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A REPORT ON THE KENYA PASTORALISTS' WEEK, NANYUKI, LAIKIPIA COUNTY 2017

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1. Background

Kenya Pastoralists' Week (KPW) is an annual multi-stakeholder partnership project that brings together diverse stakeholders built around interested individual pastoralists, pastoralists' associations, government, constitutional offices, private sector, academia, media and the civil society from and working in arid and semi-arid lands (ASALs) and other parts of Kenya. The exercise provides a forum for stakeholders to jointly reflect and define a common voice on both the gains and challenges pastoralists are confronted with from the socio-economic, governance and policy affecting pastoralists and pastoralism as a source of livelihood in Kenya and East Africa as a region. KPW is organised and supported by a number of state and non-state organisations, development partners such as the Kenya Agricultural and Livestock Research Organization (KALRO), ActionAid, SNV, the Christensen Fund, County Government of Laikipia, RECONCILE, Turkana Development Forum, Pastoralist Development Network (PDNK), League of Pastoralist Women of Kenya, the Kenya Livestock Marketing Council among other partners and coordinated by CEMIRIDE (Centre for Minority Rights Development).

Figure 1 RECONCILE staff with a participant signing in visitors book at the tent

The annual event is guided by themes. The theme celebrated in 2017 was "Promoting Pastoralists' Participation in County Governance". This theme was also a reflection of devolution four years after its implementation started. The event is divided into three components: i) National Conference: this basically is a facilitated discussion on the on-goings at national level and how they affect the pastoralists; ii) the Exhibitions: participants drawn from different institutions display their products in booths/stands; and iii) Cultural Exhibition: presents space for talents. This event was held in Laikipia County (Nanyuki Town) with participants from Turkana, West Pokot, Samburu, Isiolo, Marsabit, Mandera, Wajir, Garissa, Tana River, Narok, Kajiado, Laikipia, Baringo, Nakuru and Nairobi Counties.

2. Key areas that defined the event

Participation is a key element in policy, development and decision-making. But, effective meaningful engagement by citizens ensures that the opportunity for participation is well defined and frameworks are put in place. In this connection, this year's event was premised around five output points:

1. Highlight the challenges and opportunities of pastoralist participation in governance

The need to ensure participation by citizens is a principle that the Kenyan Constitution recognizes in Art. 10. The inclusion of this principle shows its significance across the board. Raising this question of participation is important, as this recognizes pastoralists as an important constituency that can substantially contribute to sustainable development. The choice of this theme in the KPW recognizes that, even though the Constitution has provided for it and the subsequent legislation, pastoralists are still confronted by greater barriers to participation than other constituencies face, as a result of their complex customary societies and livelihood patterns, pastoralists in Kenya – as in many other areas – are starting to suffer from more restricted mobility because of individualization of land and other resources; thus, they have difficulty moving the herds between poorly linked territories. They have been more overtly excluded from participating in development and in decisions to define investment in their space. The prevalent narratives about pastoralists create negative and contradictory interpretations of their activities. This makes it even more difficult for them to gain the respect and recognition that other development actors receive.

Figure 2 A staff member of the Kenya Land Alliance and a community representative from Turkana County following the evening events

It was noted that participation has implications on representation, which is a function of structures for early opportunity of getting involved in initiatives that determine who represents whose interests. Often, pastoralist representatives are not pastoralists themselves, but are people who have better access to communication technology, know more languages and can travel to attend meetings. Subsequently, they get more opportunities to represent pastoralists in policy dialogues. This was very evident even in the KPW. Those who were present, yes, they are pastoralists on their own right including being indigenous and/or working in and leading pastoralist organizations. There are arguments both in favour of and against this kind of representation. Those "for" justify that the issues are known and history is replete with evidence that some of the representatives have done better in articulating the rights, needs and interests of pastoralists since they are exposed to more information. An argument against this is that pastoralist issues can be misrepresented unless there is a strong

process to identify their representatives and determine their unique rights and kind of ownership of resources, the decision-making process that affects them and accountability.

2. *Leadership of the pastoralist communities (particularly women) and the role of state and non-state actors*

The conference presented an opportunity to reflect on this complex subject in the context of pastoralists. Composed of potential women aspirants in the various seats of leadership and Non-State Actors (NSAs) working with women towards leadership, the discourse was well defined at the right time and year of politics in Kenya, with general elections coming up on 8 August 2017. The ability question is no longer a barrier in the quest for women leadership, and neither is capacity amongst women. The biggest barrier is two-pronged: socio-cultural structures and the economic muzzle for the women. These are common to women in general in Kenya and even more prone amongst the pastoral women. Therefore, it is recognized that there is a general sense of social exclusion and marginalization of women in general.

