RECLAIMING CONSERVATION

“Moving towards an indigenous people led and human rights-based conservation.”

A STAKEHOLDER DIALOGUE ON CONSERVATION STRATEGIES THAT SECURE INDIGENOUS PEOPLES’ RIGHTS TO NATURAL RESOURCES TO ENSURE SUSTAINABLE DEVELOPMENT

Organized by IMPACT and PARAN Alliance
On 4th - 5th November 2019
Sportsman’s Arms Hotel, Nanyuki

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<td>Annual General Meeting</td>
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<td>CEO</td>
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<td>CETRAD</td>
<td>Centre for Training and Integrated Research in ASAL Development</td>
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<td>CLA</td>
<td>Community Lands Act</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>FPIC</td>
<td>Free Prior Informed Consent</td>
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<td>IMPACT</td>
<td>Indigenous Movement for Peace Advancement and Conflict Transformation</td>
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<td>IP</td>
<td>Indigenous People</td>
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<td>Kenya Defence Forces</td>
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<td>KPR</td>
<td>Kenya Police Reserves</td>
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<td>KWCA</td>
<td>Kenya Wildlife Conservancies Association</td>
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<td>KWS</td>
<td>Kenya wildlife Society</td>
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<tr>
<td>LAPSSET</td>
<td>Lamu Port South Sudan Ethiopia Development Project</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NRT</td>
<td>Northern Rangelands Trust</td>
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<td>PARAN</td>
<td>Pastoralist Alliance for Resilience and Adaptation in the Northern Rangelands</td>
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<td>SDGs</td>
<td>Sustainable Development Goals</td>
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EXECUTIVE SUMMARY

On 4th and 5th November 2019 Pastoralist Alliance for Resilience and Adaptation in the Northern Rangelands (PARAN) with Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT) taking lead organized a stakeholder dialogue meeting to shape conservation narratives focusing on inclusive decision making, benefit sharing and integrity in wildlife conservation. The workshop aimed to ensure respect, recognition and protection of community land rights under the community Land Act (2016) in Kenya. The dialogue was a timely response to the need for conversation between government, conservation organizations, non-governmental organizations and all players on reaching a balance about the issues that affect conservation and pastoralist landscapes.

The opening keynote presentation, provided by Dr. Liz Alden, set the agenda and tone of the dialogue by highlighting the policy legal and institutional challenges and opportunities for reconciling conservation, development and Indigenous People’s rights to natural resources in Kenya. The presentation examined the opportunities presented by the Community Land Act (2016) and its interaction with other existing sectorial laws sectorial and policies, highlighting possible challenges and conflicts affecting community land and resource rights. This keynote presentation paved way for a day of deliberations aimed at identifying the challenges facing IPs in securing their land and resource rights. A panel of IPs representatives and experts in Law, wildlife management, conservation, research and women rights provided concise presentations and discussions on the current challenges cutting across conservation governance and practice in evolving social, economic, political and cultural contexts. For the rest of the first day of the dialogue participants engaged in robust discussions identifying challenges emanating from the communities themselves, those coming from county government governance approaches and systems, those emanating from national government as well as challenges from non-State actors including advocacy and conservation CSOs and NGOs, private sector interests, and other players.

The second day of the dialogue focused on strategies, approaches and impacts of all kinds of responses to the challenges identified on the previous day, in essence the discussions shifted to generating ideas and recommendations to deal with the challenges facing IPs in the quest for their land and natural resource rights. To provide perspective to the discussions the day started with a science-guided presentation by Dr. Boniface Kiteme from CETRAD on the Ewaso Ng’iro River Basin that broadly examined the status and implications of development interventions in the Basin. In a nut shell, land ownership, demographic and economic developments within the Ewaso Ng’iro River Basin since the
pre-colonial era, during colonization and post-independence have had adverse impacts on socio-ecological systems in the basin and the ability of communities and wildlife to sustainably utilize the landscape. This presentation paved way for other perspectives from conservation practitioners available to talk about the nexus between conservation and community land and the role of organizations such as Northern Rangelands Trust (NRT), The Nature Conservancy (TNC), community conservancy representatives and Kenya Wildlife Conservancies Association to share their perspectives and talk about their role and interests in conservation.

A final segment of open discussions brought key questions from participants to the fore, highlighting contested narratives on community-based conservation, the focus, ownership and interests of conservation organizations driving the community conservancy model and role of Kenya Wildlife Society in this context. This report summarises key questions and issues raised, responses and discussion points.
A stakeholder dialogue on conservation strategies that secure indigenous peoples' rights to natural resources
1.0 INTRODUCTION

1.1 PURPOSE OF DIALOGUE
Shaping conservation narratives through mainstreaming inclusive decision making, benefit sharing and integrity in wildlife conservation to ensure respect, recognition and protection of community land rights under the community Land Act (2016) in Kenya.

1.2 BACKGROUND AND CONTEXT
In July 2016, the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, Victoria Tauli-Corpuz, submitted her report to the General assembly pursuant to her mandate under Council resolutions 15/14 and 24/9. In her report, she observed that Protected areas have the potential of safeguarding the biodiversity for the benefit of all humanity; however, these have also been associated with human rights violations against indigenous peoples in many parts of the world.

In an article published by conservation society, Bersaglio and Cleaver note that; Across Kenya's Arid and Semi-Arid Lands (ASALs), entire ecosystems are being transformed into community conservancies - spaces where transhumance pastoralism and biodiversity conservation are jointly pursued through collaborative, decentralized arrangements for managing communal lands and natural resources. Across Kenya's arid and semi-arid lands, vast rangelands are being transformed into community conservancies - common property arrangements managed for transhumance pastoralism and biodiversity conservation. The Northern Rangelands Trust (NRT) has spearheaded this transformation, promoting community conservancies as a model that conserves biodiversity while developing resilience, improving livelihoods, and promoting security among diverse pastoralist groups in Kenya (Bersaglio and Cleaver 2018).

The two researchers through an article argue that this is Green land grab through a concept they call institutional Bricolage which they define “concept of institutional bricolage, refering to processes by which groups of individuals consciously and unconsciously participate in reshaping institutional arrangements for managing communal lands and natural resources based on whatever tools or resources are readily accessible to them - recognising that those resources and tools that are available depend on the life chances and life worlds of bricoleurs (Cleaver and De Koning 2015).

1 These excerpts borrowed from the article which can be downloaded for free under the Creative Commons Attribution License from www.conservationandsociety.org
Of late, the Kenyan and perhaps the international mainstream and social media platforms have been awash with contradictory information about community-based conservation. A section of the media reported that the pastoralists were being flushed out of community conservancies in some parts of northern rangelands due to the ongoing drought. For instance, some pastoralists move from Marsabit into Samburu and then crossing over to Laikipia.

In southern rangelands, in the Mara ecosystem, there has been some conflicts as well around duration of leases and in other areas and in some locations the community joined efforts to pull down fences to allow free movement of wildlife. PARAN alliance and its members thought it is an apt time to organise an open dialogue around conservation models and how it interacts with the dominant livelihood system in these territories. Pastoralism is an occupation and productive form of livelihood that is based on a finely-honed symbiotic relationship between people, domesticated livestock and local ecology in resource-scarce and highly variable arid regions (rangeland). Yet, pastoralist livelihood is increasingly on the decline. The fundamental resources that are critical and needed for the survival of these communities are dwindling, leading to intense conflicts between different communities. Wildlife conservation is one of the practices that is competing for land with pastoralism.

