>. In spite of these differences it is possible to trace – in very general terms – a common framework of analysis of and approach to the position of IP namely structural injustice. In that framework a number of concepts are central: “Exclusion/marginalisation/discrimination”, “Domination” “Self determination” and “Inclusion”. In the following we briefly describe these central concepts.

### Exclusion- Marginalisation- Discrimination- Domination

IP tend to be excluded from the -sources of- power in their societies. This is the case when they constitute a numerical minority in a country, but it also applies to situations where they are the majority population (as in some Latin American countries). Their exclusion is not a natural situation but the – ongoing – result of historical processes during which other groups have imposed their domination over them and by which IP were marginalized and discriminated according to the prevailing rules and culture in a society. IP’s exclusion has various dimensions: political, economical and also sociocultural. They are often considered and treated

<sup>21</sup> Reports from the 2003 – 2006 joint evaluations can be found at [www.partos.nl](http://www.partos.nl), under ‘Kwaliteit’, ‘Kwaliteitshuis’, ‘Rapporten Programma Evaluaties’:

-Synthesis report of Dutch CFA Programme Evaluation HIV/AIDS 2001–2004 (no 5, Feb 2006)

-Synthesis Report - Assessing civil society participation as supported in-country by Cordaid, Hivos, Novib and Plan Netherlands (no 4, Dec 2005)

- Synthesis Report - Evaluation of health related programmes of three co-financing agencies 2002-2004 (no 3, Oct 2005)

- Synthesis Report - The Role of Women’s Organisations in Civil Society Building 1998-2003 (no 2, Nov 2004)

<sup>22</sup> The other 4 programme evaluations in the period 2007-2010 focus on Conflict transformation, Microfinance, Capacity Development, and Gender-based violence respectively.

<sup>23</sup> Gezamenlijke programma evaluaties 2007-2010, Herzien Plan van Aanpak Februari 2009

<sup>24</sup> Oxfam Novib will not participate in this Programme Evaluation. Plan Nederland was also part of the agreement, but could only participate in the PE on Conflict Transformation

<sup>25</sup> See Annex 1 for definitions of “indigenous peoples” and Annex 2 for a brief background of the respective CFA involvement with IP

<sup>26</sup> See Annex 3 for details

<sup>27</sup> The CFAs have described the policy foundation for their involvement with IP in different ways, which have also changed over time. Cordaid has a long history in supporting cultural minority groups. Most recently – in 2007 – it formulated its policy on ‘participation for identity based groups’. Hivos has anchored its support for IP – in general – in its policy on Human Rights. ICCO formulated its “Instruction for formulating country and regional policy Indigenous Peoples” in 2002. In addition policies have been formulated on specific groups, e.g. *adivasis*. A general trend in CFA policy formulation has been towards ‘sectoral’ policies, and away from policies for specific ‘target groups’. A consequence of this trend is that a CFA’s involvement with IP is not covered by one single policy document but covered by various mostly thematic policy documents.

as second class citizens in the national political structures. Their historical and collective rights & claims on land and natural resources are not recognized and respected. Their cultural traditions and identity differ from, and are not respected by, the dominant culture and group(s) in society. Often IP live in remote, degraded areas and sometimes in (protected) areas rich of natural resources. Sometimes and in certain aspects IP's position in society can be characterised as "forced inclusion". Forced inclusion refers to forms of forced assimilation into systems, structures and values of the dominant group(s).

### **Self determination - Inclusion**

Yet, the (recent) history of indigenous peoples is not only a history of exclusion. It is also a history of struggle for self-determination and inclusion, and of positive assertion of one's own culture and identity. In the last decades in many countries land rights were obtained as well as possibilities for bilingual education created. On the international level there were several successes; in 2007 the United Nations adopted the Declaration on the Rights of Indigenous Peoples. Furthermore in several countries in Latin America (Bolivia, Ecuador, Colombia, Mexico) indigenous people made important progress in participation in national politics and legislation.

Improvement in the position of Indigenous Peoples requires changes at two –interrelated- levels:

- (1) at the level of the IP themselves (organisation building, self-esteem, cultural assertion, economic development, basic needs)
- (2) at the level of state and society (legal, economic and political structures and arrangements).

The outcome (or impact) of such changes can be described as "self determination" and "inclusion". Self determination points to the 'rights of peoples to freely determine their political status and to freely pursue their economic, social and cultural rights'. Inclusion refers to the inclusive society. This means a society which 'values the perspectives and contributions of all population groups and subgroups and a society which incorporates the needs and viewpoints of constituent communities. This implies respect for IPs' notion of what constitutes desirable development and poverty eradication.

CFAs' interventions consist of support to a wide range of 'actors' pushing for the above-mentioned changes. These actors are – organisations of – the Indigenous Peoples themselves as well as non-IP civil society organisations supporting the IP (organisations). Both types of actors are among the partner organisations of the CFAs. These partner organisations can be active at local, regional, national and international level and in different thematic fields.

Although the accepted international definitions and this framework do suggest that it is possible to speak about the situation of indigenous peoples in general terms, it should be clear that behind these - relevant-general notions there is a diversity of contexts, which can only be addressed appropriately at a more 'local or national context' level.

### **Additional challenges**

In principle CFAs' interventions with IP are not different from CFA interventions in general. They always involve relationships with partner organisations and with target group (organisations). However, supporting IP does imply some additional challenges for CFAs, which are related to –real/potential- differences in outlook and worldview between CFAs and IP. Such differences include views on 'development' and 'poverty' and the balance between individual and collective rights. Differences such as these find their expression around issues actively promoted by CFAs such as 'gender equality' and 'accountability'.

The promotion of women's rights and gender equality is a core concern of the CFAs. Apart from the fact that for most participating organisations it is one of their specific policy areas, they also have committed themselves to "mainstreaming gender" in all their work. This implies that the CFAs seek to ensure that all supported development activities and projects are gender sensitive and contribute to enhancing gender equality. Sometimes this CFA commitment meets with resistance from the IP organisations, invoking arguments of cultural difference. The CFAs therefore face the challenge of addressing the (potential) tension between (i) supporting the collective right to a specific, ethnic identity and self-esteem and (ii) enhancing individual indigenous women's rights and gender equality.

Another challenge faced by the CFAs is the "how" of their support for IP. IP membership-based organisations (local CBOs or higher level federations) are often organisationally weak and unstable. When providing direct support to such organisations the CFAs find themselves in major difficulties to meet the increasing accountability requirements of their back-donors. On one hand CFAs are supporting the IP organisations' own identity and organisational needs, on the other hand the requirements ask for a strong – or linear - PME-system. These difficulties appear less when providing indirect support to IP, via more established intermediary NGOs. However, the problem with such NGOs however may be their distance from the IP.

### 3. Joint Programme Evaluation Indigenous Peoples

#### 3.1. Purpose: what will this evaluation be used for?

The CFAs will **use** the findings of this programme evaluation:

- To show and account for the results of their activities in support of Indigenous Peoples,
- To critically review these activities,
- To inspire future policy development & implementation.

