

Getting the Right Policies to Strengthen Pastoral Livelihoods

December 8, 2011, Breakfast Meeting with Pastoralism Parliamentary Group (PPG)

Introduction: dynamic change, insecure livelihoods

The future of pastoralism in the Horn of Africa is uncertain. The recent drought crisis in northern and north-eastern Kenya has profoundly affected the lives of pastoralists leading to appeals for emergency assistance and increased attention to long term investment in the region. Centering on the inability of pastoralist to support their household food income and an increase in the number of pastoral drop outs, the emerging debate is “*does pastoralism have a future*”. This has drawn new attention to why so many pastoralists are vulnerable as well as how more sustainable livelihoods for pastoralists can be fashioned. Yet, while the latest emergency has highlighted problems of chronic vulnerability and destitution amongst pastoralists, it has also unmasked endemic vulnerability amongst a significant part of the population, as well as worsening inequality as wealthier pastoralists continue to diversify their investments (and, thus, cushion themselves against impacts of drought). Priorities for intervention have also largely been vague or focused on agriculture development, predominantly around irrigated crop production and drought resistant crops¹.

On the other hand the policy context in which pastoralism and other livelihood systems are practiced in Kenya is fast changing. Policy responses to drought, climate change, land tenure, development and other challenges facing pastoralists are fast redefining opportunities for pastoralists to cope with increasing crisis associated with drought and natural resource based livelihoods and economies. Pastoralists’ resilience to climatic shocks and other drivers of change is decreasing, and their vulnerability increasing. While there are diverse initiatives being implemented to help pastoralists cope and prosper, more and more pastoralists are dropping out and settling in the many growing small towns in pastoral areas. However, alternative livelihoods for these drop outs are limited and many have come to depend on emergency relief food provision for survival. Thus, without clear policies, plans and public resources committed to supporting new livelihoods for this population, northern Kenya risks being stuck in a chronic crisis, with perennial food aid needed to support the growing population of pastoralists who fall out of livestock-keeping.

Government development interventions, donor priorities and funding interest, NGO intervention strategies are shaping how policies are formulated, interpreted and implemented by different actors. In recent years, there has been a surge in the number of policies generated by government, donors and

¹ In July 2011 the Kenya Government announced that they are going to transform Turkana into a crop producing area by introducing irrigated agriculture and drought resistant crops as a way of ending the chronic famine prone to the area

NGOs to address these emerging challenges. Interestingly most of them recognize and support pastoral production system and pastoralism as the best form of livelihood that best thrive in the ASALs².

1. Drought crisis and worsening vulnerability

Since 2008, Kenya has experienced two worst droughts that have affected the whole country leading to the government announcing drought as a national disaster in both occasions. However despite drought affecting the entire country the worst affected are the livestock dependent people in the ASAL districts who are estimated at a population of 10 million³. Although the National Drought Management System was instituted during the 2008 drought to deal with disaster risk management system, pastoralists were severely affected by droughts in 2009⁴ losing more than 2 million livestock and an estimated 8 million in 2011. This has led to destitution, increase in vulnerability and number of pastoral drop outs

Government response

Case of 2009

Pastoralist lost more than 2million livestock. The total value of livestock income to the national economy is estimated at 62 billion KES (800 million dollar)⁵ at the time. This value dropped in 2009 to 24 billion meaning the GDP lost 38 billion KES. In response to the crisis the government in August announced it would spend Sh500 million KES to buy weak animals from livestock keepers at just over \$100 each. The animals were to be transported to the Kenya Meat Commission plant in Athi River, just south of Nairobi where they would be fed, given water and slaughtered, and the meat sold to recover the money spent. Though the plan was noble its implementation was quite pedestrian resulting in hundreds of livestock dying in transit and at Athi River. When asked to explain the crisis, The Ministry of Livestock Development Minister Mohamed Kuti adopted a dismissive tone when he argued that he was not surprised the cows were dying since they would still have died even if they had not been transported to Athi River!