The dialogue forum seeks to take stock of the ongoing conservation models and initiatives that are being promoted and rapidly expanding in Kenya Counties such as Samburu, Laikipia, Isiolo and Marsabit, West Pokot, Narok, Kajiado, Garissa, Baringo. The goal of this inventory is to document:

a) The amount of land under various model(s) of conservation,
b) What socio-economic impacts conservation has on subsistence pastoralist production systems in the area and
c) To establish how pastoralists' strategic mobility and access to range lands resources is being managed.

Currently, the so-called community-based conservation is pursued in the most critical and fragile ecosystems that indigenous communities of the region use and depend on for livelihoods. These are rangelands that have unique environmental traits and resources needed for the survival of pastoralists' herds and people. The outcomes from the conference will need to a project to formulate a Free Prior, Informed Consent that will strengthen the rights and participation of communities in conservation and natural resource governance, to enhance the understanding of the role of indigenous traditional knowledge and customary institutions of governance in the process of setting up and managing community-based conservation areas as well as the dynamics between the pastoralist communities with different types of protected areas and dispersed wildlife.
Women contribute a lot in terms of livestock management, natural resource governance. Most women remain at home to take care of household assets and manage family affairs. It is, therefore, not only necessary but also important to examine the role played by women in community-based wildlife conservation and the impacts on them including, how they benefit and participate in an evidently male dominated investment.

The meeting offers an opportunity to assess the power relations, governance and decision-making during process of creating and running community-based conservation areas and shed some light on how benefits are shared. This is also an opportunity to appreciate if direct household income and social cultural benefits from traditional pastoralist livestock production is still considered a priority from other sources by pastoral households/communities. Participants were drawn mainly from pastoralists communities across and also double as leaders in pastoralists CSOs, Conservation NGOs, National and County government agencies, researchers and academia to explore and assess the effectiveness of the current community conservation models considering issues on community access to natural resources, their land rights, representation, the recognition of their cultures and heritage and reconciling the imperatives of sustaining biodiversity with the amelioration of the conditions of neighbouring human communities.

The dialogue sought to define the lessons learned, the best practices, challenges faced by pastoralists including women in relationship to wildlife and conservation as one of the projected outcomes from the meeting. These outcomes are aimed at being a first step to initiate a public debate that will define a community-led conservation that sustains biodiversity and strengthens traditional livelihoods systems that are mutually supportive and respect communal lands.

1.3 SUMMARY OF PROGRAMME AND EXPECTED OUTCOMES

The program focused on the following:

1. Have existing laws, studies and policy documents such as Wildlife Management Act, Community Land Act, Environmental Management Coordination Act expanded space and voice of communities in natural resource management? If so, how? What examples do we have? What are the bad/best practices?

2. FPIC (Free Prior Informed Consent) - How is participation and consultations with communities, traditional institutions, elders, women groups, informal groups and youth groups initiated? How is information obtained and utilized? How is consent for forming and managing a community conservancy obtained? communities play in these nexuses?
3. What is the traditional and emerging role of indigenous women in natural resource governance including wildlife conservation? What role do women play in the management of community owned conservancies? What do men and women contribute to and benefits from conservation?

4. Benefit sharing: Participants will define benefits associated with conservation and how these are distributed/shared?

5. Does conservation contribute or resolve natural resources-based conflicts? Does conservation contribute to human rights violations? Does it respect and recognize human rights and how? Indigenous Traditional Knowledge is one of the key resources that communities own - discussions will explore how traditional knowledge is being used in management and governance of community conservancies.

6. Stakeholders - who are key players and how are these partnerships governed, mediated and negotiated? What role do

1.4 STRUCTURE OF PROCEEDINGS

Participants
The meeting targeted the following participants:
- Community leaders will be drawn from Laikipia, Samburu, Marsabit, Isiolo, West Pokot, Baringo, Narok, Kajiado.
- Representatives from Indigenous Peoples’ Organization
- National/County governments officials
- Conservation organizations (TNC, KWCA, and NRT)
- Research Institutions and academia (Sheffield University, CETRAD)
- Land experts

The proceedings for the dialogue were based on an open workshop-style meeting with all participants openly contributing to the discussions with the guidance of a facilitator. The programme assumed the following format:
- Introductory opening remarks from the host institution and the leadership of the host county of Laikipia represented by the Deputy Governor Hon John Mwaniki.
- Keynote presentation to set the stage and tone of the discussions for the next two days.
- The first key discussion segment on identification of challenges facing indigenous
people with regard to land rights and natural resource management; this opened up with a panel of experts’ presentations followed by questions and answers concluding with an afternoon session of open discussion by the participants.

iv. Day 2 focusing on strategies, approaches and their impacts in addressing the challenges identified through the discussions in day one. This session opened with an expert presentation from CETRAD on the case of Ewaso Ng’iro river basin and its dynamic historical evolution, implications for local communities, livelihood and wildlife conservation.
OPENING REMARKS

SETTING THE STAGE & IDENTIFYING CHALLENGES TO INDIGENOUS PEOPLE’S RESOURCE RIGHTS IN KENYA

The meeting opened with the Deputy Governor Laikipia County appreciating the opportunity for dialogue between key stakeholders in resource management and conservation and calling for the need to understand and consider available legal frameworks in implementation of conservation, community resilience and resource rights programmes. There was also an appeal for a cross-landscape holistic approach in discussing issues of resource management and consideration, particularly upstream - downstream relations as well as the role of communities in pushing for equitable sharing of proceeds from natural resources.

The Director IMPACT set the stage for the dialogue by highlighting the need for conversation between government, conservation organizations, non-governmental organizations and all players on reaching a balance about the issues that affect conservation and pastoralist landscapes. Such dialogue would be in the letter and spirit of the SDGs leave no one behind mantra, honesty and openness. The work of PARAN in is to facilitate dialogues and sharing of ideas to enable conservation to work.
3.0 KEYNOTE PRESENTATION

DR. LIZ ALDEN – Policy, Legal and Institutional Challenges and Opportunities for Reconciling Conservation, Development and IPS Rights to Natural Resources in Kenya,

An Overview
Kenya has a new constitution and came up with Community Land Act that gives communities rights of ownership over their own lands. Many countries all over Africa have followed suit to secure community land rights.

Dr. Alden focused on three key areas of law and policy in her presentation, starting with international common law she observed that Kenya has ratified many international laws and agreements regarding land. For example, the country has ratified at least five AU human rights instruments including the African Charter.

Community Rights under the Constitution
Kenya’s constitution is a landmark law on land rights e.g. Articles 40 and 61 – recognize communities’ pre-existing rights to own land. Registration through securing title deeds is meant to double-lock the land but ownership, including customary, is already recognized. However, some Articles e.g. 42 and 69 give all environmental rights to government with all other private individuals and communities supporting the government in environmental management. This appears quite retrogressive as it goes against the spirit and gains of the constitution which emphasizes the people. Environment rights ought to be people-centric with government supporting people to secure their environment.