#### 3.2. Objective – Evaluation Question (EQ)

The objective of this evaluation is to answer the following Evaluation Question:

To what extent have CFA policies, strategies, procedures and programmes and those of their partner organisations contributed to a reduction of structural injustice towards indigenous peoples?

Specifically, to what extent have CFA policies and programmes contributed to:

- A reduction of marginalisation of certain population categories and a change in power, poverty, the worldviews and values, an increase and strengthening of the political, economic, social and cultural self-determination and identity of marginalised peoples;
- A reduction of marginalisation and inclusion in development processes that is considered positive by them, and
- Avoiding or mitigating of forced assimilation or integration?

#### 3.3. Research Questions (RQ)

Answering the Evaluation Question means that the evaluation must address and answer the following research questions:

##### A. CFA Policies

1. What policies have the CFAs formulated regarding Indigenous Peoples? (explicit as well as implicit policies) ?
2. How should the formulated policies be assessed in light of
  - ) the current international debates,
  - ) the incorporation of the perspective of IP, and
  - ) the amount of attention given to the challenges mentioned in par 2?
3. Have the CFAs selected partner organisations and have the CFAs supported interventions that are in line with the policies described?

##### B. Changes in the situation of IP and the relation with CFA supported interventions

4. In what way did the position of the (selected) IPs change over the last 10 years concerning:
  - political rights
  - land rights
  - livelihoods
  - rights of indigenous women
5. Can these changes be assessed - and to what extent - as:
  - a reduction of marginalisation of the IP and a change in power, poverty, the worldviews and values, an increase and strengthening of the political, economic, social and cultural selfdetermination and identity of the IP?
  - a reduction of marginalisation and inclusion in development processes that is considered positive by them and
  - avoiding or mitigating of forced assimilation or integration?
6. To what degree and in what way can the changes under 4) be explained by the interventions of the CFA's partners ?
7. What is the relative importance of the CFAs' partner network contribution to these changes?
8. What can be said about the sustainability of the changes (see par. 3.6 definition sustainability)?
9. Are there unexpected (negative as well as positive) outcomes of CFA's partners interventions be distinguished?

##### C. Mode of supporting

10. In what way has the mode of supporting IP-organisations by the CFA's contributed to or undermined the (positive) outcomes. Include topics like:
  - Selection criteria of partners (different levels, intermediary organisations or indigenous organisations)

- Accountability systems, PME-models
- CFA-partner involvement/communication

#### **D. Synthesis**

11. What can overall be said about the change in structural injustice in the situation of IP in the case studies and the contribution of the CFAs' partner organisations in this change?
12. What lessons are there to be drawn from the case studies to enhance the positive outcomes (diminish the negative) and to effectively support the IP-organisations?

### **3.4. Methodology – Implementing the evaluation**

#### **General approach**

These Terms of Reference will guide three separate studies, one for each CFA. Each study will start – inception phase – with an analysis/ reconstruction of the CFA' s policies & strategies in working with IP (RQ under A)

Phase 2 will cover research questions under B and C, and consist of a small number of case studies. The Cordaid study will focus on Africa (pastoralists in Kenya, Tanzania and Ethiopia), the Hivos study will focus on Latin America (Bolivia and Guatemala) and the Icco study will focus on Asia (India).

Phase 3 will lead to a synthesis report in which the findings of the CFA studies will be compared, according to research questions under D.

The evaluation will be carried out by a team of three evaluators, one of which will act as team leader. Each evaluator will be responsible for one CFA study. The teamleader will coordinate the whole process and be responsible for writing the synthesis report.

Partos will sign up a contract with only the teamleader. The two other evaluators will work under responsibility – read under contract – of the teamleader.

The evaluation needs to meet the standards set out by the Policy and Operations Evaluation Department (IOB), an independent body of the Netherlands Ministry of Foreign Affairs (see annex 4, in Dutch).

#### **Methodology in detail**

##### **Phase 1 - Inception**

The inception phase covers 2 activities:

\* Addressing research questions under A (1 – 4) concerning the CFA policies on IP.

Given what was said about these policies in paragraph 2, this will partly mean a 'reconstruction' of the policies/theory of change/intervention logic.

This phase should include:

- A review of the relevant literature.
- A systematic review of relevant files, reports and other documents (e.g. existing (impact) studies, project and previous programme evaluations) available at Cordaid, Hivos, ICCO. A basic analysis should be done on the total portfolio of the participating CFAs.
- Interviews with desk- and programme officers, and management at the CFAs: to get an insight in the relation between policy, knowledge and practice of desk and programme officers.
- Interviews with other relevant informants (organisations or individuals) in the Netherlands.

\* Preparation of phase 2

This includes:

- a general refining of the research questions and development of indicators and judgement criteria, based on 4.1.1.
- a country specific refining of research questions/indicators/judgement criteria. This includes a check on the most relevant of the project foci.
- identification of sources of information and techniques of data collection.

This phase will result in three inception reports, one for each CFA. Approval of inception reports is a condition for the start of the next phase. Apart from the approval of each individual inception report, which will be done by the Partos Evaluation Manager and the respective CFA, it is proposed that in a ½ day workshop the three inception reports will be compared, as a first contribution to the synthesis report.

To sustain uniformity during the inception phase and later during the synthesis phase the inception reports should be written following the same table of contents and using the same concepts. Also the three case studies' report should be written following the same table of contents. The uniformity must be guarded by the teamleader.

## **Phase 2 - Case studies – data collection<sup>28</sup>**

The data collection will include

- desk study of IP context in case study countries
- desk study of CFA documents and partner files
- interviews with CFA staff
- field work case studies, including interviews with informants from IP and partner organisations

Each country case study will address the research questions 4–10 against a thorough context analysis of the (historical) changes in the position of the IP.

The aim of the country cases is to:

- a. Complete of information that did not show up during phase 1.
- b. Verify already collected data, and collect additional data on partner organisation and target population level (looking for intended as well as unintended, positive as well as negative effects).
- c. In addition to partner organisations, other reliable and appropriate data sources and informants should be consulted as well. Triangulation of data found in the desk study is needed.
- d. Share the information collected with at least the partner organisations, but preferably also other relevant stakeholders in the field, in order to create a common understanding and stimulate the learning process at relevant stakeholders.

This phase will be finalised with 3 reports answering the research questions 1–10 and the evaluation question for each CFA.

## **Phase 3 - Synthesis**

Based on the three CFA reports a synthesis report will be written. This report will answer part D, RQ 11 and 12.

### **3.5. Scope**

- Policy wise (Part A of the research questions) the evaluation will cover the totality of CFAs' involvement with indigenous peoples.
- Geographically the scope of the evaluation includes Africa (Kenya-Tanzania-Ethiopia), Latin America (Bolivia- Guatemala) and Asia (India). The country fieldstudies will cover a sizeable part of the CFAs' overall IP portfolios (in terms of financial commitments- Cordaid 35%, Hivos 42%, Icco 29%).
- The historical scope of the evaluation is at least the period 2003-2007. However, it may differ per case study, sometimes a "deeper scope" may be preferred. The historical depth of each case study will be determined during the inception phase.

