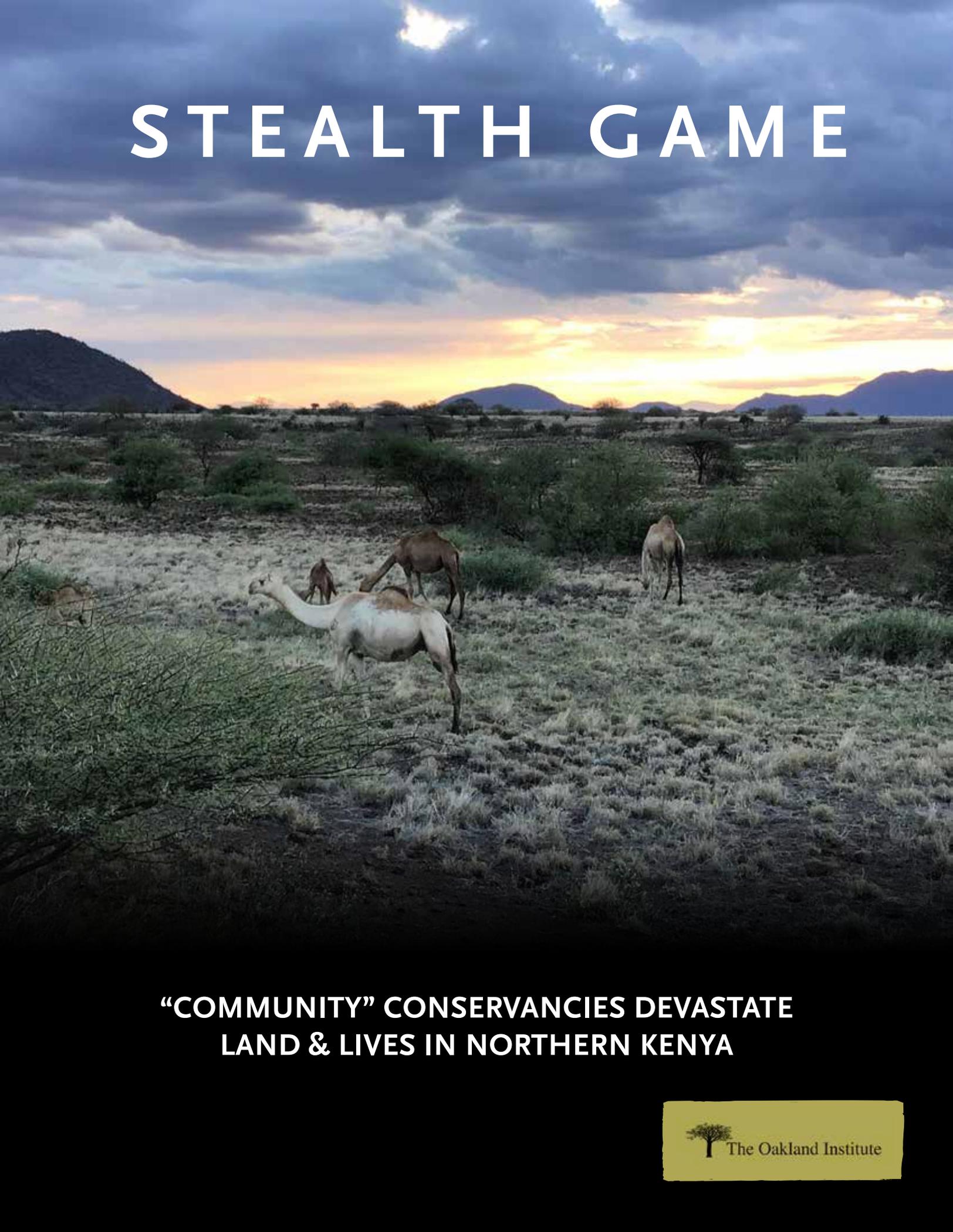


STEALTH GAME



**“COMMUNITY” CONSERVANCIES DEVASTATE
LAND & LIVES IN NORTHERN KENYA**



The Oakland Institute



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The views and conclusions expressed in this publication are those of the Oakland Institute alone and do not reflect opinions of the individuals and organizations that have sponsored and supported the work. The report is dedicated to courageous community members, community organizations like the Boran Council of Elders and local groups like the Isiolo Human Rights Defenders, who continue to struggle for land rights in Northern Kenya – undeterred by the power of the political and economic elites.

Design: Elijah Allen

Cover Photo: Camels kept by pastoralist communities in Northern Kenya for livelihoods.

Back Photo: Samburu communities in Nantudu, Olidonyiro fearing evictions from community lands.

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The Oakland Institute, 2021

TERMS & ACRONYMS

AFD	Agence Française de Développement
ASAL	Arid and Semi-Arid Lands
CI	Conservation International
CPI	Community Policing Initiative
CPIC	Coalition for Private Investment in Conservation
Danida	Danish International Development Agency
FFEM	Fonds Français Pour l'Environnement Mondial
IMPACT	Indigenous Movement for Peace Advancement and Conflict Transformation
IUCN	International Union for Conservation of Nature
KFS	Kenya Forest Service
KPR	Kenya Police Reserve
KWS	Kenya Wildlife Service
LAPSET	Lamu Port South Sudan Ethiopia Transport
LWC	Lewa Wildlife Conservancy
LWP	Last Wild Places
MOU	Memorandum of Understanding
NRT	Northern Rangelands Trust
RCCP	Resilient Community Conservancies Program
RangER	Rangelands Ecosystem Services Productivity Program
SACCOs	Savings and Credit Cooperative Society
TNC	The Nature Conservancy
UNESCO	The United Nations Educational, Scientific and Cultural Organization
WCMA	Wildlife Conservation and Management Act
WWF	World Wildlife Fund



EXECUTIVE SUMMARY

"They have put fear in our hearts. . ."

– Mohammed Kampicha Bilalo, Biliqo, Chari Ward, June 2019

Kenya – Africa’s original safari destination – with its vast expanses and diversity of wildlife attracts over two million foreign visitors annually. Development of safari tourism and conservation of wildlife – a major economic resource for the country – has, however, come with the cost of local communities fenced off from their ancestral lands. Indigenous communities have been evicted from their territories and excluded from the tourist dollars that flow into high end lodges and safari companies.¹ Protected areas with wildlife are patrolled and guarded by anti-poaching rangers – accessible only to tourists who can afford to stay in luxury safari lodges and resorts. This model of “fortress conservation” – one that militarizes and privatizes the commons – has come under severe criticism for its exclusionary practices and for being less effective than models where local communities lead and manage conservation activities.²

One such controversial model of conservation in Kenya is Northern Rangelands Trust (NRT). Set up in 2004, NRT’s stated goal is “changing the game” on conservation by supporting communities to govern their lands through the establishment of community conservancies.³ Created by Ian Craig, whose family was part of an elite white minority during British colonialism, NRT’s origins date back to the 1980s when his family-owned 62,000-acre cattle ranch was transformed into Lewa Wildlife Conservancy.

Since its founding, NRT has set up 39 conservancies over 42,000 square kilometers (10,378,426 acres) of land in Northern and Coastal Kenya⁴ – nearly eight percent of the country’s total land area.⁵ The communities that live on these lands are predominantly pastoralists who raise livestock for their livelihoods and have faced decades of marginalization by successive Kenyan governments.⁶



Mohammed Kampicha Bilalo testifying to the research team.



Hadija Golich Kampare's son, Abas Dulach Gufu, was brutally beaten by police along with community members from Meru, while grazing cattle in the Kubi Dakaara Rangelands, which belong to the Borana community.



NRT claims that its goal is to “transform people’s lives, secure peace and conserve natural resources.”⁷ Local communities, where NRT is active, however, allege that the organization has dispossessed them of their lands and deployed armed security units that have been responsible for serious human rights abuses.⁸

Whereas NRT employs around 870 uniformed scouts,⁹ the organization’s anti-poaching mobile units called ‘g’ teams, face allegations of extrajudicial killings and disappearances, among other abuses. These rangers are equipped with military weapons and receive paramilitary training by the Kenyan Wildlife Service Law Enforcement Academy and the private security company, 51 Degrees, run by Ian Craig’s son, Batian Craig,¹⁰ as well as other private security firms.

Whereas the purpose of NRT’s rangers is supposed to be anti-poaching, they are routinely involved in policing matters that go beyond that.¹¹ Testimonies of locals allege NRT’s direct involvement in conflicts between different ethnic groups, related to territorial issues and/or cattle raids. Multiple sources within the community, including members of councils of community elders, informed the Oakland Institute that as many as 76 people were killed in Biliqo Bulesa Conservancy during inter-ethnic clashes,¹² allegedly with support from the NRT. Interviews conducted by the Institute established that 11 people have been killed in circumstances involving the conservation body. Dozens more appear to have been killed by Kenya Wildlife Services (KWS) and other government agencies, which have been accused of abducting, disappearing, and torturing people in the name of conservation.¹³



The injured Sera ranger being assisted by Samburu Moran's after he was shot in Seketani area of Chari ward in Isiolo County. Credit: Pastoralist Media Initiative (PMI) Library.





Rehma Ali, a young mother, devastated after the disappearance of her husband.

Over the years, conflicts over land and resources in Kenya have been exacerbated by the presence of large ranches and conservation areas. For instance, 40 percent of Laikipia County's¹⁴ land is occupied by large ranches, controlled by just 48 individuals¹⁵ – most of them white landowners who own tens of thousands of acres for ranching or wildlife conservancies, which attract tourism business as well as conservation funding from international organizations.¹⁶ Similarly, several game reserves and conservancies occupy over a million acres of land in the nearby Isiolo County. The pressure over land was especially evident in 2017 when clashes broke out between private mostly white ranchers and Samburu and Pokot herders over grazing land during a particularly dry spell.¹⁷ But as demonstrated in the report, 2017 events highlighted a situation that has been rampant for many years.

Local communities report paying a high price for NRT's privatized, neo-colonial conservation model in Kenya. The loss of grazing land for pastoralists is a major challenge arising from community conservancies. Locals allege that NRT compels communities to set aside their best lands for the exclusive use of wildlife in the name of community conservancies and subsequently lease it to set up tourist facilities.¹⁸

Although terms like “community driven,” “participatory,” and “local empowerment” are extensively used by NRT and its partners, the conservancies have been allegedly set up by outside parties rather than pastoralists themselves, who have a very limited role in negotiating the terms of these partnerships. According to several testimonies, leverage over communities occurs through corruption and cooptation of local leaders and personalities as well as local administration officials.¹⁹ A number of interviewees allege intimidation, including arrests and interrogation²⁰ of local community members and leaders, as tactics routinely used by NRT security personnel.

Furthermore, NRT is involved not just in conservation but also in security, management of pasture land, and livestock marketing, which according to the local communities, gives it a level of control over the region that surpasses even that of the Kenyan government. NRT claims that these activities support communities, development projects, and help build sustainable economies, but its role is criticized by local communities and leaders. In recent years, hundreds of locals have held protests and signed petitions against the presence of NRT. Turkana County Government expelled NRT from Turkana in 2016; Isiolo's Borana Council of Elders (BCE) and communities in Isiolo County and Chari Ward in the Biliqo-Bulesa conservancy continue to challenge NRT; in January 2021, community of Gafarsa protested NRT's

expansion to Gafarsa rangelands of Garbatulla Subcounty;²¹ and in April 2021, the Samburu Council of Elders Association, a registered institution representing the Samburu Community in four counties (Isiolo, Laikipia, Marsabit and Samburu), wrote to international NGOs and donors to cease further funding and audit NRT's donor funded programs.²² At the time of the writing of the report, protests against the NRT are growing across the region.

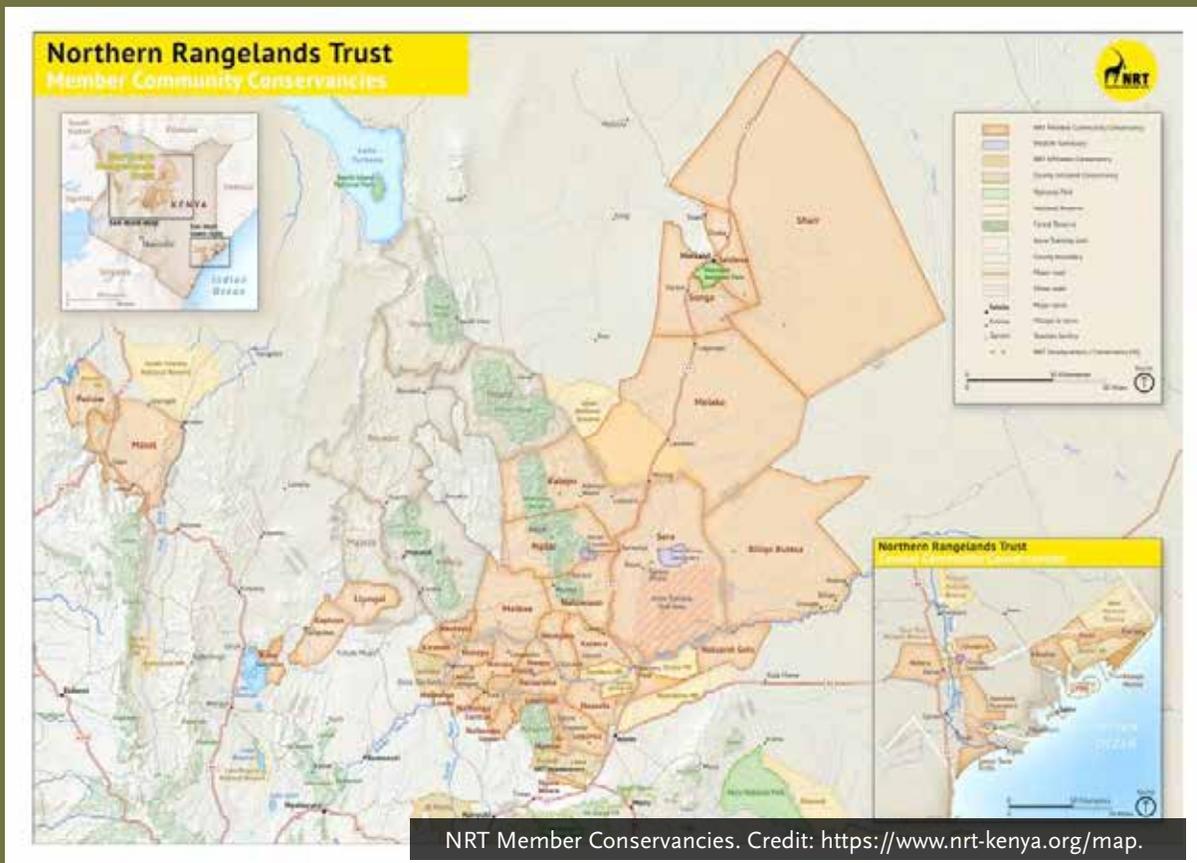
NRT works closely with KWS, a state corporation under the Ministry of Wildlife and Tourism, with the mandate to conserve and manage wildlife in Kenya. In July 2018, Tourism and Wildlife Cabinet Secretary Najib Balala, appointed Ian Craig and Jochen Zeitz²³ to the KWS Board of Trustees. Inclusion of Zeitz and Craig, who actively lobby for the privatization of wildlife reserves, has been met with the consternation of local environmentalists.²⁴ In the case of NRT, the relationship is mutually beneficial – several high-ranking members of the KWS have served on NRT's Board of Trustees.²⁵

Both NRT and the KWS receive substantial funding from donors such as USAID, the European Union, and other Western agencies and champion corporate partnerships in conservation. KWS and NRT also partner with some of the largest environmental NGOs, including The Nature

Conservancy (TNC), whose corporate associates have included major polluters and firms known for their negative human rights and environmental records, such as Shell, Ford, BP, and Monsanto among others.²⁶ In turn, TNC's Regional Managing Director for Africa, Matt Brown, enjoys a seat at the table on NRT's Board of Directors.²⁷

This report also reveals how NRT has allegedly assisted with the exploitation of fossil fuels in Kenya. In 2015, NRT formed a five-year, US\$12 million agreement with two oil companies active in the country – the British Tullow Oil and Canadian Africa Oil Corp – to establish and operate six community conservancies in Turkana and West Pokot Counties.²⁸ NRT's stated goal was to “help communities to understand and benefit” from the “commercialisation of oil resources.” Local communities allege that it put a positive spin on the activities of these companies to mask concerns and outstanding questions over their environmental and human rights records

NRT, in collaboration with big environmental organizations, epitomizes a Western-led approach to conservation that creates a profitable business but marginalizes local communities who have lived on these lands for centuries. Despite its claims to the contrary, NRT is yet another



example of how fortress conservation, under the veneer of “community-based conservation,” is dispossessing the very pastoralist communities it claims to be helping – destroying their traditional movements, their autonomy, and their lives.

