POLICY FRAMEWORKS ON RANGELANDS MANAGEMENT IN KENYA: A CASE OF SAMBURU COUNTY

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1. Introduction

This report provides the status of policy, legal and institutional framework in sustainable rangelands management in Kenya but with special attention and emphasis to Samburu County. It is based on the review of existing policies both formal and informal (at global, national and county levels) affecting rangeland management in Samburu County with the aim of identifying existing gaps, overlaps and strengths. The report is developed within the confines of the Saferworld’s project aiming to address policy issues in rangelands management in Samburu County.

1.1 Background to the project

Pastoralism is the main economic and livelihood activity for the people living in Arid and Semi-Arid (ASAL) regions of Kenya. Specifically in Samburu County, Livestock farming constitutes a larger percentage of the county’s economy with 60% of the population practicing pure pastoralism and 30% percent practicing agro pastoralism\(^1\). It is also the major medium of exchange and food during social- cultural occasions including marriage, circumcision, religious sacrifices and cultural exchange or compensation\(^2\). However, whereas a large number of inhabitants in this county rely heavily on pastoralism for their livelihoods, the livestock production system is characterized by low external inputs and therefore relies entirely on natural resources for livestock sustenance and production. This limits its viability due to multiple climate change and natural resources ecosystem challenges such as the unpredictable weather variations, prolonged drought and uncontrolled use of available pasture and water resources that often leads to multi inter- ethnic clashes and conflicts over the scarce resources. Environmental conservation, effective and controlled use of grazing and water resources remain key requirements for the sustainability of the natural ecosystems and local livelihoods of the region. Given the inherent variability of grazing and water resources in the region, the success and resilience of the livestock production system in the county relies heavily on pastoralism for their livelihoods, the livestock production system is characterized by low external inputs and therefore relies entirely on natural resources for livestock sustenance and production. This limits its viability due to multiple climate change and natural resources ecosystem challenges such as the unpredictable weather variations, prolonged drought and uncontrolled use of available pasture and water resources that often leads to multi inter- ethnic clashes and conflicts over the scarce resources. Environmental conservation, effective and controlled use of grazing and water resources remain key requirements for the sustainability of the natural ecosystems and local livelihoods of the region. Given the inherent variability of grazing and water resources in the region, the success and resilience of the livestock production system in the county relies heavily on how well the use of natural resources are adapted in response to seasonal and locational fluctuations. This calls for enforceable regulations and institutions to ensure that all users abide by the rules that govern access and the use of resources. Traditionally, this has been achieved through customary natural resource governance institutions. The institutions are set up and guided by rules and regulations, which are governed by elders elected by the communities. The establishment of community group ranches and community conservancies in Samburu County complicated the access of the grazing lands\(^3\). Despite the existence of statutory laws for the management of natural resources,

\(^1\) http://www.samburu.go.ke/2016/10/13/agriculture/

\(^2\) Assessment of Traditional Methods Used by the Samburu Pastoral Community in Human Wildlife Conflict Management – International Journal of Humanities and Social Science Vol. 3 No. 11; June 2013 page 296

land and land-based resources in the country, resources in the vast drylands of Kenya continue to be largely managed by such non-statutory local institutions and rules.

Livestock production and pastoralism falls within the agricultural sector of the devolved functions of the county governments. The sector faces many challenges among them the weak governance and accountability mechanisms that are characterized by poor policy prioritization, weak legal and policy development frameworks and poor service delivery at the county level. The traditional rangeland management institutions and rules in place are neither recognized nor enforced by the government. This lack of recognition undermines the authority of pastoralist communities and their institutions to sustainably manage the rangelands and often results in open access scenarios where individual gains are maximized at the expense of the environment and the resource base leading to: - resource degradation; deteriorating livelihoods and economies as well as; conflicts over the scarce resources particularly during the dry season.

Saferworld and her partners in Samburu are seeking to address policy issues affecting rangeland management in Samburu. The organization and the partners acknowledges that sustainable rangeland management practices is one of the means of transforming pastoralism and broadly, the livestock sector in the country. Additionally, Saferworld and partner organizations recognize the unstable relationship between Samburu and neighbouring counties with regard to the livelihood systems and conflict dynamics. To address this, they have planned to make efforts to support the convergence of the various counties through initiatives such as Frontier Counties Development Council(FCDC) and the Amaya Triangle Initiative(ATI) that seek to achieve shared understanding of the needs, gaps, solutions as well as mechanisms that facilitate a collaboration in addressing conflict drivers and improving pastoralism in the region.

Specifically, the project will achieve the following outputs:

- Pastoralist communities in Samburu and Baringo counties are empowered to individually and collectively engage county authorities on legislation and practices that support improved rangeland management.
- Samburu County government and the ATI Secretariat develop legislation / policies and frameworks on natural resources management that are in line with climate change governance and responsive to needs of the pastoralists communities.
- FCDC and ATI member counties sets up a peace and cohesion sector forum that will lead on the development of strategies to address resource based conflict in the Amaya Triangle4 and the FCDC counties5.
- Stakeholders from the pastoralist regions of northern Kenya systematically access and uptake knowledge generated through learning and evidence from the project to inform their interventions and collective advocacy to influence relevant policies and legislation at county and national levels.
1.2 Purpose, Objective and terms of the Policy Review

Saferworld commissioned a review of existing policies both formal and informal affecting rangeland management in Samburu County with the aim of identifying existing gaps, overlaps and strengths and make practical recommendations on how they can be developed, re-drafted, merged or amended to ensure they are responsive to pastoral community needs.

The specific terms of the assignment were:

- Broadly review policies and strategies that influence rangeland management among pastoralist communities in Kenya and other countries with similar ecological characteristics.
- Identify policies, guidelines and practices related to the rangeland management in Samburu county and the region.
- Interrogate the formulation process of existing policies, guidelines and strategies that influence rangeland management and their implementation with a specific focus on strengths and gaps in regulating rangeland management.
- Identify areas of complementarity/conflict and consistency between different policies and in their implementation at both county and community levels.
- Propose practical policy, strategy formulation/review process and relevant support to the county government (that can be undertaken in the short term) for improved and sustainable management of rangeland resources in relation to laid down procedures in the national and county government laws.

1.3 Scope and methodology

The review has been done through action research approach. It entailed participatory desk review and consultations with national and county governments in Samburu county, Civil Society Organisations, private sector and different community groups among other stakeholders. Specifically, the consultants undertook the following activities:

- Held initial meeting with project team to understand the project and clarify expectations.
- Undertook detailed desk research on relevant county and national plans, legislations and policies.
- Conducted targeted interviews with key informants at national and county levels. At national levels FCDC, FAO, PPG were contacted to shed light on key rangeland discussions.
- Held consultation with county authorities and relevant stakeholders on existing rangeland management practices, strategies, needs and priorities to inform the review and recommendation process.
- Conducted field visits to observe how the policy and regulations are implemented at both county and community levels.
- There is planned a participatory feedback session with the project team and other stakeholders to share key findings before writing the expert paper.
This report therefore provides an overview of the status of rangelands in Kenya in terms of the issues, challenges, key practices, polices and strategies. It then looks at the dynamics of sustainable rangeland management in Samburu county. Cognizant of the linkages, the report looks at the opportunities devolution provide by exploring the linkages between Samburu and the Amaya Triangle Counties as well as the FCDC counties. It then makes practical recommendations on how extant policy situation can be improved through development of new policies and laws, re-drafting, merging or amending the frameworks for more responsiveness to the needs of the rangeland pastoral communities.

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2 The Overall context of Rangelands in Kenya

Rangelands are non-equilibrium environments and fragile ecosystems that are characterized by unreliable, unpredictable and erratic rainfall. Rangelands resources consist of natural grasslands, bush land, woodlands, wetlands and deserts. They make up 89% of the country’s total land surface and support about 25% of the population and 70% of the livestock population. They are managed principally with extensive practices including organized livestock grazing and nomadic pastoralism. In Kenya they are often referred to as Arid and Semi Arid Lands.