### **3.6. Result levels and Evaluation criteria**

- The evaluation will address 'results' at the *outcome* level, and – where possible – at *impact* level
- The evaluation criteria applied by this evaluation are effectiveness, sustainability and relevance. For these concepts we follow the definitions formulated by DAC (Development Assistance Committee – see annex 5) The evaluation will not attempt to assess efficiency.

## **4. Deliverables and deadlines**

All final products need to be in English. Depending on the selected areas for field study, translations may need to take place to French or Spanish. The final synthesis report should be handed in **the 1<sup>st</sup> of april 2010**.

### **Expected products, delivered by the consultants, and deadlines**

Time available for phase 1 is 8 weeks: mid august 2009 – mid oct 2009

During this phase, the consultants:

- a. will have a kick-off meeting with the co-ordination group (CG): *augustus 2009*
- b. will draft an inception report (*after 7 weeks*). This inception reports includes a reconstruction of the policies and intervention logic, and a further operationalisation of the evaluation framework, evaluation questions, judgement criteria and indicators, based on this ToR, the proposal of the evaluators, and what they have found so far. This inception report is also sent to the External Reference Group (ERG)<sup>7</sup> for comments.
- c. will have a meeting on the inception report and the progress in the implementation of the work plan with the co-ordination group (*after 9 weeks*). The discussion includes:

<sup>28</sup> Evaluators must be aware of general data limitations in CFA supported projects. Baseline studies are generally not available. Data limitations occur in CFA files as well as in administrative systems of partner organizations.

- comments of the ERG
  - problems faced so far and solutions found
  - reliability of data collected
  - more information on judgement criteria and provisional indicators
  - verification that all important sources of information have been/will be used
  - first outline second phase for the case studies, suggestions for fine-tuning of the evaluation questions and the methodology for data collection in the field phase
- d. should submit a final report end oct 2010, including any comments received from the co-ordination group. This final report includes at least:
- an overview of the different policies (formal or informal), intervention or programme logic, judgement criteria plus indicators, practices and main activities during 2003 – 2007 of the four participating CFAs
  - an overview of expenditures by CFAs (total and MFP budget) and the number of partners involved (most of this is already available in the portfolio)
  - an analysis of the link between the work of CFAs within the changes of the geographical context, preliminary answers on the evaluations questions, and hypotheses to be further validated through field research

Number of pages for the final inception report: max 40 main text, excl. annexes

Format: draft report: electronic version (MS Word format)

final report: hardcopy (5 copies) plus electronic version (MS Word format)

Time available for phase 2 is 12 weeks: nov 2009 – end January 2010

At the end of the field study phase, the consultants will:

- a. submit three to three (of course the number depends on the number of countries visited) draft country reports and one thematic report (mid January 2010). These reports will also be shared with the partner organisations for comments. These reports should include at least:
  - reports of the field briefings and debriefings (meetings or workshops) in the countries/regions
  - context analysis, methodology, findings, conclusions and a maximum of four organisation specific recommendations regarding the evaluation questions
- b. give a presentation of the findings to the co-ordination group (*around Mid January 2010*)
- c. submit four final country reports (*no later than end January 2010*), including any comments received from the concerned parties on the draft reports.

Number of pages for each report: max 40 main text, excl. annexes

Format: Draft country reports: electronic version (MS Word format)

Final country reports: hardcopy (5 copies of each report) plus electronic version (MS Word format)

Time available for phase 3 is 8 weeks: February 2010 – April 2010

After the field study phase, the consultants will:

- a. submit a draft Synthesis Report (*around mid March 2010*) based on the desk and field studies: besides answering the evaluation questions, the draft final report should also synthesise all findings, conclusions and recommendations into an overall assessment of the programme. This draft Synthesis Report is also sent to the External Reference Group for their comments and concerned parties.
- b. give a presentation on the draft report to the co-ordination group (*Mid March 2009*), followed by a discussion on:
  - findings, conclusions
  - quality of the report
  - utilisation of the report, including transferable lessons and recommendations
- c. and if deemed necessary, this discussion can immediately be followed by a meeting with the External Reference Group and the coordination group.
- d. submit a final Synthesis Report (*no later than first week of April 2010*), including any comments received from the concerned parties on the draft report. This report needs to match the standards set out by the Policy and Operations Evaluation Department (IOB), an independent body of the Netherlands Ministry of Foreign Affairs (see annex 4, in Dutch).

Number of pages of synthesis report: max 60 main text, excl. annexes

Format: Draft Synthesis report: electronic version (MS Word format)

Final Synthesis report: hardcopy (5 copies) plus electronic version (MS Word format)

The final Synthesis Report will include an annex 1 with the formal assessment of the External Reference Group. It will be printed and distributed by Partos, and put on Partos' website.



## 5. Evaluation Team

The team leader should have expertise in managing complex evaluation processes. Experience with evaluations which go beyond policy level; knowledge of the working conditions and contexts of local partner organisations in the South is a must.

The evaluators will have to complement the specific 'indigenous peoples' – social science focus on - expertise, gender expertise, and have experience in quantitative and qualitative survey techniques. Language skills needed are Dutch, English and Spanish/Portuguese in order to be able to read and interpret the files available at the CFAs.

Although not the main focus - learning is an important part of the PE-process; therefore it is important to include participative learning experience and skills in the team. At least one team member should have an understanding of the Dutch co-financing system. Preferably, the team should be a mixture of northern and southern consultants. Working with local consultants during field studies in the South is a pre-condition.

Team members should not have had a working relationship with the involved CFAs during 2002-2007, the period just before and under evaluation. The co-ordination group follows the generally accepted principle that the evaluation of a programme must be carried out by independent bodies, organisations or individuals. In this particular case, this means that consultants should not have been involved in setting up the policy or programmes relating indigenous people at the CFAs under evaluation, nor should they have worked as policy-, programme or desk officers on this specific topic at these CFAs. In short: someone should not evaluate his or her own work.

It is the responsibility of the team leader to assure:

- composition of the team
- a realistic time frame and budget for the evaluation
- the consistency of the deliverables with the ToR
- the quality of the content of the deliverables

The team leader is ultimately responsible for finalising the report and co-ordinating and guiding the evaluation process (including all logistic arrangements).

## 6. Budget

A budget should give a breakdown of the expected number of days per team member and their fees. Prices need to be calculated in Euro's, are maximum prices and cannot be changed during the contract. The **maximum** budget available for the complete evaluation (including *all* three case studies and synthesis phase) is € 365,000. **(VAT Inclusief)**

We suggest a division of the budget over the three case studies and the synthesis phase. Per case study (rq 1–10) the amount could be € 110,000. **(VAT Inclusief)**. For writing up the synthesis report we estimate the budget at € 35,000. **(VAT Inclusief)**

The payment procedures are as follows:

- 25% at acceptance by the evaluation team of the task
- 25% after approval by co-ordination group of the draft inception report (end phase 1)
- 25% after approval by co-ordination group of the final organisational or country reports (end phase 2)
- 25% after approval by co-ordination group of final report and financial justification (end phase 3)

## 7. Management and steering of the evaluation

### **Co-ordination Group (CG)**

The evaluation is managed by the evaluation manager within Partos, with the assistance of a co-ordination group consisting of members of the four participating co-financing agencies. The co-ordination group members have prepared the current Terms of Reference. The main function of this group is:

- To select the evaluation team who actually implement this evaluation.
- To ensure that the consultants have access to and have consulted all relevant information sources and documents related to the project/programme available at the agencies.
- To validate the evaluation questions.
- To discuss and comment on notes and reports delivered by the consultants.
- To assist in feedback of the findings, conclusions, lessons and recommendations from the evaluation back into their organisations.