Community Land Act, 2016
Community lands have equivalent legal force and effect with private and public property lands. The act encourages communities to set aside land for conservation, this has been witnessed in Tanzania where community forests have proliferated in recent years with over 4 million acres under conservation. The Community Land Act emphasizes majority consent on decision over community land as well as the recognition of rights to retain and govern natural resources. The key limitation of this law is that the State may set aside community lands for public purposes. The mandate for adjudication is placed on the government as the main decision maker; this is problematic as the scope of public lands is open-ended and governments can be invasive on community lands.
Community Land Rights under Compulsory Acquisition Law
The State always retains the power to acquire land. The law relating to compulsory acquisition is problematic, for example in India, there is double compensation for rural peoples who lose land in the rural areas because of their vulnerability. The benefits increase to include relocation outside one’s local area and also to cover for loss of intangible losses e.g. social support. The same does not apply in Kenya. The problem with the laws here is that distinction is not properly made between well secured private land (which secures better compensation rights and benefits) and community land.

Community Rights under County Law
The county law acknowledges community forest rights - the only challenge is that in many cases community forests overlap with important state-managed forests (public forests). There is need to make distinction between these forests to enable communities manage their own resources and conserve them. Communities should be able to apply to have the boundaries of natural forest altered to enable them to own and manage public forests. Currently this is not the case, for example Isiolo has received a land adjudication letter from the registrar of lands which excludes community land from any gazetted statutory lands.

Community Rights under other Laws
- **Wildlife law** - The wildlife law is stronger on devolution and devolves a lot of wildlife management to local levels encouraging community participation.
- **Community rights under Mining law**
- **Energy law** - Major weaknesses on community land rights as the State retains all rights on energy exploration and development. Turkana oil fields provides a good case study.
- **Community rights under benefit-sharing bill** - Most benefits go to state agencies and not to communities.
- **On FPIC (Free, prior, informed consent)** - A new version of public participation bill is out (worth looking at)

Conclusion on community rights in laws
The community needs:
- To be informed fully on legal rights
- Solidarity among communities within a county, and nationally
- Practical mechanisms to deliver rights
- Assistance for recourse when rights not delivered
Summary of Comments, Questions & Discussion

- The context of Baringo county reflects common practice in many counties where the county government has not taken steps to implement the community land act by identifying and adjudicating community lands, thus leaving indigenous communities vulnerable to land loss. For example, for the indigenous and marginalized Il Chamus community, 13 acres of community land that needs to be protected is yet to be adjudicated.

- Proliferation of community conservancies in the environment where public lands are broadly defined, there are worries on the danger of community land reverting to public land through creation of conservancies and protected lands.

- Effort needs to be made towards ensuring community lands do not revert to public ownership in the name of conservation. There are legal avenues to ensure this happens but best approach is to work with government through lobbying as litigation has proven slow and expensive for many communities.

- Communities are in a better position today in Kenya to assert their land rights. They can agree to do conservation of their resources but under the understanding that this is happening within their own lands etc.

- There is need to understand what ‘community conservancy’ means if they exist and where... and if they exist what particular conservancies exist per county. This is important for follow up on their operations to protect community rights and interests.

- Pastoralists can no longer be referred to as marginalized communities. There is need for community awareness on conservancies and specific laws/regulations to manage the community conservancies for the benefit of the communities.

- As to the question of who should be on the community land register, all adults should be in the register, which should be updated annually (according to the regulation). The main question is that ‘who is the community?’ the communities have to discuss and agree on who is the viable unit that can be registered as owners of a particular area. Other rights to access resources e.g. water, pasture can remain open to other users, even from other communities.
Comments from an elder from Kipsing, Isiolo county suggests that most of their community land, grazing lands is being taken up by the KDF. The feeling is that the government is systematically removing the community from their land. From Ngaremara to Maili Saba people are trying to sue the government but they lack the skills (knowledge) to go to court against the government to seek their rights.

Is there anything wrong with community conservancies (are they illegal?) Community conservancies are not wrong per se but the way they are defined and governed is the issue. Governance needs to be well defined and inclusive, and the issue of scale is important.
IDENTIFYING THE CHALLENGES
PANEL OF IPS AND ACTIVISTS DISCUSSING THE MAIN CHALLENGES TO IPS NATURAL RESOURCE RIGHTS IN KENYA IN THE CURRENT AND EMERGING SOCIAL, ECONOMIC, POLITICAL, AND CULTURAL CONTEXT

4.1. TIM LARPEI – LARPEI & CO. ADVOCATES: Natural Resource and Land Ownership
Mr. Larpei focused on two major challenge areas: challenges emanating from land ownership and challenges emanating from land use:

Challenges Emanating from Land Ownership
- Community Land Act, 2016 – membership in registers has encountered social-cultural challenges of inclusion where some groups such as women have been disadvantaged.
- Double registration in group ranches is an issue across different community ranches as persons/families register themselves in more than one group ranch in the same or different areas.
- There is reluctance by government to allocate resources towards the important process of registration. Although the law requires the county government to pay for the process of implementing the CLA, counties are not allocating resources for the important processes.
- The process of transformation from group ranches to community land is long and tiring; both for communities and government. The same also applies to capacity building.
- There are 16 national legislations on natural resource management in Kenya that have direct or indirect relationship with CLA. Marrying these laws together with the Act has been a challenge.
- There are competing legislation; 1st the CLA came into place together with the historical land injustices Act; this brings into conflict different provisions of the two laws.
- Vision 2030 development agenda is a key national policy affecting pastoralist community lands and will be in conflict with the CLA particularly on land allocation to mega projects. This however also provides opportunities for communities to organize and stake their claims.
Other challenges include boundary disputes between people and communities that have implications on the CLA; there is a legislation gap because the law is silent about such community conflicts.

There are also competing uses/priorities with regard to resource use and conservation.

**Challenges Emanating from Land Use (Conservation)**

- On ownership, regarding wildlife, communities consider it as belonging to the government. This speaks to local attitude on wildlife that has developed over time due to exclusion from conservation.

- Wildlife-human conflicts: there is poor understanding of the law on compensation by communities and other stakeholders, public education should be carried out. There is also need to think of insurance against wildlife injuries and death, as part of the conservation programmes.

- Participatory conservation management plans are very necessary and should be updated at least annually. Cases of exclusion of communities from the management planning lead to alienation.

- Benefit sharing of resources and proceeds of tourism has been week or absent in a number of conservation areas, further alienating communities.

- Conservation has been made to be rich person’s affair. For example, the Wildlife Management Act creates an environment where sport hunting is perceived to be a touristic activity for the wealthy while such hunting by the poor is considered as poaching and attracts high punitive measures.

4.2. **JANE MERIWAS - CEO, SAMBURU WOMEN TRUST:**

**The Role of Women in Community Conservation**

Ms Meriwas' opening statement indicated that research around various conservancies and group ranches in Laikipia and Isiolo has confirmed that the governance of conservation is still largely patriarchal. The composition of conservancy boards is affected by traditional community governance structures and systems that favour men e.g. in Kipsing elections are done per clan and most of the elections end up with men taking up all the leadership position and a few women being co-opted just for compliance with current social inclusion narratives.