The 2010 Kenyan Constitution and the 2016 Community Land Act recognized community land as a category of land holding and pastoralism as a legitimate livelihood system.²⁹ The Act was an unprecedented move, which enabled communities to legally register own, and manage their communal lands. For the first three years, however, not a single community in Kenya was able to apply to have their land rights legally recognized. On July 24, 2019, over 50 representatives from 11 communities in Isiolo, Kajiado, Laikipia, Tana River, and Turkana counties became the first to attempt to register their land with the government according to the Community Land Act.³⁰ The communities were promised by the Ministry of Land that their applications will be processed within four months.³¹ In late 2020, the Ministry of Lands registered the land titles of 11 Ngwesi and Musul communities in Laikipia.³² The others are still waiting to have their land registered. In October 2020, the Lands Cabinet Secretary was reported saying that only 12 counties have submitted inventories of their respective unregistered community lands in readiness for the registration process as enshrined in the law.³³

Community members interviewed in the course of this research repeatedly asked for justice after years of being

ignored by the Kenyan government and by the police when reporting human rights abuses and even killings of family members. Findings of the report necessitate an independent investigation into land related grievances around all of NRT’s community conservancies, allegations of involvement of NRT’s rapid response units in inter-ethnic conflict, as well as alleged abuses and extrajudicial killings.

Pastoralists have been the custodians of wildlife for centuries – long before any NGO or conservation professionals. While this report focuses on the plight of the Indigenous communities in Northern Kenya, it is a reality that is all too familiar to Indigenous communities around the world. In too many places, national governments, private corporations, and large conservation groups collude in the name of conservation, not just to force Indigenous groups off their land – but to force them out of existence.

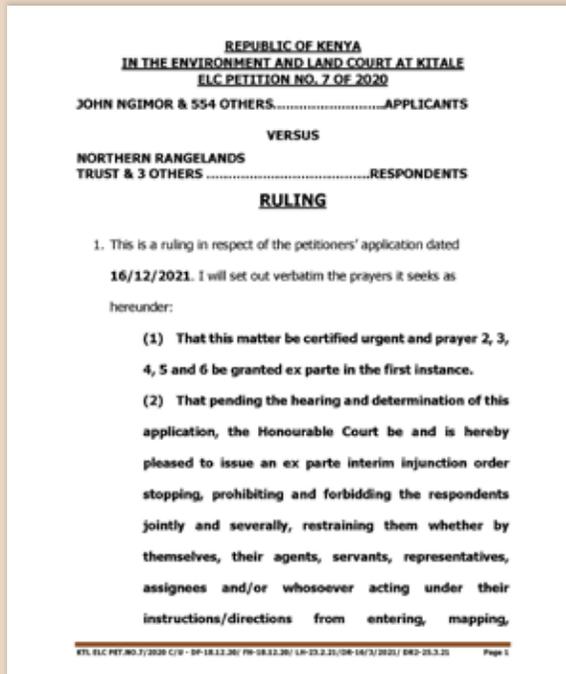
The latest threat comes from the so-called “30x30 initiative” – plan under the UN’s Convention on Biological Diversity, calling for 30 percent of the planet to be placed in protected areas or other effective area-based conservation measures (OECMs) by 2030.³⁴

This report makes it clear that fortress conservation must be replaced by Indigenous-led conservation efforts in order to preserve the remaining biodiversity of the planet while respecting interests, rights, and dignity of the local communities.



Residents of Ngilae west in Samburu County demonstrate against NRT for mismanagement of the Reteti Elephant sanctuary resources.





Ruling in the Environment and Land Court at Kitale. John Ngimor & 554 others Vs. NRT & 3 Others. March 25, 2021.

the communities the use of their own land for a period of 10 years and awarded the NRT the right to admit other parties to the MOU, while excluding local communities from any such decision.³⁷

The residents feared forceful eviction of approximately 70,000 people who occupy 250,000 hectares of land in Endugh, Kasei, Sekerr, Masol, Lomut and Weiwei wards in the West Pokot County. Most importantly, the community feared losing their ancestral grazing land to a private enterprise, which would use it in the name of “community conservancy” and that NRT’s delineation of their land would make it impossible for them to graze their livestock or perform cultural practices at sacred sites.

“Community conservancies are just the hand maiden of the NRT. The MOU was drawn just between the County government and the NRT, leaving the impacted community out. The contents of the MOU are under contention — an agreement for 10 years with no involvement of the community. Very conveniently, the purpose of the MOU is described as providing education, health services, water and sanitation and they list wildlife conservation at the end. And yet they have already developed maps where they intend to develop sanctuaries, with no environmental and social impact assessment or public participation conducted. This is why we want the MOU set aside until the case is heard.”

– Dorcas Endoo, Lawyer representing the West Pokot community at the Environment and Land Court³⁸

“Today 22/4/2021 NRT [was] rejected in Sericho Division of Garba Tulla Sub County. Communities demand land registration first and denounce division of land into small pieces. They demand use of ancestral lands for pastoralist livelihood first – conservancies, mining & other uses are secondary!”

– Mzee Issack Abagala, Sericho community³⁵

In December 2020, John Ngimor and 554 other community members on their own behalf and the residents of Endugh, Kasei, Sekerr, Masol, Lomut, and Weiwei wards in West Pokot County, took NRT, Masol Community Conservancy, Pellow Community Conservancy, and the West Pokot County Government to the Environment and Land Court at Kitale to prevent them from entering, mapping, surveying, and delineating their land.³⁶ They also sought orders barring them from carrying out conservancy operations, importation of wildlife, and evictions, as spelled out in the Memorandum of Understanding (MOU), entered between NRT, Masol and Pellow community conservancies, and the County Government in December 2019. The MOU denied

On March 25, 2021, an ex parte interim injunction order of the Court stopped and forbid the respondents and their agents “from entering, mapping, surveying and delineating community land, carrying out conservancy operations, importation of wildlife, evicting community members or any other activity under the Memorandum of Understanding for Collaboration in Conservation, Management, Sustainable Use of Natural Resources and to Promote Community Development Initiatives in West Pokot County . . .”³⁹ The court also vested the County Commissioner and West Pokot County Commandant to oversee the implementation of the orders and to ensure that peace and order prevails. The matter has been referred to the Chief Justice, who will appoint a three judge bench to hear the case.⁴⁰



In Isiolo, the prolonged dispute between NRT – which established the Biliqo-Bulesa and Gotu-Nakurpat conservancies – and the local communities, continues. Members of the Borana community are in an uproar about several bills from the County Government, which attempt to legalize the conservancies, and have been allegedly drafted without adequate public participation as required by the Kenyan Constitution. These include:

1. The *Isiolo County Wildlife Management & Conservation Bill 2021* that provides for the protection, conservation and sustainable utilization of wild animals in the County;
2. The *Isiolo County Community Conservancies Bill 2021* which seeks to establish a legal framework for the support of community conservancies in the County;
3. The *Isiolo County Tourism Bill 2021* which provides the legal framework for the development, management, marketing and regulation of tourism and related activities.

Along with the attempt to legalize the conservancies, there is an ongoing USAID funded initiative to register community

lands to meet the requirements of the Community Lands Act 2016. This has spurred community meetings to ensure that subdivision of ancestral lands does not jeopardize livestock husbandry practiced by the locals for hundreds of years. At a meeting on April 2, 2021, communities called for whole sub-counties to be registered as a single block and as single units of registration to ensure equitable distribution of resources for all.⁴¹ Communities are resisting the division of ancestral lands into small parcels for private ownership. They claim that “division means land will diminish & pastoralism as livelihood for the community and wildlife survival will be threatened.”⁴² They also complain about scant information related to the registration process and fear that it is mainly meant to cater to external forces who have vested interests in the community’s land.⁴³

As this report shows, ongoing struggles of local communities against the NRT compound a worrisome conservation scenario that has reigned unchecked for years, while voices of those impacted have remained unheard by relevant authorities. As frustrated communities hold demonstrations to protest NRT’s continued operations on their lands, NRT’s financiers continue to pump huge amounts of cash to keep it going.

To: County Assembly of Isiolo
C/O The Clerk,
Isiolo County Assembly
Isiolo County.
P.O Box 36-60300

17th March 2021

RE: PETITION TO THE COUNTY ASSEMBLY TO ADDRESS CONCERNS OVER THE ISOLO COUNTY COMMUNITY CONSERVATION BILL, 2021

WE, the undersigned

Residents of Isiolo County representing the Borana Professionals Association, having been tasked with the review of the proposed above-mentioned County Bill present this Petition so that you address the concerns and myriad of issues identified and highlighted in this Bill which if left unaddressed may negatively impact on our Community and its effective use of its Community land.

WE DRAW the attention of the house on the following:

Background

The special select committee formed to discuss the contents of the said bill and its likely implications on the Community land, taking into consideration that the Community land is still pending registration. The Committee analyzed the County Bill along with the specific provisions of Constitution of Kenya, 2010, the Community Land Act 2016 as well as Community land Regulations and the Wildlife Conservation and Management act 2013.



. . . *The writing is on the wall – our doors are closed to NRT. . .*

Dissenting voice of Gafarsa people against NRT expansion to Gafarsa Rangelands, Garbatulla Subcounty, January 31, 2021

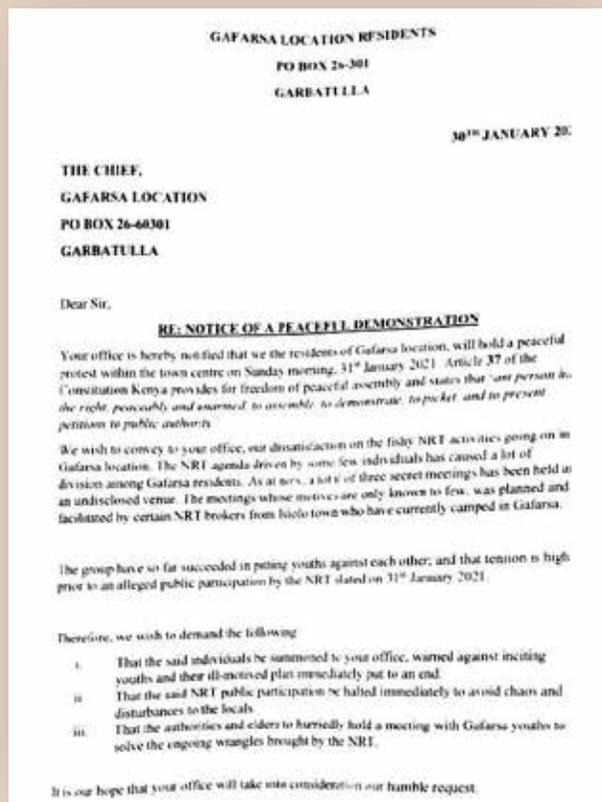
“The people of Gafarsa came out in large numbers on January 31, 2021 to express their dissenting voice to the recent attempts being made by NRT to woo the people of Gafarsa with idea of conservation model of the neocolonialist NRT – an organisation owned by one Ian Craig. This is part of several attempts that the organisation has been making in an effort to extend their tentacles into the rangelands.

They have previously made such attempts but this time round they have carried out secret meetings with a few individuals whom they have poached out of the big population in an effort to divide. The population have come out & expressed themselves by demonstrating and warning Monster NRT neocolonialist organisation and those who are being primed with little handouts by agents of NRT that their rangelands are for their livestock and they have nothing to chat with NRT.

NRT is trying to cause differences within the population but the writing is on the wall – our doors are closed to NRT.

The people have appealed through a letter to the local provincial administration to intervene to avoid any conflict. This comes in the backdrop of a request by the NRT to allow the Samburu east herders to graze in the Chari rangelands especially area around Kom, not forgetting that these are the same herders who attacked our frontline herders at Harr kori in the year 2017 and made away with close to 7000 heads of cattle and killed five of our gallant sons. The memories are very fresh, any attempt to chat such is adding salt to injury. Isiolo Human Rights Defenders clearly state that “no provincial administration official has the legal or moral authority to allow any influx of livestock from any of our neighbours,” . . .

The Isiolo Human Rights Defenders applaud Merti subcounty peace committee for standing firm against the attempts to hoodwink them. It's no doubt NRT is the source of insecurity in Chari rangelands for decades. To sum up with a wise quote by Martin Luther King Jr – A man can't ride your back unless it's bent.”⁴⁴



Notice of a Peaceful Demonstration by the Residents of Gafarsa Location, January 30, 2021.



INTRODUCTION

Kenya is Africa's original safari destination. Boasting a range of different landscapes – from beaches with soft white sands to savannahs teeming with wildlife – the country had two million international visitors in 2019.⁴⁵ The tourism industry is among the top three contributors to the country's Gross Domestic Product (GDP) – bringing in 157 billion Kenyan shillings [almost US\$1.5 billion] in revenue in 2018.⁴⁶ An estimated 70 percent of the tourism industry is wildlife-based and caters to a wealthy international clientele.⁴⁷

Kenya's conservation model, however, raises questions about the impact of practices that deliberately exclude communities who have lived and depended on the "conserved" land for centuries.⁴⁸ Examining this model

of "fortress conservation" in the name of "community conservancies" and exploring its impact, this report is based on extensive field and desk research, and ongoing communication with impacted communities on the ground, with focus on the Northern Rangelands Trust (NRT), one of the largest conservation organizations in Kenya.

The report reviews the evolution of Kenya's land and wildlife conservation laws; the history, the structure, and the functioning of NRT; land issues surrounding the privatized model of conservation in Kenya, and the impact of this model on local communities in terms of livelihoods and human rights violations, including the death toll on local communities. The report concludes with a series of recommendations to address the issues identified.



HISTORY OF LEWA WILDLIFE CONSERVANCY AND THE NORTHERN RANGELANDS TRUST

Described as a “community conservancy membership organization,”⁵⁰ the stated mission of the Northern Rangelands Trust (NRT) – set up in 2004 – is to develop “resilient community conservancies which transform people’s lives, secure peace and conserve natural resources.”⁵¹ Since its founding, it has set up 39 conservancies over 42,000 square kilometers (over 10 million acres) of land in Marsabit, Isiolo, and Samburu counties of Northern and Coastal Kenya⁵² – about eight percent of the country’s total land area⁵³ – and home to around 320,000 Indigenous people belonging to 18 different ethnic groups.⁵⁴ The communities living on these lands are predominantly pastoralist communities who rely on livestock for their livelihoods.

“The Northern Rangelands Trust supports 39 community conservancies across northern and coastal Kenya. Together, we are changing the game; supporting communities to govern their wild spaces, identify and lead development projects, build sustainable economies linked to conservation, spearhead peace efforts to mend years of conflict, and shape government regulations to support it all.”

– Northern Rangelands Trust⁴⁹



NRT. <https://www.nrt-kenya.org/about-nrt>

NRT’s origins date back to the 1980s when at the height of Kenya’s poaching crisis, a British conservationist, Anna Merz, approached David Craig, the owner of a 62,000-acre cattle ranch in northern Kenya, to set up a high security rhino sanctuary.⁵⁵ Merz relocated all the remaining wild rhinos in northern Kenya to a 5,000-acre refuge – the Ngare Seroi Rhino Sanctuary – on Craigs’ land. Eventually, the

entire ranch as well as the government owned Ngare-Ndare Forest, was converted into a rhino sanctuary – Lewa Wildlife Conservancy (LWC) – now listed as a UNESCO World Heritage Site.⁵⁶

“In 1995 we established a charitable organization, the Lewa Wildlife Conservancy... we realized we had to grow bigger if we were going to save rhino, that it was more about people and politics and money, and all the dynamics around conservation, than a single species.”