### **External Reference Group (ERG)**

Partos, together with the Co-Financing Agencies have installed a Reference Group of external experts to advise the co-ordination group on the quality of process and results of the joint programme evaluations. The External Reference Group gives advice on the draft Terms of Reference, the draft inception report, the draft

Synthesis report, and prepares a final assessment on the quality of process and results. Their independent assessment will be included in the final synthesis report as an annex<sup>29</sup>.

### ***Policy and Operations Evaluation Department (IOB)***

The CFAs are accountable to the Ministry of Foreign Affairs and the Dutch public for the obtained results. The evaluation reports will be open for public use and are reviewed by the Policy and Operations Evaluation Department, an independent body of the Ministry of Foreign Affairs, according to a Quality Assessment List (annex 4, in Dutch).

All contracting, payment and correspondence concerning the evaluation goes through Partos:

Ellermanstraat 15

Amsterdam

The Netherlands

Tel : 020 – 320 9901

Fax : 020 – 620 8049

**Contact person:** Lisette Desain, [ld@partos.nl](mailto:ld@partos.nl), Evaluatie Manager Partos

## **8. Minimal requirements for proposals**

In case you are or your organisation is interested, we invite you to prepare a proposal for implementation (max. 15 pages, excluding annexes). We encourage you to team up with other organisations or individuals. The proposal should be written in English. We expect a plan of approach, with at least the following information:

Understanding context and evaluation questions:

- Fine tuning of the evaluation questions, including a first draft of 'judgement criteria'.  
The evaluation questions need to be captured into different judgement criteria developed by the consultants. Each evaluation question should have at least 1 to 2 judgement criteria. The achievement of these criteria during the period 2003 -2007 can be assessed or judged through indicators, which need to be developed by the consultants during the first phase of the evaluation.

Evaluation capacity:

- A proposal for a methodology, the way in which data will be collected and data sources needed, taking into account the expected methodological problems and data shortcomings.
- A proposal for how to analyse data in order to answer the evaluation questions.

Evaluation team:

- An overview of the roles, expertise and skills of the team members in the evaluation.
- Time table, including possible risks, and measures you may take in order to reduce those risks.

The proposal should include at least the following annexes:

- Composition of the evaluation team with cv's, showing their knowledge, skills and experiences
- List of relevant evaluations within the last 5 years

A separate document including a breakdown of the requested budget should be sent with the technical proposal, but in a separate envelope. You should give the reference number "Partos /09/LD/800, technical - or- financial proposal" for quotation on the envelopes.

Technical and financial proposals (3 hardcopies each, in two different envelopes) should be sent to the contact person at Partos (mentioned in chapter eight), and need to be in her receipt no later than 13 july 2009 at 17.00 o'clock Dutch time. We also ask you to send an email with the two documents.

<sup>29</sup> An example of such an assessment can be found at [http://www.partos.nl/index.php?page=5\\_2\\_3](http://www.partos.nl/index.php?page=5_2_3) , [Synthesis Report of Dutch CFA Programme Evaluation - MBN HIV/AIDS Evaluation, 2001-2004](#) on page 111-112.

## Annex 2: Itinerary for fieldwork in Kenya

<b>Date</b>	<b>Activity</b>
6–7 Jan	Travel by Netherlands-based team member to Kenya
7 Jan	Final planning; review of question guidelines; preparation for fieldwork
8 Jan	Meetings with resource persons / organisations in Nairobi
9 Jan	Travel by road from Nairobi to Wamba Initial discussions with SIDEP staff
10 Jan	Meetings with Livestock Marketing Association and local officials Meeting with Samburu women’s gardening group Meeting with government staff
11 Jan	Final discussions with SIDEP staff Travel from Wamba to Nakuru
12 Jan	Meetings with RECONCILE staff Travel from Nakuru to Nairobi
13 Jan	Meeting with Cordaid Liaison Office staff Meetings with resource persons / organisations in Nairobi
14 Jan	Meetings with resource persons / organisations in Nairobi
15 Jan	Flight from Nairobi to Lodwar Meetings with Diocese of Lodwar staff and resource persons
16 Jan	Meetings with groups of community members, local government and Diocese staff: Lorugumu, Kalamunyang, Lopeyei
17 Jan	Meetings with community members in Oropoi Drive to Lokichoggio Flight from Lokichoggio to Nairobi
18 Jan	Flight from Nairobi to Moyale Meeting with FARM–Africa staff Meeting with government officers
19 Jan	Meetings with groups of community members in Godoma Meeting with CIFA staff
20 Jan	Travel by road from Moyale to Marsabit Recapping, field notes
21 Jan	Meeting with Diocese of Marsabit staff and partners Drive from Marsabit to Laisamis Meeting with pastoralists in Tirukoamo manyatta
22 Jan	Drive from Laisamis to Nakuru Meeting with Laikipia Wildlife Forum and Northern Rangelands Trust staff Drive from Nakuru to Nairobi Evening meeting with Cordaid staff
23 Jan	Drafting report
24 Jan	Drafting report
24–25 Jan	Return travel by Netherlands-based team member