Managing these ecosystems pose peculiar challenges as they are not amenable to the natural management systems that use prediction and forward planning. These areas are therefore best utilized through innovative strategies that track the scarce resources where and when they are available. This makes pastoralism and ranching key features of managing and utilizing the range areas.

2.1 Characteristics of rangelands in Kenya

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Generally, rangelands in Kenya are characterized by mobile livestock production systems (pastoralism). Pastoralism interacts with the ecosystem for sustainable equilibrium. Maintaining this equilibrium with competing land use demands is not easy. In Samburu and all the Arid and Semi Arid counties which constitute Amaya Triangle and FCDC, pastoralism is the predominant production system. Policies that recognize viability of mobile pastoralism in national economy ought to be formulated to support the land use systems. The persistent “trickle down” effect approach among policy makers has demonstrated that when rangeland issues are addressed under other policies, their special needs and requirements tend to be crowded out and this makes policy implementation difficult.

Rangelands are fragile and vulnerable eco-systems. They easily get degraded if not well handled. They are also prone to natural disasters like droughts, floods, livestock diseases etc. For instance, the frequency and the intensity of droughts have increased in the ASALs. Major droughts now occur almost every 3-5 years, leaving the rangelands no room to recover fully before the next drought cycle. This means that livelihood systems do not adequately regenerate to withstand the next drought. As a result, any small shock increasingly has a much bigger impact on people’s livelihood than in the past. This situation is made worse by insecurity, rising poverty and declining asset levels.

The rangelands are conflict prone. There are intra and inter clan conflicts, resource based conflicts and sometimes ethnic and or political conflicts. All these serve to wear down the social fabric leading to continued poverty and marginalization. Even with the advent of the county governments, conflicts have continued to thrive in these areas. One critical effect of this is underdevelopment as resources are continuously poured on peace and security issues.

The conflicts in rangeland areas are acerbated by inappropriate and inadequate policies. The policies rarely take into consideration the land and the life-scape issues. Even in this era of county government, you find that crop farming gets allocated a bigger budget than livestock. Prioritization of development agenda is a major challenge as well as dedicate and systematic implementation of laws and policies. Also the policy and legal challenges are made worse by the sectoral approach to planning and development at the national and county levels. The sectoral approach has seen proliferation of contradictory and conflicting sectoral strategies and plans, laws and policies and increased implementation of uncoordinated interventions.

Rangelands in the ASALs generally have weak land and natural resource tenure. Before 2010, there was conflict between statutory and customary laws. Land is communal in the ASALs but the preferred land ownership by many decision and policy makers is private. Also balancing of
conservation with community ownership and participation in conservation for communities to benefit from the proceed thereof has been a challenge.

3 Policies and Laws on Rangeland Management

3.1 Historical trends

The government policy interventions in the rangelands can be classified into three broad categories:

Colonial interventions that saw the areas as hostile, uncooperative and anti-development. The intervention by the government which included the restriction of movements led to oppression, marginalization and the general negative attitude of these areas as security threat areas. The interaction of the frontier counties with other parts of the country were minimized and government interventions majorly targeted security issues as opposed to investment on effective service provisions and livelihoods enhancement. For instance, the Special Districts (Administration) Ordinance of 1934 which affected Turkana, West Pokot, Samburu, Isiolo, Marsabit, Wajir, Mandera, Garissa, Tana River and Lamu restricted movements in and out of these counties. “Except for the greater Kajiado and Narok districts, the rest of the rangeland regions were administered through much harsher and authoritarian methods than those obtaining in other parts of the territory. Special passes were required for movement into and out of these regions. As a result, the regions were isolated from the rest of the country both socially, politically and economically” (C. Onyango, 2018)

The Trickle-down effect economic era. This was the post-independence era starting around 1965 when the government developed Sessional Paper N. 10 of 1965. The policy divided the country into high and low economic potential areas and propagated that the low potential areas like the rangelands which can are not good for crop production will benefit from priority investments government is putting in high potential areas (area good for rain fed agriculture). The trickle-down economic development approach institutionalized the marginalization of rangeland counties from the mainstay economic development focus. Moreover, there was a dominant narrative that pastoralism, the dominant livelihood system in these areas is economically unsustainable and that the best approach is to eradicate pastoralism and have pastoralists civilized. These narratives affected the developmental foundation of ASALs in Kenya and the effects are still felt today. By 1979, attempts were made to change development approach by articulating development strategies for the ASALs. Since then, attempts have been made to include and integrate the development of the ASALs in the country’s development blue prints.

Poverty Reduction Strategy Papers Era. The late 1990s saw the emergence of PRSPs. This era can be heralded as the major turning point for the inclusion and integration of ASALs and rangelands into the country’s main economic development radar. In the development of PRSP 1999 -2015, pastoralism was recognized and a thematic working group called Pastoralism Thematic Working Group established to identify and draft pastoral development issues for inclusion. The PTWG developed Pastoralist Poverty Reduction Strategy which was incorporated into the PRSP.
Economic Recovery and Wealth Creation Strategy Era (2003). In 2002, there was change in political leadership in the country. This change came with substantive policy changes. The new government developed a master plan for the economic recovery and wealth creation. In this blueprint, ASALs were recognized as key areas for development of the country’s full potentials were to be tapped. The era initiated focused attention and investments to move the ASALs from marginalization and exclusion to inclusion, integration and development.

Vision 2030 Era. The Vision 2030 is the Kenya’s economic road map to making the country a middle income economy by the year 2030. It has identified economic, political and social pillars to address to achieve the country’s dream. The Vision 2030 acknowledges the importance of investing and tapping the potentials in the ASALs. To properly capture the needs and priorities of the ASALs, an Annex to Vision 2030 addressing arid and semi arid lands/counties have been developed. The Vision has effectively integrated and turned ASALs into new frontiers of development.

New Constitutional dispensation era (2010 forward). All the changes that have taken to right the wrongs the ASALs suffered and integrate them into the economy have been constitutionally addressed. The 2010 Constitution has captured the needs and rights of the ASAL communities. The change in the governance framework i.e the introduction of devolution is also a critical constitutional channel seeking to promote governments of the people and by the people ensuring that development is by the people, for the people and with the people.

3.2 Consequences of the past policies and laws on rangelands

Rangelands have traditionally attracted myriads of development partners with varied methodologies and strategies applied within the same sub catchments or rangeland ecosystems. The common principle has been to transform rangeland communities. The initiatives have resulted into assortment of development enterprises that are neither coordinated nor appreciative of the culture and traditions of the indigenous people of the area. Similarly, the government policies for rangeland areas seem to gravitate towards transforming rangelands into “green” and agriculturally productive (Alkemade, 2013). This has not taken cognizance of the local production systems, which have survived through centuries and evolved effective coping and adaptive strategies.

The following are some of the consequences of past inappropriate rangeland management policy and strategies:

Poor livestock development and movement control systems: Mobility is key for pastoral production system. The previous and extant policies and strategies have not enabled livestock development based on a systematic and controlled movements of livestock. It is now felt that implementation of proper policies based on a clear understanding of the linkages between rangeland economies and non-range economies will improve their performance. The absence of this dimension in the previous policies and legislations that focused on terminating mobility and
promoting settlement and crop agriculture have done much harm to the rangelands as can be seen from the increased deterioration of rangelands.

Poor local governance systems that have undermined community-based institutions and weakened social structures is another issue that have risen from inappropriate policies and laws. The laws and policy framework implemented on the rangelands have eroded the local governance institutions. They have disconnected the people from their resources, undermined sharing mechanism thus brought disorder and anarchy which has contributed to the conflicts and to some extent proliferation of small arms in the rangelands. Rangelands are now vulnerable to violent extremism. The areas have also been affected by lack of social capital development among rangeland communities;

Rangelands are interdependent. The lack of a long-term spatial, economic and structural development strategy, with political commitment to improve the welfare of rangelands has been a major hindrance to the growth and development of rangelands. Policies and sectoral plans have been piece meal and sometimes conflicting.