– Ian Craig⁵⁷



Ian Craig. Credit: Lewa Wildlife Conservancy <https://www.lewa.org/wp-content/uploads/2018/09/ian-craig.jpg>

At the time, hardly any privately-owned conservancies existed in Kenya and until 2013, private wildlife conservancies had no legal foundation.⁵⁸ Local environmentalists have expressed concerns about private conservancies declared as World Heritage Sites and the adverse impact this has on land rights. According to a former employee with the Laikipia Wildlife Forum, “Legally, the move may not amount to much but knowing how lobbying is done, if the government were to [seek to] change ownership, listings would be put up to demonstrate how special these ranches are and why they should remain with the present landowners.”⁵⁹

Although LWC is upheld as the pioneer of a new conservation model,⁶⁰ research by anthropologist Marlous van den Akker found that the Craig family was facing bankruptcy following the collapse of the cattle industry and made a radical transition to create the conservancy in order to prevent an execution sale of the land.⁶¹ LWC’s managers allegedly did not ask permission from KWS to capture animals from elsewhere. Instead, according to a KWS official, they ‘just darted wildlife’ and moved them to the conservancy.⁶²





Thriving Through Influential Connections

Ironically, although Lewa became a rhino sanctuary, Ian Craig, David Craig's son, was a former professional hunting guide.⁶³ Hunting was a favorite pastime of the British colonialists in Kenya. The Craig family, part of an elite white minority, has been in Kenya for four generations and enjoys close relations with Britain's royal family. It was at the Lewa Conservancy that Prince William stayed before proposing to his wife, and where he attended the wedding of Ian Craig's daughter, Jessica Craig.⁶⁴ In 2016, Craig was awarded the Order of the British Empire for his "services to conservation and security to communities in Kenya," as part of the Queen of England's Birthday Honours List.⁶⁵

As an institution, LWC has greatly benefitted from the Craig family's influential connections. Its stated mission is not only to conserve wildlife, but also to catalyze "community-centric conservation" across and beyond Northern Kenya, to implement livelihood programs for the communities around the conservancies, and to create a conservation-tourism model.⁶⁶ It reports providing a number of services ordinarily under the purview of the government, including mobile health clinics, school bursaries, infrastructure development, and livestock sales.⁶⁷ In its 2018 report, Lewa claimed to have invested over one million dollars into education, supporting 30 government schools with infrastructure development, provided thousands of people with healthcare services, and made US\$275,415 worth of sales for farmers through a livestock to market initiative.⁶⁸

Registered as a 501(c)(3) charity organization in the US, Canada, and in the UK, LWC receives tax-deductible donations from individuals as well as funds from international financial institutions like the World Bank and NGOs like the World Wildlife Fund (WWF).⁷⁰ A ball held in 2018 in Dorchester, UK raised GBP555,000 [US\$727,646].⁷¹ Separately, the Lewa Safari Camp is a commercial enterprise

for tourists that rents single rooms depending on the season for between US\$777 and US\$1,033 per night, according to its "game package."⁷² The camp also offers a range of activities including camel riding (US\$68 per person), horse riding (US\$89 per person), sundowners (included in the game package) (US\$69), night game drive (US\$95 per person), and the exclusive use of a safari vehicle with a guide (US\$420).⁷³

"Many of us currently serving on Lewa Kenya's board, built careers in the corporate world and now understand the role that businesses can play in implementing national and global goals for conservation and development. In November 2018, we took this message to the business community in Nairobi, Kenya's capital. We held a wildlife-themed cocktail event to highlight Lewa's efforts and, most importantly, how corporate organisations can participate in helping us build a secure future for people and wildlife."

– Impact Report 2018/2019, LEWA Wildlife Conservancy⁷⁴

Many of the LEWA conservancy's Board of Directors come from the corporate world.⁷⁵ Lewa's ability to organize fundraising events in the US and the UK, allegedly, is premised on the questionable idea that it is the only successful private conservation initiative in the entire country. It has, however, been accused of taking control over the conservation of specific animal species and cornering large amounts of conservation money, and capitalizing on highly mediatized and branded events like rhino relocations.⁷⁶

Establishment of Community Conservancies and the NRT

After LWC was set up, the first community conservancies to be established were Il Ngwesi in Laikipia County on the lands

of Maasai communities, and Namunyak in Samburu on the land of the Samburu people.⁷⁷ Il Ngwesi, a tourist ecolodge,



was built in 1996 with funding from USAID, channeled through the KWS.⁷⁸

NRT was founded by Ian Craig in 2004. In its own account, Ian Craig initially had to spend time “encouraging communities to set up conservancies” but the Maasai of Il Ngwei saw his proposal “as a trick to take away their land.”⁷⁹ According to NRT, the communities eventually saw the benefit and started seeking advice. Critics, however, describe NRT as “an extension of Lewa Wildlife Conservancy under another name,” with its real objective to “make the communities around LWC agreeable to conservation.”⁸⁰ NRT’s headquarters are located at LWC; Lewa provides logistical support to NRT; and both

share a joint operations center, which enables them to share information with Kenyan police and Wildlife Service and share resources when needed.⁸¹

More conservancies were set up in the 2000s and were eventually entrenched in law following the enactment of the 2013 Wildlife Conservation and Management Act.⁸² Additionally, the conservancy model and NRT’s popularity was supported by conservation NGOs,⁸³ with claims that between 65 and 70 percent of Kenya’s wildlife is found outside national parks.⁸⁴ According to some KWS officials, such estimates have been exaggerated with private landowners dramatizing these numbers to attract more funding from donor organizations.⁸⁵

Box 1: 2013 Wildlife Conservation and Management Act – Kenya’s Formal Recognition of Conservancies

Kenya’s wildlife legislation was under the Wildlife Act of 1976 until the adoption of the Wildlife Conservation and Management Act (WCMA) in 2013.⁸⁶ The new Act led to a number of new measures including a formal recognition of conservancies. Wildlife conservation was now officially defined as a form of land use on “public, community and private land” and a conservancy defined as “land set aside by an individual landowner, body corporate, group of owners or a community for the purposes of wildlife conservation.”⁸⁷

The implementation of the Act was guided by principles including the “devolution of wildlife conservation and management to owners and managers of land where wildlife occurs.”⁸⁸ The WCMA also included penalties for a range of activities including grazing livestock in a park, engaging in hunting for the purpose of subsistence or for bushmeat, cultivating land within a reserve, possessing arrows spears and other “devices” without authorization in a protected area, and entering or residing in a national park or protected area without a license.⁸⁹

“The conservation fraternity in Kenya was elated” with the passage of the new law; World Wildlife Fund (WWF) – a conservation organization operating in over 100 countries – coordinated the input of environmental civil society organizations views.⁹⁰ Space for Giants, an organization that conserves African elephants and which partners with NRT and the Nature Conservancy – one of the largest international environmental organizations – described the new Act as “one of the toughest on the continent.”⁹¹ On January 4, 2019, the Act was amended and added the offence of illegal grazing not only to national parks but to all “protected areas,” including conservancies.⁹² The WCMA applies a penalty of 100,000 Kenyan shillings [US\$1,000] and/or up to 6 months imprisonment for those grazing illegally in protected areas.⁹³

HOW NRT FUNCTIONS

NRT describes itself as an “Indigenous organization” with the stated mission to “develop resilient community conservancies” through supporting surrounding communities to govern their lands, lead development projects, build sustainable economies linked to conservation, spearhead peace efforts to “end years of conflict,” and “shape government regulations.”⁹⁴ Operating as an umbrella organization, it raises funds for community conservancies, provides them

with training and advice regarding their institutional structure and finances, and brokers agreements between conservancies and investors that want to set up tourist lodges, as well as with the government and donors.⁹⁵ Despite its involvement in setting up and running conservancies, NRT claims that none of its activities compromise the independence of the conservancies, who have the “full responsibility for the decision-making on their land.”⁹⁶



A Council of Elders is the highest governing body of the organization and consists of the chairs of all member conservancies as well as members of the County government, KWS, the private sector, and local wildlife forums.⁹⁷ The Council of Elders appoints a Board of Directors to whom the organization's CEO is answerable. Memorandums of Understanding (MoUs) are created with each of NRT's member conservancies, outlining expectations and governance standards. If conservancies do not meet the standards, the Council of Elders "police its members" and decide on the consequences.⁹⁸

The conservancies are described by NRT as having their own structure with a democratically elected Board which employs the conservancy staff, who work under the supervision of a manager. The Board is responsible for managing

resources on behalf of the conservancy members. 40 percent of revenue from the conservancy – usually through livestock marketing and tourism – is supposed to go to the conservancy operations and 60 percent to a community account to support community development.

NRT's for-profit section, NRT Trading, focuses on conservation linked businesses such as LivestockWORKS and BeadWORKS.⁹⁹ According to NRT, LivestockWORKS creates a market for pastoralists from "high performing conservancies." The organization buys cattle from the pastoralists, and requires the sellers to contribute US\$10 from the sales to the conservancies as an administration fee.¹⁰⁰ The animals are then taken to private ranches, "fattened up," and later slaughtered and then sold in Nairobi.

Box 2: Conservation Militarized – NRT's Armed Units

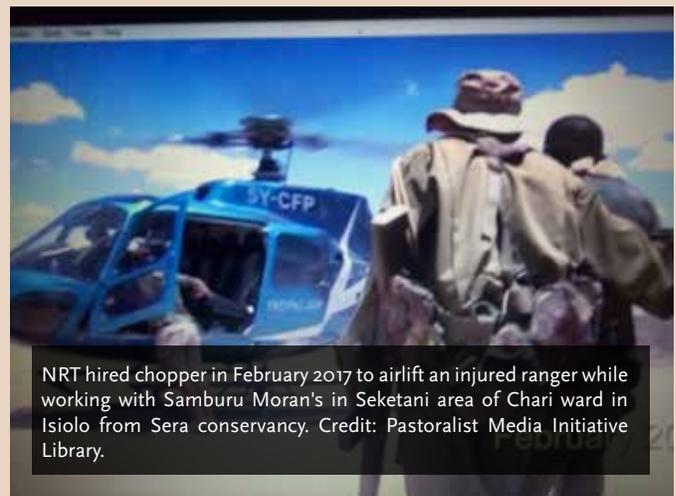
Conservation in Kenya has become increasingly militarized.¹⁰¹ Wildlife reserves have upgraded surveillance equipment and are protected by hundreds of rangers, who receive paramilitary training and military weapons to crack down on alleged poachers.¹⁰²

The militarization of NRT's activities has led to significant criticism of its operations, in particular the activities of 9-1 and 9-2 – the mobile, anti-poaching security teams created by NRT in collaboration with KWS. These anti-poaching teams are said to help and support the government's security responses to livestock theft, poaching and banditry.¹⁰³ 9-1 patrols all the conservancies in the North East part of the country to fight poachers that enter the conservancies and to contribute to "peacekeeping." It is composed of rangers from different communities including the Rendille, Samburu, and Borana.¹⁰⁴ According to NRT, it has a total of 768 conservancy rangers and six mobile security teams with 70 rapid response rangers.¹⁰⁵

NRT rangers are trained in paramilitary and intelligence skills by the KWS Law Enforcement Academy and 51 Degrees – the private security company, run by Ian Craig's son, Batian Craig.¹⁰⁶ 51 Degrees provides training in weapons handling, combat operations and advanced first aid. The rangers have also trained with the security companies Kinetic Six and Mars Omega LLP,¹⁰⁷ founded by the former Director of the British Army's Intelligence Corps.¹⁰⁸ These rangers have been accorded Kenya Police

Reserve (KPR) status allowing them to carry police firearms while on duty.

Although the militarized approach to conservation has been heavily criticized, in an effort to have even more boots on the ground, NRT – in partnership with Conservation International – has a 13-man mobile ranger team in Namunyak Conservancy. This partnership, known as the Sarara Initiative, "focuses on Namunyak's 850,000 acres (an area larger than Yosemite National Park)" and could be extended further to cover an area of "millions of acres of wild country stretching from Lake Turkana, down to Mount Kenya and out to the Indian Ocean."¹⁰⁹



NRT hired chopper in February 2017 to airlift an injured ranger while working with Samburu Moran's in Seketani area of Chari ward in Isiolo from Sera conservancy. Credit: Pastoralist Media Initiative Library.



NRT's Financiers and Partners

NRT receives a substantial amount of donor funding and has created partnerships with some of the largest international environmental NGOs, which champion corporate partnerships in conservation. These include The Nature Conservancy, Conservation International, WWF, Fauna & Flora International, March to the Top, Space for Giants, Save the Elephants, Rhino Ark, Tusk, and International Elephant Foundation; to zoos including Zoos South Australia, the Oklahoma City Zoo, the San Diego Zoo,

the St. Louis Zoo; to US government agencies like the US Forest Service, the Department of Agriculture, and the US State Department, as well as the New York Federal Reserve; in addition to Danish government (Danida), the French development agency (AFD), and the Royal Netherlands Embassy (RNE), Expertise France, and the French Fund for Global Environment; Kenyan Telecommunications company, Safaricom; and the investment firm Hawksford, among others.¹¹⁰



USAID: NRT's Long Standing Donor

“We care about NRT’s work in Coastal and Northern Kenya because it is led and governed by communities with a shared vision of protecting ecosystems and promoting peace for a better future.”

– U.S. Ambassador to Kenya, Robert F. Godec

NRT was formed in 2004 by the Lewa Conservancy with support from USAID – one of its longest standing donors.¹¹¹ USAID-funded five-year (2015-2019) Resilient Community Conservancies Program (RCCP) was designed to scale up support to NRT’s existing “community conservancies in northern and coastal Kenya and strategically

support new conservancies.”¹¹² Activity areas – along with governance and peace; resilient livelihoods; ecosystems; wildlife; enterprise; and growth and sustainability – include security, whereby working closely with the KWS and the Kenya Police, the RCCP supports NRT’s community monitoring program to address the threats from poachers and cattle rustlers.¹¹³

In November 2016, a new USAID program was launched in support of seven community conservancies across coastal Kenya, as part of a new five-year US\$20 million partnership.¹¹⁴ In October 2020, USAID issued a cost-extension grant of US\$5 million for one year.¹¹⁵ USAID additionally granted NRT US\$1.2 million for three years in September 2020 from the “People to People Reconciliation Fund,” a peace and reconciliation initiative.¹¹⁶



European Union: Resilience and Increased Policing

“The objective of the [CPI] programme is to improve stability and resilience in northern Kenya through enhanced community policing capacity within the community conservancies resulting in new job opportunities and improved tourism income to local communities.”

– H.E. Simon Mordue, Ambassador of the European Union to Kenya¹¹⁷

Through three separate initiatives, the European Union (EU) is one of NRT’s largest supporters. The EU Kenya Rangelands Ecosystem Services Productivity Program (RangER) seeks to enhance the capacity of “governance, peace and security for both wildlife and people,” in the in the Amaya Triangle counties of Laikipia, Samburu, Isiolo, and Baringo.¹¹⁸ The EU has provided a grant of €4.9 million [US\$5.59 million] to fund the RangER program (2020 to 2024).¹¹⁹

Launched in April 2020, the EU “Ustahimilivu Consortium” is a resilience project with the stated goal of increasing the



“drought and climate change resilience in communities in the ASAL areas of Kenya.”¹²⁰ According to NRT, one of the program’s “biggest achievements” has been the creation of a “mobile ranger team, known as 9-6,” who have “complemented the efforts of conservancy rangers, KWS and authorities in conducting anti-poaching patrols, reducing human-wildlife conflict and intertribal conflict.”¹²¹ The EU has granted NRT €4.7 million [US\$5.36 million] for the program for the period 2020-2023.¹²²



DANIDA: Good Value for Money

“Promoting poverty reduction, rights, green inclusive growth and sustainable management of natural resources are key objectives of the Strategy for Danish development cooperation – ‘The Right to a Better Life’. These objectives are also central in the mission of NRT, and NRT has proven that it can effectively contribute to their realisation.”

