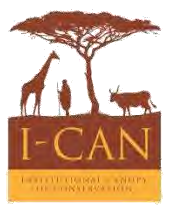




AFRICAN
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MPIDO- I-CAN Governance and Environmentality Project Narrative Report 2017

Empowering / strengthening communities in Kajiado County through an analytical and dissemination of community Land Act 2016 to enhanced good governance of community land and natural resources



MPIDO Executive Director Mr. Joseph Ole Simel addressing the community of Shompole Group Ranch as one of the community dissemination process on community Land Act 2016.



ACKNOWLEDGEMENT

The Board of Directors and Staff of Mainyoito Pastoralists Integrated Development Organization [MPIDO] would like to convey their deep appreciation to I-CAN for the grant that has facilitated the-implementation of this project.

This project has gone a long way in empowering the group ranches officials and community members on community Land Act 2016. The project has also helped to empower Maasai women for them to participate and claim ownership to be registered members in the group ranches. The translated version of the community land act 2016 from English to Maa Language and the Regulations on Community Land Act has helped the community to have an easier understanding and interpretation of the Community Land Act.

MPIDO also wishes to thank all the stakeholders that were involved in making this project a success. These included; The six group ranches , the community members , the county government of Kajiado (Ministry of Lands) and our facilitators and translators . All these stakeholders played their roles diligently and with dedication, thus the success of the project. They showed a great zeal to ensure that the project activities were carried out as planned, and also they were, and still are committed to ensuring that desired change in the community is achieved. They did this by playing their roles effectively.

Background Project Information / Introduction

I-CAN: Governance and Environmentality in East Africa addresses the challenge of combining protection of biodiversity with strengthened livelihoods, whether through recognizing local rights over resources, livelihood diversification, or stimulation of a new green, post oil economy, including tourism. The major goal of the I-CAN is to identify the most effective designs for future Community-Based Conservation programs by examining the impacts of ongoing conservancy experiments on community livelihoods and members' attitudes and practices towards natural resources. Five objectives have been identified from generating knowledge to policy and action as follows; a) Tracking organizational networks, b) Developing prototypes for governance institutions, c) Strengthening attitudes of "Environmentality," d) Influencing conservation policy and; e) Training a new generation of academics and leaders

The Land Working Group on land and environment of which MPIDO is a member approved a financial request from MPIDO in order to carry out the capacity building and awareness creation that will inform the implementation of community land Act 2016 in order to secure the rights of the members of 6 group ranches their collective rights to land and natural resources

It is estimated that over half of Kenya's land area of 57 million ha (nearly the size of France) is subject to customary landholding. Much of this land is presently vested in county governments as trustees for communities. Substantial customary lands have also been reconstructed as group ranches in an attempt to settle nomadic pastoralists launched in the 1970s. This has proved deleterious to many poorer pastoralists who found their names excluded from membership lists and where title and decision-making were vested in appointed representatives. Women in particular were excluded and because they were not represented in those meetings, have continued to lose their land and have been rendered destitute. Accordingly, the Constitution (2010) directed reformation of group ranches as community properties vested in undivided shares in all members of the community. The Constitution also classified the ancestral lands of hunter-gatherers as community properties. In addition, some settled farming communities seek return of specific forest or pastoral lands lost to them during the process of compulsory individualization and titling of rural areas. The Community Land Act, 2016, as directed by the Constitution stipulated the procedures through which a community may secure registered collective title, elaborated by Regulations in 2017.

Project Objective

To increase the knowledge, empowerment and capacity of communities to define their respective domains and undertake all legal and organizational steps required to secure registered community land title in accordance with the Customary Land Act, 2016, and to serve as regulators and managers of their properties in a fully inclusive, competent and sustainable manner;

The primary beneficiaries of the project were members of Shompole , Olkiramatian , Oldoinyo-onyokie Olkeri, Oltepesi and Torosei group ranches with a registration membership of more than 5,000 of which 98% are men. These members are individuals registered on their own personal capacities but each individual represents a household of an average 6 members that is giving a population of more than 30,000 members. The 98% of membership of former group ranches who are mainly is based on a very old tradition among the pastoralist's communities especially the Maasai, where all forms of properties from livestock to land and other natural resources are owned, controlled and used by men. It has been a discriminative practice especially against women for many years. It is expected that the implementation of community land act will cure this discrimination which is a human rights violation against women. This will take a long way for women to come out and take and claim their true position that is being proposed in the community land act. A long-term strategic capacity building is needed in order to empower the local women to internalize community land act and to demand full implementation of the community land act in their favour. Alot of obstacles particularly cultural barriers must be overcome for the women to be fully beneficiaries of the community land act.

ACTIVITIES IMPLEMENTED IN THIS REPORTING PERIOD

1. A strategic Workshop for the implementation of the community land and natural resource and benefit sharing laws

MPIDO organized the strategic workshop for the implementation of community land Act 2016. The 3 day workshop was attended by 35 Participants who came from the following former group ranches Olkiramatian, Shompole, Olkeri, Oldoinyo-onyokie, Oltepesi and Torosei.