The following factors and challenges have been experienced with regard to the role of women in community-based conservation:
Challenges regarding lack of awareness and education which make group ranch/conservancy members vulnerable to conflicts due to gaps in understanding of by-laws and the space they allocate women.

Due to the structure of governance of conservancy boards, employment almost always end up with men thus excluding women and people with disability.

The transition in governance between one board and another is not done in a systematic manner to build capacity of incoming members thus most mistakes and poor decisions are replicated from one Board to the other; this includes bias in inclusion of women.

4.3. DR. BROCK BERSAGLIO - UNIVERSITY OF BIRMINGHAM: The Concept of Community Conservancies

Dr. Bersaglio argues that challenges faced by indigenous peoples also translate to challenges for the environment, likewise trade-offs made by the people as they seek to balance their livelihoods directly affect their environment because these communities are closely tied to their landscapes.

Bersaglio examined three areas with regard to community conservation:

Language, Knowledge & Translation
Knowledge on biodiversity and conservation continues to be largely driven by western scientific thought. This can be inadequate and biased but continues to drive policy and decisions directly affecting conservation at all levels in Kenya.

Agenda and Designs of Conservation Communities
Who drives the agenda of community conservancies and how are they designed?
A lot of the design and control of conservation in Northern Kenya can be historically be traced to a few families in Britain through the colonial era. Open dialogues on exclusion and marginalization of local communities need to be held to demystify the attitudes of local communities on conservation and how they can regain their central place in it.

The idea of community conservation
The idea of community conservation is more of a colonial construct that defined who was in charge of conservation where, and gave control to a few over land and wildlife resources. The system can propagate land injustices as communities give over authority and decision making to other powerful interests they may not control. Communities are also dynamic and not homogenous, thus the approaches to conservation ought to take to account different forms of traditional practices and indigenous knowledge.
4.4. A Project to Document Indigenous Knowledge for Conservation at IL Ng’wesi Group Ranch

A lot of community knowledge ignored in mainstream conservation, this affects conservation policy and decision-making. The project aims to address this gap by mainstreaming indigenous knowledge and experiences in conservation particularly at the community level. This was done so as to open up a dialogue between conservation practitioners and indigenous communities which are the real owners of the lands and resources including wildlife.

The project involves documentation and collection of data and GPS points of key conservation areas and conflict spots, going back to historical times. For example, within Il Ngwesi group ranch the community has identified wildlife corridors, habitats, grazing areas. One of the initial findings is that factors such as increase in human and wildlife population, change of livelihoods, change of wildlife corridors due to electric fences, change of wildlife behaviour etc. have brought with them numerous challenges to conservation.

Summary of Comments, Questions & Discussion

The following questions and comments came up from this session, most of which were packed for the next plenary session:

- How to integrate modern conservation methods and traditional approach
- Conservation messages are not trickling down, they remain mostly with the educated... how will this gap be narrowed?
- What is community conservation? Because experiences show that it does not place much focus on conserving the land thus it is not implemented in a holistic manner.
- Conservation is considered a patriarchal thinking in pastoralist areas.
- Conclusive research needs to be conducted on various issues that affect community conservation e.g. issues of governance, representation, community ownership to provide answers to some of the challenges.
- Conservation seems to be more skewed towards wildlife conservation rather than resource conservation as a whole and how resources such as rangelands also support community livelihoods, which is a problem.
CHALLENGES TO SECURING INDIGENOUS PEOPLE’S LAND AND NATURAL RESOURCE RIGHTS

This session involved an open discussion on the challenges faced by all stakeholders in securing the land and natural resource rights of IPs. The discussions were guided by a set of three questions based on the nature of challenges:

5.1. QUESTION 1
What are the challenges within communities to securing IPS Land and Natural Resource Rights?

- Experience for community land inventory: the challenge experienced is that without fully understanding the provision of the Community Land Act, everyone wanted to claim their community land rights as exclusively belonging to their community or tribe or clans. There is need to look at land rights from the perspective of livelihood systems i.e. for pastoralism, access to resources across landscapes should be given priority.

- Leaders from indigenous peoples were very united during constitution-making and during development of the land policy, this disappeared after realization of those legislation but the unity did not prevail to pushing for implementation. There is need for these groups to revert to this unity.

- Lack of capacity and information has further divided communities into two groups, the elites within the community and other community members. These benefits are perceived to go to elites e.g. conservancies.

- Lack of policy engagement platforms and discrimination in terms of gender and youth denies indigenous people’s opportunities to strongly securing land rights and resource rights. Another one is emerging economic land uses pushed by government development agenda.

- Nepotism (clannism; class) and similar forms of discrimination hamper communities from securing their community land rights.

- The nomadic way of life that means pastoralist keep moving affects their ability to secure land rights, and this could affect implementation of the CLA.
- There is a feeling that government is arbitrarily taking away community land before implementation of the CLA. In Isiolo, for example even conservancy lands are being taken away by KDF e.g. Leparua where previous community land is claimed by the Kenya Defence Forces.

- Gender discrimination is all about community practices which hinder women from playing their roles in conservation governance.

- Communities uniting to claim resource rights is more difficult when communities are conflicting with each other over resources. General lack of community unity in pushing for land rights similarly emanates from internal community resource politics (political-economy).

- Although governments have constitutional limitation and draw power from the people, where government priorities conflict with community rights, government always carry the day thus creating a sense of injustice.

- Ignorance on traditional systems of governance due to new forms of knowledge and governance weakens community-based conservation. Lack of traditional knowledge (documented evidence or maps) that can be used to locate and claim community land rights is one of the more evident challenges resulting from this.

- Another challenge is that conservancies have their own management plans for resource management, these are observed by the local community but not respected by neighbouring communities leading to disrupted resource management and conflicts.

- Elder from Marsabit sacred assembly observed the problem was created by colonial rulers by dividing pastoralist lands and destroying pastoralist mobility. Governments also make laws that are incongruent with community laws and customs, which do not consider the traditional governance systems. This can only be solved after the traditional governance systems are given priority.

- Lack of intra-community policies on pastoralist mobility causes conflicts and lack of cohesion towards claiming of land and resource rights.

- One gap that is evident is about lack of knowledge and capacity. Pastoralists need to be educated and require awareness. There is need for translation of the documents and policies to local languages and availing of this knowledge to the communities.

- Communities have a problem of internal self-discrimination that is pervasive. This is a challenge that emanates from the households, to gender, inter-generational inequality etc which has implications on sharing of resources.
Political manipulation. Communities allow themselves to be politically manipulated based on narrow interests. The manipulation also takes the form of tribal incitement. Similarly, professional manipulation and elitism in interpretation of policies. Private interests and inability to adopt new technologies.

Communities are supposed to be able to identify their lands and distinguish them from KDF lands and work together with the land office to reclaim and get titles to their land.

Lack of enthusiasm among the communities and poor engagement, lack of responsibility of issues involving the community. This is also associated with elite capture within the communities as those informed and educated take over key roles in the community.

Protectionism of wrong doing based on nepotism when those given responsibility make wrong decisions.