– “Kenya Programme 2016–2020 Green Growth and Employment Thematic Programme, Danida”¹²⁴

Since 2012, Denmark has supported NRT under its special climate envelope initiative, with the intent to enhance pastoral livelihoods in the harsh arid and semi-arid lands (ASALs) of Northern Kenya. With support from the Danish International Development Agency (Danida), the stated aim of this engagement is “to improve rangelands management under the land use of pastoralism and wildlife conservation, diversify livelihoods by creating new enterprises, establish lasting peace and security among Northern Kenya communities, and contribute to the long-neglected human capacity development by investing in health, education and water infrastructure and services.”¹²⁵ Additionally, structures for good governance of conservancies are to be established and efforts made to expand coverage of conservancies.¹²⁶



Space for Giants: Building on Wildlife Economy

Another notable supporter of the NRT is Space for Giants, “an international conservation charity that protects Africa’s elephants and their habitats while demonstrating the ecological and economic value both can bring.”¹⁴⁶ Headquartered in Kenya, Space for Giants works in at least eight countries in Africa and is registered as a charity in the UK and a non-profit in the US.

Both of these initiatives build on the €3.5 million grant [US\$3.99 million] the EU committed in 2018 for the “Community Policing Initiative (CPI).” The program seeks to “combat wildlife crime and enhance livelihood development by supporting conservancy ranger operations through training, equipment, and enhanced intelligence gathering as well as infrastructure development.”¹²³

The Danida core funding to NRT between 2016 and 2020 – DKK40 million [US\$6.5 million] over five years – viewed as “good value for money” covered approximately 25 percent of NRT’s five-year budget.¹²⁷ According to the project documents of its Kenya Country Programme 2016–2020, Danida has high expectations for NRT: “high-level impact for the scale of financing proposed...the reach of NRT is very extensive, currently covering 32,000 km² and 250,000 people in remote ASAL areas; the NRT model of community conservation is now proven to have impacts on peace, livelihoods and natural resource.”¹²⁸ Furthermore, it recognizes that “this engagement and the NRT approach have a focus on securing rights to lands of the customary owners of the land, the pastoral communities being the indigenous peoples of large part of the ASALs. Although rights to land are crucial, the conservancies do not own or privatise the land, but build on common property regimes practised in the ASALs – a type of land ownership vested in the communities and supported by the new Community Land Bill.”¹²⁹

This positive assessment of NRT’s activities was, however, contradicted by what members of the local communities told consultants hired by the Danish Ministry of Foreign Affairs in April 2020 (see below). Danida reaffirmed its commitment to NRT with a subsequent grant, increasing its funding by 38 percent to US\$9 million for 2021 to 2025.¹³⁰

Together with Conservation Capital – a firm focused on conservation business and finance, which has been advising African governments on conservation tourism development – Space for Giants is promoting “a wildlife economy” and calling on African governments to make it possible for commercial investors to invest and manage parks and reserves through public-private partnerships,



ostensibly to reduce the cost burden to states.¹⁴⁷ They ask governments to “identify and select the best private sector commercial partners to develop available concessions in the individual protected areas.”¹⁴⁸

Working together with the Nature Conservancy and NRT, Space for Giants helped set up the 56,000-acre Loisaba Conservancy while 475,000 acres of locally-owned adjacent land became conservancies under the NRT – deemed as “often the first step to setting up new conservation

enterprises, led by eco-tourism.”¹⁴⁹ In addition, Space for Giants provides funding for mobile units of NRT rangers and trainings for Laikipia’s Rapid Response Team.¹⁵⁰

Space for Giants is not an ordinary NGO; it has a lot of clout and has the ear of presidents in Africa – including President Uhuru Kenyatta – as evident when it successfully organized a Wildlife Summit in 2016 that was attended by heads of state.¹⁵¹



The Nature Conservancy: Community-Based Conservation?

“The Nature Conservancy has been working with Northern Rangelands Trust (NRT) since 2008 to tackle Kenya’s interconnected environmental and social challenges—first in the grasslands, now also at the coast. Using an award-winning approach to community-led conservation that’s based on local resource rights, we are helping design and deliver a prosperous future that also honors the region’s rich natural heritage.”

– The Nature Conservancy¹³¹

The Nature Conservancy (TNC), founded in the U.S in 1951, is an environmental organization working on conservation in 72 countries and territories with support from more than a million members.¹³² TNC has earned a controversial reputation, given its corporate associates have included major polluters and firms known for their negative human rights and environmental records, including Shell, Ford, BP, Monsanto and others.¹³³

As of 2020, TNC’s board members included top executives, CEOs, or former CEOs of a number of prominent firms and investment funds including Cressey and Company, the Pritzker Organization, the Hyatt Hotels, Goldman Sachs, Dodge and Cox, JP Morgan Chase, Facebook, eBay, China Capital Group. While Jenna Morris of Conservation International is the current CEO of TNC, her interim predecessor Sally Jewell, was a former US Secretary of the Interior who spent many years working for the US banking industry. TNC’s Global Board Secretary, Shona Brown, was

a Google executive and board member of PepsiCo.¹³⁴ In the US, TNC enabled oil and gas companies to drill on land that was set aside for environmental preservation, and has been accused of “[competing] with states for sovereignty over national resources and protected areas.”¹³⁵

TNC, a founding member of the Coalition for Private Investment in Conservation (CPIC), which works to attract private capital to conservation,¹³⁶ played an important role in the formation of the LWC as well Kenya’s 2013 Wildlife Act. This included helping LWC raise money to acquire the land on which it now stands and financing of KWS’s operations and sponsored trips to Namibia where private conservancies are widespread and hunting is permitted.¹³⁷ This partnership has continued.

In April 2019, the Nature Conservancy cosponsored an event organized by the Last Wild Places (LWP), an initiative of the *National Geographic*, in partnership with USAID, and the Wyss Foundation – other funders and strategic partners of NRT– to amplify the scale of NRT’s efforts.¹³⁸ LWP is working toward “protecting 30 percent of the planet by 2030 – the centerpiece of the Campaign for Nature.”¹³⁹ This effort in the name of conservation, is being challenged as the biggest landgrab in history, whereby three hundred million people stand to lose their land and livelihood – most of them tribal and Indigenous Peoples.¹⁴⁰

Between 2018 and 2020, the Wyss Foundation provided operational support grants to the Nature Conservancy’s Africa Program-Kenya, of which approximately US\$1.6 million per year is provided to the Northern Rangelands Trust.¹⁴¹ TNC and the Wyss Foundation, committed another US\$1.4 million to NRT in April 2020, with additional funding expected in the future.¹⁴²



The Nature Conservancy appears to be unaware of locals' grievances. Instead, it claims: "Across the rangelands, private and community conservancies have forged beneficial partnerships. Private lands provide breeding grounds for wildlife, as well as healthy grass for community livestock during droughts and jobs in tourism and resource management. In turn, the peace and stability that community conservancies foster make private lands more secure."¹⁴³ TNC plans four new conservancies by 2022.¹⁴⁴

Nature Conservancy's Regional Managing Director for Africa, Matt Brown with Kenya's Program Director, Munira Bashir as an alternate, sit on the board of NRT.¹⁴⁵

"The Nature Conservancy is NRT of USA. It helped amalgamate land for conservation in USA... further it is helping us with the same model..."

– Elizabeth Pantoren, NRT, Director of Programs, Kalama Conservancy



Agence Française de Développement & Fonds Français Pour l'Environnement Mondial: Expanding the Community Conservancy Model

"The FFEM and AFD are supporting the activities of the NGO Northern Rangelands Trust (NRT) to preserve biodiversity and meet the health, economic, food and security issues that affect over 70,000 people in 7 conservancies covering more than 2.5M ha."

– FFEM¹⁵²

From 2012 to 2018 The French Agence Française de Développement (AFD) provided €8 million [US\$10.28 million] to the Kenyan government in support of the "Conservation of Biodiversity of North Kenya and Development of Pastoral Communities" project. The

project was implemented as a coordinated territorial action involving the Kenyan services for protected areas and wildlife KWS and KFS, local government, local NGOs, pastoral populations and representatives of the city of Marsabit.

In 2019, the AFD along with the Fonds Français Pour l'Environnement Mondial (FFEM) granted Northern Rangelands Company Limited €5.7 million [US\$6.5 million] to fund the "Conservancies Working to Preserve Kenyan Biodiversity" program (2020 – 2025).¹⁵³ In addition to "building the institutional and financial capacities" at the three conservancies around Marsabit," the program will create four new conservancies between the Meru National Park, the Shaba reserve and the Lorian wetlands, among other goals.¹⁵⁴



LAND INJUSTICE AND ECOLOGICAL APARTHEID IN KENYA

Nomadic pastoralism is the major livelihood in the arid and semi-arid rangelands of Northern Kenya.¹⁵⁵ Pastoralists frequently move their livestock to find grazing land for their herds. In the dry season, the cattle are moved to highlands and well-watered areas.

Land tenure for pastoralist communities is typically based on customary traditions and communal tenure shared between and within communities, enabling them to manage and access available resources.¹⁵⁶ Social relations between the communities and reciprocal arrangements between pastoralist and agricultural communities help them share resources, particularly in times of drought.

From the late 1950s onward, land reforms in Kenya converted land held under customary tenure into private land tenure under a formal land system.¹⁵⁷ The government also supported conservation efforts, which led to an expansion of private tenure in the rangelands. Some customary land was also allocated to individuals who did not have previous rights to the land, and pastoralists were put in a weak legal position with regard to their access of land. Access to community land has become one of the most contentious issues in the country. An estimated 3.5 million people have been unable to register their communal

land, which covers roughly 388,498 square kilometers (95,999,946 acres), or 67 percent of Kenya's landmass.¹⁵⁸

Meanwhile, British colonialists settled on what was known as the "white highlands" in central Kenya and the Rift valley, which contained some of the more fertile land in the country. By the time of independence in 1962, it is estimated that 7.5 million acres, or half the agricultural land in the country, was taken away from Kenyans. Individual white settlers ended up with massive land areas, such as Lord Delamere who is said to have acquired one million acres at the time.¹⁵⁹ After independence, some of the larger commercial ranches remained, while the British government and the World Bank funded a settlement scheme – the Million-Acre Settlement Scheme – which enabled the new political class including the Kenyatta family, and loyalist Kenyans who had collaborated with the British to acquire land at low prices from settlers who wanted to leave.¹⁶⁰

Laikipia County, which is home to the private conservancies of Ol Pejeta, Loisaba, Borana, and Lewa Wildlife Conservancy, perhaps most clearly epitomizes the ecological apartheid that has enabled private, often white landowners, to own tens of thousands of acres of land.



Rhino Charge, an annual off-road competition held in Kenya, 2019.





Community met by the research team in Kipsing, fearing evictions for the LAPSSSET Corridor Project.

In Laikipia, an estimated 40 percent of the land is controlled by 48 individuals.¹⁶¹ Among the biggest landowners is the Italian-born Kenyan national and conservationist, Kuki Gallman, whose ranch is about 100,000 acres.¹⁶² Other large ranches include the Ol Pejeta ranch (92,000 acres), once associated with Saudi billionaire arms dealer Adnan Khashoggi, and the Ol Jogi ranch (67,000 acres) owned by the late French billionaire art dealer Daniel Wildenstein.¹⁶³ Political elites also own large tracks of land in Laikipia including former presidents Daniel Arap Moi and Mwai Kibaki.¹⁶⁴ Several of these were cattle ranches until they were converted into wildlife conservancies – wildlife was an asset that they could use to attract conservation funds.¹⁶⁵ Laikipia has seen an increase in real estate interest, and a 100 percent annual increase in land prices in the last few years, which has led to land subdivisions and the fragmentation of rangelands.¹⁶⁶

In Isiolo County – an area of approximately 25,700 square kilometers (6,350,608 acres)¹⁶⁷ – many communities' livelihoods depend on livestock, which post-independence governments considered unviable compared to agriculture. The region has therefore received limited state support

and pastoralism has often been cast in a negative light. Although the problems of pastoralists have been known for a long time, land laws, property rights, and land administrators have continuously marginalized them and undermined their livelihoods.¹⁶⁸ This was especially evident in 2017 when clashes broke out between private mostly white ranchers and Samburu and Pokot herders over grazing land during a particularly dry spell. The pastoralists were disparaged and critics claim they were reportedly described by foreign and local media and the government as if they were “barbarians at the gate of civilization.”¹⁶⁹

Isiolo is home to several game reserves and conservancies, including Biliqo-Bulesa, (3,785 square kilometers/935,294 acres), Nakuprat-Gotu (720 square kilometers/177,916 acres), Leparua (328 square kilometers/81,051 acres) and Nasuulu (346 square kilometers/85,499 acres) – all of which are under the administration of NRT. In recent years, Isiolo county has also attracted a number of mega infrastructure projects including the Lamu Port South Sudan Ethiopia Transport (LAPSSSET) corridor, an international airport, dam projects, an abattoir and oil storage facilities.¹⁷⁰



In this context of historical land injustices in Northern Kenya, a series of laws and the national Constitution have been instrumental in influencing land use for pastoralists. Until 2009, Kenya did not have a National Land Policy. The country adopted Sessional Paper 3 of 2009 on the National Land Policy, which proved to be important for pastoralists as it recognized community land as a category of land holding and pastoralism as a legitimate livelihood system.¹⁷¹ It also identified Arid and Semi-Arid Lands (ASALs) as fragile ecosystems that should be managed and protected through participatory mechanisms for sustainable management in partnership with communities. The 2010 Kenyan Constitution was also relevant to pastoral communities as it entrenched land reforms that were introduced by the National Land Policy, including community land held and used by specific communities, such as grazing areas.¹⁷²

In 2016, the Community Land Act was passed to give effect to the provisions of the Constitution on community land. The Act, a new and unprecedented law, enabled communities to legally register, own, and manage their communal lands. One of the goals was to end a centuries-long legal status of community lands as un-owned and un-registrable, and of lesser status than public or private property.¹⁷³



Biliqo-Bulesa, Gotu-Nakupratt and other community conservancies in the North of the country fall under the community land category. The Community Land Act would enable communities from these areas to secure a single collective title over all or part of their lands, and lawfully govern the property. It also protects customary rights to land and considers the “customs and practices of pastoral communities.” Potential investors would have to consult with the community and pay compensation and royalties. Furthermore, notice of all consultation meetings must be placed in two national newspapers and one local newspaper, and posted in all local government offices as well as in affected communities, and allow 30 days for written submissions to be made.¹⁷⁴

However, the law was not publicized and the government did not deploy the personnel necessary to implement it. For three years, not a single community registered to have their land rights legally recognized. On July 24, 2019, over 50 representatives from 11 communities in Isiolo, Kajiado, Laikipia, Tana River, and Turkana counties became the first to attempt to register their land with the government according to the Community Land Act.¹⁷⁵ The communities were promised by the Ministry of Land that their applications will be processed within four months.¹⁷⁶ In late 2020, the Ministry of Lands registered the land titles of Il Ngwesi and Musul communities in Laikipia.¹⁷⁷ The others still wait to have their land registered. In October 2020, Lands Cabinet Secretary was reported saying that only 12 counties have submitted inventories of their respective unregistered community lands in readiness for the registration process as enshrined in the law.¹⁷⁸



Box 3: Declaration in Support of the Timely Implementation of Kenya's Community Land Act

On Wednesday, July 24, (2019) eleven communities from Isiolo, Kajiado, Laikipia, Tana River, and Turkana counties walked to the Ministry of Lands on July 24 to submit their forms for recognition of their claim to land. These communities were the first people to attempt to register their land using the Community Land Act (2016). Each community used a legal empowerment approach to meet the requirements of the law, drafted local bylaws for land governance, elected inclusive Community Land Management Committees, and created evidence of the land they are claiming. Unfortunately, the Ministry of Lands has not yet appointed community land registrars to facilitate the community land registration in counties.

Additionally, the Ministry, in partnership with county governments, are yet to develop an inventory of all community lands in Kenya and roll out a public awareness programme on the law. This has left an estimated 3.5 million people unable to register their communal lands, covering roughly 390,000 square kilometers, or 67 percent of Kenya's total landmass. The events on July 24th indicate that a number of communities in Kenya have met all the requirements of the Community Land Act and are ready to have their land registered. The communities have done their part – it is now time for the Ministry to do its part.

Join us in supporting these communities by **signing a petition** that the Ministry of Lands processes these applications and deploys the systems and personnel needed to implement the law across Kenya. We are looking for as many signatures as possible, from civil society organizations to communities themselves. It will be promoted in the media, and sent to the Ministry of Lands, National Lands Commission, Office of the Vice President, Office of the Deputy President, and several of Kenya's major development partners.

Our demands are simple - and already required by law.