The inappropriate and inadequate policies have also led to rising poverty levels. Changes in livelihoods and growing poverty has enticed people to extravagant exploitation of rangeland resources, destroying the environment through deforestation, charcoal burning, etc., for economic survival. The land and natural resource rights are weak and legal frameworks does not provide for the equitable sharing of the benefits. As a result of this, there are conflicts arising from the marginalization, poor development of human capital thus exacerbating development challenges in the rangelands.

3.3 Policy Framework Analysis

Rangelands are expansive and rich with diverse resources. Strictly speaking, almost every policy and law affect and is relevant to rangeland. Because of this, a deliberate choice has to made to make the review and analysis focused for better results. It is also imperative to note that Since 2010, Kenya has been deeply involved in the formulation of laws and laws as required by the constitution. There are therefore a lot of bills, strategies and plans at the national and county government. Because these are not yet official documents, they will not be considered in this review and analysis. The reason for their exclusion is that by the time they are finalized, a lot shall have changed given that policy and legislation making is a highly competitive process. The list of the policies and laws reviewed will be annexed to this report.

Policy and laws in this review broadly refer to acts of parliament and county assembly, government policies debated and passed by parliament and county assembly and any official strategy papers, action plans and rules and regulations gazetted by national government or county governments. Because of the diversities of informal agreements, traditions and customs, this paper will not consider them lest it become a genesis for conflict between communities.
In this review, policies will be divided into five major categories: Governance, economic development, rural transformation and development, land and natural resource management and disaster risk management, conflict management and peace building and climate change.

1. Governance

Sustainable management of rangeland for growth and development is a function of good governance. For a long time, the governance framework of the country marginalized the rangeland areas. The marginalization was so much such that the communities in the rangeland areas felt that they were not part of Kenya. The constitution has laid a solid foundation for the better management of rangelands. The national values and principles which promote inclusivity, participation, cooperation and collaboration between the county and national governments.

Generally, the policy, legal and institutional framework for the governance of rangelands have changed to the positive. There are clear provisions in the Constitution of Kenya, Vision 2030, ASAL Policy and Annex to Vision 2030 on the Development of Northern Kenya and Other Arid Lands in terms of guiding principles, rights and roles for the county and national governments. The roles of citizens in a devolved governance framework are also spelt. Through these instruments, marginalization, inequality and peripheral existence far from the Centre of power is addressed. The institutional frameworks needed for coordination have also been put in place. For instance, through Intergovernmental Relations Act, institutions responsible for good relationship between the counties’ and the national government are created.

Currently, within the governance framework, there are opportunities for devolved decision making on governance, development and natural resource management. The county governments have clear roles. For instance, land use planning is a function of the county government. This is promoting local decision making which incorporate increased use of customary institutions and indigenous knowledge. The counties can also make decisions to cooperate with each other.

Community based frameworks for participation are provided for starting from the village level, to the ward, sub county, to county and finally at the national level. Active and effective participation is a constitutional requirement in governance and development. County governments have the responsibilities of establishing participation structure and undertaking civic education, leading to the access to relevant information. The Devolved Government Act has provided for this. At the national level, the Ministry of Planning developed guidelines for participation. Through the various court judgements, the threshold for participation has been established.

At the regional, continental and global levels, there are tools which Kenya as a country is party to and can enhance the quality of governance in ASALs/rangeland areas. The AU Policy Framework on Pastoralism, the AU Guidelines on Land Policy and IGAD Transhumance Protocol
are key frameworks that County governments can draw from to enhance sustainable management of rangelands.

Another key feature that signify improvement in the governance frameworks for the rangelands is the recognition of pastoralism as a viable production system. There is increased recognition that mobility is necessary to maximize the resources in ASALs, build resilience and that it is a better adaptation to climatic change. The recognition of collective land tenure was necessitated by this fact. The building of economic blocks like FCDC, Amaya Triangle Initiatives are all governance initiative that appreciate the interdependence of the ASAL counties ecosystem thus need to secure mobility through negotiated agreements.

The great steps taken in the governance front still need to contend with some key threats. For instance, the threat of persistence of attitudes, perceptions and mindsets about pastoralism and the drylands. Some actors still feel that the best way is to settle pastoralists. This when it comes to decision making often lead to conflicts between the proponents of pastoralism. Some laws, like the Irrigation Policy and Act if not handled properly can mess up the pastoral production system.

Another critical threat facing pastoralists is the issue of inadequate capacity to engage with processes in such a way as to influence them for their benefits. Governance frameworks have provided for participation in planning and budgetary processes, but these require capacity and dedicate efforts. The legislative powers given to county governments can only be of help is citizens from the respective counties are able to engage constructively at the formulation and implementation levels. In Samburu based on the level of awareness the stakeholders have on the national and county level policies and laws, it is evident that they are yet to fully utilize those opportunities.

2. Economic development

This is a major area of contention. The recognition and appreciation of pastoralism as a viable production system relevant for the rangelands in the national policy frameworks seems to not to sit well with the market approach being applied to drive economic development in the country and in ASALs. Vision 2030, particularly the annex on the vision for the development of Northern Kenya and Other Arid Lands provides a compelling picture that puts the arid and semi-arid lands as a new frontier for development in the country. The mega development plans such as LAPSSET, establishment of resort cities and strategic abattoirs, increasing the coverage of land on irrigation and diversifying energy will be undertaken in the ASALs. These are huge investments with diverse implications on the economic development of the rangelands. The national government through the Medium Term III is also targeting improving the status of infrastructures in the rangeland area. The construction of the major roads in the areas is further opening up the potentials of ASALs. For instance, with the tarmacking of the major road to Samburu, it is taking lesser hours from Nairobi to Maralal and this has increased the number of people traveling and trade.
The opportunities for the citizens to engage and trade with the county governments is also an important milestone. 30% of the county contracts and supplies is marked for the locals with the emphasis on women and youths. The implication of this for the rangelands is that opportunities for livelihoods diversification and integration into the county and national economies are available. In terms of resilience, this provision is crucial. For instance, those that have fallen from pastoralism can be supported to meaningfully start up and grow sustainably without reliance on livestock production again. The Youth and Women Funds are additional opportunities that when properly utilized.

The major challenge with the policies and laws geared towards boosting the economic development of ASALs like Samburu county is the implementation. The challenge of implementation is at two levels: one is at the level of adequate resource allocation by the county and national governments in pursuit of the policy goals and two, the participation of the people (local communities) in rolling out the respective projects. The budgetary allocation by the county governments in the establishment of abattoirs for instance has not been adequate. Participation of communities in key county processes though provided for in both county and national government legislations is not yet effective. The prioritization by the county governments to build capacity of the local communities for effective engagement with local opportunities is not up to standard. In fact, even the county governments’ investments in establishment of county based participation structures to help promote local planning for resilience and economic development is very meagre. There is also the problem of inadequate awareness by the masses. This challenge seems to arise from inadequate access to timely and relevant information and inadequate capacities by the communities to meaningfully interact with the processes. The participation of the communities in LAPSSET discussions is very minimal. In fact, most county government officials don’t know much about LAPSSET meaning that county governments are doing very little with regard to educating the masses. The National Land Commission which is tasked with the acquisition of land for such mega projects are also not open and not very consultative in their approach to the matter.

Generally, with regard to policies and legislations driving economic development at the county and national levels relevant to rangelands, it is laudable that they recognize and seek to promote the integration of pastoralism into the main stream economy. However, there are gaps between positive policy formulations and operational strategies and budgetary allocations. These imperatives should be reconciled.

The implication of the economic development policies on rangelands is that the areas are being opened up for increased competition for land and natural resources. Communities will need to improve their self-organizing powers and combine the indigenous and the contemporary so that they can benefit from the policy processes.