### Annex 3: Persons consulted

Name	Organisation	Position
<b>Europe</b>		
Alba Espinoza Rocca (f)	Cordaid, Sector Participation	Programme Officer, Pastoralist Development
Brigitte Kaufmann (f)	German Institute for Tropical and Subtropical Agriculture (DITSL)	Researcher (pastoralism in north Kenya)
Ced Hesse	IIED, UK	Programme Officer
Frédérique van Drumpt (f)	Cordaid, Sector Participation	Project Officer
Hilda van 't Riet (f)	Cordaid	Monitoring & Evaluation Officer
Inge Barmentlo (f)	Cordaid, Sector Participation	Programme Officer, Pastoralist Development
Margriet Nieuwenhuis (f)	Cordaid, Sector Participation	Manager
Piet Spaarman	Cordaid, Sector Emergency Aid & Reconstruction	Manager
Sasja Kamil (f)	Cordaid, Sector Emergency Aid & Reconstruction	Team Leader Eastern & Southern Africa
Stephanie Joubert (f)	Cordaid, Section Participation	Programme Officer Lobbying
<b>Nairobi, Kenya</b>		
Yobo Rutin	CEMIRIDE	Executive Director
George Odhiambo	FARM–Africa	Regional Programme Manager
Abass Mohammed	KLMC	Chief Executive Director
Abdikadir Mohammed	KLMC	Programme Coordinator
Mohammed	KLMC	Programme Officer Advocacy and District Livestock Marketing Council
Qulichwa Wario	KLMC	Marketing Officer
Honourable Safia Abdi (f)	House of Parliament	Nominated MP for Garissa
Bilach Jimale (f)	LPWK	Director
Sofia Abdi (f)	Cordaid Liaison Office	Programme 4 Officer
Annie LeFevre (f)	Cordaid Liaison Office	Liaison Officer
Joseph Ole Simel	MPIDO	Executive Director
Lawrence Ole Mbelati	MPIDO	Programme Officer
Halakhe Waqo	Commission for National Cohesion and Integration	Commissioner
Mohamed Elmi	Ministry for Development of Northern Kenya and Other Arid Lands	Minister
Jonathan Davies	IUCN / WISP	Regional Drylands Coordinator
Willie Tuimising	Practical Action	Programme Leader
<b>Wamba area, Kenya</b>		
Ibrahim Abdalla	SIDEP	Programme Coordinator
Julius Lemalasia	SIDEP	CMDRR Programme Manager
Jacob Lizoro	SIDEP	Education Programme Officer
Rebecca Elangubai (f)	SIDEP	Micro-enterprise and Water Project Officer
Assilie Mohamed (f)	SIDEP	Administrative staff member
Boniface Nakori	School	Teacher, Special Education
Man	Livestock Marketing Association	Member
Frances Lenkes	Security Committee	Chair
Odile Latare	Livestock Marketing Association	Vice-Chair
Julius Lakipila	Livestock Marketing Association	Treasurer
Sakipe Lanampu	Livestock Marketing Association	Member
Stephen Wakalepe	Gulei West Sub-Location	Assistant Chief
Lucie Bayor (f)	Women's gardening group	Member
Madeline (f)	Women's gardening group	Member
Pauline (f)	Women's gardening group	Member
Mary Desorak (f)	Women's gardening group	Member
Nantawa Gegulwa (f)	Women's gardening group	Member
Jane Degadero (f)	Women's gardening group	Chair
ca 10 more women & girls	Women's gardening group	Members

John Nagunabe	-	
Rueben Legagero	-	Retired project worker
Patrick Lambokita	Wamba Location	Assistant Chief
Ipheir Kagwe	Agriculture Office	Agribusiness Development
Ngoroge	Education Office	Field Services Officer
<b>Nakuru, Kenya</b>		
Peter Ken Otieno	RECONCILE	Programme Associate
Michael Ochieng Odhiambo	RECONCILE	Executive Director
John Gichana Ombwori	RECONCILE	Accountant
Margaret Kerubo Ogeto (f)	RECONCILE	Programme Assistant
Irene Aloo Mukalo (f)	RECONCILE	Programme Assistant
Bilha Wanjiku Mucheru (f)	RECONCILE	Programme Assistant
<b>Turkana area, Kenya</b>		
Tim Flynn	Diocese of Lodwar	Development Coordinator (outgoing)
Margaret (f)	Diocese of Lodwar	Medical Coordinator
Jocelyn Aita (f)	Diocese of Lodwar	Development Coordinator (incoming)
Otieno Zachary	Diocese of Lodwar	CBHC Coordinator
Dr Gilchrist Lokoel	Turkana Central & Loyima Districts	Health Office Head
Margaret Nasambu (f)	Kalamunyang Health Post	Patient Attendant
Harim	Kalamunyang Health Post	Nurse
Paulina Adong (f)	Kalamunyang	TBA/CHW
Grace Ethokhon (f)	Kalamunyang	TBA/CHW
Mary Emong (f)	Kalamunyang	TBA
Regina Lomor (f)	Kalamunyang	TBA
Alima Mohamed (f)	Kalamunyang	TBA
Grace (f)	Kalamunyang	TBA
Woman (f)	Kalamunyang	TBA
Simon Munya Echakon	Lopeyei Sublocation	Assistant Chief (formerly Patient Attendant)
Catherine Ethokon (f)	Lopeyei School Committee	Treasurer
Mary Nakiru (f)	Lopeyei community	TBA
Rebecca Nagolol (f)	Lopeyei School Committee	Chair, also TBA
Patricia Narong (f)	Lopeyei School Committee	Member
Helen Abern (f)	Lopeyei School Committee	Member, also CHW
Regina Akidor (f)	Lopeyei School Committee	Member
Woman (f)	Lopeyei Church member	Housewife
Achemo Lokwam	Lopeyei community	Elder Assistant to Chief
Joseph Akidor Epei	Lopeyei community	Elder Assistant to Chief / Kenya Police Reservist
Paulina Lomarobiomoe (f)	Lopeyei community	Housewife
Regina Nguleneg (f)	Lopeyei community	CHW
Apule Kulal	Lopeyei community	Kenya Police Reservist
Ester Natapar (f)	Lopeyei community	TBA
Maraka Anapet	Lopeyei community	Elder / CAHW
Man	Lopeyei Peace Committee	Chair, Elder
Jesinta Kugiro (f)	Lopeyei community	CHW
Margaret Lobuin (f)	Lopeyei community	Merlin CHW/TBA
Achem Lotome (f)	Lopeyei community	Merlin CHW/TBA
Silvia Ewoton (f)	Lopeyei community	TBA
Tiogo Naukot (f)	Lopeyei community	Merlin CHW
Philip Nasil Natome	Lopeyei community	Church Assistant / Merlin CHW
Michael Numusia	Lopeyei community	Kenya Police Reservist / CAHW
Lucy Imasaja (f)	Lorugumu Health Centre	Social worker
Robert Kiragu	Lorugumu Health Centre	Nurse
Sister Pascalia Chira (f)	Lorugumu Health Centre	Nurse
Margaret Nakaru (f)	Oropoi community	TBA
Margaret Eragae (f)	Oropoi community	TBA
Ann Pedo (f)	Oropoi community	TBA