Figure 3 The Governor of Laikipia County, second from left, joining the exhibition site

Social exclusion and marginalization, insofar as they refer to groups or communities, are self-reinforcing terms and could be used interchangeably. Those who are socially excluded can rightly be regarded as marginalized. Under the Constitution,[1] "marginalized community" essentially refers to: indigenous community; pastoral community; or a group that by virtue of its small size (or other reason) has not previously participated in social and economic life [of Kenya]. For purposes of the Constitution, "marginalized group" means a group of people who, because of laws or practices, were or are disadvantaged by discrimination on one or more of the grounds provided for under the Constitution (sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth). Therefore, marginalized groups could include women, the poor as well as cultural, ethnic and religious minorities.

The conversation was important in the sense that the constitution already recognizes these potential hurdles that women have to jump over in order to get into the leadership arena, yet the state and the political class find it a unique problem to a unique segment of the population. So two questions then arose: What is the role of NSAs? What lessons have been learnt in the past in order to enable women to be involved fully in the leadership?

[1] Article 260, Kenyan Constitution (2010).

One can argue, and rightly so, that the state at least facilitated the realization of a constitution that recognizes the rights of both the minority and indigenous women. From the context of three main constitutional pillars – non-discrimination and affirmative action; domestication of international law; and protection for economic, social and cultural rights – women should be able to benefit.

In contrast to the past, the Kenyan Constitution now includes an enforceable Bill of Rights. The Bill of Rights, in combination with several affirmative action provisions, balances the goals of non-discrimination with redressing past historical injustices through positive legislation and policy. Article 27 of the Constitution outlaws direct and indirect discrimination, while Article 56 mandates that the government put in place programmes to ensure that minorities and marginalized groups (including women) are represented in government, have special opportunities in education and economic empowerment, have special access to employment, are supported in developing their culture, and have equal access to the fruits of development such as water, health services and infrastructure. Article 100 requires Parliament to pass legislation that promotes the representation of women in Parliament, as well as that of ethnic and other minorities, by 2017. This is where the rubber meets the road! The High Court ruling on the issue of implementation of the one-third women rule did advise that it should be achieved through progressive realization. This means that it might not be possible to ensure that national and county assemblies as well as the Senate already be free of male dominance.

The question is: what can be done by whom? Is it not time for the NSAs to reconstruct their advocacy to deal with perceived and real tolerance and implementation of the constitution and associated laws? The reasons for reconstructing the advocacy debate is because an overwhelming majority of Kenyans, through popular mobilization thematic caucuses, passed the Constitution with these provision acknowledging the gap that existed in the post-independence constitution, thus Article 97 that provided for 47 dedicated women's seats in the National Assembly, one per county. This translates to 13.5 per cent of the 349 seats and increases the pre-2010 number from only 21 to 47.1 women.

Therefore participation, from the context of women's rights, is critical and needs to follow the framework that is acceptable and facilitative and not inhibitive. Before implementing any method of citizen participation, the desired effect should be identified and considered, that is, are the purposes of the method only to inform the community or are they to engage citizens through the public consultation process?

The presentation from the Kenya National Human Rights Commission observed that citizens need time to learn about an issue and how they can influence the decision-making process. However, the issues of women and leadership as women in development in the pastoral community are both historical and generational; this is a mindset that needs to change. The public has to be patient and not get discouraged if there are no visible and tangible results in a few months or years.

In order to have effective citizen participation, valuable information has to be disseminated. This should come from both the general public and the government. Without information,

citizen participation is virtually unattainable. Reflecting on the type of information and levels of dissemination by the actors is important. Two approaches are:

1) *Downward dissemination*, when the government informs citizens about policy development as well as their roles and responsibilities (through information centres, information stands at the county or city halls, meetings with public officials or though the local media);
2) *Upward dissemination* is an affair led by civil society organizations (CSOs) and this is when citizens express their concerns about the issue at stake (e.g. public hearings, advisory groups, public-awareness campaigns or public budget meetings). The KPW should, in its next level, therefore get the agenda outside the conference room to the offices of the host counties and sign petitions.

Historical background of citizen participation

Citizen participation is a process that provides private individuals an opportunity to influence public decisions and has long been a component of the democratic decision-making process. The roots of citizen participation can be traced to ancient Greece and Colonial New England. Before the 1960s, governmental processes and procedures were designed to facilitate "external" participation. Citizen participation was institutionalized in the mid-1960s with President Lyndon Johnson's Great Society Programs (Cogan & Sharpe, 1986, p. 283).

Attract the mainstream media for live coverage.