3. Rural transformation – agriculture and livestock development
Agriculture that is crop and livestock production are devolved functions. The county governments are in charge to provide the necessary extension services to ensure food security and better lives. The national government is charged with the responsibility of making the overarching policy framework which the county governments can then build upon as they development implementation strategies, plans and county specific laws. Currently, Kenya is implementing Agricultural Sector Development Strategy 2020. The strategy aims at increasing productivity, commercialization and competitiveness of agricultural commodities and enterprises. This is a market approach that can easily leave out the yet to be modernized pastoral production system.

In pursuit of rural transformation, the government have prioritized increasing the land under irrigation and to establish disease free zones. Irrigation agriculture is to help increase food security in the country. Rangeland areas are part of the land targeted for this venture. Also the country is keen on meeting international standards especially for livestock and livestock products so as to increase the capacity to export high quality beef and other livestock products. The county governments, national government, communities and private sector can work together to achieve these aspirations. Proper and sustainable management of rangelands will go a long way in help the country achieve its goal.

The critical question in rural transformation is how best can rangeland resources be developed to be a key driver growth and development with tangible benefits to the local communities? The Livestock policy of 2008 notes that over 60% of livestock in Kenya are in ASALs and this employs over 90% of the population. The policy further highlights rangelands resources and approaches to developing them. This lays a solid foundation for the development of rangeland strategy by counties either individually or collectively. There are some efforts towards this by FCDC which have developed a draft rangelands prototype which is yet to subjected to stakeholders’ participation and subsequently assembly debates and approval in the respective FCDC counties.

Ranching is commonly practiced in the rangeland areas. There are private and community ranches spread all over rangelands. Currently, most private and community ranches are being converted into conservancies for livestock production and wild life tourism. While this seems to draw in money, there is no legal frameworks for conservancies at the county and national levels. In some counties, the conservancies have heightened conflicts between communities.

With the devolution, there was an expectation that ASAL counties will lead vibrant engagement to develop livestock sector. It is unfortunate that there is no high vibrancy on livestock development matters at the county levels. The same is replicated at national level. Opportunities for devolved decision making, increased involvement and participation of the pastoralists have not been brought into full reality. There are opportunities to organize the pastoralists into livestock associations for consolidation of voices and ease in market and financial access.

4. Land, environment and natural resource management
The major challenge to the rangelands after governance is sustainable management. There are challenges of degradation, weak and insecure land and natural resource tenure, competing and conflicting land uses and inadequate and weak policy and legal framework to support the rangelands. Since 2010, there has been a shifting in the policy and legal framework supportive to the sustainable rangelands management. For instance, the constitution for the first time recognized community land tenure thus providing an opportunity for communities in the ASALs to own their land collectively in a way befitting pastoral production system. The collective tenure has been further reinforced by the Land Act and the Community Land Act.

The land and natural resource management policies and laws are very participatory and have strong provisions for communities’ involvement in land and natural resources management as organized groups. These laws require communities to have a legal persona for a structured participation, use, management and ownership of the resources where possible. There are provisions for pasture associations, Water Users Associations, Community Forest Associations and Community Assemblies. These are structures that offer devolved decision making and enhancing meaningful participation.

The National Land Policy, Land Use Policy and Community Land Act provide a comprehensive framework for the use and administration of land in ASALs. These instruments together with the Land Act, Environment Management and Coordination Act, Wildlife Management Act, Forest Act provide for resource rights that were not there before in the rangeland areas. The policies and laws have made great attempts in synergizing the indigenous knowledge with the formal or scientific knowledge for the management of land and natural resources. Land and natural resources will be managed by mixing customary with the statutory and communities have a greater latitude to make use of their norms and traditional practices in managing land and natural resources within the confines of the constitution.

In line with the current shift, there are tensions between policy and practice. The policy is facilitative and enabling but the practice has remained top down, driven by the old perceptions on pastoralism. The perceptions are quite evident in the areas of communal tenure verses individualization. Some leaders, administrators and decision makers still prefer individualization to communal tenure. In Baringo and Samburu there are campaigns for communities to adopt individualization of land.

The land and natural resource management policies and laws recognize and appreciate the need for sharing resources across the counties. They provide for avenues to negotiate access thus providing a reasonable framework within which mobility of livestock can be done with less conflicts. There are also good provisions on compensation for land and also in cases of human-wildlife conflicts.

The challenge of competing demands on land and natural resources can also be addressed by implementing the relevant policies and laws on spatial planning, land use planning and physical
planning. These will address the issues of unplanned settlements, conflicts and unnecessary degradation of rangelands.

One of the challenges with land and natural resource management policies and laws is that the county governments are yet to develop appropriate instruments for their implementations. There seems to be a misnomer in formulating county based policies and laws. Most counties are simply copying the national frameworks rather than developing implementation oriented instruments. This approach to policy and legislation work at the county misses the points and misdirects resources. This points to limited capacity at the county to undertake effective policy and legislative drafting.

There is also mass ignorance of these policies and laws by the communities at the county. The fact that every sector work on their policies, laws and strategies complicates this matter. Because the communities are largely not aware of these laws, most of them are not effectively implemented.

5. Disaster, conflict management and peace-building and climate change

Conflict and humanitarian disasters have traditionally defined interventions in rangeland areas. The persistence of these disasters and conflicts demonstrate the failure of approaches applied so far. Most of the ASAL counties have developed county based Disaster Risk Management policies and Climate Change Adaptation policies to help build and sustain resilience. The key highlights are the creation of dedicated funds for disaster response and climate change adaptation. The national frameworks like CDF Act provides that %age of the funds be dedicated for development and some for disaster preparedness. This is necessary for resilience. Samburu County is yet to finalize their DRM Policy and Climate Change Adaptation framework.

The disaster risk management, conflict management and peace building and climate change policies and laws appreciate devolved decision making. They have provided local level structures to enhance coordination, response and enlist meaningful participation at the grassroots.

There is increasing recognition of indigenous systems and approaches at the county and national level. Policies for disaster, conflict management and peace-building and climate change are increasingly integrating indigenous knowledge and system. Community based approaches are articulated including provisions on cross border committees especially on conflict situations.

Much of the work on disaster risk management, conflict management and peace building are done by non-governmental organizations. There are rich experiences and approaches that are yet to be integrated into laws at county or at national levels.

In conflict management, there seems to be continuing tension between “formal and informal” justice systems. Even though the policies and laws have captured and promotes the application of both, guidelines on how these ought to work at different levels are yet to be developed. The
Judiciary is still working on the Alternative Justice System and the NLC is yet to unveil the Alternative Dispute Resolution framework to deal with land and natural resource conflicts.

3.3 Summary of Key findings

Generally, there are adequate, relevant and supportive polices and laws that can impact positively on the sustainable rangeland management. The policies and laws strongly recognize and provide for the unique characteristics of pastoralism. This is a critical departure from the past policies and laws that were inhibitive and sought to transform pastoralists and their livelihoods.

The policies and laws formulated since 2010 underwent stakeholders’ participation at the county and at the national level as required by the constitution. There has been involvement of diverse stakeholders in the formulation of policies and laws meaning that there is rich input from researches and project documents into the policies and legislations. However, it is also noted that politicians wield a lot of power in determining what goes into the final policy or law. The parliament and county assemblies are therefore critical players that should have a clear understanding of policy objectives and proposed interventions if a policy or law is to keep the content agreed upon by the stakeholders outside parliament and county assemblies.

The policies and laws reviewed provide for stakeholders’ participation. There are opportunities in almost all the polices and laws to ensure the involvement of the communities. There are proposed structures which can be used. The major challenge with participation as provided by the policies and laws is that they are not harmonized. Every sector has created their own platform for ensuring community participation. If these policies and laws are implemented as they are, there will be over segmentation and sectorization of the community. It is important that a common platform be created running from the villages all the way to the county and even to the national level for synergy, flow and effective coordination.

There is no consolidated rangeland strategy for a county or for regional blocks like FCDC and ATI. While it is important to appreciate rangeland resources cut across different sectors, at the county level, it is possible to consolidate rangelands interventions in a comprehensive strategy to guide and coordinate implementations. This will strengthen monitoring framework, will rationalize and put resource to key priorities thus maximizing returns. There are high chances that most counties will commit their resources to developing county rangeland policies. This is important but given the current situation, it is better that such efforts are put on developing strategies.