Lowolon Namorukai (f)	Oropoi community	TBA
Awolon Ekutan (f)	Oropoi community	TBA
Elimulim Joshua	Oropoi Youth Association	Member
Peter Nasike	Oropoi Youth Association	Member
Godfrey Lokwee	Oropoi Youth Association	Member
Atabu Amondongor	Oropoi Youth Association	Member
Beatrice Napeyok (f)	Oropoi Youth Association	Member
Ekomwa Eleny	Oropoi Location Devt Committee	Member
Eregae Ekenyo	Oropoi Location Devt Committee	Member
Achola Kizito (f)	Oropoi Location Devt Committee	Member
Lolaan Ngisala	Oropoi Location Devt Committee	Member
Kuroke Emuria	Oropoi Location Devt Committee	Member
Desmond Ekutan	Oropoi community	CHW
Ronald Lopeolo	Oropoi community	CHW
Joseph Ewesie	Oropoi community	CHW
Elias Ekal	Oropoi community	CHW
Albert Ejose	Oropoi community	CAHW
Charles Lokaala	Oropoi community	Assistant Chief
Adima Paul	Oropoi dispensary	Patient Attendant
<b>Moyale area, Kenya</b>		
Adan Waqo	FARM–Africa	Project Officer
Ousman Owaqo	FARM–Africa	Logistics Officer
Dr Amutete	Moyale Agriculture Office	District Veterinary Officer
Molu Dika	ALRMP	District Marketing Officer
Alex Mbundo	District Livestock Office	Drought Monitoring Officer
Ibrahim Yuso	Godoma Location Development Committee	Chair
12 women	Godoma community	Chairpersons, treasurer and members of three women's groups
15 men	Godoma community	Locational Development Committee members, youth
Galma Cabrikie	CIFA	Water & Environmental Officer
<b>Marsabit, Kenya</b>		
Hilary Halkano Bukuno	Diocese of Marsabit	Justice & Peace Coordinator
Joseph Mirgichan	Diocese of Marsabit	Health Coordinator
James Galgallo	Diocese of Marsabit	Catholic Diocese Development Coordinator
Umuro Roma Godama	PISP	Executive Director
Nuria Gollo (f)	MWADO	Director
Father Hubert Moessmer	North Horr	Priest
<b>Laisamis area, Kenya</b>		
Adam Lengima	Dept of Agriculture and Livestock	Veterinary Officer
Dan Kopir	Laisamis school	Teacher
Saranko Lengima (f)	Tirukoamo community	Member
Tuchulan Learia (f)	Tirukoamo community	Member
Uchunkon Lukurtuma (f)	Tirukoamo community	Member
Latayon Lerusso (f)	Tirukoamo community	Member
Sito Brusuna (f)	Tirukoamo community	Member
Kelelen Lepokodo (f)	Tirukoamo community	Member
Ngija Bulia (f)	Tirukoamo community	Member
Nado Naricha (f)	Tirukoamo community	Member
Rongoi Lagado (f)	Tirukoamo community	Member
Janet Lengima (f)	Tirukoamo community	Secondary school student
Friend (f)	Tirukoamo community	Primary school student
ca 12 males	Tirukoamo community	Elders, youth
<b>Nanyuki, Kenya</b>		
Delphine Malleret (f)	Laikipia Wildlife Forum	Researcher
Anthony King	Laikipia Wildlife Forum	Director
Juliet King (f)	Northern Rangelands Trust	Researcher

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## Annex 5: Question guidelines for fieldwork

### **Resource persons**

- Changes in national and regional policies and their implementation related to pastoralism in Kenya (including cross-border issues) in last ten years?
- To what extent has Cordaid contributed to developing legislation/policies supportive of pastoralists regionally (internationally) and in Kenya?
- Changes in actual situation of pastoralists? (political rights, land rights, livelihoods, rights of pastoralist women, integration in development, other ...)
- Contributions of Cordaid partners to networking and learning on pastoralist development? (added value to pastoralist development in the area?)

### **Partner organisations**

- Changes in national and regional policies and their implementation related to pastoralism in Kenya (including cross-border issues) in last ten years?
- To what extent has the PO contributed to developing legislation/policies supportive of pastoralists regionally (internationally) and in Kenya?
- Specific objectives of projects? (any mention of social & cultural rights, collective rights, self-determination, reducing marginalisation?)
- What other projects (not Cordaid-supported) implemented by the PO that are addressing pastoralist/IP issues? When and how developed? (complementarity, synergy, relative impact?)
- What differences in worldviews of pastoralists as compared to those of PO (and Cordaid) create challenges in development activities? How were these differences handled when planning activities?
- What kinds of tension have arisen during project implementation between collective/ cultural rights and individual (incl. gender) rights? How have these been dealt with?
- Changes in actual situation of pastoralists? (livelihoods, integration in development, other ...) What brought these changes about? Contribution of Cordaid-supported work to this?
- Change in rights position of pastoralists (political rights, land rights, access to and control over resources, rights of pastoralist women)? How evident? How did this change come about?
- Examples of special laws/court rulings supportive of pastoralist rights?
- Are pastoralists with whom they work now stronger or weaker in ability to deal with shocks and disasters (resilience)? How evident? How did this change come about?
- Unexpected positive and negative outcomes of Cordaid-supported PO's work? How were these or will these be dealt with?
- How has Cordaid supported organisational and capacity strengthening of PO? How does PO assess change in its capacity to work on pastoralist issues over past \_\_ years? (depending on how many years the PO has been working with Cordaid) Has this support helped PO to carry out its tasks in support of pastoralists in a different and more effective way? (sustainability)?
- Has Cordaid supported PO to develop and implement specific programmes addressing pastoralist/IP issues? If so, how?
- Frequency and quality of communication between PO and Cordaid?
- Monitoring system at PO level? (project documentation, M&E documents, progress reports)
- How well does the PO think it has mainstreamed gender? How is this evident? Is there a gender-differentiated monitoring system in place?
- Documentation of learning and good practice? (examples?) Has learning led to change in practice? (examples?)
- What linkages does the PO have with other Cordaid partners in the network? What activities are carried out jointly? Frequency? Complementarities? Informal contacts?
- In which other networks is the PO involved that relate to pastoralists/IPs?
- What other institutional linkages with relevant organisations? (e.g. research, education)

### **Pastoralist groups**

- Does the PO represent the interests and address the needs of the pastoralists? If not, what needs to be changed so that this happens?
- What does development mean for these pastoralists (different pastoralist groups, men, women, elders, youth)?

- Changes in their lives – positive and negative? How did these changes come about? (gender-differentiated)
- Changes in access to and control over resources – positive and negative? How did these changes come about? (gender-differentiated)
- Change in access to markets and financial services?
- Stronger or weaker in ability to deal with shocks and disasters (resilience)? How evident? How did this change come about?
- How are pastoralists (and who among them) involved in planning their own development process (participation)?
- Examples of community development plans developed by pastoralists that have received funding support from Cordaid and/or other sources (e.g. government funds)?
- Examples of how pastoralists have tried to claim their social, cultural, economic and/or political rights and results obtained? Change in level of confidence to make such claims and, if so, together with whom?
- Examples of special laws/court rulings supportive of pastoralist rights?
- Any local organisations / institutions built or strengthened with a view to claiming rights?
- Unexpected positive and negative outcomes of well-intended support from PO? How were or should these be dealt with?
- Level of confidence that they can continue to improve their economic situation as individuals and/or as group? (gender-differentiated)

## Annex 6: Documentation and self-assessment of fieldwork process

The fieldwork for the case study of Cordaid-supported activities related to pastoralists in Kenya was carried out in the period 7–24 January 2010.

The study team used a slightly revised version of the checklist of questions for semi-structured interviews and focus-group discussions that had already been prepared for the Ethiopia case study in November 2009. Different guideline questions were used for: 1) resource persons, 2) partner organisations, and 3) pastoralists (see Annex 5). The same draft outline as had been used in Ethiopia was used in Kenya to provide a ready-made structure for the information collected in the field.