Media plays an important role in citizen participation. Information can be disseminated to the population at large in a very easy and efficient matter. Local media, especially, play a key role in the process of citizen participation at the local level. Key governance issues can be synthesised and published for both advocacy and information. To this end, it can be said that the KPW provided a platform for pastoralists to engage with state and non-state actors and to jointly determine solutions to the prevalent socio-economic challenges faced by pastoralists' effective participation. However, the actions thereafter are the concern for those keen to follow.

The five benefits of citizen participation to the planning process:

1. Information and ideas on public issues
2. Public support for planning decisions
3. Avoidance of protracted conflicts and costly delays
4. Reservoir of good will which can carry over to future decisions
5. Spirit of cooperation and trust between the agency and the public.

3. Enhancing pastoralists' voice in climate-change policy dialogue

Voices are enhanced only when there is a level of engagement, understanding, contribution and context by those whose voices are being enhanced. In order to play safe, such terms have been used even in circumstances where there's none. When it comes to climate change adaptation, pastoralists presents a body of knowledge, information and context. They have survived in the rangelands with harsh conditions for millions of years. Pastoralists have in their own resource use and management established zoning defining the land and pasture usages. As such, they have wide experience and therefore it is justifiable to say that their

voices are being enhanced in the context of aligning the knowledge to inform policy dialogue for change and mitigation in climate change.

Laikipia, as the host of the KPW, has many case studies of community-led conservation of rangelands through the conservancies and group ranches. Though threatened with growing expansion of investment in real-estate business, the northern rangelands as compared to the south have remained stable with the minimal subdivision as compared to what is being witnessed in the south. This has its benefits to both the community in terms of income and the government in terms of revenue. Protective and conserving unique species of wildlife and plants within the rangelands through conservancy model, Naibunga[2] – a community conservancy in the northern rangelands – stands as a testament of a group ranch that has not subdivided the land into individual freehold parcels.

In the recent past, nine group ranches have "consolidated" their land parcels for wildlife management and conservation under an umbrella body, the Naibunga Wildlife Conservancy. These efforts seemed to have paid off in view of the fact that the region has the second largest population of wildlife outside the protected areas of Kenya, with equally increasing livestock populations. This has a dimension of policy development based on good practice and in the case of Kenya's community land law implementation. Equally in the same county, efforts have been made by both private and public entities to strengthen conservancies, which has attracted recognition in the case of the Northern Rangelands Trust (NRT), although some of the conservancies, depending on whom you talk to, have their positive and negative impacts.

Even though some of the ASAL counties have got the best examples of climate-change case studies, the KPW plenary incidentally did not benefit from these. The example of community-led climate-change modelling in Isiolo, the IFAD-supported programme of the Upper Tana Natural Resource Programme, the case of Makueni, Marsabit etc and the work of the Adaptation Consortium are real examples of success stories that strengthen pastoralist voices towards policy change.

In the plenary led by discussants from Cordaid and RECONCILE, it was noted that climate change is affecting communities around the world. In Asia, for instance, communities face a serious challenge to establishing sustained progress due to the changing climate pattern. Farmers and pastoralists in Africa who are experiencing delayed rains are coping to bridge the gaps of food insecurity and adapting new ways to recover for the next season.

Disasters related to climate change happen when a community with very low capacity cannot cope on its own when a hazard strikes it. Over the years, disasters have always demonstrated a link to development. It was clear the disasters can wipe out years of development and livelihood efforts and systems. Unsustainable development patterns also expose more people and assets to disaster risk.

The plenary learned of the Community-Managed Disaster Risk Reduction (CMDRR) process that Cordaid has supported for some time now in Isiolo. The CMDRR process takes reinforcing people's capacities as its point of departure. CMDRR brings people together to

[2] A community-based conservancy established after at least nine group ranches came together.

analyze and address a common disaster risk. Communities conduct their own risk analysis to implement their disaster risk reduction measures.

The CMDRR process guarantees community ownership of interventions and ensures their sustainability in the medium and long term.

The CMDRR approach builds people's capacities to prevent and mitigate the impact of hazards of communities at risk. It is also a way of enhancing individual survivability and community readiness. It actually enables the community to be more resilient. Building resilient communities means strengthening the foundation of safety and enhancing disaster risk reduction measures.

The essential six steps of CMDRR

1. Training communities in CMDRR concepts and process
2. Risk mapping: identifying main hazards and ranking them in terms of priorities for action, while simultaneously mapping vulnerabilities and capacities of the community to manage the hazard
3. Community organization: reinforcing existing or creating new community Disaster Risk Reduction committees
4. Planning: developing a long-term action plan for risk reduction and disaster preparedness, and linking communities with local governments for financing and implementation in case communities cannot do it all themselves
5. Implementation of the action plan
6. Documentation, monitoring and evaluation managed by the community.