Specifically, we demand that the Ministry of Lands, under the leadership of the Cabinet Secretary, does the following:

Please join us in solidarity with the eleven communities that submitted their registration and the thousands of other communities whose land rights are at risk because of the delayed implementation of the Community Land Act."¹⁷⁹

- Immediately gazette and deploy **Community Land Registration Units** in accordance with the Land Registration Act of 2012.
- Appoint, train, and deploy **Community Land Registrars** to each of the Community Land Registration Units to facilitate the processing of community land claims.
- Implement the legally mandated national **public awareness programme** on the Community Land Act.
- Provide detailed guidance to county governments on the legally managed submission of **community land inventories** for each county.
- **Process the submitted applications** from the 11 communities in a timely manner.



Conservation Privatized

Conservation initiatives have emerged in tandem with changes in land regulations and over the decades with a privatized conservation model becoming the norm in Kenya. In 1996, the Kenyan government revised its wildlife policy, after a process, which was partly influenced by donor agencies.¹⁸⁰

The new policy encouraged partnerships outside protected areas between rural communities and government, private sector, and NGOs. The goal was to give people an economic return from the wildlife on their lands and to link conservation with development objectives. This opened up space for donor agencies and conservation NGOs to get involved. NGOs benefitted enormously from funding toward community-based conservation initiatives – of the US\$300 million that USAID allocated to conservation in the 1990s, 70 percent went to five large international organizations: WWF, Conservation International, the Nature Conservancy, the Wildlife Conservation Society and the African Wildlife Foundation.¹⁸¹

While this sounded good on paper, local communities had in reality a very limited role in negotiating the terms of these

partnerships. Although terms like “community driven,” “participatory” and “local empowerment” were extensively used to describe these initiatives, they were instigated by outside parties rather than pastoralists themselves. At a time of economic restructuring under International Monetary Fund and World Bank-imposed reforms, KWS was forging partnerships with the private sector. Increasingly, the responsibility for wildlife management was delegated to international NGOs and private firms. Anthropologist Peter D Little describes how “the boundary between private and public responsibility and accountability was increasingly blurred in the country’s key conservation areas.”¹⁸²

Community conservation emerged as a way to reduce government expenditure in conservation areas, but in reality, private partnerships with communities led to significant profits for private businesses and very little for local communities. For instance, in a contract between a Maasai group ranch and a private tour operator, the Maasai were required to set aside 5,000 hectares of their grazing land exclusively for wildlife and tourism (about 20 percent of their territory), only to receive about 15 percent of what the private company earned.¹⁸³



Protest Against NRT in Merti Sub-County, May 8, 2021.



Government's Collusion and Complicity in Enabling Privatization of Conservation

On assuming power in 2013, President Uhuru Kenyatta placed tourism and wildlife in separate ministries. Wildlife came under the Ministry of Environment, Water, and Natural Resources, while tourism was placed under the Ministry of East African Affairs, Commerce, and Tourism.

After President Kenyatta's re-election in 2018, wildlife and tourism were merged in the Ministry of Tourism & Wildlife – where KWS, the state corporation tasked with conservation and management of wildlife resources, resides. Kenya Forest Service (KFS), however, is under the Ministry of Environment & Forestry. Despite the split, both KWS and KFS share an ideology of fortress conservation and membership on the board of the Northern Rangelands Trust.¹⁸⁴

KWS states that part of its mandate is to “promote or undertake commercial and other activities” for wildlife conservation.¹⁸⁵ It has partnerships with major international environmental groups like WWF and IUCN, US government agencies like USAID and the French Development Agency AFD, as well as private foundations like the Rockefeller Foundation.¹⁸⁶

KWS is headed by Brigadier (Rtd) John Waweru, a former Kenyan Navy officer, who was appointed directly by President Kenyatta through an executive order, “hours before...scheduled interviews” were to take place, bypassing the official legal recruitment process.¹⁸⁷ The president also appointed the former Inspector General of Police, Joseph Boinnet as the Chief Administrative Secretary for the Ministry of Tourism and Wildlife, under which KWS falls. According to sources interviewed by the Kenyan *Daily Nation* newspaper, the decision to appoint Waweru was influenced by “a cabal of NGOs and former senior managers and board members,” previously accused of “being used by private lobbies headquartered in Western capitals who maintain a tight control on management of wildlife in Kenya, to have their preferred candidate.”¹⁸⁸

Despite criticism of further push for privatization of

wildlife reserves from local conservationists, Ian Craig was appointed on the board of KWS in 2018.¹⁸⁹ The constitution of the NRT Board indicates a relationship of reciprocity. Assistant Director of KWS, Lydia Kisoyan, is one of the several government officials on the NRT board. Mohamed Elmi, the Chief Administrative Secretary of the Ministry of Environment and Forestry, is the chairman of the board. Several members of KFS, including Chief Conservator Julius Kamau, and Director Clement Ngore'ng, are also on the board along with other high-ranking officials including Patrick Ntutu, Chief Administrative Secretary, Ministry of Labour and Social Protection, and Senator Abshiro Halakhe, Chairperson Centre for Multiparty Democracy.¹⁹⁰ Composition of the NRT board raises serious concerns about the flawed model of fortress conservation extending beyond wildlife conservation and its impact on local communities.

Like KWS, KFS drew its revenue from commercial activities such as the selling of mature plantations to saw millers, wayleaves fees, eco-lodges charges and permits fees.¹⁹¹ A moratorium imposed in 2018 on logging and timber extraction has since diminished KFS's ability to pocket this significant portion of revenue derived from monopolizing the forestry commons.¹⁹²

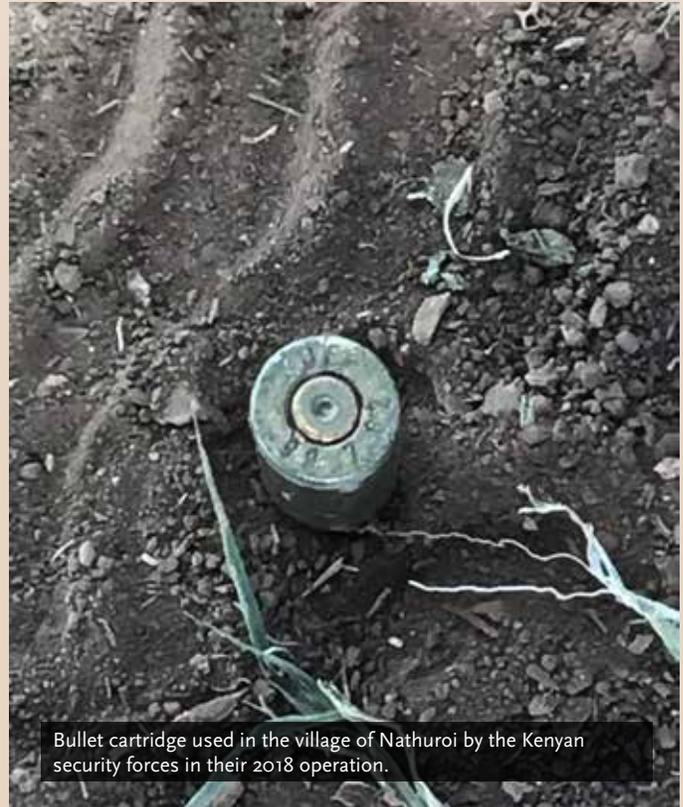
Reports of forced evictions carried out by KFS rangers emerged from communities settled in Maasai Mau Forest in Narok in 2019²⁰¹ and from the Sengwer community at Embobut in 2015.²⁰² Given the reports of the egregious human rights violations against the Sengwer Community – most prominently the murder of Robert Kirokich, an Indigenous Sengwer man attacked by a group of 40 KFS guards in 2018, the European Union withdrew its support for a conservation and climate project in Embobut.²⁰³ In 2014, the World Bank's Inspection Panel found KFS complicit in violating the Bank's safeguards as thousands of Sengwer people were brutally evicted from their own lands by torching of their homes.²⁰⁴ 360 national and international civil society organizations called these evictions a form of “cultural genocide.”²⁰⁵



Box 4: Extrajudicial Killings and KWS

“Isiolo is well known for its conservation activities that take place within Lewa Wildlife Conservancy and Meru National Park. Within these spaces the Northern Rangelands Trust (NRT) and Kenya Wildlife Service (KWS) operate and police the area. What is omitted within the characterization of these entities are their “shoot to kill” policies that enforce the view that preservation of wildlife is inherently more important than human life. The NRT is an umbrella organization for many non-profit conservation groups which are heavily funded and controlled by Western states. As a result, there is a serious lack of national oversight that again maintains a culture of impunity with a lack of structure in place to hold officers accountable. KWS operates in a similar manner.”

– Missing Voices¹⁹³



Repeated allegations of extrajudicial executions are not limited to NRT but also concern the Kenyan government’s wildlife agency KWS. In the 1980s, KWS under the direction of the archeologist-conservationist and founder of the Turkana Basin Institute, Richard Leakey, instituted a “shoot to kill” policy against poachers.¹⁹⁴ Richard Leakey came back to chair the KWS board between 2015 to 2018.

In recent years, KWS and other government agencies have been accused of abducting, disappearing, and torturing people. A 2017 investigation by VICE found that KWS agents were allegedly responsible for the death or disappearance of at least five people during Leakey’s tenure and by May 2017, more than 40 people were reportedly missing from around Kenya’s national parks.¹⁹⁵ In one case, which occurred in May 2015, witnesses claimed to have seen KWS picking up three men outside Meru National Park. The men were never seen again. According to the report, when communities in Kinna staged a demonstration against the disappearances, KWS agents arrived on the scene with guns and shot people, killing one and injuring 14 others. One of the protest organizers, Mohamed Sheikh Abdullahi was also allegedly abducted. KWS denied that rangers were involved in kidnapping and killing residents of Isiolo.¹⁹⁶ However, Richard Leakey did admit that members of KWS sometimes “take the law into their own hands” and that there is a human price to pay for conservation.¹⁹⁷ A separate investigation by Human Rights Watch found that three people were arrested by KWS officials from Garissa and were never seen again.¹⁹⁸ In March 2019, six bodies were discovered at Tsavo National Park, bearing markings of possible torture. Allegations were made against a KWS board member for holding four people at Craig’s Lewa Conservancy.¹⁹⁹

Missing Voices, a coalition of organizations whose mission is to end enforced disappearances and extrajudicial killings in Kenya, documented 84 police killings and enforced disappearances in Isiolo from January to September 2019. Although the specifics of each case have not been made public, all these cases have been attributed to activities for national security and conservation.²⁰⁰



In 2020, the KFS guards were involved in the brutal eviction of over 600 Indigenous people from the Ogiek community in Kenya's Mau Forest Complex.²⁰⁶ These evictions were in violation of the 2017 landmark judgement of the African Court of Human and Peoples Rights that ruled in favor of the community.²⁰⁷ Recognizing the vital role Indigenous communities like the Ogiek play as the guardians of local ecosystems, the African Court stressed the importance of recognizing the community's land rights as well as cultural rights, both deeply imbricated in the matrix of the forest's ecosystem. The 2017 ruling also called for the Ogiek's right to reparations from the Kenyan government for the suffering they have endured through forcible evictions.²⁰⁸ While the government of Kenya had promised to abide by the ruling, four years since the landmark judgment, the implementation process is barely existent.²⁰⁹

An examination of NRT's executive machinery reveals a nexus of collusion between private conservancies, state officials, foreign investors, and donors along with a shared outlook on conservation involving the corporatization and militarization of the commons. NRT Board member and KFS Chief Conservator, Julius Kamau, expressed enthusiasm over Community Forest Associations – also supported by LWC and NRT – created under the Forest Conservation and Management Act, 2016. They have, however, been rejected

by Indigenous Sengwer communities because the Act only provides access rights, not tenure or habitation rights.²¹⁰

The presence of KFS members on the NRT board might however indicate a connection more insidious than just sharing a flawed outlook on conservation. Local conservationists allege that NRT has placed itself in charge of significantly large tracts of land, especially in Samburu, Isolo, Marsabit, Tansa River and Laikipia counties that can be considered as forests.²¹¹ Lekurruki Community Conservancy in Laikipia County is one such example. Part of the conservancy encompasses the “lush indigenous forest of Mukogodo.”²¹² By virtue of being gazetted forests,²¹³ Mukogodo's management formally falls under KFS, despite it being located in the NRT controlled conservancy area. The fact that KFS (and KWS) sit on NRT's board raises questions about how privatized conservancies may allow green grabbing. The presence of KFS on the NRT board means that KFS is officially involved and participates in any decision and/or activities that the NRT is involved in. This alliance, dominated by the very influential NRT, paves the way for it to indirectly control 74,600 acres of Mukogodo forests. Behind the façade of involving communities in conservation, NRT's strategic partnerships and appointments have created a mechanism for green-grabbing on Indigenous land.



Women protesting NRT at Merti township (Cheerab). Credit: Waso Para Legal Organization.



UNHEARD DISSENT – IMPACT OF NRT’S CONSERVANCIES ON LOCAL COMMUNITIES

Control Over Land and Harassment of Local Communities

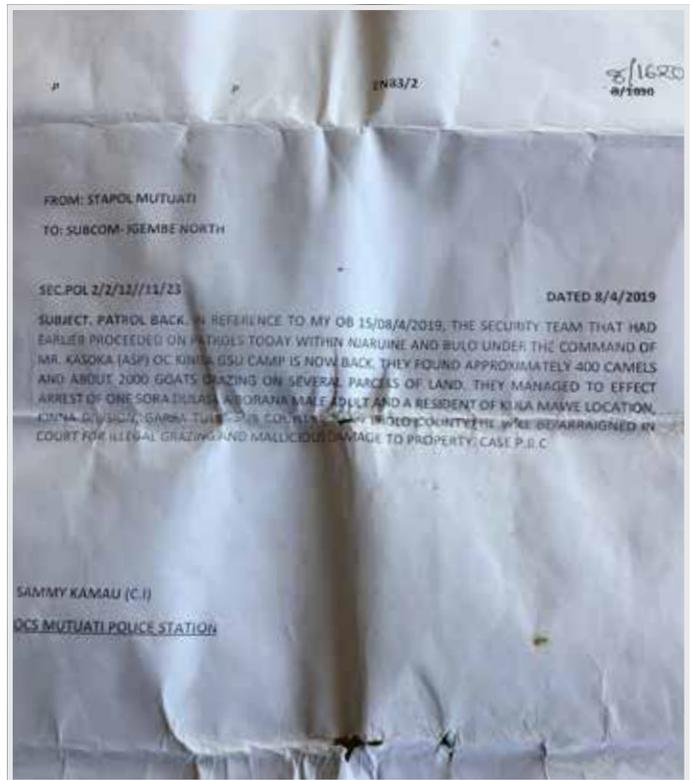
“[NRT’s] interest is to grab land and make this land a conservation area that we cannot pass through and get animals to graze there.”

– Villager, Kula Mawe, Isiolo, June 6, 2019²¹⁴

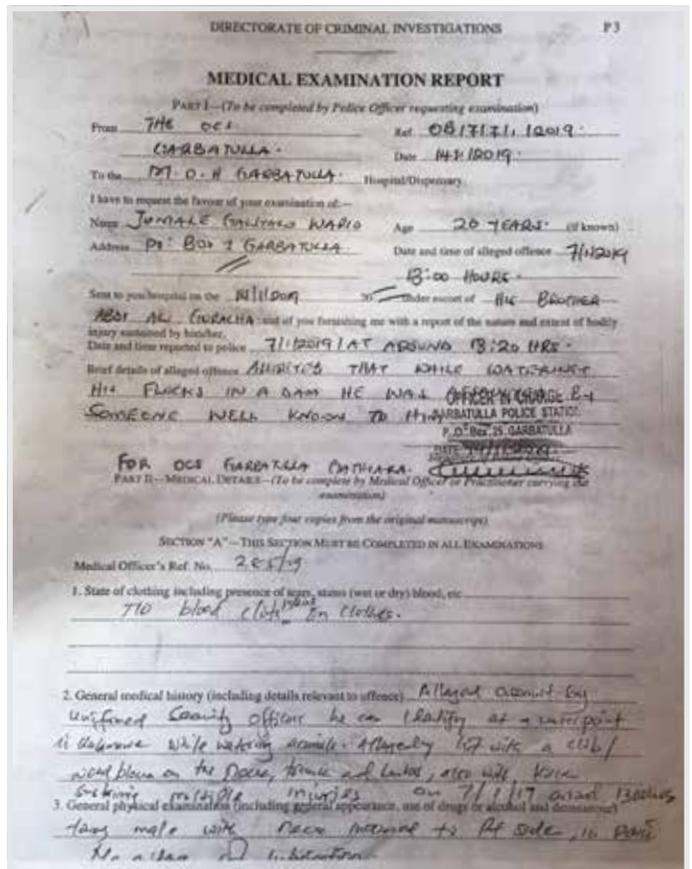
NRT claims that its presence in Northern Kenya is supporting communities to govern their lands, spearheading peace efforts, and building sustainable economies. Yet, controversies, criticism, and protests over its activities continue to grow. Among the main concerns is the impact of land set aside to create conservancies at the cost of pastoralist livelihoods.