The battle of improving rangelands management by formulating better policies and laws is largely won. The gap is on the implementation front. If the current policies and laws can be implemented fully, there would be turnaround in the development and status of rangelands. The implementation gap must be bridged if the stakeholders are to see the returns from rangeland friendly policies and laws. The implementation gap is cause by three major things: capacity gaps, resource gaps and information gaps. Capacity gaps are at two levels; the policy administrators and implementers and at community level. Once policies are formulated, it is assumed that policy
administrators and implementers will automatically read and learn what has changed. This is not the case on the ground. Without engaging these category of actors in the policy process, implementation will remain largely a pipe dream. The policy implementers are the least talked about people and the ones many actors engage with the least. The community capacity gaps come to play when communities are not trained on the new policies and laws. Communities are busy with their livelihoods. They busy trying to make ends meet. If deliberate and structured efforts are not put in place to reach them and have them engage with the changes, they will proceed with their past practices causing a disconnect between policy and practice. The capacity gap is closely linked to information gap at the community levels. Communities don’t have adequate and relevant information on the policies and laws. This makes it difficult for them to have any meaningful engagement with the policies and laws.

Resource gaps are occasioned when budgetary allocations are not made to support implementation of laws and policies and laws. This practice is common with the governments and the development partners alike. This situation starves the policy process from the required lease of life and after a while it naturally dies off. This practice gap is at the center of many policy and legislative amendments. In most cases, the laws and policies that get amended are amended even before they are implemented.

From the analysis, it is also notable that there are challenges with the implementation of national policies and laws at county level. This can be attributed to:

- Weak linkages between the national and county governments. The national level policies and laws provide framework for the county governments. However, because of weak linkages, most county governments are not even aware of the available legislations and policies. This affects the implementation of national frameworks at county levels.
- Inadequate capacity at the county level to translate and contextualize national frameworks to the county contexts. Counties are grappling with the challenge of drafting appropriate policies and legislations that translate the national frameworks into implementable strategies.
- Absence of comprehensive and coordinated implementation framework. Politicians generally prefer to implement projects in order to be seen to be doing something. It does not matter whether the something being done is sustainable or not or whether it actually has positive impact on society or not. This has hampered the implementation of national policies and laws.
- Sectoral approach to implementation of laws and policies yet the rangelands require holisticity.

Devolution is a strong positive enabler for the sustainable management of rangelands. It has brought services to the people and has handed power to the local populace to decide on their key priorities in allocation of resources. Devolution through county governments and other devolved institutions can actually promote the bridging of the gap between policy and practice.
County governments are tasked with the unique kind of legislative role. This role is not yet very clear to most of the actors. County governments are empowered to make laws, however, the laws they make must be aligned to the national laws, and should be done with an objective of facilitating implementation of national laws and frameworks. This role can be very helpful in the sector of food security.

Agriculture, disaster management and implementation of environmental sound practices are devolved functions. Civic education and the establishment of appropriate participation framework are also responsibilities of the county governments. This provides a huge opportunity to use devolution to enhance coordination of implementation of policies, laws and institutions. There are also opportunities to use county legislative power to legislate sound implementation strategies and allocate appropriate budget lines to them. At the planning level, the CIDP and budget development process provide unique opportunities for integrating and prioritizing food security interventions.

Devolution have also empowered the counties to build strategic partnerships with development partners. This is a great opportunity for counties to look for likeminded partners and collaboratively build programmes that will address food security issues. Pastoralist counties can tap into these opportunities, can form their own cluster to deal with food insecurity from the comprehensive sustainable climate smart rangeland management strategy

3.4 Improving implementation of policies
Policies and laws play a critical role in giving general direction. However, without adequate implementation, they add no value to the lives of the people they were designed to help. Food security in ASALs presents a complex situation. This is because for there to be a good impact, policies and legislations targeting livelihood assets must be implemented to influences the choices, strategies and decision communities make. Reversing food insecurity in pastoralist areas require a holistic approach, which take into cognizance local capacities and institutional framework. To address sustainable rangelands management, the county and national governments may take the following actions:

1. Enhance policy and institutional coordination. Multiplicity of institutions and sectoral policies and laws is one major hindrance to the implementation of policies. The county and national government should work together to harmonize the laws, rationalize institutions and develop appropriate administrative procedures that reflect that nature of diversity of actors that should be included in implementing interventions in the pastoral areas. When institutions such as NDMA work collaboratively with County ASAL Stakeholders’ Forum, there will be great improvements in information flow, dissemination and circulation, participation in respective processes will increase and this will reduce duplications and unnecessary turf conflicts.

2. Allocation of resources. Inadequate resource allocation is a killer to policy implementation. When a new way of doing things is agreed on, but the resources to roll
out that thinking is not provided, people continue with their past ways of doing things. When the process of change is initiated and then left half way due to lack of resources, a bigger confusion ensues and the zeal for the new is killed. Resource allocation to policy implementation is not just a challenge to the government, it is a challenge to the development partners and the non-state actors alike. There is a false notion that implementation is a preserve of government. Most actors will engage with the policy processes at the formulation level. Once it is enacted, they withdraw and claim to monitor. Meaningful engagement covers all areas of the policy work. Development partners should support the CSOs and the government to roll out policy implementation.

3. Knowledge. Policy implementation must be based on the sound knowledge of the policy itself and other related policies and laws such that a well-rounded approach is adopted. Communities should have a working knowledge of policies and laws that build the asset base of their livelihoods. It is unfortunate that governments (county and national) are not investing on development communications to create awareness and mobilize communities for participation. When communities understand the laws and policies, they will be quick to find ways of integrating them with their indigenous knowledge leading to a happy blend of knowledge that is owned, inspire and motivate. The CSOs working with communities should also endeavor to know the policies and laws that govern development and livelihoods so as to take advantage of opportunities while addressing risks.

4. Practice change. A lot of positive developments have taken place in the policy context, but the attitudes, narratives and approaches of government, communities, development partners and civil society groups have remained pretty much the same. When perceptions and perspectives doesn’t change, policy changes affect very little. A multi-stakeholder’ practice change should be initiative and a robust campaign to change pastoralist narrative from exclusion to inclusion, marginalization to integration should be initiated.

4 Stakeholders analysis on rangelands management
Rangelands are diverse and so are the stakeholders. Generally, there are three major categories of stakeholders:

1. Government Stakeholders. Government stakeholders are at two levels: the national government and the county government. Within these two levels, it is important to also distinguish between executive and the assembly because they play different roles.

2. Communities. They are key stakeholders because they interact with the rangelands on a day to day basis. They are the beneficiaries

3. Civil society organizations. These include non-state actors who are organized and are making interventions in the rangelands. They play a key role in rangelands management. (See the details in the attached annex 2)
5 Specific Recommendations on Promoting Sustainable Rangelands Management in Samburu.

There are many suggestions proposed by different actors and researchers on what needs to be done to address rangeland issues. Part of these recommendations have been explicitly and implicitly discussed in this report. In this section, we provide one or two reflections that are not often discussed in many forums.

1. Map and develop rangelands management plans and strategies. A proper mapping and comprehensive planning for the rangelands is a key requirement and an immediate need. The finalization and rolling out county spatial planning processes should be the starting point.

2. All stakeholders working in pastoral areas to prioritize policy and legislation implementation and invest in integrating national government processes with the county processes. The ASAL policy and the Vision 2030 Development Strategy for Northern Kenya and Other Arid Lands should form the basis for the County Integrated Development Plans (CIDPs) in the Pastoralist/Rangelands Counties.