5.2. QUESTION 2
What are the Challenges from County Government to Securing IPS Land and Natural Resource Rights?

Counties have been slow in implementing the CLA and allocating resources towards the same due to various factors key among them competition for scanty resources. There is also a feeling that county government officials have a cavalier don’t care attitude by the counties towards the communities. Lack of goodwill to implement existing policies.

Corruption, ethno-centrism, nepotism and favouritism in county governments along community interests affects delivery of service and drives apathy.

Mistrust and lack of mutual understanding between communities and county governments.

Barriers created by cultural beliefs.

Political interference - all players in government have interests which they place ahead of community interests or which drive nepotism. This also influences lack of accountability.

Low literacy levels among elected and nominated leaders in the county hampers the leaders from delivering on their mandate.
Mistrust and lack of proper coordination during public participation processes leads to governments not getting right feedback from the public.

CSOs feel negatively targeted by government to prevent them from creating awareness and performing critical civic duties at community level.

Lack of recognition for traditional knowledge and governance systems within government. Lack of understanding on indigenous systems makes it difficult for public officials to appreciate indigenous knowledge and experiences.

Competition between community rights and county priorities is killing off livelihoods.

Preference of non-experts in particular fields e.g. resource management, or replacement of technocrats who do the right thing with less knowledgeable or experienced individuals for subversion based on political affiliation or interests.

Lack of staffing capacity in a lot of the Northern counties within critical departments.

There is also the notion that elected representatives have the power for representation and therefore have exclusive rights of decision-making on land and natural resources.

What is the role of communities particularly during public participation? Communities should look more at the land sector and highlight priorities in this sector rather than repeatedly focusing on token activities in other sectors that are already over-resourced over the years.

5.3. QUESTION 3
What are the Challenges from National Government to Securing IPS Land and Natural Resource Rights?

Representatives in the national assembly have neglected the needs and priorities of their communities including issues such as the land conflict between community and KDF.

Poor representation in the National Assembly as the elected representatives do not give importance to the views of the people they represent.

Resource allocation by national government is lopsided towards agricultural communities more than pastoralist communities in line with sector priorities.

Government has an entrenched culture of working in isolation from its people and thus in many cases ignore community priorities; there is increasing need to transform to better engagement with the people in line with the Kenya constitution.
Citizens are also responsible for electing people with capacity into government to make the right policies and decision but chose leaders based on ethnic leanings.

Cartels within the national government with land and resource interests have manipulated policy and decisions for many years starting with Session Paper 10 of 1965.

There is now focus on the northern rangelands for agricultural development through large projects e.g. irrigation and similar flagship projects. This is driving community land takeover by national government. A lot of overriding interests from national government have been observed in pastoralists areas particularly on flagship projects.

There is need for communities in the pastoralist areas to unite to defend their rights and lobby nationally.

There is need for communities and conservancies to benefit from national government tax rebates and financial support as they complement government in development and conservation.

5.4. QUESTION 4
What are the Challenges from other Actors (Private Sector, Conservancy Organization, NGOS etc) to Securing IPS Land and Natural Resource Rights?

- Some politicians with vested interests sit in the boards of community conservancies. This creates conflict of interest.

- Conservancy founders are net beneficiaries of the Conservancies, there is a feeling that they never capacitate communities to lobby for their land rights. They focus on benefit sharing but the benefits are token and need to be re-examined.

- Pastoralist communities lack the critical mass (numbers) in parliament to influence key decision, policies, laws etc.

- Private sector actors in community lands, particularly in conservation are a source of conflict with regard to securing land and natural resource rights. For example, who is the custodian of conservation?

- There is a feeling among actors and communities that the conservation narrative is owned and pushed by certain private interests which are powerful for their own interests to the detriment of local communities.
At whose interest does all the players in conservation work? The challenge is that all players have vested interests which in many cases don't speak to community land and resource rights.

A lot of operatives within community and or organizations have been financially corrupted to work for the interests of private players. This leads them to turning against the local communities on land and resource rights, a situation that influences violence and injustices.

The NGO culture of doing things is unproductive, there is a culture of perpetual forums discussing issues over and over again without proper implementation frameworks for discussed actions. There is also competition between NGOs for donor funding and there is tendency to carry out programmes halfway and leave issues hanging.
6.0 CASE STUDY

STRATEGIES, APPROACHES & IMPACTS

CURRENT STATUS OF THE EWASO NG’IRO RIVER BASIN AND IMPLICATIONS OF DEVELOPMENT INTERVENTIONS IN THE BASIN

6.1. DR. BONIFACE KITEME (CEO CETRAD)

Dr. Kiteme discussed this topic from a time series approach looking at transformations within the Ewaso Ng’iro basin over three key periods, generally explaining that historically the small core mountain peak area experiences a water surplus but the remaining areas consisting of Laikipia plateau and Samburu plains experience a deficit. The discussion was guided by the conceptual framework developed by IPPG on interactions between environment, people and how to foster sustainability.

These periods included;
1. Pre-colonial period
2. Colonial time to independence
3. Post-independence

Ecological gradients and dynamic systems

- Phase 1 (Pre - 1912): Pastoralists - The entire space from Samburu plains to Mt. Kenya was available for pastoralists.

- Phase 2 (1912 -1963): Part of the landscape was transformed to white settler highlands and transformed to large scale crop production.

- Post – 1964: Small holder settlement too up some of the remaining spaces with government settlement programmes.

- Water became the main limiting factor for livelihoods and production in the landscape.

Different strategies and perceptions for coping

- Pastoral communities - for this group, historically mobility (ability to move and follow the rains) was key to sustain livestock production and they had the space and freedom to shift systematically based on rain seasons.

- Small holder settlers (farmers) - came in as foreigners with multi-strategies of distributing risk i.e. farming, small scale animal keeping etc.

- Large scale settler - depend on low density ‘secure grand space’ for settlement and ranching, including wildlife conservation.
Inherent dynamics and conflicts

- In the upper basin there has been intensification of horticultural farming, settlement and increased business activities leading to depletion of water resources.

- In the mid and lowlands there is high territorial restriction of the local people, mostly pastoralists. There is also increased tourism activities without real economic benefits to local communities.

- Prospects of mega projects in the mid and lowlands e.g. LAPSSET have resulted to commodification of land and decreasing community control of land.

- Urbanization and infrastructure have increased accessibility to local areas and traditional grazing lands with negative effects like land sub-division, settlement in grazing areas and land selling. Pastoralist livelihoods are changing.

- There is also changing ecological environment including invasive species, climate change, and water depletion.

- Changing policy environment - devolution has changed policy and legislation dynamics.

Summary of Comments, Questions & Discussion

- What are the economic dynamics, and benefits along the basin comparing the upper catchment to the lower areas?

- How is the river flow (hydrological balance) based on different levels of abstraction along the river? There is a massive drop in river flow downstream due to huge abstraction in the upstream.

- Water governance issues still persist where people have individualized abstraction water outside the structures provided by law. Governance structures are also compromised.

- Another issue affecting water governance is that it is done on the back of lack of information. The need for investing in research and knowledge generation for decision-making.

- Land tenure change issues - there is push for politicized change of tenure from community land to private land along the river for personal gain.