RECONCILE looked at the experience from the global perspective of the Rangelands Initiative and CELEP (Coalition of European Lobbies for Eastern African Pastoralism) experiences and demonstrated that these networks and networking have contributed to disseminating evidence on the positive influence of pastoralism in managing biodiversity-rich areas. Some pastoralist communities have seen the potential complementary income generated by ecotourism, and have learnt about the role they have played for centuries as custodians of high-value ecosystems. In addition, conservation areas managed by indigenous and local communities offer not only a natural heritage experience, but also a cultural one, and this has helped them in being a particularly valuable tourism resource. The Indigenous Community Conserved Areas (ICCA) consortium, constituted in 2010, has provided a platform to exchange these kinds of experiences, not only among pastoralists but also among other indigenous groups, as well as to advocate for indigenous-led nature conservation. In Kenya, the Kayas in the coast region and the Kikuyu shrines around the foot of Mount Kenya are some examples of ICCAs.

It was noted that pastoral lands or rangelands, in a sense, present some very successful stories of climate-change mitigation for both livelihoods diversification and conservation. The extension of this model and the paradigm shift in conservation areas beyond the traditional zoning of land based on pasture and other activities have extended the surface of land that is protected in ecosystems. An example is the Serengeti-Masai Mara, where community-led conservancies on its northern edge have allowed for the expansion of land managed for conservation well into lands owned by Maasai pastoralist families – able to yield revenues from conservation and livestock production. This is just one among many other pastoral areas that have adopted systems to enhance an ecosystem approach to resource management.

Figure 4 Publications shared with participants who visited RECONCILE tent in a packet including RECONCILE profile, CELEP information, Community Land Law brief, County Spatial Planning Guide, among others.

4. Conclusions and thoughts for the next Kenya Pastoralists' Week

1. The activity has given greater opportunity for pastoralists to interact and, in effect, established a peer-to-peer interaction. It has in equal measure provided the community representatives a platform to engage and interact with political leaders and government representatives at the county and national levels. In order to make the best use of both the space and interaction with policymakers and implementers,
    - The NSAs working in key areas that seek to upscale results should define key issues that communities can present to the leaders with proper timelines and specific institutions, since the event attracts officials as high as the Vice President of the Republic of Kenya.
    - Key success stories should be given more prominence than the challenges, especially when the theme is as clear as that on devolution, women's leadership, youth, pastoral resources, climate change etc.

2. The event has been more of the usual activities and players even losing the collaborative spirit in pre-planning. This has the danger of overburdening the organizers and underfunding but also limited outreach.
    - The event should move away from celebration to a forum for sharing and interacting with other players to define the future of pastoralism and rangelands. In order to do this, the partners need to reach out to institutions like the private sector with more

emphasis on what the rangelands/pastoral areas have and the potentials and the United Nations agencies. It should also be a process that starts early enough to enable proper planning and interactions with non-traditional partners.

- The International Year of the Rangelands and Pastoralism is significant and such a gathering should be used to galvanize local voices by interacting directly with key institutions.
- Field visits should be organized to experience the different landscapes that the systems thrive on: having days for delegates to visit communities – for instance, an opportunity in Laikipia – or having communities visit Naibunga Conservancy to gain perspectives of how diversification is possible without undermining a system.

3. Policy dialogue and engaging with different institutions working in key policy areas locally, nationally, regionally and even at the global level is needed. CELEP, for instance, presents an opportunity for the forum to identify opportunities at the European level and to engage the European Parliament on specific issues such as land, climate change, nutrition, investment etc.

    - Actual review and reflection on the operations of the policies at different levels on diverse issues should be scheduled and thorough discussions led by experts and institutions with such core competencies. These make the forum come up with relevant and factual positions that can be submitted to the relevant institutions and organizations for action and advocacy.
    - Many concerns have been raised around investment and growing interests of both government development and foreign investors. The for-or-against debate has not been put into context. An event like the Kenya Pastoralists' Week is an important opportunity where such discussions can be held and experiences from other parts of the world presented on successes and failures.
    - Kenya has, in the recent past, developed policy guidelines for planning and mapping common resources through spatial planning. This is an important exercise, which can succeed only when stakeholders are well informed as such. It behoves such a big gathering of key actors to select such policy issues for discussion and define action points.
    - There is a growing use of technology and other conservation strategies to secure rangelands in Kenya by different institutions. But the institutions involved in some of these interventions were not involved in the week-long activity; this creates space for speculations amongst communities leading to different interpretations by different players and stakeholders on the use of technology in the ASALs. Some people, based on lack of understanding, see the use of technology to map livestock corridors, common resources etc as a strategy to deprive the communities of their land. The conservancy models being used to secure wildlife are also raising concerns amongst stakeholders. Roundtable discussions and presentations of these concepts, including community wildlife conservation associations and how the new community land law will secure such processes, are central in the debate.