A 2017 fact-finding mission by IMPACT Kenya revealed the loss of grazing land for pastoralists as one of the most detrimental impacts of community conservancies across Marsabit, Isiolo, Laikipia and Samburu counties.²¹⁵ Livestock production remains the most important livelihood option for these communities despite the introduction of tourism and conservation. According to Michael Lalampaa, an official from Samburu County, “even when droughts occur, pastoralists cannot access part of their lands that are now set aside for wildlife conservation and which constitute the community conservancies.”²¹⁶ He alleged that NRT compels communities to set aside the best portions of their lands for the exclusive use of wildlife and subsequently lease it to set up tourist facilities.²¹⁷

Similar allegations have come from Biliqo-Bulesa conservancy in Isiolo County. According to the community members, NRT’s strategy in establishing the conservancy in 2006 was problematic from its inception. NRT’s own guide to establishing community conservancies states that plans to start a conservancy “should be inclusive, wide-ranging and transparent and give sufficient time to ensure the wider community is supportive and committed to the conservancy concept.”²¹⁸ This is not what happened in Biliqo.



Police report of arrest of Sora Dulasa for illegal grazing cattle.



On January 7, 2019 combined security forces fired live rounds of ammunition in the densely populated Kula Mawe Trading Center. The security forces proceeded to the water point, indiscriminately beating everyone. Jumale Galgalo Wario was assaulted by a uniformed security officer.

According to Najar Nyakio Munyinyi, a consultant on Indigenous land rights, NRT began its activities by “contacting and sweet-talking influential personalities” in the community whom they “later deployed to convince fellow community members of the benefits they stood to gain from the conservancy.”²¹⁹ Things did not turn out as NRT had promised. When members of the first board asked what happened to the promises made by NRT, they were allegedly sacked.

According to a community elder, retired Major Jillo Dima, the agreement signed by NRT and individuals on behalf of the community has “remained secret” during the entire 13 years that the conservancy has been operational.²²⁰ Other community members of Biliqo-Bulesa Conservancy also believe they have been sidelined by their leaders in decisions made with NRT. According to Diba Kiyana Golicha, an elder and herder from Bulesa, NRT Board of Trustees in the Biliqo conservancy, which was formed specifically to act as an intermediary between the community and NRT, does not listen to community complaints and problems. Instead, their leaders have been at the “forefront” of “selling out land to the white man.”²²¹ Specific sites on the conservancy land, which are important for herders have reportedly been demarcated for tourist developments.²²² Other allege that the Deputy County Commissioner of Merti Sub-County was compromised by NRT “as he basically works purely for their interest.”²²³

Another government official, Mr. Ali Dima, member of the County Assembly of Chari Ward, was labeled a traitor for his close working relationship with NRT and with an NRT Trustee member, and was accused of being bribed after purchasing two vehicles from NRT.”²²⁴

“When one raises his voice, he is enticed with monetary reward and this has made brothers and family members turn against each other. We accepted the Conservancy based on the many benefits that are forthcoming but we have never seen the benefits. Therefore, we do not want to see NRT or the Conservancy in our land.”

– Diba Kiyana Golicha, Bulesa, Chari Ward, Merti Sub County, Isiolo County²²⁵



Abdinoor Dima Jillo, a community activist testifying about the devastating impact of NRT on lives and livelihoods at a meeting in Kula Mawe.



Community meeting in Biliqo, June 2019.



According to a January 2019 fact-finding mission in Biliqo-Bulesa Community Conservancy, communities also lost much of their grazing areas and rights to access their lands after NRT attempted to set up camp sites in the area.²²⁶ The report also alleges that former conservancy committee members, elders, women and youth had no say in decisions related to the formation of the conservancy²²⁷ and that NRT used its influence within the security and administrative establishments to prevent communities from holding meetings on the future of the conservancy.²²⁸ Conducting the fact-finding mission itself was risky and the researchers held meetings at the Biliqo market to avoid any interventions by NRT. Although NRT claims that it has “no power to prevent any community meetings from happening,”²²⁹ the researchers reported young people were being ferried to the venue of the meeting by Land Cruisers belonging to NRT and Biliqo Conservancy, and that they shouted threats to members of the team.²³⁰ Researchers shared that the police who were present stopped the meeting rather than intercepting the young people.

In June 2019, when the Oakland Institute researcher arrived in Biliqo at a community meeting to assess villagers’ community views regarding a proposed Mega Crocodile dam project, residents of Biliqo, instead shared their grievances against NRT.²³¹ As a villager started speaking – some others, allegedly associated with NRT – started shouting and threatening the person. Soon after the police arrived and threatened the organizers for holding a public meeting without permission. Community members were threatened and asked to bring the Institute’s researcher to the police station. Given the security concerns, the meeting was rushed through.

Community members of Biliqo-Bulesa allege having faced threats and intimidation. The fact-finding mission found that Alio Matmolu, an elder, herder, and an activist who had publicly opposed NRT’s continued operations in the conservancy, was arrested and interrogated for two days by the police. His arrest allegedly was linked to his opposition to the conservancy.²³²

Community members had other complaints including that the benefits, which NRT had promised were not

forthcoming. Diba Kiyana Golicha said that NRT was to provide 40 million Kenyan shillings [about US\$390,000] in the form of an education bursary and jobs for young people as NRT rangers. But, he said, “We never got the benefits and instead it caused a lot of pain, loss of lives, livestock and property.”²³³ He said that the jobs that were given provided only a meagre salary of 9,000 shillings [US\$90] a month and the bursaries were tied to proceeds from the sale of livestock, with NRT deducting 1,000 shillings [US\$10] from the sale of cattle to make up the bursary. Others corroborated these claims, with one man complaining that the community was promised a health center, education and security, none of which have been forthcoming.

In 2017, NRT reportedly attempted to set up another conservancy in Duse, Kinna, but the communities rejected the proposal as they believed that the conservancy would not result in any tangible benefits for them.²³⁴



Letter to County Commissioner Against the NRT Community Conservancy Model.



Fueling Community Conflicts

“NRT has been the biggest cause of conflicts between two communities (Borana and Samburu) and this has led to huge loss of human lives, livestock and property.”

– Community member, Bulesa, Chari Ward, Merti Sub County

In Northern Kenya, ethnic conflicts have taken place since prior to colonial period. In recent years, these conflicts are often explained as a result of the combined influences of changing patterns of livestock raiding, climate change, competition over scarce resources including grazing land, the proliferation of arms in the region, and the government’s failure to provide security.²³⁵ Others claim that violence in pastoralist areas is “intimately linked to political developments in Kenya,” which have created opportunities to negotiate territorial claims.²³⁶ According to anthropologist John Galaty, the “most consistent and long term antagonism” in the region from Marsabit to Isiolo has been between the Samburu-Rendille and the Borana ethnic groups.²³⁷ These two groups have been involved in a number of violent confrontations in recent years – in 2014, conflicts along the Isiolo-Samburu border between the Borana and Samburu led to the death of six people, and in 2017, 10 people were killed in a conflict over grazing land between the two groups.²³⁸

NRT claims that its presence in Kenya’s northern regions, which have been “marred by ethnic conflict and insecurity,” is spearheading peace efforts, but many allege that its entry into northern Kenya has actually fueled rather than quelled preexisting tensions. According to the Council of Elders of Merti and Cherab Division, NRT’s activities have led to an “upsurge in the nature and frequency of conflict with neighboring communities” including as a result of “Samburu bandits known to be instigated by the conservancy” as well as an increase in human-wildlife conflicts.²³⁹



Excerpt of a letter from the Council of Elders, Merti and Cherab division to the chairman of the National Commission for Cohesion and National Integration, September 10, 2010.



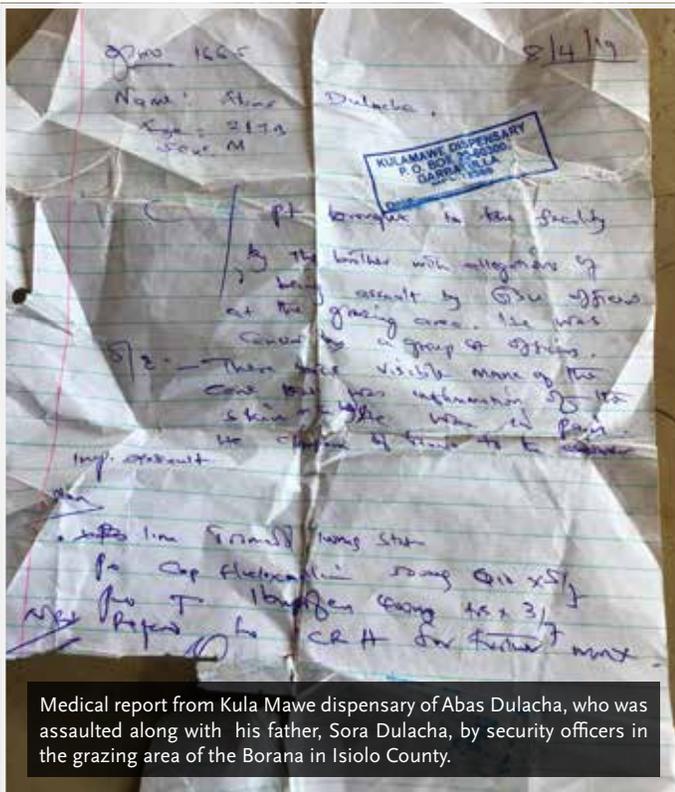
According to local sources, NRT in some instances supported the Samburu ethnic group against the Borana. Halkano Otuna Godana, former NRT ranger who worked in Biliqo, Chari Ward, testified that he was required to report any information to the NRT about pending attacks by the Borana against the Samburu community. He alleges that despite informing Golicha Jarso, Peace Ambassador on the NRT Board of Trustees about such attacks, information about pending attacks of Samburu against the Borana was not forthcoming, which led to biases that “made Boranas suffer at the hands of NRT.” Godana, who also worked at Ntorobo Camp and Lewa Conservancy, noted that the NRT rapid response 9-1 teams had become involved in conflicts between the Samburu and Borana communities in February 2017, a time of drought and scarcity in Northern Kenya. When armed members of the Samburu community moved onto grazing lands in the Ntorobo Camp, he reported “9-1 officers in charge used vehicles fueled by NRT to be used by the armed Samburu Morans” and that in the evening the “vehicle goes back to pick the bandits from those areas.” This routine continued, he alleged, until March 19, 2017 when “war between Boranas and Samburus broke out.” Being “from a community in conflict with the Samburu,” the officer attempted to withdraw his colleagues from the area, but was instructed by NRT to go back. He resisted as the insecurity was dangerous for him and clashes between the two communities had already claimed 17 lives. Eventually, he was dismissed from his post, and allegedly not paid his salary by NRT.²⁴⁰

The allegation that NRT exacerbated community tensions was also reported to the fact-finding mission of the Boran Council of Elders and the Waaso Professional Forum, which found that since the Biliqo-Bulesa Conservancy was formed in 2006, “the Boran community has experienced as many as ten raids conducted by Samburu morans, during which more than seventy people were killed and thousands of livestock stolen.” According to the report, “it emerged that fifty-nine of the people were killed by the Samburu morans who were assisted by a specially trained NRT rangers who traveled to the area of attack in NRT-branded vehicles. Four of the victims died after the young men from the Boran community engaged in counter attacks.”²⁴¹

The same report alleged that Ali Noor Ali, husband of a 45-year old Asha Happi, was killed during a raid by Samburu morans in 2014 at Lososia area, Isiolo North. According to the report, during the raid, “the heavily armed Samburu attackers were allegedly assisted by highly trained rangers from the NRT.”²⁴²



Asha Happi, the 45 year-old widow whose husband, Ali Noor Ali, was killed during a raid by Samburu morans in 2014. Credit: Gatu Mbaria.



Medical report from Kula Mawe dispensary of Abas Dulacha, who was assaulted along with his father, Sora Dulacha, by security officers in the grazing area of the Borana in Isiolo County.

On March 12 2019, a herder, Enow Aloo Matmolu, was killed in an area called Tum Tum. According to his brother, Alio Matmolu, Enow Aloo met his death “in the hands of Samburu bandits who were directed and facilitated by the 9-1 militia.” Alio Matmolu alleged that the 9-1 unit of NRT facilitated the movement of Samburu bandits “using vehicles with NRT labels.” He said that others including a man called Mzee Kotola, was also attacked by the Samburu and that others lost thousands of sheep and cattle in these attacks.²⁴³

Another community member, a herder, Mzee Wario Wakio, reported that he knew of four people killed, two of which he witnessed personally around the area of Kom.²⁴⁴



"Guyo Dokata's son and Godana Badasa's son were killed in a planned conflict with the 9-1 presence and support openly seen. The 9-1 rogues used their vehicles with NRT labels to transport the Samburu bandits who were armed to teeth and monitored the unfolding from a safe distance. In this particular case, over 100 cattle were driven away. Around the same time a mother and a herder, Kulat Gashe (from Bulesa) were killed in a fierce fight with Samburu attackers. Over time, we came to believe that the 9-1 monitors our movement, grazing pattern, location[s] and furnish[es] the Samburu bandits with it."

– Mzee Wario Wako, Elder in Biliqo-Bulesa, Chari Ward, June 19, 2019²⁴⁵

As explained by a former NRT employee who witnessed the involvement of NRT in local conflicts, these would be handled in a better manner by communities themselves.²⁴⁶

"Communities have always been fighting for natural resources like grazing grounds, watering points, but they had ways of resolving it or reaching a solution. When NRT came in, they had an artificial way of making things work out. In communities where NRT operates, some communities are more favored than the other, depending on the resources they have and the interest that NRT has in that particular area. You will even find NRT favoring one community in a certain location, and disfavoring the same community in a different location. NRT preferred to use their security units, rather than calling upon the elders of the communities to resolve conflicts."

– Former NRT employee

Research on the ground by the Oakland Institute as well as the fact-finding mission by the Borana Council of Elders found that NRT's entry had changed traditional ways of resolving conflicts. Their involvement has replaced the power and traditional governance structures of communities in the North, in favor of the conservancy model which saw conservancy managers, security scouts, and members of conservancy boards take over decision-making roles that were the preserve of elders in the

community. This has led to the undermining of traditional resource systems like the Dheda management system which was previously in place to solve community tensions and delineate grazing areas for different communities in times of drought.²⁴⁷

Killings and Disappearances

Among the most serious allegations leveled against NRT are that their rangers have killed herders and members of local communities. As far back as 2010, a letter by the Council of Elders of Merti and Cherab Division alleged that community members were attacked and their livestock driven away, and that seven of them were "unlawfully tortured, maimed, and shot to death" in circumstances that were "suspicious." The elders also asserted that a herder from Bulesa was shot dead by conservancy scouts on the pretext of poaching, and that many of such incidents "go unreported."²⁴⁸



Testimonies from community members in Kulamawe, an area which lies 53 kilometers from Isiolo, allege that NRT rangers have been engaged in a number of killings. Maulid Issack, testified to the Oakland Institute research team that his 25-year old brother, Adam Issack, was accosted by eight men and shot at Gotu Water Point on February 20, 2018.²⁴⁹ A youth representative of the community, Ibrahim, reported that NRT has arrested and tortured people, and that “two youth have disappeared. We wonder about how their [NRT] interests supersede our well-being, given the land belongs to us.”²⁵⁰



"I was at my boma with my daughter Gumato Hassan and her child. In the evening, NRT rangers came to the boma and asked for a goat. We gave the goat to them. The following morning four rangers returned in full combat uniform and started firing. My daughter asked why use fire arms on us when we gave you the goat. I ran away. When I returned, my daughter and her child [were] dead."

