

POLICIES FOR RANGELANDS IN KENYA

EMERGING OPPORTUNITIES AND
CHALLENGES

POLICY INTEREST IN RANGELANDS

- Historically, policies have treated the people and the land/resources differently
 - Re the people
 - From outright hostility to benign neglect – top down, military, law and order, (get them to put on clothes, go to school, stop FGM, settle down, practice agriculture, etc) – **MODERNIZE THEM**
 - Re the land and resources
 - **Appropriation** of high value land, **displacement** (Maasai)
 - **Extraction** of resources and value, long-distance benefits – conservation areas, safaris, fly-in-fly out fun

TWO 'USEFUL' POLICY CONSTRUCTS ...

1. Land tenure – progressive alienation of control over the rangelands from local communities and their institutions
 - accompanied by weakening marginalization of community institutions, knowledge systems and structures of land and nrm = governance institutions
2. Separating land and resource tenure – wildlife, minerals 'owned' by the state regardless of the tenure over land

*Discourse on rangelands divided into bits and pieces handled disparately – **land, biodiversity, livestock, economic development, livelihoods***

INCREASINGLY THIS IS CHANGING...

1. The Constitution of Kenya 2010

- Vests sovereignty in the people, to be exercised **directly** or **by delegation** through representative state organs, at county and national levels (Art 1)
- Vests all land in Kenya on the people collectively as a nation, as communities, as individuals (Art. 61)
- National parks and forests are now public land vested in the national government in trust for the people of Kenya and administered on their behalf by the National Land Commission
- Elevates community to a land tenure category with equal legal force and protection as public and private land

CHANGING....2

2. Sessional Paper No. 3 of 2009 on National Land Policy

- Tenure principles for **equal recognition and enforcement of land rights** under all tenure systems, promotion and protection of **multiple values of land**, and the development of **fiscal incentives** to encourage efficient utilization of land (para 69)
- Introduces resource tenure principles and imperatives aimed at strengthening trust functions of the state, while improving participation and benefits for the people (para. 96)

CHANGING....3

3. Vision 2030

- Privileges land reform that includes restitution of land due to historical injustices
- Proposes
 - securing of wildlife corridors and migratory routes and reverse wildlife loss
 - Development of sustainable land use policy for common grazing areas
 - Design and use of market-based environmental instruments as incentives/disincentives for improved management of the environment

BOTH OPPORTUNITIES AND CHALLENGES

- Too many policies chasing one landscape?
 - Institutional conflicts, competition, elite capture, etc
- Persistence of mindset bottlenecks
 - *Why for instance is ASAL development covered under Pillar 2 and not Pillar 1 of V2030?*
- Opportunities for communities, but where is the capacity?
- Jury still out on devolution...
- And then there is the small matter of Kenyan electoral politics....