3. Prioritize and support the County Spatial Planning Process so as to better guide sectoral policies and development in Samburu County

4. Build capacity of pastoralist CSOs on policy and policy implementations so as to be able to drive community awareness campaigns on policies and laws.
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Detailed list of policies and laws reviewed are provided separately.
# Annex 1: Stakeholders analysis on rangelands management

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLE IN RANGE LANDS MANAGEMENT</th>
<th>POTENTIAL AREAS OF WORKING TOGETHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Ministry of Land &amp; Physical Planning</td>
<td>Development &amp; implementation of land related policies &amp; laws</td>
<td>Rolling out the implementation of Community Land Act</td>
</tr>
<tr>
<td>2 Ministry of Agriculture, Livestock &amp; Fisheries</td>
<td>Development of national frameworks on agriculture, livestock and fisheries</td>
<td>Supporting County governments in developing relevant implementation framework</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supporting the development of rangeland strategies at the national and county levels</td>
</tr>
<tr>
<td>3 Ministry of Environment and Natural Resources</td>
<td>Development of national frameworks to guide on the use &amp; management of natural resources</td>
<td>Supporting county governments in developing relevant implementation frameworks</td>
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<tr>
<td></td>
<td></td>
<td>Supporting the development of climate change laws at the county government</td>
</tr>
<tr>
<td>4 National Land Commission</td>
<td>In charge of public land, lead agency in acquisition of land for national/county government projects, lead agency in monitoring land use planning, lead agency in promoting ADR in land and natural resource sector</td>
<td>Supporting the county governments in rolling out county Spatial Planning Process</td>
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<tr>
<td></td>
<td></td>
<td>Collaborate on sensitizing the communities on land valuation, compensation processes</td>
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<td></td>
<td></td>
<td>Support the development of ADR guidelines to be used in land and natural resource conflicts</td>
</tr>
<tr>
<td>5 National Drought Management Authority</td>
<td>Lead agency in Ending Drought Emergencies</td>
<td>Building resilience of rangeland communities to drought</td>
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<tr>
<td></td>
<td></td>
<td>Supporting the conflict management &amp; peace building initiatives</td>
</tr>
<tr>
<td>6 Parliament (National Assembly and Senate)</td>
<td>Responsible for making of policies and laws</td>
<td>Engage with respective committees especially the Committee on Land and Natural Resources when dealing with policy issues on rangeland management</td>
</tr>
<tr>
<td>7</td>
<td>Pastoralist Parliamentary Group</td>
<td>Dealing with Policy &amp; legislative matters affecting pastoralists’</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>8</td>
<td>Council of Governors</td>
<td>Coordination &amp; representation of Governors</td>
</tr>
<tr>
<td>9</td>
<td>ASAL Stakeholders Forum</td>
<td>Coordinating Stakeholder working in ASALs and playing advocacy role</td>
</tr>
<tr>
<td>10</td>
<td>Frontier Counties Development Council</td>
<td>Coordinating and connecting the eight frontier counties to development partners</td>
</tr>
<tr>
<td>11</td>
<td>Amaya Triangle Initiative</td>
<td>Coordinating interventions between and among counties in the Amaya Triangle</td>
</tr>
<tr>
<td>12</td>
<td>Kenya Law Reforms Commission</td>
<td>Supporting in the drafting of laws and policies</td>
</tr>
</tbody>
</table>

### National Actors

<table>
<thead>
<tr>
<th>1</th>
<th>Food and Agriculture Organization</th>
<th>Land Governance Programme being implemented in 8 ASAL Counties</th>
<th>Opportunities to partner in rolling out Community Land Act Implementation and Participatory Rangelands Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Kenya ASALs Advocacy Group</td>
<td>Sharing information and advocating for ASALs</td>
<td>Provides a good platform for sharing/disseminating information</td>
</tr>
<tr>
<td>3</td>
<td>Land Sector Non State Actors</td>
<td>Setting and promoting land reforms agenda in the country</td>
<td>Engage with in areas of land reforms</td>
</tr>
<tr>
<td>4</td>
<td>RECONCILE</td>
<td>Policy research, advocacy and capacity building on land and natural resource management policies and laws</td>
<td>Using the implementation of Community Land Act and Participatory rangelands planning as conflict management tool Policy research and analysis Support in convening of LSNSA</td>
</tr>
<tr>
<td></td>
<td>Organization</td>
<td>Activities</td>
<td>Support/control</td>
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</tr>
<tr>
<td>5</td>
<td>Dryland Learning and Capacity Initiative (DLCI)</td>
<td>Promoting learning and advocacy on pastoralists policy issues</td>
<td>Support in convening of Pastoralist Parliamentary Group and convening of KAAG</td>
</tr>
<tr>
<td>6</td>
<td>International Livestock research Institute (ILRI)</td>
<td>Research on livestock and rangelands</td>
<td>Development of Rangelands Annex to County Spatial Planning Guidelines</td>
</tr>
<tr>
<td>7</td>
<td>Kenya Wildlife Conservancy Association</td>
<td>Working with community conservancies in policy advocacy</td>
<td>Wildlife conservancy issues in the rangelands</td>
</tr>
<tr>
<td>8</td>
<td>Kenya Land Alliance (KLA)</td>
<td>Working on land governance and land policy advocacy</td>
<td>Land reforms and land governance matters</td>
</tr>
<tr>
<td>9</td>
<td>Development Partners:</td>
<td>Supporting interventions in rangelands including governance, conflict management, resource mapping</td>
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<tr>
<td></td>
<td>- UKAID</td>
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<td></td>
<td>- USAID</td>
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<td>- SIDA</td>
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<td></td>
<td>- EU</td>
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<tr>
<td>10</td>
<td>ADA Consortium</td>
<td>Working on climate change matters</td>
<td>Climate change adaptation plans</td>
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<td></td>
<td>COUNTY ACTORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Office of the Governor</td>
<td>Overall decision making in the county</td>
<td>Implementation of CIDP &amp; manifestoes</td>
</tr>
<tr>
<td>2</td>
<td>County Executives Committees</td>
<td>Responsible for the generation &amp; drafting of relevant administrative plans, budgets and even policies and laws to be approved by assembly</td>
<td>Generation and drafting of relevant plans, strategies, laws to facilitate effective &amp; sustainable rangeland management.</td>
</tr>
<tr>
<td>3</td>
<td>Relevant Departments in the county like Agriculture, Livestock, Environment and Natural resources</td>
<td>Implementing the programmes from the Governor, CECs and assembly</td>
<td>Strategic partners in implementing sectoral programmes and plans</td>
</tr>
<tr>
<td>4</td>
<td>County Assemblies</td>
<td>Responsible for policy and law making at the county</td>
<td>Development of policies, laws and budgetary allocations at the county.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Engage with Committees on Water &amp; Environment, Livestock &amp; Agriculture, Land</td>
</tr>
<tr>
<td>5</td>
<td>Office of the President at county level:</td>
<td>Coordination of national government projects, strategic stakeholders mobilization &amp;</td>
<td>Strategic community mobilization and dissemination of information</td>
</tr>
<tr>
<td></td>
<td>- County Commissioners</td>
<td></td>
<td>Support in security and peace building</td>
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<td></td>
<td>- Chiefs</td>
<td></td>
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<tr>
<td>Civil Society Organization Actors</td>
<td>Activities</td>
<td>Focus Areas</td>
<td></td>
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</tr>
<tr>
<td>1 Northern Rangelands Trust</td>
<td>Working on conservancies across the ASAL counties</td>
<td>Rangelands management</td>
<td></td>
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<tr>
<td>2 IMPACT</td>
<td>Working on Community Land issues across the Amaya Triangle Counties</td>
<td>Rangelands management, Community land Awareness Creation</td>
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</tr>
<tr>
<td>3 CARITAS</td>
<td>Community development and advocacy</td>
<td>Stakeholders mobilization, county level advocacy</td>
<td></td>
</tr>
<tr>
<td>4 Samburu County Natural Resource Forum</td>
<td>A network of actors working on natural resource governance</td>
<td>Natural resource management issues in Samburu</td>
<td></td>
</tr>
<tr>
<td>5 Laikipia Forum</td>
<td>A network bringing actors working on land, wildlife, agriculture in Laikipia</td>
<td>Natural resource management within Amaya Triangle</td>
<td></td>
</tr>
</tbody>
</table>