- Counties can make use of CIDPs and county spatial plans to generate solutions to some of these issues.
7.0 PLENARY; STRATEGIES, APPROACHES AND IMPACTS

During this plenary session, there was a facilitated dialogue involving community representatives raising their concerns about conservation and conservancies. Conservation organizations, County and National government officials had an opportunity to respond and make presentations on what they do and their approaches.

7.1. DR. KANYINKE SENA:
OVERVIEW ON CONSERVATION AND COMMUNITY LAND

Decision making, participation and Free Informed Consent:
Increasing attention on indigenous people’s territory is driven by economic interest. There is therefore need for communities to understand what government and other players want to do in community lands. Free and informed consent is a right alongside other rights like self-determination.

Indigenous Peoples have the right to participate in decision making particularly in activities or projects that take place in their territory. They have a right to information that is clear and understandable, and have free consent on what happens to their resources. The issue of decision-making is key, who decides for the community etc. It is important to think critically about decision making as a community vis-à-vis community land and resource rights.

Conservation and livelihoods:
How livelihood and conservation can be sustained and beneficial to local communities is important. Climate change is an emerging challenge for indigenous people as their livelihood is vulnerable. Climate change affects the IPs but solutions to climate change are also affecting them as projects target indigenous lands and resources.

Indigenous knowledge: The Paris agreement emphasizes the importance of traditional indigenous knowledge must inform climate resilience actions. Issues of intellectual property rights, utilization of conservation resources, world heritage sites - nomination and management are important as part of management of indigenous knowledge.

Agenda 2063: SDGs, fit with the Africa agenda 2063. Is conservation as practiced in line with these goals?
7.2. DR. ELIZABETH PANTOREN, DIRECTOR NRT :– CONSERVATION IN KENYA AND THE ROLE OF NORTHERN RANGELANDS TRUST

Conservation in Kenya is historic but problems started with introduction of parks and reserves as they elicited feelings of land grabbing, exclusion and alienation by the communities. Efforts on community inclusion led to creation of laws and policies on community conservation. People were given rights to manage, preserve and conserve biodiversity within their territories. This paved way to creation of community conservancies in Kenya starting in the 1990s.

Currently there are more than 120 community conservancies in Kenya. NRT is a trust registered in Kenya operating in the Northern part of Kenya; this necessitated NRT to work with community conservancies in the North.

Defining community conservancy:
Elizabeth defined community conservation as being characterized by bottom-up approaches and empowerment of Indigenous Peoples.

NRT community conservancy Model Approaches
Dr. Pantoren indicated that NRT offers communities technical support to be able to manage their resources sustainably within the community conservation model. She indicated that the model is characterized by the following:
~ Holistic and right based resource management
~ Self determination
~ It is futuristic
~ People-centred

She further emphasized that NRT based their actions on legal grounding guided by the following: Constitution; Community Land Act; Vision 2030; Kenya Wildlife Management Act; other legal provisions.

According to Dr. Pantoren the following general steps guide the establishment of Community Conservancy and joining NRT is a free decision exercised by willing conservancies after which they are taken through strict and open steps of compliance before being allowed to join.
~ Willing clients
~ Approval processes
~ Experts engagement
~ Public participation
A stakeholder dialogue on conservation strategies that secure indigenous peoples' rights to natural resources

~ Creation of governance structures
~ Legal entity
~ Capacity building and institutional development

The NRT theory of change focuses on challenges and successes and the role of NRT in bringing on a new approach with interventions such as capacity building on governance, peace and security, strengthening livelihoods and business, sustainable natural resource management.

7.3. MR. DICKSON OLE KAELO:
KENYA WILDLIFE CONSERVANCIES ASSOCIATION:--
CONSERVANCIES AS INTEGRATED LIVESTOCK-WILDLIFE SYSTEMS

Mr Kaelo starts by introducing the paradigm that presence or absence of wildlife is an indicator of if community is managing its land better. He proceeds to indicate that livestock is the mainstay of pastoral communities, will remain so in the foreseeable future. Similarly, wildlife conservation is not a competitor to pastoralism but co-existence between pastoralism and wildlife is an indigenous practice.

Journey to community-led conservation
~ 50s – 80s: fortress conservation (exclusive parks and reserves keeping out communities).
~ 80s – 90s: Conservation awareness – communities started being involved in conservation.
~ 2000s – 2010s: community-led conservation – local community institutions’ capacity for wildlife management was developed for them to lead in conservation

Defining a conservancy and types of conservancies
Conservancy: Land managed by an individual, a community, group of landowners or body corporate for wildlife conservation (Wildlife Act 2013)

Types:
~ Does NOT confer ownership, it’s a land use just like agriculture,
~ Recognizes livestock as a main pillar, need to diversify
~ Does NOT exclude other land uses, integrates other land uses through land zoning
~ Legally recognized in Kenya's laws, promoted by sectoral laws and recognized as voluntary and an opportunity
~ Sport Hunting is NOT legal for all species in Kenya
According to Mr. Kaelo KWCA was established in 2013 as a voice for communities engaged in conservation and it is a national land owner-led membership organization with community representatives forming the board. The organization has made the following policy gains so far:

~ A national policy dedicating an entire chapter for conservation in community and private lands.
~ Nomination of a representative to the Board of KWS.
~ Better compensation of injury and death caused by wildlife.
~ Recognition of conservation as land use.
~ Increased awareness on conservancies.
~ Community land act 2016 awareness creation.

7.4. MUNIRA BASHIR – THE NATURE CONSERVANCY
Ms. Munira started by throwing the challenge to participants to reflect on how wildlife is a national heritage in Kenya in terms of conservation and its benefits.

According to Munira The Nature Conservancy (TNC) is a global organization working in over 70 countries in different development and conservation programmes. Supporting community-led conservation is the focus of the Kenya programme

**Effective approaches to community-based conservation**

- Community-based conservation (CBC) practice started in Kenya without legal and policy framework but this has changed with policies and laws being created. More financial resources therefore need to be allocated to CBC and capacity building carried out.

- Communities must be willing to join CBC networks (willingness to join NRT) this is then followed by participation and engagement of the communities through their leaders. During the engagements indigenous knowledge is brought on board.

- Contributions by the communities on the way they would like to manage their resources is quite important. This can be realized through benefits and incentives to the communities.

- Another aspect of CBC is that the syndrome of dependency should be broken by communities through self-reliance.
When working with communities it is important to build strong institutions through capacity building and strengthening of different systems e.g. Human Resource, financial management and proposal writing i.e. strong institutional capacity has to be devolved to community conservancies to manage wildlife as a national heritage.

Sustainability: there is need for sustainability strategies within the community conservancies. This sustainability should be in-built in terms of income for support of operations. National budgetary allocations for community-based conservation is required if it has to be sustainable.

Summary of Comments, Questions & Discussion

- Communities in the north have always lived in harmony with wildlife through their traditional knowledge and governance systems. The feeling is that the challenges will continue whether with conservancies or not.

- What is the strategy for sustainability by NRT to enable the communities move on. What is the exit strategy?
  - The organization has supported the conservancies to develop sustainability strategies to ensure they can mobilize their own resources.

- What is the controversy concerning the nature conservancy and conflicts with indigenous communities?
  (Question unanswered)

- Apart from benefits, what losses/negative impacts do the conservancies bring on the local communities? There are trade-offs in adoption of community conservancy models, the goal is to ensure the gains are more than the negative impacts. NRT is aware of the challenges.