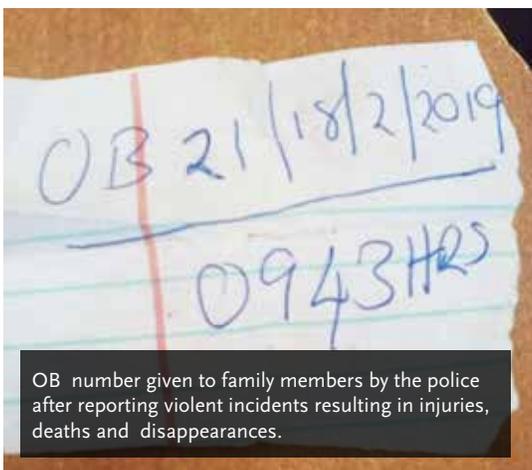
– Kumpa Halkano ²⁵¹

Another community member informed the research team that Eanow Alio and a person named Adwas were killed on May 5, 2019. Eanow's mother claimed that she had reported the death to the police, but was not given a report. She alleged that the police often neglected community members.²⁵²

"Since NRT come here we do not have peace, we miss our land and we miss our men...all our children remain orphans, killed by Samburu riders supported by NRT."

– Sister of Eanow, June 6, 2019.

In September 2019, two conservancy rangers, Ekin Lotaro and Tachiri Lonakutok, of Nasuulu Community Conservancy in Isiolo county, were detained after being accused of killing Simon Looru at Loruko village in Burat Ward on September 4, 2019. According to NRT, the two rangers were later cleared of any wrongdoing by the Office of the Director of Public Prosecutions.²⁵³



"Because of the terror unleashed on them (attacks, pre-arranged raids, coercion and killings) pastoralists/herders from Chari Ward fear going into the depths of the Chari...In the past the few pastoralists/herders who fail to heed such warnings and signals from NRT and their cronies have succumbed to the bitter aftermath – deaths of people, loss of livestock, torture and perpetual threats."

– Adan Hussein Chulu, Secretary General, Isiolo Human Rights Defenders.²⁶³



Box 5: Failed Promises – Kuro Bisan Owo, Chari Ward, Merti

Kuro Bisan Owo is a hot spring where local communities regularly graze their animals. The water is said to have medicinal properties for the livestock. Community members from Kulamawe claim that NRT planned to build a hotel and a spa where the hot spring is located and that the area was fenced off in 2009 and 2010.²⁵⁴ These allegations were corroborated by Mr. Abdullahi Hajj Gonjobe from the Borana Council of Elders.²⁵⁵ In response, people protested and destroyed the fence; however, NRT reportedly continued to monitor the site, blocking the community from accessing the spring.

Community members report fear of accessing the spring. One of them alleged that NRT killed one man while he was taking water from the spring, in the presence of his two sons.²⁵⁶ Another man, Ali Abdi Rehman, alleged that his brother was shot and killed at Kuro Bisan Owo on April 13, 2019 by six rangers in NRT uniform.²⁵⁷

“On April 13, 2019, I was with my brother, Ahmed Abdi Rahman, and a friend, at a water point in Kurobisanowo in Biliqo. Six NRT employees in uniform arrived and started shooting. They killed my brother and then left in a vehicle. We ran away and returned later to collect Ahmed’s body.

We went to the police in Barambate as well as the police in Isiolo.



Ali Abdi Rahman testified about his brother, Ahmed Abdi Rahman, killed by NRT employees.

Dr. Kutu, Governor of Isiolo, came to the burial, together with Isiolo’s Member of Parliament and the woman representative, Rehema Jaldesa, and blamed insecurity experienced in Chari ward on the firearms held by the conservancies and called for the scrapping of the wildlife sanctuaries. Hundreds joined the anti-NRT demonstration in Isiolo on May 3, 2019. But nothing has been done to bring justice to my brother’s family. My brother left behind ten children and his wife.

In Biliqo, NRT is concentrated on community’s land. They want a conservancy in Kulamawe and Barambate. The area where my brother was killed, has a medicinal hot spring. NRT wanted to build a five-star hotel and a spa there. The spring was fenced by NRT in 2009-2010. But their plans failed since communities protested. With the fence gone, NRT monitors the area and we are not supposed to go near the spring. NRT used influential people and money to declare it as a conservancy.

Despite our protests, they can do anything. NRT has 9-1 and 9-2 units with security guns, night vision glasses and more – things that even the Kenyan army does not have.”²⁵⁸

In May 2019, hundreds of Isiolo residents held demonstrations in the town and submitted a petition to the Isiolo County Secretary, Ahmed Galgalo, requesting that the county assembly and the governor’s office ban all NRT activities in Chari Ward and Isiolo County.²⁵⁹ Bearing placards with signs “NRT Go Home” and “Pastoralism is Our Livelihood,” the demonstrators alleged that people had been killed in incidents related to the NRT’s activities in Isiolo region.²⁶⁰ In Biliqo alone, community members also claim that 70 people were killed and thousands of livestock stolen since NRT began its operations in 2006.²⁶¹

Conservation and Oil Interests in Turkana

In 2015, NRT formed a 5-year, US\$12 million agreement with British Oil Company Tullow Oil and Canadian oil company Africa Oil Corp, to establish and operate six community conservancies in Turkana and West Pokot Counties.²⁶⁴ In 2012, Tullow and Africa Oil Corporation discovered an estimated 560 million barrels of crude oil in the Lokichar Basin of Turkana County and in August 2019, the first shipment of crude oil was exported from the country.²⁶⁵

Among the reasons given for establishing the conservancies, according to the Tullow Kenya Country Manager, was to ensure that communities enjoy the benefits of oil and gas investment as well as to ensure that the investment was well secured. When questioned by the Oakland Institute in September 2021, Tom Lalampaa, NRT's CEO, denied that this agreement was ever made. Yet, in an October 28, 2015 press release titled "Oil in Turkana Paves the Way for Community Conservation", NRT announced the agreement and stated that one of its goals was to "help communities to understand and benefit" from the "commercialisation of oil resources." The press release was later on taken down from NRT's website.²⁶⁶

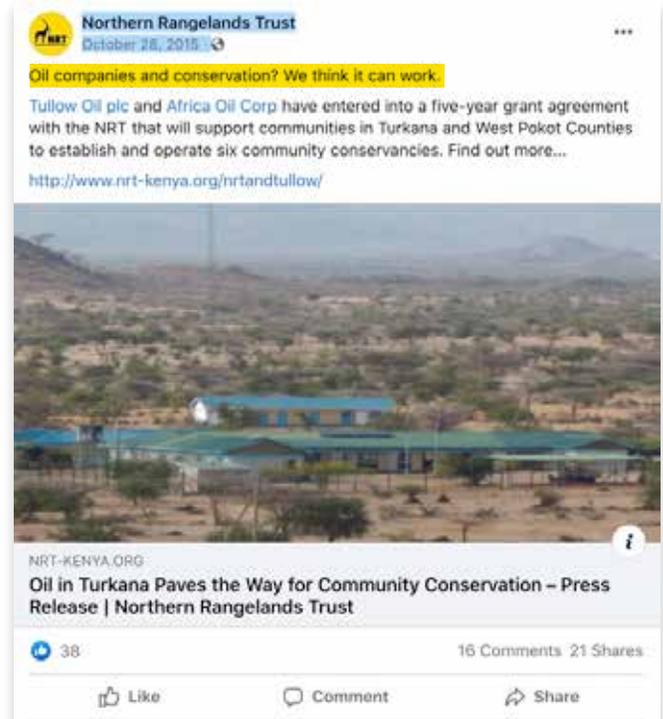
A private communications protocol between NRT and Tullow Oil outlines how they planned to communicate about their partnership in a way that would "build broad-based support for the community conservancy initiative" and "enhance the success of the conservancies."

NRT and TKBV's Communications Objectives:

- (i) *To promote recognition of Tullow and Africa Oil support to community conservancies in Turkana and West Pokot as part of their commitment to positive social and environmental development from the oil industry.*
- (ii) *To manage any reputational risk to Tullow Kenya and Africa Oil: while Tullow Kenya will not be involved in the operation of NRT North Rift or the community conservancies, any negative perception of the conservancies could negatively affect Tullow Kenya's social license to operate, putting its operations at risk.*²⁶⁷

In order to manage reputational risk to NRT, the communications protocol specified that "NRT must not appear to be a 'Tullow' project and should be positioned as neutral in line with its operating philosophy, so as to maintain trust with communities, government and other stakeholders."²⁶⁸ NRT's partnership with the two oil companies, as detailed

in the protocol, could be described as greenwashing, effectively giving the companies a "social license to operate" and creating "a safe, secure, peaceful and stable working environment for oil operations with informed and positive support from local communities."²⁶⁹



The two groups advanced substantially in their project in 2015. Confidential meeting minutes from May 20, 2015 of the NRT North Rift Advisory Committee, which comprised of members of NRT and Tullow, reveal that the six target conservancies were already in place in Lokichar, Lochakula, Katilu, Kainuk, Pellow and Masol in the counties of Turkana and West Pokot and a number of positions had been established, including that of two conservancy coordinators.²⁷⁰ Nine Land Cruisers and a radio license approval had also been obtained and a pre-launch media engagement plan was discussed in which NRT was to engage the county government and national government. The launch date was scheduled for June or July 2015. NRT indicated that "conservancies agreed to meet at single location (NRT North Rift/Lokichar) and communities will bus to location."²⁷¹

In January 2016, the Turkana County government declared the conservancies illegal and ordered NRT to cease its activities.²⁷² The conservancies had not been licensed by KWS as required by law and NRT was accused of ignoring the county government.²⁷³ The governor of Turkana County, H.E Josphat Nanok claimed that the move to establish the conservancies was "ill advised" and had a "hidden agenda" as his office was not consulted.²⁷⁴



Tullow Oil concluded other strategic partnerships in order to ease their operations in Turkana. Together with Africa Oil, Tullow formed a relationship with the Turkana Basin Institute (TBI), founded by the former Director of KWS, Dr. Richard Leakey. The TBI describes itself as a privately funded, non-profit initiative that facilitates fieldwork within the Lake Turkana and whose primary research focus is on human prehistory and related earth and natural science studies.²⁷⁵ In a stakeholder engagement log, dated February 2014, TBI expresses concern about drilling activities taking

place near archeological sites and the need for Tullow to obtain the support of local Turkana communities. The log also reveals that Africa Oil provided financial support to TBI.²⁷⁶ TBI's International Advisory Board includes Keith C. Hill, the president, CEO and Director of Africa Oil Corp; Ian Telfer, the Chairman of the Board of Goldcorp, a gold mining company; and Jennifer Oppenheimer of the Jonathan and Jennifer Oppenheimer Trust²⁷⁷ (the Oppenheimers held control over De Beers diamond empire for about 85 years).²⁷⁸

Box 6: Tullow Oil's Record in Kenya

On its website, Tullow Oil states that it is committed to the Voluntary Principles on Security and Human Rights (VPSHR), a global standard of principles that aims to enable companies to align their policies and procedures with international human rights principles.²⁷⁹ However, the company has faced numerous protests from communities in Turkana over the years. In 2013, communities staged protests over the company's employment of outside workers and the detrimental impact of oil exploration in the region on grazing activities.²⁸⁰

Tullow Kenya BV (TKBV), the subsidiary of Tullow Oil in Kenya, hired the law firm Foley Hoag, allegedly after a number of incidents between 2013 and 2015. Foley Hoag's audit found that TKBV should share information with affected communities and disclose "basic information," including that the National Police Service "is not under TKBV's chain of command."²⁸¹ The audit also advised Tullow to "revise existing Grievance Management Plan to include allegations against public and private security providers," "to develop a process for reporting human rights abuses to the authorities," and to "develop a procedure to investigate allegations of human rights abuses involving its PSCs" (Private Security Company). At the national level, Tullow was advised to "take all possible steps to secure a MoU at the national level that incorporates the Voluntary Principles." The company was also advised to "add additional steps to its screening process to identify whether PSC owners or the companies are associated with human rights abuses," to work with NRT to develop a mechanism by which the organization will monitor whether community rangers are acting outside their job responsibilities or bearing arms, and to clarify that it is "unacceptable for the NPS (National Police Service) to use deadly force to protect TKBV's property."²⁸²

Prior to the audit, a 2017 briefing paper by Oxfam on community consent on the Tullow oil project in Kenya found that while the company had improved its engagement with the communities in Turkana, it had not obtained the free prior and informed consent (FPIC) of the affected communities.²⁸³ The company is required to abide by this principle and other performance standards as required by the International Finance Corporation (IFC) from which it received financing through the Africa Oil.²⁸⁴

Many in the communities around the oil project have expressed frustration that the project has not created more jobs and benefits. In 2018, members of the herding community around Nakukulas blocked roads in protest.²⁸⁵



Privatization of Government Functions

"In Biliqo, NRT has taken over the community land. It wants a conservancy in Kulamawe and Barambate. NRT security units have guns, night vision glasses—all things that even our army does not have."

– Ali Abdi Rehman²⁸⁶

As a private organization, NRT has been criticized for being involved not just in conservation, but also in security and livestock marketing, enabling it to exert a level of control in the region that surpasses that of the Kenyan government. NRT claims that these activities support communities, leading development projects and building sustainable economies.

According to a former NRT employee, the organization's influence has caused it to become a quasi-government institution. In incidences of cattle rustling or theft, people used to call the police, but NRT security came to fill that role.

Rather than calling the police, people would call the quick response teams that would then "act on particular incidents" and then subsequently give the police feedback on what happened. 9-2 unit, he alleged, "took orders directly from Ian Craig."²⁸⁷

In February 2019, 25 community members of Chari Rangeland wrote a letter to Dr Mohamed Abdi Kuti, the Governor of Isiolo, alleging the organization competes with the community and has been "purchasing cattle at exploitative prices" and later, "selling the cattle at huge profits."

"NRT has not only strangled the local livestock traders but also exploited the vulnerable communities due to high levels of illiteracy and lack of organized groupings like SACCOs (Savings and Credit Cooperative Society) that can secure better markets for their livestock."

– Letter to the Governor by Chari ward residents, February 2019²⁸⁸

Box 7: NRT's Air Strips in Community Conservancies

In March 2019, the European Union partnered with NRT for a 3.5 million euro [US\$4.2 million] "Community Policing Initiative" (CPI), which involved granting infrastructural equipment to be shared across the 39 conservancies. The partnership included a plan to build 21 airstrips within the 39 community conservancies and improving roads with the stated goal of boosting tourism, security, economy, livelihoods together with the conservation of nature and wildlife.²⁸⁹

Following the petition by the community of Biliqo & Bulesa, Rehema Dida Jardesa, Isolo Women's representative to the Isiolo County Assembly, resigned from the NRT Board. The member of parliament for Isiolo North, Hassan Odha Hulufu, also resigned from the NRT board as the Council of Elders resolved to have NRT stop its activities in Isiolo.

Speaking at a public forum organized by the Commission on Administrative Justice (or Ombudsman) on September 9, 2019, Representative Rehema Dida Jardesa alleged that NRT has constructed four airstrips without the permission of the Isiolo County government.²⁹⁰ Kenya's Civil Aviation Authority (KCAA) is responsible for the oversight of construction, maintenance, certification, licensing and registration and operation of aerodromes, and section 67 of Kenya's Civil Aviation Act states that a license is required for the take-off and landing of aircraft.²⁹¹ According to Jardesa's testimony, the management of KCAA appeared before the Departmental Committee on Transport Public Works and Housing in parliament, confirming that they had not authorized the construction and operation of the airstrips.





REPUBLIC OF KENYA
PARLIAMENT

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HON. MOHAMED ELMI,
THE CHAIR BORAD OF DIRECTORS,
NORTHERN RANGE LANDS TRUST,
PRIVATE BAG,
ISIOLO,
16/5/2019

Dear Sir

RE: RESIGNATION FROM NORTHERN RANELAND TRUSTS BOARD

I'm writing to you to notify you of my resignation from the Northern Rangeland Trusts board effective immediately. I feel that my position in the board is no longer tenable as your organizations ideals are in sharp contradictions of my personal virtues and the ideals of the community I represent. The recent linking of NRT to disappearance of people and their extra judicial killings, the arming of select communities in isiolo with the aim of ethnic cleansing, the illegal airstrips operating in Isiolo whose intentions are questionable have made me make the decision to relinquish my board membership position. Having served in many boards before and currently, I feel the operations of the NRT board acts as a smokescreen to safeguard interests of stakeholders who determine the course of the organization behind the scenes.