Annex 2: Selected national policy and legal instruments critical for sustainable management of rangelands (detailed description)

a) Constitution and policy frameworks


The Constitution of Kenya provide for essential values of human rights, equality, freedom, democracy, social justice and the rule of law. It provides for participation of the citizens in governance and development processes. The right to information is also granted in the constitution. These attributes are crucial in the sustainable management of rangelands. Article 56 of the Constitution provides for affirmative action to redress historical marginalization, effectively providing constitutional backing to the strategies proposed in the Annex to Vision 2030 and the ASAL Policy. The article provides that; The State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups:

   a. Participate and are represented in governance and other spheres of life;
   b. Are provided with special opportunities in educational and economic fields;
   c. Are provided special opportunities for access to employment;
   d. Develop their cultural values, languages and practices; and
   e. Have reasonable access to water, health services and infrastructure

The constitution has also provided devolved governments to ensure that citizens engage and get effective and appropriate service delivery with their full engagement. The protection of the rights of the minorities and marginalized communities in also guaranteed. Article 174 of the constitution provides that the State shall protect and promote the interests and rights of minorities and marginalized communities by ensuring equitable sharing of national and local resources throughout Kenya.

To avoid contestations on who is marginalized, the constitution provides that the marginalized communities include: pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

Of interest to this study is the provision for Equalization Fund by the Constitution. The equalization fund is already established but there is need for the counties to work together and find a better way to maximize this fund. The FCDC counties are already mobilizing to target major infrastructures. By working with Pastoralists members of Parliament (PPG) the FCDC counties can achieve a lot through this fund.

2. The Sessional Paper, No. 8 of 2012
This policy addresses three distinct policy challenges which are particular to Northern Kenya and other arid lands: first, how to close the developmental gap between Northern Kenya and the rest of the country, which is a product of its historical experience, and in so doing strengthen national cohesion; second, how to protect and promote the mobility and institutional arrangements which are so essential to productive pastoralism; and third, how to ensure food and nutrition security across the arid and semi-arid lands, where unpredictability is certain to increase as the impact of climate change deepens. By addressing these three policy challenges, the Government will release the latent potential of the arid and semi-arid lands. In livestock, tourism, and renewable energy, and in its strategic location as Kenya’s bridgehead to the markets of North Africa and the Middle East, the region has a major comparative advantage.


National Land Policy addresses the critical issues of land administration, access to land, land use planning, restitution of historical injustices, environmental degradation, conflicts, unplanned proliferation of informal urban settlements, outdated legal framework, institutional framework and information management. It recognizes the need for security of tenure for all Kenyans (all socio-economic groups, women, pastoral communities, informal settlement residents and other marginalized groups). It is this policy that first categorized land in Kenya as Public, Community or Private. Most significantly, it recognizes and protects customary rights to land. It also recognizes and protects private land rights and provides for derivative rights from all categories of land rights holding.

The National Land Policy gave way to the recognition and inclusion of community land tenure in the constitution. It has also guided the development of community land law thus providing a clear framework for the recognition, protection and registration of community land. The NLP also provided a good platform for the development of Land Use Policy.

4. National Disaster Policy (NDP, 2009)

Kenya’s disaster profile is dominated by droughts, fire, floods, accidents, diseases and epidemics that disrupt people’s livelihoods destroy the infrastructure, divert planned use of resources, interrupt economic activities and retard development. In the pursuit of reducing vulnerability to risks, the Government has formulated this National Policy on Disaster Management to institutionalize mechanisms for addressing disasters. The rangeland Areas that form 80% of Kenya’s land mass is one of the major disaster regions in Kenya and continues to suffer from droughts, flash floods and livestock deaths, conflicts over water, pastures and cattle rustling.

The policy emphasizes preparedness on the part of the Government, communities and other stakeholders in disaster risk reduction activities. In this regard, the policy aims at the establishment and strengthening of disaster management institutions, partnerships, networking and main-streaming disaster risk reduction in the development process so as to strengthen the
resilience of vulnerable groups to cope with potential disasters. The government through the National disaster policy aims at mitigating such disasters and reducing the effect through:

- Preventing disasters and minimizing the disruption they cause by putting mitigation structures in place and enhancing existing capacities by helping people become more resilient to disasters.
- Building the capacity of institutions to act appropriately in the face of disasters
- Building well managed disaster response systems and working to reduce peoples’ vulnerability to disasters.


The Vision 2030 statement on security, Peace Building and Conflict Management is security for all persons and property throughout the republic. This policy envisions a peaceful, secure and prosperous Kenya and its mission is to promote sustainable peace through a collaborative institutional framework between state, non-state actors and Kenyan communities. The peace infrastructure will help develop a national capacity to effectively manage potentially violent conflicts at all levels society. However, the intention is to forestall any such conflicts through an effective early warning system. The policy intention is therefore to ensure elaborate and collaborative conflict prevention, mitigation and preparedness response framework. Its intention is to guide the work and operations of stakeholders in peace building and conflict management. It re-focusses peacebuilding and conflict management efforts and practices towards measures that increase the potential for peaceful co-existence and human security as precursor for sustainable development and a just and peaceful society. Insecurity in Northern Kenya has international dynamics and ramifications, given the volatility of some neighbouring countries and pastoralists’ need for mobility. Various cross-border peace mechanisms have been tried, but they tend to be sporadic and under-resourced, taking place in the absence of a comprehensive policy that facilitates interaction and coordination between states. Border controls are weak, such that in some areas peace is maintained more by the traditional interaction between pastoralist groups than by the presence of any state. The policy will therefore facilitate better coordination and synergies) among stakeholders involved in Peace Building and Conflict Management.


The importance of livestock in the ASAL region and the country at large is now recognized and emphasized in various interventions, which are envisaged developing the sector. The livestock strategy is aimed at positioning the sector as a key driver for delivering 10 % economic growth as per Vision 2030 targets; to guide public and private sector efforts in addressing livestock challenges, develop harmonized county livestock development plans, Identify and build synergies amongst key development partners involved in addressing challenges constraining livestock productivity. The policy also envisages county based mapping and characterization of stakeholder/ development partner in livestock production, animal health, and best practices sharing and documentation including livestock emergency interventions,
Some strategies proposed in the policy to address the livestock issues include:

- Enhancing real time disease surveillance
- Strengthening community participation and public-private partnership in livestock disease control programmes.
- Facilitate development of water harvesting structures (dams, pans, rock catchment, roof catchment) and extraction (bore hole, reticulation).
- Improvement of existing early warning systems for monitoring water situation.
- Initiate provision for irrigated fodder production and subsequence conservation.
- Promote reseeding and management of range lands in lowlands.
- To increase livestock productivity animal breeds through use of superior genetics, characterization and documentation and availability of animal genetic resource and conservation, intervention by community-based organizations, NGOs, breeders, undertake relevant task related to self-sustaining breeding schemes.
- Capacity build the community on proper livestock husbandry practices and new technologies that will enhance production
- Promote formal and informal education amongst the livestock farmers by supporting the poor, disadvantaged and vulnerable to acquire basic and functional education.
- Enforcement of environmental sustainability regulations, enhance conservation and management of resources, awareness creation and resource mobilization.


The land surface potential for irrigation in Kenya is estimated at 539,000 hectares. However, only about 114,000 hectares of the total irrigation potential has been exploited. The country also has approximately 600,000 hectares suitable for land drainage including flood protection of which only 30,000 hectares has been developed.

The overall goal of the policy is to accelerate sustainable development of irrigation and drainage to contribute to the national goals of wealth and employment creation, food security, and poverty reduction. The objectives Include: to accelerate development of the irrigation and drainage potential in the country for food security, employment creation, Preserve, conserve and protect available water resources and allocate it in a sustainable, rational and economical way; Supply water of good quality and in sufficient quantities to meet the various water needs, including poverty alleviation. This shall be done through establishing and promoting a multi-sectoral approach to sustainable irrigation and drainage development.