After first meetings with partner organisations based in Nairobi, the team drove to Wamba to visit SIDEP and Samburu pastoralists with whom this NGO works. It then drove to Nakuru to meet with staff of RECONCILE. Back in Nairobi, it conducted further interviews, primarily with resource persons. After flying to Lodwar, it met Diocese staff there and then health personnel and Turkana pastoralists at four sites (Kalamunyang, Lorugumu, Lopeyei and Oropoi). After flights from Lokichoggio to Nairobi and, the next morning, to Moyale, the team met with staff of FARM–Africa and CIFA (a Kenyan NGO that developed out of an earlier FARM–Africa project and now receives support directly from Cordaid through Programme 4), with their partners in government line offices and with mainly Boran and some Gabra pastoralists in Godoma about 30 km east of Moyale. The team travelled by road back to Nairobi, experiencing firsthand the poor condition of the infrastructure in northern Kenya. On the way, it visited the Diocese of Marsabit, which arranged a meeting also with the directors of MWADO and PISP. The team deviated from its original plan and spent the final half-day of fieldwork in Tirukoamo near Laisamis to have a chance to meet with more mobile Rendille pastoralists (a visit arranged by the Department of Agriculture). On the trip from Laisamis to Nairobi, a brief stop was made in Nakuru to meet staff of the Laikipia Wildlife Forum and the Northern Rangelands Trust. After returning to Nairobi, the team worked jointly on the case-study report for 1.5 days. In total, it spent 12 days out of Nairobi, about half of this time travelling by road or air.

The limited number of flights per week to points in the north of the country greatly constrained the time planning. Because the flight bookings made by the Cordaid Liaison Office in Nairobi was confused, the Lodwar–Nairobi flight that had been booked could not be used (it was at the same time as the Nairobi–Moyale flight) and the team had to make last-minute arrangements for an earlier flight to Nairobi from Lokichoggio, requiring still more road travel to reach this airport near the Sudanese border.

The Kenyan team member contacted all partners beforehand to arrange visits. In most cases, the partner organisations in the field had already scheduled meetings with stakeholders, including pastoralists with whom they are working. Only in Lodwar was it necessary to make last-minute plans because no preparations had been made. Most meetings with pastoralists in the different ethnic areas were initially with mixed groups (men, women, elders, youth, traditional leaders) involved in diverse development activities. In most cases, subdivision was then made into separate discussions with men and male youth, on the one hand, and with women and female youth, on the other hand, allowing the team to explore their specific perceptions and issues. With all these groups, including the staff of partner organisations, the team explored their perspectives on how the situation of pastoralists has changed over the last 10–15 years, the positive and negative aspects of these changes, the factors that contributed to them, and visions of pastoralist development in the future. With the partner organisations, it also explored Cordaid's mode of supporting and communicating with them.

The original assumption that interviews could be made in Kiswahili proved to be wrong. The pastoralists wanted to express themselves in their own language, even though most of them (at least the men) could speak Kiswahili. In all cases but one (interviews with Rendille near Laisamis), partner organisation staff (all male except a female staff member among the Turkana) served as interpreters. With the Rendille, a local veterinarian and a local teacher (both male) served as interpreters. Judging by the unusual length or brevity of the translation, the team sometimes gained the impression that additional explanation and “editing” was occurring. On the other hand, the partner organisation staff and the Turkana teacher and veterinarian obviously enjoyed the trust of the community members; this allowed for easy entry into discussion with the different groups, both male and female.

Because the time originally budgeted for the case study in Kenya was very short (15 days including weekends), travel logistics were complicated and unexpected delays occurred, the study team was often in the situation that it had to meet with NGO staff and government officials on weekends or late in

the afternoon and evening of weekdays, often much later than had originally been scheduled. The fact that the government officials agreed to meet the team at such times was a sign of the good relationship between them and the NGO partners of Cordaid who arranged these meetings. When changes in arrangements had to be made for logistical reasons, the partners and resource persons were highly flexible, probably out of their good will to Cordaid and/or Cordaid partners and, in some cases, to the Kenyan team member, whom they knew personally.

At the field sites and in the headquarters of the partner organisations, the team collected relevant documentation in hardcopy or electronic form on project activities. It also reviewed project evaluation reports, studies and other publications on Kenyan pastoralists provided by resource persons. Because meetings went late into the evenings, travel conditions were difficult and lighting was poor, there were few opportunities to recapitulate after the discussions and interviews, and to work on the study report while in the field. However, whenever possible, the team noted key findings, identified information gaps and selected issues to explore in subsequent meetings. During the final 1.5 days together in Kenya, the team members also reviewed the strengths and weaknesses of the fieldwork process (i.e. this report). Afterwards, the team continued to analyse the collected documents and notes from the fieldwork and agreed on the final version of the case-study report by email.

Methodological triangulation in the study involved: i) using different source of data (interviews, discussions, Cordaid documents, partners' reports, other documents, own observations in the field); and ii) collecting data from different perspectives: the endogenous views held by pastoralists and the exogenous views held by people not of pastoralist descent but working with pastoralists and/or well-informed about the situation of pastoralists in Kenya ("resource persons"). In addition to the staff of partner organisations, the team members met (sometimes in parallel visits) with resource persons such as researchers working on pastoralist issues, members of networks concerned with pastoralist and indigenous peoples, a woman pastoralist Member of Parliament (MP), the head of the Kenyan Justice and Peace Commission, and the Minister for Development of Northern Kenya and Other Arid Lands.

### **Weaknesses and constraints in the field study**

In the self-assessment by the study team, some weaknesses and constraints in the case-study methodology and process were the following:

- **Potential for bias through translation.** As also the national researcher did not understand the languages of the different pastoralist ethnic groups, the study teams relied primarily on partner organisation staff for translation during the focus-group discussions. This obviously increased the risk of a certain bias in the responses during these discussions. However, in view of the main objectives of the evaluation – giving attention primarily to changes in the lives of the pastoralists and Cordaid's contribution to these changes, rather than being a conventional project evaluation to assess the partner organisations' work – the translation is not likely to have led to a significant bias in the information gained from the field.
- **Insufficient allowance for time needed for travel to and in pastoralist areas.** The fieldwork could not always be done as scheduled because of logistical challenges. The pastoralist areas in northern Kenya are vast, diverse and geographically marginalised. The study team had to cover considerable distances using poor roads or lengthy flights with frequent stopovers, exacerbated by a burst airplane tire in El Wak on route to Moyale. The time allocated for the fieldwork in the programme evaluation did not take sufficiently into account this geographical marginalisation of pastoralists and, therefore, the time needed to reach them. Almost half of the team's time in northern Kenya was spent travelling. This limited the opportunities to collect data in interaction with CFA partners, resource persons and pastoralists. The time spent in each ethnic area (1–2 days) was too short; there was little opportunity to probe more deeply into causes and effects. Thus, although the data obtained in the field provide some basis for assessing change and its causes, depth is lacking.
- **Insufficient wealth and power differentiation within the pastoralist groups.** Kenyan pastoralist groups are numerous and diverse and, also within each ethnic group, there is heterogeneity to a greater or lesser degree. Moreover, the gap between richer and poorer pastoralists has reportedly widened over time. As the study team could not carry out wealth stratification and internal power mapping in the short period available for actual research in the field, it is difficult to assess to which wealth and power categories of pastoralists the findings apply. To some extent, the team managed to relativise the field findings through reference to resource persons and research reports, which often revealed that the situation of the majority of the pastoralists in Kenya was less favourable than

that of the pastoralists who were most vocal in the focus-group discussions. Moreover, it must be noted that most of the participants in these discussions had benefited directly from support through Cordaid partner organisations.