- Awareness by KWS on issues to do with compensation has not been effectively carried out:
  - KWS has satellite offices charged with awareness in different counties.

- SDGS - with all the challenges IPs face, how will they realize the SDGS?
  - There is need to check on population growth for sustainability
  - There is need to get into partnerships, making use for the right to self-determination and taking initiative
A stakeholder dialogue on conservation strategies that secure indigenous peoples’ rights to natural resources

- **NRT/TNC** - is there a grievance mechanism or a complaints mechanism for communities to seek redress?
  - There is a complaints desk at Lewa. The organization also has other channels including a council of elders.
  - All chairs of conservancies meet to deliberate on the concerns or complaints at conservancy level.

- What have the organizations done to support communities to register their land under the CLA?
  - A process of awareness is underway by KWCA to enable communities understand CLA and the process of land registration.

- How does the NRT ensure that when communities seek membership that they are speaking from the point of view of majority in the communities?
  - Councils of elders from the conservancies form a committee for ground truthing to find out about true representation of the communities.

- **Issues of compensation for harm/death through human-wildlife conflict.**
  - There is a regulation governing this and structured compensation, the information is accessible from KWS.

- Governance as propounded by NRT: Boards composed from membership of the land management committees’ makes them conservancy managers to lose their scope creating confusion between conservation and land tenure.
  - Board chairs are elected by the community and they are not conservancy managers.

- The use of fire arms (whether through KPR or any other structures) does not augur well with the sustainability model.
  - Boards to explain why they prefer recruiting scouts from KPR with fire arms.
  - The security and conflict situation in Northern Kenya forces the conservancies to go for armed scouts.

- With more than 120 community conservancies associated with NRT all established in community land. Conservancies also being investments, do the conservancies consider the issue of security? What effort has gone into helping the communities secure their land for sustaining the security of the conservancies?
~ The four conservancies in Marsabit are now transitioning from trust land to community land and NRT is helping them to be able to register. They are waiting for government to post community land registrars to go ahead with the process.

- What is the role of KWS now that conservation is getting swallowed by the community conservancy model? - because KWS seems to be diminishing or abandoning mandate.

~ KWS manages protected areas. So, conservancies support government with conservation mandate.

- Concerns on registration and the role of NRT.

~ There are two levels of community conservancy registration. They can register as social organizations or they can register as businesses through the business registration process.

~ Not all conservancies are members of NRT because joining is voluntary.

~ Registration as a conservancy is the work of KWS. They will be directly in charge of the registration process.
 FACILITATED DIALOGUE SESSION

Question, answer and discussion session where community representatives raise concerns about conservation and conservancies, conservation organizations, county and national government organizations.

1. Who are the owners of the TNC and why is the organization involved in land buying? What relationship does this have with conservation? (referring to the case of Loisaba conservancy)
   ~ TNC’s primary focus is conservation.
   ~ TNC is an international conservation organization and focuses on various programmes. The organization does not own Loisaba, which is owned by a Kenyan trust, TNC just facilitated the process (not clear what is meant by facilitating the process).

2. What can TNC and other conservation organizations do to help communities deal with the invasive species in their rangelands?
   ~ There is a process of mapping out and categorizing vegetation after which management strategies can be put in place.
   ~ Invasive species is also an indicator of land degradation requiring proper land management and restoration processes that appropriate for specific species.

3. What can KWS say about long waiting times for compensation for wildlife injury or death?
   ~ There is a procedure for reporting death or injuries which culminates in the data being captured at KWS Nairobi. Compensations are done by the Ministry, noted KWS the process is slow and there is a backlog to 2015.
   ~ The categories on terms of priority are death, injuries and damage to property in that order.
   ~ There is need to lobby parliamentarians to set aside funds for compensation during budgeting, from the proceeds of wildlife and tourism.

4. There are various community councils of elders in Isiolo that solve communal issues. NRT have created a parallel council of elders in the county that is a source of communal conflict especially as the ‘new’ council of elders’ purport to legitimately represent all communities, NRT needs to clarify on this issue.
   ~ The Borana council of elders in Isiolo was engaged because they petitioned NRT on issues of human rights, thus the other councils of elders from other communities have not been organized.
NRT planning to engage the Isiolo council of elders from all communities.

The reply by an elder from Isiolo indicated that the council of elders for the Borana in Isiolo is engaging the government on a number of issues including the KDF land conflict, conflicts with neighbouring counties etc.

4. Is there a possibility that NRT, KWS and TNC can make partnerships to build synergy with civil society organizations to avoid conflicts of interest?
   ~ Civil society organization would want to be engaged in the process and conversations in representation of public interest.
   ~ NRT has county directors who can work with other organizations to build synergies with other partners.

5. Question on the ownership of NRT on the face of claims that NRT is owned and controlled by strong forces with land and resource interests.
   ~ NRT is owned by the community, it started as an initiative emanating from the need for communities to come together.

6. After the conservancies have attained sustainability, does NRT have an exit strategy or they would like to continue holding onto the model?
   ~ Yes, but the process of attaining sustainability is slow.
   ~ NRT will leave the choice of whether to exit membership to the conservancies themselves.

7. Clarification on legality of existing community conservancies, given the various registration channels as they fall under the jurisdiction of KWS.
   ~ The various registration channels based on member interests is so as to enable the conservancy to pursue activities of interest. But registration for conservation is particularly done through KWS.
   ~ The issue of legality of conservancies. An incident where wildlife injured a client of Il Ng’wesi provided lessons on the importance of formal registration of the conservancies for purposes of liability.
   ~ Communities have registered as group ranch and also as conservancies so as to be able to run tourism, business, conservation and land management at the same time. Structures are created from the AGM with a constitution, to Board level, to conservancy management.

8. How are the stakeholders going to support in finding a solution in the land conflict between the community in Isiolo and KDF?
   The county government is in the process of coordinating and supporting the Isiolo community to adjudicate and register their land. The process is difficult
because KDF has backing of the national government.

~ There is a plan to organize a dialogue meeting of all political leaders on this issue.

~ Communities have also sought legal intervention of courts on this.

9. Defining community is complex. Regarding community registration of community conservancies, what due process is carried out to ensure that the entities being registered represent real communities.

~ The community conservancy areas are zoned where leaders are selected who later come together to represent their zones.

10. What is the job of KWS because it may appear their work has been overtaken by conservation NGOs?

~ KWS is still the custodians of conservation in Kenya.

~ The agency has just allowed other stakeholders to play their part in conservation of wildlife.

~ Conservation Alliance of Kenya – conservation NGOs are members and have one framework on how they engage government and KWS.

General Comments

~ Communities are not empty minds to be filled with new knowledge, they have indigenous knowledge and resource management systems which conservation must be built from rather than focus only on new ideas.

~ There is need to maintain existing traditional governance systems. No need to come up with new governance systems that will be in conflict with existing ones.

~ County support: Samburu County supports community conservancies and have passed a bill to enable the county to support conservancies. The county is also lobbying the Senate to do the same.

Perspectives from community conservancy leadership:

~ Communities request for the establishment of a conservancy through the community group ranch board who sit in the council of elders. NRT then sends out experts to make assessments of the group ranch or communal to verify viability of the conservancy based on some criteria.