8. The National Spatial Plan (NSP, 2015)

Kenya has launched its first National Spatial Plan (National Spatial Plan 2015). The 30-year development blue print sets off a series of policies and strategies that will guide the country’s spatial planning. The plan also aims to achieve efficient, productive and sustainable use of land
as advocated in Kenya’s Constitution (2010) and the National Land Policy. It will guide the use and management of land and land-based resources and help in achieving equity, productivity, efficiency and sustainability. The plan addresses key developmental challenges that the country is grappling with while also recognizing the abundant and diverse resource endowment. The NSP recommends strategies to enhance economic niche and mitigate negative impacts. Among the challenges addressed therein are regional imbalances, unguided urbanization, massive land fragmentation and diminishing agricultural land, encroachment into fragile ecosystems and un-tapped and under-utilized resources. The also NSP recognizes the fundamental role transport and infrastructure play in catalyzing the country’s development.

Several key developmental challenges to be addressed through the spatial plan. These include regional development, optimal utilization of land and natural resources, livable and functional human settlements for better quality of life and an integrated national transportation network and infrastructure system among others. Nowhere in Kenya are these gaps and challenges more manifest than in the rangelands. Through the plan, the government seeks to promote balanced and sustainable utilization of land resources in to prevent ecological depletion and ethnic conflicts.


Until now, there has been little urban development in the rangelands in Kenya. Of particular mention is that the little urbanization in the rangelands has largely been taking place without a comprehensive urban policy framework. Past sector policies did not adequately address urbanization as an evolving system that could foster development and economic growth and one that would integrate urban and rural development in mutually beneficial relationship.

The National Urban Development Policy (NUDP) was approved by both the national assembly and the senate assembly in December 2017 as sessional paper number 6 of 2016. The policy seeks to create a framework for sustainable urban development in the country and addresses the following thematic areas: urban economy; urban finance; urban governance and management; national and county urban planning; land, environment and climate change; social infrastructure and services; physical infrastructure and services; urban housing; urban safety and disaster risk management; and marginalized and vulnerable groups. The document proposes mapping of informal settlements, harmonization of policies, legislation and administrative frameworks for urban informal housing and establishment of inspectorate mechanisms in urban authorities to enforce informal housing laws. Implementation of this policy therefore has the potential to create profound impact on the way people live socialize and do business throughout the country, including the rangelands transformation. Urbanization in general offers a chance to bring about a concentration and socio-economic benefits that can spur economic development and eradicate poverty. However, if not managed well, urbanization may pose governance, infrastructure, housing, environmental and resource challenges that can hamper development. The policy aims to strengthen urban governance and management, development planning, urban investment and the delivery of social and physical infrastructure in urban areas throughout the country.
b) Legislations and enabling statutes

There also exists legislation that supports the rangelands course and provide enabling environment for appropriate strategies and interventions. The following are some of them:

1. The County Governments Act, 2012

The County Government Act 2012, in fulfilment of constitutional requirement for preparation of county plans, details the goals and procedures of “County Planning” According to Article 102(h), county planning is expected “to provide a platform for unifying planning, budgeting, financing programmes, implementation, and performance review”. A county planning unit shall be responsible for “coordinated integrated development planning”. County plans will have the goal of promoting harmony with national and other county plans, land-use plans, urban planning and environmental conservation.

The County Government Act, 2012, in section 104 (1), therefore states that, “a county government shall plan for the county and no public funds shall be appropriated without a planning framework developed by the county executive committee and approved by the county assembly”. It also states that the county planning framework shall integrate economic, physical, social, environmental and spatial planning. In addition to an integrated county development plan, each county is expected to have the following:

- A County Sectoral Plan; - a program based 10 year plan that are component parts of the CIDP.
- A County Spatial Plan; - A 10-year GIS based database system also a component of CIDP.
- A City and Urban Areas Plan - for every city and municipalities

The Act further states that urban planning process shall also be done for every settlement with a population of at least 2,000 persons. Section 107(2) explains that these plans “shall be the basis for all the budgeting and planning in a county”. A county planning unit has been established by this Act to coordinate integrated development planning and to ensure that county planning is linked to national planning frameworks.

The County Government Act Section 110 (1) provides that “There shall be a ten-year county GIS based database system spatial plan for each county, which shall be a component part of the county integrated development plan providing:

- A spatial depiction of the social and economic development programmes of the county as articulated in the integrated county development plan;
- Clear statements of how the spatial plan is linked to the regional, national and other county plans; and
- Clear clarifications on the anticipated sustainable development outcomes of the spatial plan.
• The spatial plan, which shall be spatial development framework for the county shall; (a) Give effect to the principles and objects contained in sections 102 and 103;
• Set out objectives that reflect the desired spatial form of the county taking into account the development programmes of the county as articulated in its county integrated development plan;

Also, the Spatial Plan shall include:

• Indicate desired patterns of land use within the county;
• Address the spatial construction or reconstruction of the county;
• Provide strategic guidance in respect of the location and nature of development within the county;
• Set out basic guidelines for a land use management system in the county taking into account any guidelines, regulations or laws as provided for under Article 67(2)(h) of the Constitution;
• Set out a capital investment framework for the county’s development programs;
• Contain a strategic assessment of the environmental impact of the spatial development framework;
• Identify programs and projects for the development of land within the county; and
• Be aligned with the spatial frameworks reflected in development the integrated development plans of neighboring counties;
• Shall indicate where public and private land development and infrastructure investment should take place;
• Shall indicate desired or undesired utilization of space in a particular area;
• May delineate the urban edges of the municipalities within its jurisdiction and mechanisms of dealing with the rural urban interfaces;

County spatial planning in the rangelands are therefore important county/regional policy frameworks that will help scale down global and national development policies to become relevant at the local level. It will also help in linking economic planning (budgets) to spatial planning which has been identified as the major cause of underdevelopment in the country despite massive investments over the years.

2. The Community Land Act 2016

Community Land Act provides for the recognition, protection and registration of community land. It acknowledges the customary tenure as constituting legal property rights, and not merely rights of occupation and use lands. This promises land security for 6 to10million Kenyans living in the rangelands, most of who are members of pastoral or other poorer rural communities. This law gives communities power to make decision regarding their land. It acknowledges communities as property owners and foster inclusive decision-making within communities. Substantively, the
CLA is shaped by the sanctity of community lands established by the Constitution. This includes the bill of rights, the right of citizens to seek redress for protection of property in a new context within which community lands are accorded status as property. As no longer tenants of State but owners, allows them to govern their own lands.

The Constitution acknowledges customary laws, only requiring these to be consistent with the Constitution. The Land Act, 2012 (LA) is more specific. Along with freehold, leasehold, and legally established partial interests in land, customary land tenure is recognized as a lawful and equitable means of owning land and secondary rights to such owned lands (such as rights of occupancy and use). “There shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems” (LA s. 5 (2)). The CLA furthers this by protecting customary rights held immediately prior to the commencement of the law (CLA s. 5). It empowers communities to make rules for regulating the management and administration of their land, including based on custom (CLA s. 2, 37). Issue of individual customary rights of occupancy to community members will be “governed by customary law” (CLA s. 14). The “customs and practices of pastoral communities” are specifically to be taken into account (CLA s. 28). Recognition of unregistered customary land rights as real property is also provided in requirement that county governments will hold unregistered holdings in trust for their owners only until these lands are formally identified and registered (CLA s. 6). The overall effect of the above is that customary/community property is recognized as existing, whether registered or not.

Another strong point in the CLA is that access to Community Lands by investors is reasonably addressed. As rangelands, face an upsurge in economic transformation, with oil, water, coal, port and infrastructural developments it becomes a fat ground for private sector developments. Despite protection of their lands in law, appropriation of community lands for these purposes is an issue. It is therefore positive that the CLA is specific as to the requirements of investors, including that each request is subject to consultation and agreement with the community, and with benefit sharing and payment of compensation and royalties. Clearly, the Act presumes that communities will not absolutely alienate their land to investors but lease land to them.