Case of 2011

The recent drought is estimated to have claimed between 30 -45% of the livestock population. Most of the livestock lost were from Northern Kenya with Wajir, Marsabit, Mandera, Turkana and Garissa counties bearing the greatest losses. This notwithstanding pastoralist continue to lose most of their assets and becoming more vulnerable to the ever increasing drought. Government interventions on the other hand are minimal and coming late when the situation is worst. There is limited contingency planning which often comes too late.

² The PRSP, Economic recovery for employment and wealth creation, Vision 2030 and all sectoral policies (ASAL, Livestock, Land etc) have positive statements on pastoralism as the best production system in drylands.

³ ILRI, An assessment of the response to the 2008-2008 drought in Kenya. A report of the European Union delegation to the response of Kenya

⁴ S. Ossiya; policies and the future of pastoralism in East Africa; paper presented during the launch of Oxfam GB ROSP report; Kampala Uganda

⁵ Daily Nation; Tuesday August 11;2009 quoting an IIED report

2. Land and pastoralism

Pressure on land is increasing in Kenya. Many competing interests are increasingly encroaching into drylands where Pastoralism is practiced. These encroachments range from high population density in agricultural areas, conservation tourism, bio-fuels to irrigation agriculture. The semi-arid areas are becoming the best alternative for these competing interest and because of the existing legislations governing pastoral lands its difficult for pastoralists to control this invasion and secure their lands.

Since independent pastoral land have been managed under two pieces of legislation: The Trust land Act (Cap 288) that vest the management and running of trust lands within the county councils, and the Group Representative Act (Cap 287) that vest the management of these lands under a Group Ranch Committee elected by the members of the Group in an AGM after every two years. These two tenure systems have been greatly abused. County Councils, which are the trustees of Trust land, have in many cases disposed of trust land irregularly and illegally. In the case of Pastoral communities, the group representatives entrusted with the management of that land have in many cases disposed of group land without consulting the other members of the group.⁶

The National Land Policy enacted in 2009 recognises community land under article 63. It further defines the process of individualization of tenure under article 64, outlines the widespread abuse of trust land and land (group representative) Act; article 65 and gives proposals on how to secure both trust land and group ranches; article 66.

The recently enacted constitution of Kenya underscores a couple of important issues under Article 63 that gives recognition of community land. It provides for community land which shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest. This community land shall consist of land lawfully held in the name of group representatives, land transferred to specific communities under any law, land declared to be community land under an Act of Parliament and community forests, grazing areas, ancestral lands as well as trust lands held by counties.

Despite the National Land Policy and the New Constitution giving a paradigm shift on pastoral land tenure. The big challenge is for pastoralists and their policy makers to engage and ensure that their interests are articulated and represented in the current processes of land debate that will lead to the enactment of the New Land Bill that will see among others the establishment of a National Land Commission, Definition of the Amount of Land an Individual can Own and Provide Procedures for Governing Community Land.

This meeting provides an opportunity for open discussion of these issues amongst policy makers such as the Pastoral Parliamentary Group, International NGOs, UN and Members of the Civil Society to explore how policy advocacy can influence its implementation which in turn influences its impact on pastoral livelihoods.

⁶ Excerpt from the National Land Policy 2009 Chapter 3.3.1.2: Community Land

Key discussion areas

Having sketched out some of the broad issues around the recent drought induced crisis and increased vulnerability and the debate around land and pastoralism. This meeting will focus discussion on three key areas:

1. So what is the problem with the current policies given the positive statements contained therein and the ever increasing levels of pastoral vulnerability and pastoral drop outs?
 - a) Is it that these positive statements are formulated just to please pastoralists but in essence there is no intention to implement them?
 - b) Is it a question of "lack of political will"?
 - c) Is it failure by pastoralist and their policy makers to lobby and influence implementation of these policies or what are the issues?
2. What processes can pastoralists engage with to ensure that issues affecting them are address timely to avoid loss of life and increase in vulnerability?
3. How can Pastoralists, Pastoral Elite and Policy Makers engage with the current land debate in a constructive way to influence process that will define and guide the process of securing and managing pastoral land to avoid abuse?