~ Decision on creation of a conservancy will only be accepted when there are no conflicts over the creation of the community conservancy then the request is approved in the council meeting every August.

~ Most conflicts come when there are interests over leadership who sits on the board. There is collaboration with KWS and other agencies on conservation aspects.
9.0 CLOSING REMARKS

9.1. NORTHERN RANGELANDS TRUST

- In Isiolo the NRT has not created a parallel council of elders but has engaged the Borana council of elders on various issues.
- NRT does not have an armoury; those should be treated as wrong rumours.
- Armed response is provided by police, who have the mandate to manage KPR.

- Exiting community conservation is voluntary and upon the decision of communities themselves.
- Scouts provide security in collaboration with Kenya police and focus on security of people and property as well as wildlife.
- Conservancies require alternative income generation channels for progress and development. There is also need to work with the leaders to support the conservancies to grow.
- There is need to find a formula to work together as all stakeholders and communities.
- Community conservation is about people, land, soil, wildlife and many other resources it is thus more of a uniting force other than one for disagreements.
- There is need for community conservancy scouts to be armed because they are up against armed criminals who are known for theft and terrorising communities.
- There is need for the conservancies to be self-sustaining through income generation and savings.

9.2. PASTORALIST ALLIANCE FOR RESILIENCE AND ADAPTATION IN THE NORTHERN RANGELANDS

- NGOs through PARAN work with many communities. The network aims to bring together all stakeholders to discuss issues of conservation because it is a good thing requiring clarity and dialogue.
- The key message PARAN gets from the dialogue is that NRT is not buying community land nor does it have intention to buy community land. It has also been expressed that NRT belongs to communities.
9.3. **KENYA WILDLIFE SERVICE**
- The agency has not lost its mandate. The aim is collaboration with all stakeholders including communities, private sectors, NGOs.

9.4. **INDIGENOUS MOVEMENT FOR PEACE ADVANCEMENT AND CONFLICT TRANSFORMATION**
- The focus is now on developing a tool/framework for Free and informed consent (FPIC) for pastoralist.
- There is need for unity among communities to protect their interests. Communities also need to invite organizations and institutions to conversation tables as a form of capacity building.
- Conservation discussions should not take the approach of national politics where money dictates the ability to be heard.
**CONSERVATION STRATEGIES THAT SECURE INDIGENOUS PEOPLES’ RIGHTS TO NATURAL RESOURCES WILL ENSURE SUSTAINABLE DEVELOPMENT: A DIALOGUE BETWEEN KENYAN IPS, CONSERVATIONISTS AND OTHER STAKEHOLDERS**

3rd-6th November 2019, Sportsman’s Arm Hotel, Nanyuki

**PROGRAMME, DAY 1**

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<td>Prayers, Introductions, Welcome Address, Programme</td>
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<td>Setting the Stage</td>
<td>Dr. Liz Alden Wily, Independent Land Rights Consultant</td>
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<td>Presentation on policy, legal and institutional challenges and opportunities for reconciling conservation, development and IPs rights to natural resource in Kenya - overview of relevant national laws and policies</td>
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<td>Panel of IPs, experts and activists discuss the main challenges to IPs natural resource rights in Kenya in the current and emerging social, economic, political, and cultural context</td>
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<td>Participants break into groups to discuss challenges to IPs land and natural resource rights in Kenya</td>
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<td>3.30 pm</td>
<td>Health Break</td>
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<td>4.00 pm</td>
<td>Groups Report Back</td>
<td>Facilitator/Group Leads</td>
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<td>Reports from groups are discussed in plenary session</td>
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<td>5.00 pm</td>
<td>End of Day 1</td>
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CONSERVATION STRATEGIES THAT SECURE INDIGENOUS PEOPLES’ RIGHTS TO NATURAL RESOURCES WILL ENSURE SUSTAINABLE DEVELOPMENT: A DIALOGUE BETWEEN KENYAN IPS, CONSERVATIONISTS AND OTHER STAKEHOLDERS

3rd- 6th November 2019, Sportsman’s Arm Hotel, Nanyuki
PROGRAMME, DAY 2

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<tr>
<td>8.30 am</td>
<td>Prayers, Recap of Day 1, Programme for the Day</td>
<td>Rapporteur</td>
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<tr>
<td>9.00 am</td>
<td>Case Study on the current status of the Ewaso Ng’iro River Basin</td>
<td>Dr Boniface Kiteme, CEO, CETRAD</td>
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<td>Presentation on the status and implications of development interventions in the Basin</td>
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<td>10.30 am</td>
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<tr>
<td>11.00 am</td>
<td>Panel 2: On Strategies, Approaches and Impacts</td>
<td>1. Dr Elizabeth Pantoren, Director of Programs, Northern Rangelands Trust (NRT)</td>
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<td></td>
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<td>2. Mr. Dickson Ole Kaelo, CEO, Kenya Wildlife Conservancies Association (KWCA)</td>
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<td>4. Dr. Kanyinke Sena, Member, ACWG on Indigenous Peoples</td>
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<td>1.00 pm</td>
<td>Lunch Break</td>
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<td>2.00 pm</td>
<td>Facilitated Dialogue Session</td>
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<td>2. The Nature Conservancy</td>
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<td>3. Northern Rangelands Trust</td>
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<td>4. Kenya Wildlife Service</td>
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<td>5. Kenya Wildlife Conservancies Association</td>
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<td>6. County Government Representatives</td>
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<td>3.30 pm</td>
<td>Health Break</td>
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<tr>
<td>4.00 pm</td>
<td>What Next? Planning Follow up Actions</td>
<td>PARAN ALLIANCE/IMPACT</td>
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<td>5.00 pm</td>
<td>Closure and Way Forward</td>
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### DIALOGUE ON CONSERVATION PARTICIPANTS LIST REVISED

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<tr>
<th>NO.</th>
<th>NAME</th>
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<th>CONTACT/ID</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>ELIZABETH PANTOREN</td>
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<td>0721386838</td>
<td><a href="mailto:elizabeth.pantoren@nrt-kenya.org">elizabeth.pantoren@nrt-kenya.org</a></td>
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<tr>
<td>2</td>
<td>RICHARD KASOO</td>
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<td><a href="mailto:richard.kasoo@nrt-kenya.org">richard.kasoo@nrt-kenya.org</a></td>
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<tr>
<td>3</td>
<td>DANIEL LEITOYE</td>
<td>NRT</td>
<td>07272461412</td>
<td><a href="mailto:dleitoye@yahoo.com">dleitoye@yahoo.com</a></td>
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<td>4</td>
<td>MUNIRA BASHIR</td>
<td>TNC</td>
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<td>5</td>
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<td><a href="mailto:david.gitaia@tnc.org">david.gitaia@tnc.org</a></td>
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<td>6</td>
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<td>TNC</td>
<td>0722461146</td>
<td><a href="mailto:patriciamohameddida@tnc.org">patriciamohameddida@tnc.org</a></td>
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<td>7</td>
<td>HUSSEIN KADIDA</td>
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<td>KENNEDY RUPANDU</td>
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<td>WARIO SUO</td>
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