Yours Faithfully

Hon. Rehema Jaldesa

Isiolo County, Member of Parliament

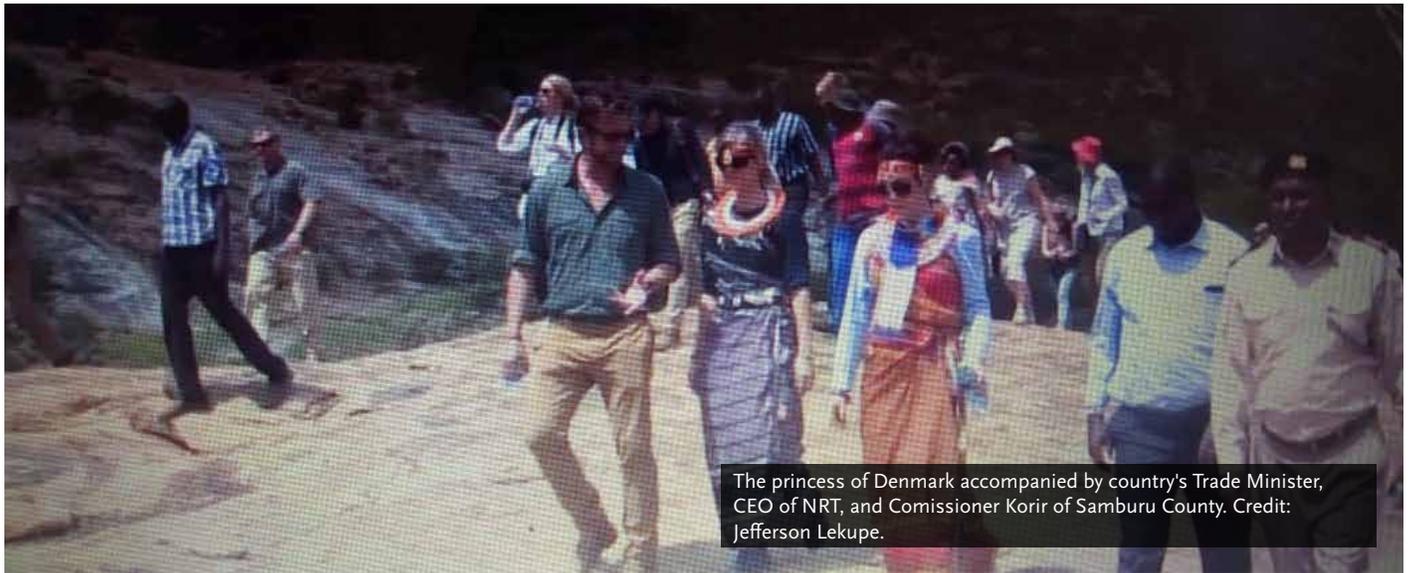
Resignation letter of Rehema Dida Jaldesa, MP, from NRT Board.



Concerns of Local Communities Ignored by NRT's Donors and Partners

“We wish to inform you that in 2019, the Borana Council of Elders, Waso Professionals, elected leaders and other community representatives in Isiolo County, unanimously resolved that NRT should halt all its operations in Biliqo-Bulesa and Gotu-Nakurpat Community Conservancies and that it should vacate the County.”

– Petition against continued donor support to the NRT over serious violation of human rights in Samburu, Isiolo & Marsabit counties²⁹²



In April 2020, consultants for Danida were tasked to examine NRT's activities in Isiolo and other counties of Northern Kenya. Due to COVID-19, online interviews were organized with community teams from Biliqo Bulesa, Kipsing, Marsabit and the Samburu County.²⁹³

The consultants received complaints from community members in Samburu, Isiolo and the Marsabit counties, including that:

1. NRT has been conducting activities without due cognizance or involvement of local institutions and particularly the Dedha Council of Elders that has traditionally guided the use and management of natural resources within the lands owned by the community.
2. NRT has assumed control over community conservancies and displaced people from their grazing lands.
3. Community members have been killed in conflicts with NRT rangers and with neighboring ethnic groups that are allegedly inspired and/or supported by the organization.
4. In 2019, the Borana Council of Elders, Waso Professionals, elected leaders and other community representatives in Isiolo County, unanimously resolved that NRT should halt all its operations in Biliqo-Bulesa and Gotu-Nakurpat

Community Conservancies and that it should vacate the County. But rather than abide with this requirement, NRT embarked on compromising government officials and some of the representatives. It also influenced the harassment of some of the people opposed to its operations besides engaging in an elaborate image-mending campaign that included influencing the setting up of a taskforce by the Governor of Isiolo and appointing a community liaison officer to repair its relationship with communities. The Indigenous communities of Samburu, Isiolo, and Marsabit counties requested the consultants to interview the victims to confirm the reports²⁹⁴ presented to them, supported by videos and pictures, as evidence.

In the face of these serious allegations, the consultants reported that these claims could not be investigated since this was beyond the scope of their evaluation and would require an in-depth on-site assessment. They highlighted counter arguments of some stakeholders alleging that the community's claims cannot be verified and instead, stem from local politics. In their assessment, the consultants partly acknowledged NRT's reluctance to allow conservancies to become more self-managing and the fact that the NRT's community conservancy model is misunderstood by the communities who view the NRT's grazing management plan as land grabbing.²⁹⁵



Box 8: Letter from Kenya Pastoralist Journalists Alliance (KEPAJA Trust) to Danida

KEPAJA TRUST (Kenya Pastoralist Journalists Alliance) was formed to protect, preserve, and defend the interest of pastoralists. KEPAJA TRUST was among the organisations interviewed online by a team of investigators commissioned by the Government of Denmark. . .

KEPAJA TRUST has information in their possession from reliable sources in Isiolo and Kina. Your team opted to only interview a group of NRT supporters. KEPAJA TRUST finds it shocking as journalists from the first world you chose to kick out the cardinal rule of balanced and fair reporting.

We shall write this to the attention of your journalists association in Denmark that you are a party in fueling conflict by choosing to give unbalanced story in a conflict [involving] vulnerable and sensitive land issue that has claimed over 80 lives.

KEPAJA TRUST hopes you will involve other stakeholder as well in your interviews.

KEPAJA TRUST is aware NRT is on charm offensive in a desperate [bid] to secure funds for its illegal operations. We hope as freelance journalists, you will not fall under the influence of the Embassy staff who act as gate keepers and whose deep connection to NRT over the years is known to us.

KEPAJA TRUST

MARSABIT, KENYA

On November 21, 2020, the Oakland Institute received the following petition, which was also sent to Danida and other donors of the NRT.²⁹⁶

“Members of the fourth estate,

It is with heavy heart that we (Isiolo Human Right Defenders, Borana Council of Elders, and Borana professionals) stand before you today and address you as here under regarding the gross violations of fundamental human rights and freedoms of the people of Isiolo County and a fact finding mission team from TEAM LEADER -BO ILLUM JORJENSEN Email: boillumjorgersen@gmail.com, cell-0112792272, FREELANCE JOURNALIST-JASPER HELDGAARD +4520435818 Email:jheldgaard@gmail.com

The last few years has been full of trials, tribulations coupled with threats and intimidations for Isiolo Human Right Defenders and vocal community leaders opposed to NRT in the quest for justice for the people of Isiolo County. Despite the misuse of security apparatus against the people of Chari where NRT runs Biliqo Bulesa conservancy, loss of over 76 lives and further loss of thousands of livestock not to mention loss of vast rangeland, Isiolo Human Right Defenders amplified its voices to the donor organizations of the NRT.

The Isiolo Human Right Defenders gathered courage and kept faith that justice will one day be served. On the contrary, the tragedy that happened this week where a team were sent for a fact-finding mission into the NRT's flagrant violations of human rights deliberately failed to include and/or give an opportunity to Isiolo Human Right Defenders (who were the petitioners in this matter) is an absolute miscarriage of justice and an insult to the Isiolo people.

An opportunity to Isiolo Human Rights Defenders, Borana Council of Elders, & Borana professionals as well as Kapaja Trust, and Jeff Lekupe, a free-lance journalist, is absolute discouragement [miscarriage] of justice and insult to Isiolo people as well as both to Samburu and Marsabit county who highlighted the same claim via Skype communications.

Mr Kris who were consultant to Danida as one of the sponsor to NRT ORGANISATION on [April 22, 2020] that necessitated the said visit.

A miscarriage of justice that has been conceived by deliberate collusions between the team on this mission and the Northern Rangeland Trust. This though has not caught us by surprise as this has always been the modus operandi of any issue involving NRT.

As the watchdog for the people of Isiolo County, Isiolo Human Right Defenders demand for an immediate inclusion of its members into the said team's programme for an opportunity to make its presentations on the said subject matter. As the rules of natural justice demand, it is always important to hear from both parties. Anything short of this means biasness, partial fact-finding mission aimed at cleansing the monster conservancy NRT.

Lastly in the spirit of public participation and inclusivity as enshrined in Article 10 of the Kenyan Constitution, Isiolo Human Right Defenders demand for its voices to be heard. In that regard, we wish to remind the NRT donors/financiers and partners that as the complainants, we are not at all contented in the manner in which the fact-finding missions were conducted thus far.

May justice be our shield and defender!

I [we] thank you!

Signed

Isiolo Human Right Defenders Sec General Chulu Chui

Jillo Abdinoor Dima, Isiolo Professional Forum

Galgalo Roba and Mrs Hadija Jillo, Biliqo Bulesa community

Mzee Jimale Golicha and Mzee Jattani Wako, Council of Elders



The above petition that was sent to Danida was also sent to other NRT's donors by the local civil society groups on November 21, 2020.²⁹⁷ It urged action against NRT's misuse of security apparatus against the people of Chari where NRT runs Biliqo Bulesa conservancy. However, according to the authors of the petition say that no contact was made with them or action taken. On the contrary, TNC's 2020 Year in Review dismissed the conflict as having "plagued this area for years – and its drivers are complex and deep-rooted." It

went onto celebrate the Biliqo Bulesa Conservancy with its spread across 900,000 acres in Kenya's Isiolo County as an important dispersal area for wildlife such as rare gerenuk.²⁹⁸ Whereas local communities have expressed their grievance and concerns for many years through numerous ways, including petitions, letters, and protests, they have largely been ignored by NRT and their donors. As mentioned earlier, several donors have actually increased their support to NRT in recent years.

THE WAY FORWARD

"The white man who owns the Conservancy, Mr. Ian is our biggest problem and our position is that we shall not sleep until he gets out of Chari, our land."

– Diba Kiyana Golicha²⁹⁹



Protest in Merti Sub-County, May 8, 2021. Community members chanting "Hatutaki NRT" – We don't want NRT here. Credit: Pastoralist Media Initiative.

The findings of this report highlight the need for actions to be taken with respect to NRT in Kenya and the impact of its fortress conservation model on pastoralist communities. These actions, based on the demands of the communities in conservancy areas include the following:

- An independent investigation into land related grievances around all of NRT's community conservancies, allegations of inter-ethnic conflict fueled by NRT's rapid response units, abuses and extrajudicial killings by the 9-1 and 9-2 units must be carried out immediately. This investigation should involve pastoralist communities, its findings should be made public, and legal action should be taken as relevant. The investigation must include an inquiry into whether the international principle of Free Prior and Informed Consent (FPIC) of the communities within each conservancy was respected before the conservancies were set up.
- NRT should suspend its activities in Isiolo County and Chari Ward, as demanded by communities during the May 2019 demonstrations and as expressed by the Borana Council of Elders (BCE), until the above investigation is carried out.



- NRT should suspend their activities in Biliqo-Bulesa conservancy, as requested by the community members of the conservancy. The agreement signed between NRT and the leaders of Biliqo-Bulesa conservancy, as well as between NRT and all other conservancies, should be made public.
- An independent inquiry should be conducted into the money deducted for bursaries from the Biliqo-Bulesa community conservancy from the sale of livestock, and the deductions should be returned to the community if appropriate.
- The County Assembly must actualize and formulate the Community Managed Conservancy model as a viable alternative to NRT's conservancy model, as requested in the report by the Borana Council of Elders and the Waaso Professional Forum. The conservancy model should be replaced with a mixed-use model that will allow humans, livestock and wildlife to use the land concurrently.
- NRT and Kenyan security forces must immediately stop harassing and intimidating critics, activists, journalists, and researchers in areas where NRT is active.
- The Kenyan government must respect Kenyan laws, and immediately implement the Community Land Act as required following the applications presented by eleven communities to the Deputy Director of Land Adjudication on July 24, 2019. This is also especially relevant to the community conservancies of Nakupratt-Gotu and Biliqo-Bulesa. In accordance with the Land Registration Act of 2012, the government should deploy Community Land Registration Units; appoint, train, and deploy Community Land Registrars to facilitate the processing of community land claims; implement the national public awareness programme mandated by the Community Land Act; provide detailed guidance to county governments on the legally managed submission of community land inventories for each county and process the submitted applications from the communities in a timely manner.
- The Kenya government must be cognizant of, and respect the provisions of Chapter 11 of the country's constitution which acknowledges culture as the foundation of the nation and gives due regard to Indigenous knowledge in the development of the country. In this regard, the government of Kenya must promote the role of cultural institutions such as the Dedha Council in Isiolo in the management of natural resources in the County. Although Dedha effectively managed natural resources for hundreds of years, it has sadly been made almost irrelevant by NRT which appointed parallel elders' councils.
- The Kenyan government must recognize the importance of pastoralism in land usage as well as a livelihood priority for pastoralist communities in Northern Kenya. The importance of pastoralism as a livelihood and land use system for local communities in the four counties of Isiolo, Marsabit, Samburu, and Laikipia should be acknowledged and constitute the foundation of designing conservancy management plans. Under no circumstances should conservancies undermine pastoralism if they are to contribute to livelihoods, security and development.
- The Kenyan government should collaborate with the Boran Council of Elders and other traditional institutions to take up the role of bringing communities together so as to do away with the current intra-community divisions and animosity created by the NRT, as requested by the Boran Council of Elders and the Waaso Professional Forum. There have also been suggestions that to create peace between the Borana, Somali, Turkana, Rendille, Samburu and Pokot communities, there is need to facilitate peace meetings bringing together elders from each of the communities to discuss how to attain lasting peace, role of communities in conservation, and other issues of common concern.



CONCLUSION

The 2016 report to the UN General Assembly on conservation and human rights by the Special Rapporteur of the Human Rights Council on the rights of Indigenous peoples found that Indigenous people displaced from “protected areas” experienced “marginalization, poverty, loss of livelihoods, food insecurity, extrajudicial killings, and disrupted links with spiritual sites and denial of access to justice and remedy.”³⁰⁰

NRT’s fortress conservation model, created with support from some of the world’s biggest environmental groups and western donors, and dressed up as a community-led conservation, exemplifies the issues raised by the Special Rapporteur. It has led to land dispossession, militarization, and widespread human rights abuses. That NRT has not been held accountable for its activities demonstrates a culture of impunity in Kenya’s conservation sector.

Kenyan conservationist and co-author of *The Great Conservation Lie*, Mordecai Ogada, notes that pastoralists have been the custodians of wildlife for centuries, long

before any NGO or professional conservation people came to this area.

This observation has been backed up by research into the role of Indigenous people in conserving their own lands. Rights and Resources Institute has demonstrated that the Indigenous people and local communities achieve at least equal conservation results with a fraction of the budget of protected areas. The rate of tree cover loss is less than half in community and Indigenous lands compared to elsewhere. Where community rights to own their lands are legally recognized, the difference is even greater.³⁰¹

Fortress conservation must be replaced by Indigenous-led conservation efforts in order to preserve the remaining biodiverse areas of the planet while respecting people’s rights and dignity. Their traditions and their ancestral lands should be respected over and above a foreign imposed conservation model, which is clearly having a devastating impact on the very communities it is supposedly helping.



Samburu communities in Nantudu, Olidonyiro fearing evictions from community lands.

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