The following topics and issues were discussed and agreed upon;

1. These community forums were identified as strategic instruments to reach a large number with the community members those that are already registered as members of the group ranches and those who have been left out especially women and the youth. With such forums they could be mobilized to come out in large numbers to participate and engage in the dispensation and implementation of community Land Act 2016. The intended goal is to ensure that all members of any community land engage in a constructive manner and they become fully participative and not just spectators. In the end they will be able to influence the membership of the community land, the governance structure, dispute and conflict resolutions, land use plans, gender representation and the benefit sharing models among others.

2. Strategic and influential individuals were identified as vital in each of the communities to disseminate the community Land Act such as Provincial administrators at the local level , traditional chiefs, other opinion leaders, group ranches officials women and youth leaders.
3. Institutions and organizations at the local level were identified and agreed that they could play a critical role in dissemination of the community land Act i.e. both national and county government relevant departments , Local Non Governmental Organizations, community based organizations and religious institutions.
4. The role of communication and dissemination of information was identified as strategic and useful in reaching out a larger audience especially in community set up where the usual national media houses have no coverage. The following media channels of communication were identified to reach both the literate and the illiterate members of the community. The FM radio stations in vernacular languages were identified as the leading tool in disseminating the content of the Community Land Act. Other media platforms like the social media e.g. Watsapp, face book, Twitter were also relevant in disseminating the information.

As an outcome of the workshop the participants were tasked to carry out civic education at the community / village level to disseminate widely the content of the community Land Act 2016. This is by taking advantage of any community gatherings such as traditional ceremonies, political and religious gatherings . This is to ensure that a large number of the community members are informed of the new arrangements for community land governance



The facilitator guiding the discussion during strategic workshop for Implementation of Community Land Act 2016 held at Olooruka Resource Centre.

2. Designing content for community radio programs

MPIDO with a legal and communication expert designed and developed radio program content for the dissemination of community Land Act 2016.

The designed content presented by the legal and communication expert was adopted by a team that includes, MPIDO Land Rights officer and representatives of five group ranches before it was presented to the Mayian Fm station for review before the presenters went on air .

The content of the radio program had the following key points of discussion;

Recognition, protection and registration of community land rights. Management and administration of community land.

The role of county governments in relation to unregistered community land and related matters.

The content was designed as follows;

The background and introduction for community land Act 2016

Transition from group ranches and trust land to community land Act 2016, Registration and Membership

Governance structures, management roles and responsibilities. Non discrimination policy

The Benefit sharing model .

Dispute resolution mechanisms

The role of different stakeholders e.g. community members, community land registrar, County Government among others.

Community Land use plans

Time frame for Implementation of community Land Act 2016 Dissolution and demarcation of community land.

- o **Salient issues**

The vague concept of ‘community’

Special rights and entitlement in community land

Benefit sharing – consultations, agreements royalties

etc Use of alternative dispute resolution mechanisms.



Legal and communication Consultant with MPIDO Land Right Officer and Representative of Group Ranches developing the content of the radio Program.

3. Translation of the community land Act and natural resource and benefit sharing laws into local languages

MPIDO developed a training manual on community land act for easier understanding and reference by the community members. MPIDO then hired a linguistic expert to translate the document from English to Maa language together with the regulations for community land act. The translated Maa version of both of these documents have been produced and it has been widely circulated and a copy of the same is attached to this report.

MPIDO is planning to mobilize more resources in order to produce several thousands of hard copies of the translated version for a wider circulation to several communities both individuals and organized groups .

4. **Facilitate community awareness and empowerment through dissemination of the Community Land Act and the Natural Resource Benefit Sharing law and in the process identifying conflicting articles and how they will be addressed and benefits of the these laws and recommendations on how to marry the two.**

As a result of Implementing all planned project activities approximately over 5,000 registered and non registered members benefited directly and approximately 30,000 members benefitted indirectly.

One of interesting observations during implementation of the project is the fact that majority of registered members of formally group ranches who are mainly male, were not happy with the community land act 2016 and reacted negatively. They said that was a bad law which they were never consulted about and that they never participated in drafting of the same. They mentioned that they preferred dissolution of group ranches into individual holdings . They also stated that since the community land act allowed women to be officially registered as members of community land and that they should participate in the governance structure of community land through both the general assembly and the management committee was an issue that they disagreed about.

From the start of the project in 2017 to date several group ranches have been dissolved and are going through sub division into individual titles. This is an unfortunate outcome as it does undermine the intent and the spirit of community land act.

Lessons learned during Implementation of the project

- **Development of transparent , equitable tools, concepts or frameworks that are inclusive and sensitive to gender, youth and elderly to guide the benefit sharing arrangements.**
- **Developing/enacting a transparent, just, accessible and inclusive alternative conflict resolution mechanism that upholds the rights, freedoms, and dignity of all the parties involved in the conflict.**
- **Lack of political will to implement the provisions of the Act at all levels.**
- **Social and cultural dynamics that prevents women participation and decision making – Most IPs cultures and cultural practices do not have provision for women to be major decision makers and owners of land tenure and natural resources.**
- **Low capacity and awareness/understanding of the new law at the community level and at the county level i.e. communities with former group ranches have not understood the implication of the repeal of group ranches act by the new community land Act 2016. This demands for mapping, registration, demarcation and new governance system i.e formation of community general assembly, and election of the management committee.**

CONCLUSION AND RECOMMENDATION

- **A long term strategic Program with support of County Government and other stakeholders supported with resources and political good will is urgently needed for communities to implement and benefit from the community Land Act 2016.**