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## IRONY AND PARADOX OF REFORM IN KENYA

### The question of Pastoralists

Honorable members and participants let me express my gratitude for invitation and participation in this fifth session of the Expert Mechanism on the rights of indigenous people.

#### Introduction

Waso trustland is local organization based in Isiolo, since 1999 and have worked on land rights advocacy of pastoral communities in Upper Eastern sub-region of Kenya. The organization is currently engaged in lobbying for effective implementation of the Constitution especially in violation of Land, Devolution and resource distribution.

#### **Pastoralism**

Pastoralists like rest of Kenya were part of reform struggles in Kenya. We in northern part, especially Upper Eastern suffered a lot of marginalization since colonial time. In the last two decades and half we joined other pastoralists and Kenyans in demanding reforms in legal, constitutional, policy and institutions that are used in governing Kenya.

These struggles culminated in promulgation of the Constitution in August 2010. The Constitution we have today is one of the most progressive piece of legislation. In this sense the past is secured but we still worried about the future. The future depends in the way in which the constitution will be implemented.

We already feel left out in the implementation process. Some of the signs are not good so far. The following examples show why we must be worried.

#### 1. Land reform:

The Land Act which was recently enacted focuses on private land ownership. The indigenous communities land has not yet been legislated.

#### 2. Vision 2030:

Government is using the current Constitution as the basis for implementing its development policy. Isiolo and other marginal counties are the focus of this policy. Already in the name of resort city and international Airport land in Isiolo is grabbed by powerful people.

### 3. Resort City:

The way the plan is designed, the whole idea behind resort city is to give upper hand to non-pastoralists. The plan requires capital intensive investment which pastoralists could not avoid, therefore displacing them. The indigenous communities of Isiolo were not involved at all in the establishment of the said Resort city.

### 4. County parallel administration:

The recent appointment of County Commissions was a slap in the face of governance reform. Although the court nullified the appointment government seems determined to ignore court order. The so called restructured provincial administration is just keeping the old system to counterbalance devolved governance.

### 5. Conservancy:

This is a new concept in our area. In the name of conserving wild life and biodiversity, some powerful groups of investors are dispossessing communities of their land. The displaced communities loose access to their grazing land, water points, salt lick and other important resources. Government support this group against the communities.

### 6. Resource Allocation:

The recent proposed allocation by the commission on Revenue Allocation (CRA) is favored already well endowed counties against poor counties like Isiolo. Isiolo was at the bottom with Lamu. The criteria used favored rich counties.

### 7. Waso Nyiro River Development:

EWASO Nyiro North Development Authority (ENNDA) was established to enhance livelihoods of river basin communities of Isiolo, Samburu, Meru, N.E.P. (North Eastern Province). But because of misuse of funds by management the communities who supposed to benefits from this parastatal organization have continued to face threats of drought and famine. There is also major crisis of water being stopped in upper stream by farmers compromising livelihoods of pastoralists in downstream.

### 8. Security and conflicts:

Isiolo and neighbouring counties have been suffering because of the escalating conflicts. The conflict is not now confined to the traditional cattle-rustling but now taking new shapes. Powerful people who are after Land through irregular boundary changes are behind some of the conflicts.

### 9. Drought and food insecurity:

Our region recently faced one of the most severe drought in 60 years. Although local and international organizations attempted to intervene the government seemed to be taken off guard despite early warning.

### 10. Climatic changes compromise livelihoods:

Due to intensive desertification of arid and semi-arid areas pastoralists livelihoods systems continue to weakened. The government is not doing enough to curb degradation of land. There is no adequate policy in place to stop further desertification.

This brief remarks is made by Hassan Guyo Shano from Kenya representing a section of indigenous pastoral communities of Northern Kenya Shano is the Chief Executive Office of Waso Trustland Project (W.T.P.).

*Galatoma* - in bora language meaning  
THANK YOU. ✓ 2