- **Insufficient contact with more mobile pastoralist groups.** The pastoralists with whom the Cordaid partners are working and whom the study team met were settled in or near towns and villages and depended only to a limited extent on livestock. To be able to visit more mobile pastoralists, the team had to divert from the plans originally made by partner organisations and contacted a government veterinarian, who arranged a meeting with Rendille pastoralists living in a temporary camp near Laisamis, south of Marsabit. The Cordaid partners' selection of pastoralist groups to visit may indicate a tendency to work with those that are more settled or perhaps the desire of partners to visit close-by communities because the team could spend only a short time with them in the field. The advantage of visiting groups with which the partners are working is that the local people regard these visits as part of their relationship with the NGOs, whereas the visit to the Rendille pastoralists (not supported by Cordaid partners) doubtless raised their expectations of external support. However, this turned out to be the only way in which to gain the perspectives of more mobile pastoralists on changes in their situation and on the future of pastoralism.
- **Insufficient time to discuss with other actors involved in pastoralist development.** The short time originally budgeted for the entire case study in Kenya (15 days including weekends) and the timing of available flight connections greatly limited the amount of time available to meet with organisations that are not direct partners of Cordaid, e.g. Oxfam-GB, VSF and other organisations that have been major players in pastoralist development in Kenya. In view of the traffic congestion in Nairobi, which made movement from one organisation to another very slow, more days would have been needed for interviews there. Moreover, the study started in the first week of the New Year, when many government and NGO staff had not yet returned from the holidays. It would have been better to have planned to start the study at least a week later and to have budgeted for a longer total period for the case study. This would have allowed the team to gain a wider range of perspectives on change in the situation of pastoralists and on relationships of other actors with Cordaid partners.
- **Insufficient attention to cross-border issues.** Cordaid's list of potential partners to visit included those now in Programme 1. With respect to cross-border issues, the current Programme 4 partners are the more interesting ones. As the study team did not plan to visit these partners, it did not have sufficient opportunity to delve deeply into cross-border issues related to pastoralism.

### Strengths in the field study

The team assesses the major strengths in the case-study methodology and process to be the following:

- **Thorough inception phase.** The inception phase gave the study team member from ETC EcoCulture a chance to talk to numerous staff members in Cordaid head office and to obtain a broader overview of the total IP portfolio, relevant policies and Cordaid's overall approach to working on issues of indigenous peoples and specifically of pastoralists. When preparing for and conducting the Kenya case study, this overview helped in targeting the fieldwork and in assessing and analysing the information.
- **Representative sample of partners visited.** The study team met with a representative sample of the portfolio of Cordaid partners working with pastoralists in Kenya, including international NGOs, national and local NGOs and the Kenya Livestock Marketing Council. This provided a wide range of perspectives on changes in the situation of pastoralists and the contributions of Cordaid's support to these changes.
- **Diverse influential and knowledgeable resource persons visited.** The team met with a diversity of influential resource persons in the Government, including the Minister for Development Northern Kenya and Other Arid Lands, a woman pastoralist Member of Parliament and the Commissioner for National Cohesion and Integration, as well as in international organisations such as IUCN.
- **Strong focus on women pastoralists.** The study team was gender balanced, which placed it in a good position to take a gender-balanced approach to the fieldwork. In three of the four pastoralist areas visited, the female team member held separate focus-group discussions with women and girls. In most of the other discussion groups, the Cordaid partners had arranged for participation of several women. As a result, over half of the pastoralists with whom the study team discussed in the field were women and female youth. Also male pastoralists, in separate sessions, had an opportunity to

bring their perspectives on change in the situation of pastoralist women. This helped to gain gender-balanced views on change in pastoralism and in the situation of pastoralist women.

- **Perspectives of different pastoralist ethnic groups.** The study team visited the areas of several different pastoralist groups – Samburu, Turkana, Boran (living together with Gabra) and Rendille – and met with both (semi-)settled and – although only in one case – more mobile pastoralists. This gave some insight into the diverse situation of these different peoples. The participants in the focus-group discussions included both people who had lost most of their animals and had diversified into other activities (and, in many cases, were receiving food aid) and those who are trying to live primarily from livestock. This gave the team a less biased view of the situation of pastoralists in northern Kenya than if discussions had been with only one or two ethnic groups or with only settled pastoralists. The original itinerary planned by the Kenyan team member had included a larger number of visits but, based on the Ethiopian experience, the number of ethnic groups to be visited was reduced to three. It was nevertheless a wise decision to include a visit to a fourth group (Rendille) on the final day of the fieldwork, as this gave the team an opportunity to meet with more mobile pastoralists.
- **Triangulation through endogenous and exogenous perspectives plus field observations.** The focus-group discussions with pastoralists in different parts of Kenya provided endogenous views on change. This is also in line with international standards on ethical rights to have members/groups of indigenous peoples represent and articulate their experiences and situation themselves. By collecting the views of both the “insiders” (endogenous perspective) and the “outsiders” (exogenous perspective) on changes in the situation of pastoralists, the team could gain a broader picture of the overall situation, beyond that of the limited number of pastoralist groups that could be visited in the field. This, together with field observations made by the study team – also while travelling from one interview/discussion site to another – helped in triangulation of findings and brought in experiences from other areas than only those visited.

## Annex 7: References to pastoralists in Harmonized Draft Constitution of Kenya

The Constitution of Kenya is going through a long process of revision. The Harmonized Draft version of November 2009 contains the following articles/ paragraphs of particular importance for pastoralists as “marginalised communities”. The draft refers to the “people of Kenya” and not to different “peoples”.

Article 9 (3): The State shall respect, promote and protect the diversity of language of the people of Kenya and shall promote the development and use of indigenous languages and sign language.

### **Article 80: Community land:**

Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or community of interest.

(2) For the purposes of clause (1) community land includes—

(a) all land lawfully held as trust land by the county governments;

(b) land lawfully registered in the name of group representatives under the provisions of any law for the time being in force;

(c) land lawfully held, managed or used by specific communities as community forests, grazing areas or shrines;

(d) land lawfully transferred to a specific community by any process of law;

(e) ancestral lands and lands traditionally occupied by hunter-gatherer communities; and

(f) any other land declared to be community land by an Act of Parliament, but shall not include public land as defined in Article 79.

(3) Any unregistered community land shall be held in trust by county governments on behalf of the communities.

(4) Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.

(5) Parliament shall enact legislation to give effect to this Article.

**Article 84.2** The functions of the National Land Commission are to: ... (i) encourage the application of traditionally accepted systems of dispute resolution in land conflicts;

### **Article 311: Definitions (p164):**

“marginalized community” means—

(a) a community which, by reason of its relatively small population or for any other reason has been unable to fully participate in the integrated social and economic life of Kenya as a whole;

(b) a traditional community which, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;

(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or

(d) pastoral persons and communities, whether they are— (i) nomadic; or (ii) a settled community which, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of the Republic as a whole;

“marginalized group” means a group who, as a result of laws or practices before or after the effective date, were or are disadvantaged by unfair discrimination on one or more prohibited grounds set out in Article 37.